TO: Business and Financial Institutions; Appropriations

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002
By: Senator(s) Chaney

AN ACT TO AMEND SECTION 73-1-19, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PROFESSIONAL LIMITED LIABILITY COMPANY, AND EACH OFFICER, DIRECTOR OR MANAGER, MUST HOLD A CERTIFICATE TO PRACTICE ARCHITECTURE OR ENGINEERING IN THAT MEMBER’S STATE OF RESIDENCE; TO AMEND SECTION 73-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DATE OF EXECUTION TO APPEAR OVER THE ARCHITECT SEAL ON ALL DOCUMENTS PREPARED BY THE ARCHITECT FOR USE IN THIS STATE; TO AMEND SECTION 73-1-39, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM REGISTRATION ANY PERSON WHO PREPARES PLANS FOR, OR SUPERVISES THE ERECTION, ENLARGEMENT OR ALTERATION OF, CERTAIN PRIVATELY-OWNED BUILDINGS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-1-19, Mississippi Code of 1972, is amended as follows:

73-1-19. In the case of a copartnership of architects, or architects and engineers, or a professional corporation, or professional limited liability company, either foreign or domestic, each active member or stockholder, and each officer, director or manager, must hold a certificate to practice architecture or engineering in that member’s state of residence; and, in the case of a foreign corporation or professional limited liability company doing business in this state, at least one (1) active member or stockholder must hold a certificate to practice architecture in this state. No stock company, corporation, professional corporation or professional limited liability company shall be entitled to a certificate to practice architecture. No company other than a professional corporation or a professional limited liability company shall advertise or otherwise hold itself out to be an architect or to be authorized to practice architecture in this state.
Nothing in this chapter shall be construed as prohibiting a joint enterprise, partnership, professional corporation, professional limited liability company or association between one (1) or several registered professional engineers and/or duly registered architects; and it shall be lawful for such partnership, joint enterprise, professional corporation, professional limited liability company or association to use in its title the words "architects and engineers" or "engineers and architects"; provided, however, that all announcements, cards, stationery, printed matter and listings of such partnership, joint enterprise, professional corporation, professional limited liability company or association shall indicate as to each member whether he be a registered architect or a registered engineer; provided, further, that the name of such partnership, professional corporation, professional limited liability company or association shall contain the name of at least one (1) person who is registered as an architect in this state and that no such person be named on any announcement, card, stationery, printed matter or listing of such partnership, professional corporation, professional limited liability company or association used in this state unless there is designated thereon whether or not such person is licensed in this state. Employees of a firm who are not registered as architects, or engineers in the case of a joint enterprise, partnership, professional corporation, professional limited liability company or association between architects and engineers, may use business cards for that firm if the job title of such individual is clearly stated.

Each person holding a certificate to practice architecture in this state shall post such certificate in a prominent place in the architect's place of business. Failure to post the certificate shall be sufficient cause for revocation of such certificate.

The following persons and practices shall be exempted from the provisions of this chapter:
Draftsmen, students, clerks-of-work and other employees of those lawfully practicing as registered architects under the provisions of this chapter acting under the instruction, control or supervision of their employers.

**SECTION 2.** Section 73-1-35, Mississippi Code of 1972, is amended as follows:

73-1-35. Each architect, upon registration, shall obtain a seal or stamp of the design authorized by the board as set forth in the rules and regulations of the board.

No architect shall affix his seal or stamp to any document which has not been prepared under his or her responsible control. The * * * signature of the architect and date of execution shall appear over the seal or stamp on all documents prepared by the architect for use in this state.

**SECTION 3.** Section 73-1-39, Mississippi Code of 1972, is amended as follows:

73-1-39. A certificate of registration as registered architect, heretofore duly issued under the laws of this state, shall serve the same purpose as, and is hereby declared to be the license required by this chapter.

This chapter shall not apply to:

(a) The practice of architecture solely as an officer or employee of the United States, but persons so engaged or employed shall not engage in the private practice of architecture in this state without first having a registration certificate as herein provided;

(b) Any person, firm or corporation that prepares plans and specifications for the erection of any buildings owned by the State of Mississippi, or any of its political subdivisions, containing less than ten thousand (10,000) square feet of ground floor area, and not exceeding two (2) stories in height; * * * or any person, firm or corporation that supervises the erection of any such buildings; or to any person, firm or corporation that
prepares plans and specifications for, or that supervises repairs, alterations or additions to such existing buildings; provided further that such person, firm or corporation does not in any manner represent himself or itself to be an architect, architectural designer, or employ some other title of profession or business using some form of the word "architect";

(c) Contractors, superintendents, inspectors, foremen or building trades craftsmen while performing their customary duties;

(d) Professional engineers licensed by the Mississippi State Board of Registration for Professional Engineers and Land Surveyors practicing in compliance with the laws of this state;

(e) Professional landscape architects who are engaged in the preparation of drawings for and the supervision of planting, grading, walks, paving and appurtenances related to such work;

(f) City and regional planners or professional planners while advising, consulting, administering or performing professional work or planning services;

(g) Golf course architects who are engaged in the preparation of drawings and specifications and responsible supervision, including related consultation, investigation, reconnaissance, research and design, where the dominant purpose of such services is the design of a golf course, in accordance with accepted professional standards of public health and safety;

(h) Any person who prepares plans and specifications for, or supervises the erection, enlargement or alteration of:

(i) Any building on any farm for the use by any farmer;

(ii) Any one-family or two-family residence buildings, regardless of cost;

(iii) Any domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or
(iv) Any other type building which contains less than five thousand (5,000) square feet and is less than three (3) stories in height.

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.