APA-3

CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Thursday, October 17, 2024, and filed with the agency secretary on Tuesday, October 22, 2024.

AGENCY NAME: Alabama State Board for Registration of Architects

INTENDED ACTION: Amend

RULE NO.: Chapter 100-X-2

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: Registration and Renewal

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes. No Public Comments Received, but we need to make sure the word, "will" is changed to "may" in the final language since it went into effect on October 14, 2024.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 11, AAM, DATED FRIDAY, AUGUST 30, 2024.

STATUTORY RULEMAKING AUTHORITY: Section 34-2-39 (d), Code of Alabama, 1975.

(Date Filed)
(For LRS Use Only)

REC'D & FILED
OCT 22, 2024
LEGISLATIVE SVC AGENCY

Paula Pilgreen

Paula Pilgreen

Certifying Officer or his or her Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

ALABAMA STATE BOARD FOR REGISTRATION OF ARCHITECTS
ADMINISTRATIVE CODE

CHAPTER 100-X-2
REGISTRATION AND RENEWAL

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100-X-2-.01 Registration Of Architects.

The Board shall have the power to determine the requirements for registration in the State of Alabama. They shall review or cause to be reviewed each applicant's file to ensure that all requirements are met. Applicants in question shall be subject to Board approval. The Board shall collect application fees as provided by regulation. There are four methods of obtaining registration in Alabama:

(1) By written examination administered by the Board or an authorized testing vendor;

(2) By NCARB certificate;

(3) Reinstatement of a lapsed Alabama registration; or

(4) If unable to qualify under (1) through (3) above, the applicant may demonstrate appropriate qualifications by a combination of education, experience, and examination endorsed by NCARB and approved by the Board.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-33.
History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed August 12, 2005; effective September 16, 2005. **Repealed and New Rule:** Filed February 19, 2010; effective March 26, 2010.

Amended: Published ~~_____; effective _____~~November 27, 2024; effective January 11, 2025.

100-X-2-.02 Registration By Examination.

An applicant for registration by examination shall submit an application to NCARB as provided in the Exam Eligibility Services Agreement with NCARB. The Board shall set qualifications and review, or cause to be reviewed, each candidate's qualifications. Proof of qualifications shall be required prior to allowing candidates to sit for the Architect Registration Examination® (ARE®). NCARB may approve an applicant to take the ARE® only after the applicant has enrolled in AXP and completed the Board's education requirements for architectural registration by examination in Alabama. Upon determination that the applicant is qualified in accordance with the Board's statutes and regulations, the applicant ~~will~~may be granted eligibility for the examination. Upon successful completion of all examination divisions, completion of the AXP, and submitted the required application materials to the Board, the applicant may be granted registration as an architect.
Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-33.
History: **New Rule:** Filed February 19, 2010; effective March 26, 2010. **Amended:** Filed October 22, 2012; effective November 26, 2012. **Amended:** Filed May 19, 2014; effective June 23, 2014. **Amended:** Filed August 13, 2018; effective September 27, 2018. **Amended:** Published June 30, 2021; effective August 14, 2021. **Amended:** Published November 30, 2023; effective January 14, 2024. **Amended:** Published August 30, 2024; effective October 14, 2024.

100-X-2-.03 Architectural Experience Program.

All applicants for registration by examination must complete the Architectural Experience Program (AXP) training requirements consistent with guidelines established by the National Council of Architectural Registration Boards (NCARB) with the provision that applicants whose initial home licensure jurisdiction is Alabama, may earn up to 1860 AXP experience hours with an Alabama located, NCARB approved, "Community Based Design Center/Collaborative" as defined in experience setting, "O". Information concerning AXP can be obtained from NCARB or the Board.
Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §§34-2-33c(1), 34-2-39.

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed July 2, 2004; effective August 6, 2004. **Amended:** Filed May 22, 2006; effective June 26, 2006. **Repealed and New Rule:** Filed February 19, 2010; effective March 26, 2010. **Amended:** Filed August 13, 2018; effective September 27, 2018. **Amended:** Published May 31, 2024; effective July 15, 2024.

100-X-2-.04 Administration Of Examination.

The Board shall administer or cause to be administered the Architect Registration Examination (ARE®) to qualified candidates for registration. Administration of the ARE® will be consistent with NCARB standards, and their procedures will be followed. The Board shall report or cause to be reported the grades to individuals in accordance with Board policy and to NCARB for national certification. Eligibility qualifications may be obtained by contacting the Board office or through the Board's website.
Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-38.
History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed May 22, 2006; effective June 26, 2006. **Repealed and New Rule:** Filed February 19, 2010; effective March 26, 2010. **Amended:** Published November 30, 2023; effective January 14, 2024.

100-X-2-.05 Registration By NCARB Certificate.

An applicant for registration by NCARB Certificate shall submit an application for registration and the appropriate fee to the Board. The applicant will authorize NCARB to transmit his or her council record in support of the application. Upon receipt of the applicant's NCARB council record, the Board shall review or authorize the Executive Director to review the application and authorize approval of registration as an architect. Should the application or record reflect disciplinary history or unsatisfactory responses to questions on the application, the Board will conduct a further review of the application and render a decision regarding eligibility for registration.

