

By: Representative Creekmore IV

To: Business and Commerce

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1269

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 AMEND SECTION 73-2-5,
7 MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS RELATING TO
8 A PERSON INDICATING HE OR SHE IS PRACTICING LANDSCAPE ARCHITECTURE
9 OR IS A LANDSCAPE ARCHITECT; 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 engaging in the practice of 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, architects and engineers, or architects, landscape



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

30 (3) Nothing in this chapter shall be construed * * * to
31 prohibit a * * * business entity that is composed of one (1) or
32 several duly registered architects and duly registered landscape
33 architects, or one (1) or several duly registered professional
34 engineers * * * and duly registered architects, or one (1) or
35 several duly registered professional engineers, duly registered
36 architects and duly registered landscape architects; and it shall
37 be lawful for such * * * business entity to use in its title any
38 combination of the words * * *, "engineers and architects"
39 "architects and landscape architects", or "engineers, landscape
40 architects and architects"; provided, however, that all
41 announcements, cards, stationery, printed matter and listings
42 of * * * the business entity shall indicate * * * whether * * *
43 each member is a registered architect, * * * a registered engineer
44 or a registered landscape architect * * *, and shall * * *
45 disclose the name of at least one (1) person who is * * * licensed
46 as an architect in this state * * *. Employees of a * * *



47 business entity who are not registered as architects, * * *
48 engineers or landscape architects * * * in a business entity
49 between architects * * *, architects and engineers, architects and
50 landscape architects, or architects, landscape architects and
51 engineers, may only use business cards for that * * * business
52 entity if the employee's job title * * * is clearly stated.

53 * * *

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

64 (5) In a business entity between one (1) or several
65 registered architects and registered professional engineers or one
66 (1) or several registered architects and registered landscape
67 architects, or one (1) or several registered architects,
68 registered engineers and registered landscape architects engaging
69 in the practice of architectural services in this state, any
70 contract or agreement to provide architectural services as the
71 prime design professional 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. A partner, stockholder,
75 director, member, manager or officer who is an architect
76 registered in this state shall exercise responsible control over
77 the particular architectural services contracted for by the
78 business entity and that architect's name and seal shall appear on
79 all documents prepared by the business entity in its practice of
80 architecture. Other partners, stockholders, directors, members,
81 managers or officers shall not direct the professional judgment of
82 the architect in responsible control over the practice of
83 architecture by the business entity. Any business entity engaging
84 in the practice of architectural services in this state shall
85 furnish the board with such information about its organization,
86 ownership and activities as the board shall require through the
87 board's rulemaking authority under Section 73-1-9.

88 (6) No business entity shall be relieved of responsibility
89 for the conduct or acts of its agents, employees, officers,
90 partners, stockholders, directors, members or managers. No
91 individual practicing architecture under this chapter shall be
92 relieved of responsibility for architectural services performed by
93 reason of employment or other relationship with any such business
94 entity. A partner, stockholder, director, member or manager of a
95 business entity between architects, architects and engineers,
96 architects and landscape architects, or architects, landscape



97 architects and engineers is not liable for the negligence,
98 wrongful acts, misconduct, or omissions of other agents,
99 employees, partners, stockholders, directors, members, or managers
100 of the business entity unless the individual is at fault for
101 failing to provide responsible control over them.

102 (7) Each person holding a certificate to practice
103 architecture in this state shall post such certificate in a
104 prominent place in the architect's place of business. Failure to
105 post the certificate shall be sufficient cause for revocation of
106 such certificate.

107 (8) The following persons and practices shall be exempted
108 from the provisions of this chapter:

109 Draftsmen, students, clerks-of-work and other employees of
110 those lawfully practicing as registered architects under the
111 provisions of this chapter acting under the instruction,
112 responsible control or supervision of * * * a licensed architect.

113 **SECTION 2.** Section 73-2-5, Mississippi Code of 1972, is
114 amended as follows:

115 73-2-5. In order to safeguard life, health and property, no
116 person shall practice landscape architecture in this state, or use
117 the title "landscape architect", or any prefix, suffix or other
118 form thereof on any sign, title, card or device to indicate that
119 such person is practicing landscape architecture or is a landscape
120 architect, unless such person shall have secured from the board a
121 license as landscape architect in the manner hereinafter provided,



122 and shall thereafter comply with the provisions of this chapter.
123 Every holder of a current license shall display it in a
124 conspicuous place in his or her principal office or place of
125 employment.

126 **SECTION 3.** This act shall take effect and be in force from
127 and after July 1, 2024.

