

As Introduced

**128th General Assembly
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S. B. No. 183

Senator Schaffer

Cosponsor: Senator Patton

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A B I L L

To amend section 4703.18 of the Revised Code to 1
eliminate a grandfather exemption from the 2
requirements of the Architects Law granted to 3
certain corporations. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4703.18 of the Revised Code be 5
amended to read as follows: 6

Sec. 4703.18. (A) No person shall enter upon the practice of 7
architecture or hold forth as an architect or registered 8
architect, unless the person has complied with sections 4703.01 to 9
4703.19 of the Revised Code and is the holder of a certificate of 10
qualification to practice architecture issued or renewed and 11
registered under those sections. 12

(B) Sections 4703.01 to 4703.19 of the Revised Code do not 13
prevent persons other than architects from filing applications for 14
building permits or obtaining those permits. 15

(C) Sections 4703.01 to 4703.19 of the Revised Code do not 16
prevent persons other than architects from preparing plans, 17
drawings, specifications, or data, filing applications for 18
building permits, or obtaining those permits for residential 19

buildings, as defined by section 3781.06 of the Revised Code, or 20
buildings erected as industrialized one-, two-, or three-family 21
units or structures within the meaning of the term "industrialized 22
unit" as provided in section 3781.06 of the Revised Code. 23

(D) Sections 4703.01 to 4703.19 of the Revised Code do not 24
prevent persons other than architects from preparing drawings or 25
data, from filing applications for building permits, or from 26
obtaining those permits for the installation of replacement 27
equipment or systems that are similar in type or capacity to the 28
equipment or systems being replaced, and for any improvement, 29
alteration, repair, painting, decorating, or other modification of 30
any buildings or structures subject to sections 3781.06 to 3781.18 31
and 3791.04 of the Revised Code where the building official 32
determines that no plans or specifications are required for 33
approval. 34

(E) Sections 4703.01 to 4703.19 of the Revised Code do not 35
exclude a registered professional engineer from architectural 36
practice that may be incident to the practice of engineering or 37
exclude a registered architect from engineering practice that may 38
be incident to the practice of architecture. 39

(F) Sections 4703.01 to 4703.19 of the Revised Code do not 40
prevent a firm, partnership, association, limited liability 41
company, or corporation of architects registered under those 42
sections from providing architectural services and do not prevent 43
an individual registered as a landscape architect under sections 44
4703.30 to 4703.49 of the Revised Code or as a professional 45
engineer under Chapter 4733. of the Revised Code from being a 46
member or trustee of a firm, partnership, association, limited 47
liability company, or corporation of that type, but a member or 48
trustee of that type shall not engage in the practice of 49
architecture or hold forth as an architect contrary to sections 50
4703.01 to 4703.19 of the Revised Code and shall not practice a 51

profession in which the person is not licensed. 52

(G) A firm, partnership, association, limited liability 53
company, or corporation may provide architectural services in this 54
state as long as the services are provided only through natural 55
persons registered to provide those services in this state, 56
subject to the exemptions in section 4703.17 of the Revised Code 57
and subject otherwise to the requirements of sections 4703.01 to 58
4703.19 of the Revised Code. 59

(H) No firm, partnership, association, limited liability 60
company, or corporation, ~~except a corporation that was granted a~~ 61
~~charter prior to August 7, 1943, to engage in providing~~ 62
~~architectural services or that was otherwise lawfully providing~~ 63
~~architectural services prior to November 15, 1982,~~ shall provide 64
architectural services, hold itself out to the public as providing 65
architectural services, or use a name including the word 66
"architect" or any modification or derivation of the word, unless 67
the firm, partnership, association, limited liability company, or 68
corporation files all information required to be filed under this 69
section with the architects board and otherwise complies with all 70
requirements of sections 4703.01 to 4703.19 of the Revised Code. A 71
nonprofit membership corporation may use a name including the word 72
"architect" or any modification or derivation of the word without 73
complying with this section. 74

(I) A corporation may be organized under Chapter 1701. of the 75
Revised Code, a professional association may be organized under 76
Chapter 1785. of the Revised Code, or a limited liability company 77
may be formed under Chapter 1705. of the Revised Code for the 78
purpose of providing professional engineering, surveying, 79
architectural, or landscape architectural services, or any 80
combination of those services. A corporation organized under 81
Chapter 1701. of the Revised Code for the purpose of providing 82
those services also may be organized for any other purpose in 83

accordance with that chapter. 84

(J) No firm, partnership, association, limited liability 85
company, or corporation shall provide or offer to provide 86
architectural services in this state unless more than fifty per 87
cent of the partners, members, or shareholders, more than fifty 88
per cent of the directors in the case of a corporation or 89
professional association, more than fifty per cent of the managers 90
in the case of a limited liability company the management of which 91
is not reserved to its members, and more than fifty per cent of 92
the trustees in the case of an employee stock ownership plan, are 93
professional engineers, surveyors, architects, or landscape 94
architects or a combination of those professions, who are 95
registered in this or any other state and who own more than fifty 96
per cent of the interests in the firm, partnership, association, 97
limited liability company, or corporation; unless the requirements 98
of this division and of section 1785.02 of the Revised Code are 99
satisfied with respect to any professional association organized 100
under Chapter 1785. of the Revised Code; or unless the 101
requirements of this division and of Chapter 1705. of the Revised 102
Code are satisfied with respect to a limited liability company 103
formed under that chapter. 104

