

**As Passed by the Senate**

**128th General Assembly  
Regular Session  
2009-2010**

**Am. S. B. No. 183**

**Senator Schaffer**

**Cosponsors: Senators Patton, Kearney, Buehrer, Harris, Husted, Wagoner,  
Wilson, Hughes, Miller, R., Gillmor**

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**A BILL**

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 division (J) 105  
of this section if the corporation was granted a charter prior to 106  
August 7, 1943, to engage in providing architectural services or 107  
was otherwise lawfully providing architectural services prior to 108  
November 15, 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 149  
cent of the interests in the corporation are professional 150  
engineers, surveyors, architects, or landscape architects, or a 151  
combination of those professions, who are registered in this or 152  
any other state. Any corporation that holds a certificate of 153  
authorization under this section and otherwise meets the 154  
requirements of sections 4703.01 to 4703.19 of the Revised Code 155  
may be organized for any purposes for which corporations may be 156  
organized under Chapter 1701. of the Revised Code and shall not be 157  
limited to the purposes of providing professional engineering, 158  
surveying, architectural, or landscape architectural services or 159  
any combination of those professions. The board, by rules adopted 160  
in accordance with Chapter 119. of the Revised Code, may require 161  
any firm, partnership, association, or limited liability company 162  
not organized under Chapter 1701. of the Revised Code that 163  
provides architectural services to obtain a certificate of 164  
authorization. If the board so requires, no firm, partnership, 165  
association, or limited liability company shall engage in 166  
providing architectural services without obtaining the certificate 167  
and complying with the rules. 168

(M) This section does not modify any law applicable to the 169  
relationship between a person furnishing a professional service 170  
and a person receiving that service, including liability arising 171  
out of that service. 172

(N) Nothing in this section restricts or limits in any manner 173  
the authority or duty of the architects board with respect to 174  
natural persons providing professional services or any law or rule 175  
pertaining to standards of professional conduct. 176

**Section 2.** That existing section 4703.18 of the Revised Code 177  
is hereby repealed. 178

**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