

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4313

BY DELEGATES HOWELL, ARVON, BLAIR, R. PHILLIPS,
HILL, HARTMAN, STANSBURY, MCGEEHAN, MOFFATT,
ATKINSON AND MORGAN

[Introduced January 27, 2016; Referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §30-12-1 and §30-12-11 of the Code of West Virginia, 1931, as
 2 amended, all relating to adding citizen members to the board of Architects; providing for
 3 the disqualification of citizen members who become licensees; and exempting certain
 4 nonpracticing architects from the prohibition against using certain titles.

Be it enacted by the Legislature of West Virginia:

1 That §30-12-1 and §30-12-11 of the Code of West Virginia, 1931, as amended, be
 2 amended and reenacted, all to read as follows:

ARTICLE 12. ARCHITECTS.

§30-12-1. Board of architects.

1 In order to safeguard the life, health, property and public welfare of the people of this state
 2 and to protect the people against the unauthorized, unqualified and improper practice of
 3 architecture, the West Virginia board of architects, heretofore created, shall continue in existence
 4 and shall consist of seven members, ~~five~~ three of whom shall be architects, appointed by the
 5 Governor by and with the advice and consent of the Senate, two of whom must be retired, inactive,
 6 or emeritus members under the provisions of this article, and may not be licensed to practice
 7 under the provisions of this article; and two of whom shall be lay members, not of the same
 8 political party affiliation, appointed by the Governor by and with the advice and consent of the
 9 Senate. Each member who is an architect shall have been engaged in the active practice of his
 10 or her profession in the State of West Virginia for not fewer than ten years previous to his or her
 11 appointment. Any member who is unlicensed or who holds a retired, inactive, or emeritus license
 12 immediately and automatically forfeits his or her membership on the board if he or she obtains an
 13 active license that would permit him or her to practice under the provisions of this article, or obtains
 14 a similar license from another jurisdiction. The members of the board in office on the date this
 15 article takes effect, in the year ~~one thousand nine hundred ninety~~ 2016, shall, unless sooner
 16 removed, continue to serve until their respective terms expire and until their successors have
 17 been appointed and have qualified. Each member shall be appointed for a term of five years.

18 The board shall pay each member the same compensation and expense reimbursement
19 as is paid to members of the Legislature for their interim duties as recommended by the citizens
20 legislative compensation commission and authorized by law for each day or portion thereof
21 engaged in the discharge of official duties.

22 Pursuant to the provisions of chapter twenty-nine-a of this code, the board, in addition to
23 the authority, powers and duties granted to it by this article, has the authority to promulgate rules
24 relating to the regulation of the practice of architecture and may include rules pertaining to the
25 registration of architects. Any disciplinary proceedings held by the board shall be held in
26 accordance with the provisions of the administrative procedures act for contested cases pursuant
27 to the provisions of article five of said chapter.

§30-12-11. Prohibition.

1 Except as hereinafter set forth in section twelve of this article, no person may directly or
2 indirectly engage in the practice of architecture in the state or use the title "architect," "registered
3 architect," "architectural designer," or display or use any words, letters, figures, titles, sign, card,
4 advertisement or other symbol or device indicating that such person is an architect or is practicing
5 architecture, unless he or she is registered under the provisions of this article. No person may aid
6 or abet any person, not registered under the provisions of this chapter, in the practice of
7 architecture: Provided, That any person licensed under the provisions of this article as retired,
8 inactive, or other nonpracticing license status is exempt from this prohibition so long as he or she
9 prominently displays his or her status and does not engage in the practice of architecture:
10 Provided, however, That any person who does not have an active license and who has had his
11 or her license revoked or its status changed to inactive as a result of disciplinary action.

NOTE: The purpose of this bill is to add citizen and nonpracticing members to the board;
to provide for their removal upon obtaining an active license; and to exempt individuals with
an inactive, retired, or emeritus license from the prohibition against using the title.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.