

By: Senator(s) Chaney

To: Business and Financial  
Institutions; Appropriations

SENATE BILL NO. 2302

1 AN ACT TO AMEND SECTION 73-1-19, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT A PROFESSIONAL LIMITED LIABILITY COMPANY, AND EACH  
 3 OFFICER, DIRECTOR OR MANAGER, MUST HOLD A CERTIFICATE TO PRACTICE  
 4 ARCHITECTURE OR ENGINEERING IN THAT MEMBER'S STATE OF RESIDENCE;  
 5 TO AMEND SECTION 73-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
 6 DATE OF EXECUTION TO APPEAR OVER THE ARCHITECT SEAL ON ALL  
 7 DOCUMENTS PREPARED BY THE ARCHITECT FOR USE IN THIS STATE; TO  
 8 AMEND SECTION 73-1-39, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM  
 9 REGISTRATION ANY PERSON WHO PREPARES PLANS FOR, OR SUPERVISES THE  
 10 ERECTION, ENLARGEMENT OR ALTERATION OF, CERTAIN PRIVATELY-OWNED  
 11 BUILDINGS; TO AMEND SECTION 73-1-43, MISSISSIPPI CODE OF 1972, TO  
 12 PROVIDE THAT INTEREST EARNED ON FUNDS CREDITED TO THE STATE BOARD  
 13 OF ARCHITECTURE SPECIAL FUND SHALL BE CREDITED TO THAT FUND AND  
 14 NOT PAID INTO THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

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

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

18 73-1-19. In the case of a copartnership of architects, or  
 19 architects and engineers, or a professional corporation, or  
 20 professional limited liability company, either foreign or  
 21 domestic, each active member or stockholder, and each officer,  
 22 director or manager, must hold a certificate to practice  
 23 architecture or engineering in that member's state of residence;  
 24 and, in the case of a foreign corporation or professional limited  
 25 liability company doing business in this state, at least one (1)  
 26 active member or stockholder must hold a certificate to practice  
 27 architecture in this state. No stock company, corporation,  
 28 professional corporation or professional limited liability company  
 29 shall be entitled to a certificate to practice architecture. No  
 30 company other than a professional corporation or a professional  
 31 limited liability company shall advertise or otherwise hold itself  
 32 out to be an architect or to be authorized to practice  
 33 architecture in this state.



34           Nothing in this chapter shall be construed as prohibiting a  
35 joint enterprise, partnership, professional corporation,  
36 professional limited liability company or association between one  
37 (1) or several registered professional engineers and/or duly  
38 registered architects; and it shall be lawful for such  
39 partnership, joint enterprise, professional corporation,  
40 professional limited liability company or association to use in  
41 its title the words "architects and engineers" or "engineers and  
42 architects"; provided, however, that all announcements, cards,  
43 stationery, printed matter and listings of such partnership, joint  
44 enterprise, professional corporation, professional limited  
45 liability company or association shall indicate as to each member  
46 whether he be a registered architect or a registered engineer;  
47 provided, further, that the name of such partnership, professional  
48 corporation, professional limited liability company or association  
49 shall contain the name of at least one (1) person who is  
50 registered as an architect in this state and that no such person  
51 be named on any announcement, card, stationery, printed matter or  
52 listing of such partnership, professional corporation,  
53 professional limited liability company or association used in this  
54 state unless there is designated thereon whether or not such  
55 person is licensed in this state. Employees of a firm who are not  
56 registered as architects, or engineers in the case of a joint  
57 enterprise, partnership, professional corporation, professional  
58 limited liability company or association between architects and  
59 engineers, may use business cards for that firm if the job title  
60 of such individual is clearly stated.

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

65           The following persons and practices shall be exempted from  
66 the provisions of this chapter:



67 Draftsmen, students, clerks-of-work and other employees of  
68 those lawfully practicing as registered architects under the  
69 provisions of this chapter acting under the instruction, control  
70 or supervision of their employers.

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

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

76 No architect shall affix his seal or stamp to any document  
77 which has not been prepared under his or her responsible control.

78 The live signature of the architect and date of execution  
79 shall appear over the seal or stamp on all documents prepared by  
80 the architect for use in this state.

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

83 73-1-39. A certificate of registration as registered  
84 architect, heretofore duly issued under the laws of this state,  
85 shall serve the same purpose as, and is hereby declared to be the  
86 license required by this chapter.

87 This chapter shall not apply to:

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

93 (b) Any person, firm or corporation that prepares plans  
94 and specifications for the erection of any buildings owned by the  
95 State of Mississippi, or any of its political subdivisions,  
96 containing less than ten thousand (10,000) square feet of ground  
97 floor area, and not exceeding two (2) stories in height; \* \* \* or  
98 any person, firm or corporation that supervises the erection of  
99 any such buildings; or to any person, firm or corporation that



100 prepares plans and specifications for, or that supervises repairs,  
101 alterations or additions to such existing buildings; provided  
102 further that such person, firm or corporation does not in any  
103 manner represent himself or itself to be an architect,  
104 architectural designer, or employ some other title of profession  
105 or business using some form of the word "architect";

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

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

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

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

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

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

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

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

131 (iii) Any domestic out-building appurtenant to any  
132 one-family or two-family residence, regardless of cost; or



133                    (iv) Any other type building which contains less  
134 than five thousand (5,000) square feet and is less than three (3)  
135 stories in height.

136            **SECTION 4.** Section 73-1-43, Mississippi Code of 1972, is  
137 amended as follows:

138            73-1-43. All fees from examinations and licenses by the  
139 State Board of Architecture, as established by Section 73-1-3 et  
140 seq., and any other funds received by said board shall be paid to  
141 the State Treasurer, who shall issue receipts therefor and who  
142 shall deposit such funds in the State Treasury in a special fund  
143 to the credit of said board. Any interest earned on this special  
144 fund shall be credited by the State Treasurer to the special fund  
145 for the board and shall not be paid into the State General Fund.  
146 All such funds shall be expended only pursuant to appropriation  
147 approved by the Legislature and as provided by law.

148            **SECTION 5.** This act shall take effect and be in force from  
149 and after July 1, 2002.

