

By: Senator(s) Chaney

To: Business and Financial
Institutions; Appropriations

COMMITTEE SUBSTITUTE
FOR
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; AND FOR RELATED PURPOSES.

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

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

15 73-1-19. In the case of a copartnership of architects, or
16 architects and engineers, or a professional corporation, or
17 professional limited liability company, either foreign or
18 domestic, each active member or stockholder, and each officer,
19 director or manager, must hold a certificate to practice
20 architecture or engineering in that member's state of residence;
21 and, in the case of a foreign corporation or professional limited
22 liability company doing business in this state, at least one (1)
23 active member or stockholder must hold a certificate to practice
24 architecture in this state. No stock company, corporation,
25 professional corporation or professional limited liability company
26 shall be entitled to a certificate to practice architecture. No
27 company other than a professional corporation or a professional
28 limited liability company shall advertise or otherwise hold itself
29 out to be an architect or to be authorized to practice
30 architecture in this state.



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

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

62 The following persons and practices shall be exempted from
63 the provisions of this chapter:



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

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

70 73-1-35. Each architect, upon registration, shall obtain a
71 seal or stamp of the design authorized by the board as set forth
72 in the rules and regulations of the board.

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

75 The * * * signature of the architect and date of execution
76 shall appear over the seal or stamp on all documents prepared by
77 the architect for use in this state.

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

80 73-1-39. A certificate of registration as registered
81 architect, heretofore duly issued under the laws of this state,
82 shall serve the same purpose as, and is hereby declared to be the
83 license required by this chapter.

84 This chapter shall not apply to:

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

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



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

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

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

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

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

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

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

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

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

128 (iii) Any domestic outbuilding appurtenant to any
129 one-family or two-family residence, regardless of cost; or



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

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

