

By: Representative Creekmore IV

To: Judiciary A

HOUSE BILL NO. 235

1 AN ACT TO AMEND SECTION 73-1-19, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE MISSISSIPPI ARCHITECT LICENSING LAWS TO AUTHORIZE
 3 MULTI-DISCIPLINARY FIRMS TO INCLUDE ARCHITECTS, LANDSCAPE
 4 ARCHITECTS AND ENGINEERS AS LONG AS ONE ACTIVE MEMBER OR
 5 STOCKHOLDER OF THE FIRM HOLDS A CERTIFICATE TO PRACTICE
 6 ARCHITECTURE IN THE STATE OF MISSISSIPPI; TO BRING FORWARD SECTION
 7 73-2-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE SIGNAGE
 8 REQUIREMENTS OF LANDSCAPE ARCHITECTS, FOR PURPOSES OF AMENDMENT;
 9 AND FOR RELATED PURPOSES.

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

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

13 73-1-19. (1) For purposes of this section, the term
 14 "Business Entity" means any partnership, professional association,
 15 joint enterprise, corporation, professional corporation, limited
 16 liability company or professional limited liability company
 17 offering architectural services in this state.

18 (2) * * * Each active partner, member or stockholder, and
 19 each officer, director or manager * * * of a foreign or domestic
 20 business entity of architects, architects and landscape
 21 architects, or architects and engineers must hold a certificate to



22 practice architecture, landscape architecture or engineering in
23 that member's state of residence; and, * * * each foreign * * *
24 business entity doing business in this state * * * shall have at
25 least one (1) active member or stockholder * * * who holds a
26 certificate to practice architecture in this state. No * * *
27 business entity shall be entitled to a certificate to practice
28 architecture in this state. * * *

29 (3) Nothing in this chapter shall be construed * * * to
30 prohibit a * * * business entity that is composed of one (1) or
31 several registered professional engineers * * * and duly
32 registered architects, or one (1) or several registered
33 professional engineers and duly registered landscape architects;
34 and it shall be lawful for such * * * business entity to use in
35 its title any combination of the words "architects and
36 engineers" * * *, "engineers and architects" "architects and
37 landscape architects", or "landscape architects and architects";
38 provided, however, that all announcements, cards, stationery,
39 printed matter and listings of * * * the business entity shall
40 indicate * * * whether * * * each member is a registered
41 architect, * * * a registered engineer or a registered landscape
42 architect. * * * The name of * * * the * * * business entity
43 shall contain the name of at least one (1) person who is
44 registered as an architect in this state and * * * no * * *
45 person's * * * name may be placed on any announcement, card,
46 stationery, printed matter or listing * * * in this state by the



47 business entity, unless there is designated thereon as to
48 whether * * * the listed person is licensed in this state.
49 Employees of a * * * business entity who are not registered as
50 architects, * * * engineers or landscape architects * * * in a
51 business entity between architects * * *, architects and engineers
52 or architects and landscape architects, may only use business
53 cards for that * * * business entity if the employee's job
54 title * * * is clearly stated.

55 * * *

56 (4) In any business entity with ownership by a registered
57 landscape architect, landscape architect and an architect or an
58 engineer and an architect, as described in this section, a minimum
59 of two-thirds (2/3) of the partners, joint owners, stockholders,
60 directors, officers, members, managers and others, depending on
61 the legal structure of the business entity, shall be registered
62 architects or registered professional engineers and no more than
63 one-third (1/3) of the individual or collective ownership interest
64 of the business entity may be owned by the landscape architect or
65 landscape architects, whichever is applicable.

66 (5) In a business entity between one (1) or several
67 registered architects, one (1) or several registered architects
68 and registered professional engineers or one (1) or several
69 registered architects and registered landscape architects offering
70 architectural services in this state, any contract or agreement to
71 provide architectural services shall be executed on behalf of the



72 business entity by a partner, stockholder, director, member,
73 manager or officer of the business entity, with authority to
74 contractually bind the business entity, who is a registered
75 architect in this state. A partner, stockholder, director,
76 member, manager or officer who is an architect registered in this
77 state shall exercise responsible control over the particular
78 architectural services contracted for by the business entity and
79 that architect's name and seal shall appear on all documents
80 prepared by the business entity in its practice of architecture.
81 Other partners, stockholders, directors, members, managers or
82 officers shall not direct the professional judgment of the
83 architect in responsible control over the practice of architecture
84 by the business entity. Any business entity offering
85 architectural services in this state shall furnish the board with
86 such information about its organization, ownership and activities
87 as the board shall require through the board's rule making
88 authority under Section 73-1-9.

89 (6) It is further specifically provided that each individual
90 who renders professional services on behalf of a business entity
91 that provides architectural services, landscape architectural
92 services or engineering services in a business entity between
93 architects, architects and engineers or architects and landscape
94 architects, is personally liable for any negligent or wrongful act
95 or omission in which the individual personally participates to the
96 same extent as if the individual rendered the professional



97 services as a sole practitioner. A partner, stockholder, or
98 member of a business entity between architects, architects and
99 engineers or architects and landscape architects, is not liable
100 for the negligence, wrongful acts, misconduct, or omissions of
101 other partners, stockholders, members, agents, or employees of the
102 business entity unless the individual is at fault for failing to
103 provide responsible control over them.

104 **SECTION 2.** Section 73-2-5, Mississippi Code of 1972, is
105 brought forward as follows:

106 73-2-5. No person shall practice landscape architecture in
107 this state or use the title "landscape architect" on any sign,
108 title, card or device to indicate that such person is practicing
109 landscape architecture or is a landscape architect, unless such
110 person shall have secured from the board a license as landscape
111 architect in the manner hereinafter provided, and shall thereafter
112 comply with the provisions of this chapter. Every holder of a
113 current license shall display it in a conspicuous place in his
114 principal office or place of employment.

115 **SECTION 3.** This act shall take effect and be in force from
116 and after July 1, 2023.