A corporation is exempt from the requirements of this section 105
if the corporation was granted a charter prior to August 7, 1943, 106
to engage in providing architectural services or was otherwise 107
lawfully providing architectural services prior to November 15, 108
1982, in this state. 109

(K) Each firm, partnership, association, limited liability 110
company, or corporation through which architectural services are 111
offered or provided in this state shall designate one or more 112
trustees, partners, managers, members, officers, or directors as 113
being in responsible charge of the professional architectural 114
activities and decisions, and those designated persons shall be 115

registered in this state. In the case of a corporation holding a 116
certificate of authorization provided for in division (L) of this 117
section, at least one of the persons so designated shall be a 118
director of the corporation. Each firm, partnership, association, 119
limited liability company, or corporation of that type shall 120
annually file with the architects board the name and address of 121
each trustee, partner, manager, officer, director, member, or 122
shareholder, and each firm, partnership, association, limited 123
liability company, or corporation of that type shall annually file 124
with the board the name and address of all persons designated as 125
being in responsible charge of the professional architectural 126
activities and decisions and any other information the board may 127
require. If there is a change in any such person in the interval 128
between filings, the change shall be filed with the board in the 129
manner and within the time that the board determines. 130

(L) No corporation organized under Chapter 1701. of the 131
Revised Code shall engage in providing architectural services in 132
this state without obtaining a certificate of authorization from 133
the architects board. A corporation desiring a certificate of 134
authorization shall file with the board a copy of its articles of 135
incorporation and a listing on the form that the board directs of 136
the names and addresses of all trustees, officers, directors, and 137
shareholders of the corporation, the names and addresses of any 138
individuals providing professional services on behalf of the 139
corporation who are registered to practice architecture in this 140
state, and any other information the board requires. If all 141
requirements of sections 4703.01 to 4703.19 of the Revised Code 142
are met, the board may issue a certificate of authorization to the 143
corporation. ~~No~~ Except for a corporation that was granted a 144
charter prior to August 7, 1943, to engage in providing 145
architectural services or that was otherwise lawfully providing 146
architectural services prior to November 15, 1982, no certificate 147
of authorization shall be issued unless persons owning more than 148

fifty per cent of the corporation's shares and more than fifty per cent of the interests in the corporation are professional engineers, surveyors, architects, or landscape architects, or a combination of those professions, who are registered in this or any other state. Any corporation that holds a certificate of authorization under this section and otherwise meets the requirements of sections 4703.01 to 4703.19 of the Revised Code may be organized for any purposes for which corporations may be organized under Chapter 1701. of the Revised Code and shall not be limited to the purposes of providing professional engineering, surveying, architectural, or landscape architectural services or any combination of those professions. The board, by rules adopted in accordance with Chapter 119. of the Revised Code, may require any firm, partnership, association, or limited liability company not organized under Chapter 1701. of the Revised Code that provides architectural services to obtain a certificate of authorization. If the board so requires, no firm, partnership, association, or limited liability company shall engage in providing architectural services without obtaining the certificate and complying with the rules.

(M) This section does not modify any law applicable to the relationship between a person furnishing a professional service and a person receiving that service, including liability arising out of that service.

(N) Nothing in this section restricts or limits in any manner the authority or duty of the architects board with respect to natural persons providing professional services or any law or rule pertaining to standards of professional conduct.

Section 2. That existing section 4703.18 of the Revised Code is hereby repealed.

Section 3. This act shall not be interpreted as affecting the 179
obligations imposed under any contract in existence on the 180
effective date of this act, but any corporation that is providing 181
architectural services pursuant to a contract on the effective 182
date of this act shall comply with section 4703.18 of the Revised 183
Code, as amended by this act, prior to renewing the contract. 184

Section 4. (A) The General Assembly hereby determines and 185
declares that it recognizes and finds all of the following: 186

(1) Sections 4703.01 to 4703.19 of the Revised Code are 187
designed to protect the public from persons not qualified to 188
provide architectural services. 189

(2) If the public is provided accurate information about the 190
qualifications of persons that hold themselves as providers of 191
architectural services, the public is better able to decide who to 192
engage to provide those services. 193

(3) Persons who hold themselves out as providing 194
architectural services should have the qualifications that the 195
representation indicates they have. 196

(4) The existing exemption contained in division (H) of 197
section 4703.18 of the Revised Code has outlived its usefulness in 198
its current form. 199

(B) The General Assembly hereby declares that, in repealing 200
the exemption in division (H) of section 4703.18 of the Revised 201
Code from sections 4703.01 to 4703.19 of the Revised Code to 202
certain corporations authorized and in permitting those 203
corporations to continue to provide architectural services if 204
certain criteria are met, it is the General Assembly's intent to 205
protect the safety and general welfare of the people of this 206
state. The General Assembly further declares it is the policy of 207
this state to require persons providing architectural services to 208

comply with sections 4703.01 to 4703.19 of the Revised Code and to	209
meet the quality standards that are included in those sections in	210
order to maintain the provision of reliable architectural	211
services. Consequently, the amendments made by this act are	212
remedial and not punitive in nature.	213