(1) Military Spouse and Active Duty Applicants:

(a) The application fee shall be waived for a spouse of an active-duty reserve, or transitioning member of the

United States Armed Forces, including the National Guard, or a surviving spouse of a service member who, at the time of his or her death, was serving on active duty, who is relocated to and stationed in the State of Alabama under official military orders. For the purposes of this section, a transitioning service member is a member of the United States Armed Forces, including the National Guard, on active-duty status or on separation leave who is within 24 months of retirement.

(b) The application fee shall be waived for an applicant who serves on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the calendar year.

(c) Verification may be requested for items a and b above including, but not limited to: active-duty orders, letter from commander, or DD214.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39.
History: **New Rule:** Filed February 19, 2010; effective March 26, 2010. **Amended:** Filed July 19, 2010; effective August 23, 2010. **Amended:** Filed August 13, 2018; effective September 27, 2018. **Amended:** Published May 31, 2022; effective July 15, 2022.

100-X-2-.06 Registration Of Reinstatement.

An architect who has allowed his or her registration to lapse for whatever reason must complete a new application, submit the application fee, renewal fee and late penalty, proof of continuing education (as provided by regulation), and a sworn affidavit stating he or she has not performed any service included in the definition of the practice of architecture while not registered in the state of Alabama. The Board shall review or authorize the Executive Director to review the application and authorize approval of the application for reinstatement. Should the application or record reflect disciplinary history or unsatisfactory responses to questions on the application, the Board will conduct a further review of the application and render a decision regarding eligibility for registration. If approved, the same registration number will be reissued. A new certificate for framing will not be issued unless a written request is received.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39.
History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed

August 7, 2003; effective September 11, 2003. **Repealed and New Rule:** Filed February 19, 2010; effective March 26, 2010. **Amended:** Filed July 19, 2010; effective August 23, 2010. **Amended:** Published ~~_____; effective _____~~November 27, 2024; effective January 11, 2025.

100-X-2-.07 Certificates Of Registration.

A certificate bearing the registrant's name, registration number and date registered with the Board shall be issued to each newly registered architect. The certificate shall be signed by the six board members, the Board Executive Director and the Secretary of State. Upon reasonable written request a duplicate or corrected certificate may be issued. Certificates of registration are issued to individuals only.
Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39.
History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed January 24, 2005; effective February 28, 2005. **Repealed and New Rule:** Filed February 19, 2010; effective March 26, 2010. **Amended:** Filed July 19, 2010; effective August 23, 2010. **Amended:** Published ~~_____; effective _____~~November 27, 2024; effective January 11, 2025.

100-X-2-.08 Reconsideration Of A Denied Application.

A denied application may be reconsidered by the Board if written notice of appeal is received by the Executive Director within thirty (30) days of notification of denial of registration.
Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-33.
History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed August 7, 2003; effective September 11, 2003. **Amended:** Filed May 29, 2007; effective July 3, 2007. **Repealed and New Rule:** Filed February 19, 2010; effective March 26, 2010. **Amended:** Filed July 19, 2010; effective August 23, 2010. **Amended:** Published November 30, 2023; effective January 14, 2024.

100-X-2-.09 Emeritus Status Architects.

(1) An architect may apply for emeritus status if he or she meets the following criteria:

(a) The applicant is 65 years of age or older; and

(b) The applicant has been registered in this state for ten (10) consecutive years or longer;

(c) The applicant is retired from the active practice of architecture. "Retired" means the architect no longer seals documents or practices architecture as defined by §34-2-30(3) and (4), Code of Ala. 1975.

(2) If all requirements are met, the architect shall be granted emeritus status. An individual granted emeritus status may use the title "Emeritus Architect" on any letter, title, sign, card or device. If an emeritus architect wishes to return to the active practice of architecture, he or she may do so by submitting the renewal fee, current renewal application form, and current year's continuing education hours required by regulation.

(3) Emeritus Architects are exempt from all renewal requirements including continuing education.

(4) It is recommended that Emeritus Architects keep their address information current with the Board in order to continue to be included in Board news.
Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-33.
History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Repealed and New Rule:** Filed February 19, 2010; effective March 26, 2010. **Amended:** Published February 26, 2021; effective April 12, 2021. **Amended:** Published ~~_____; effective _____~~November 27, 2024; effective January 11, 2025.

100-X-2-.10 Renewal Of Registration.

(1) The Board shall have the power to set renewal fees and fees for late payment. The Board shall issue renewal notices to each registered architect from the previous year to the last known address. Failure to receive a renewal reminder from the Board shall not constitute an excuse for failure to renew licensure.

Registration term is for the calendar year which begins January 1 and ends December 31. Renewals postmarked January 1 through March 31 will be considered late, and those renewals must include the late penalty established by regulation. All renewals must reflect completion of the current continuing education requirements established by the Board unless otherwise exempted. No provision is made for partial payment for a partial year. Renewal fees are due on or before December 31 of each year. If the registrant elects to renew his or her license electronically, the registrant may be charged a convenience fee or surcharge. If renewal is not completed on or before March 31, the architect's registration will lapse and must be reinstated, as required by regulation. Persons providing architectural services under a lapsed or expired license shall be subject to disciplinary action by the Board.

(2)For the purpose of attracting architects to the State of Alabama, the initial renewal fee for in-state registrants licensed by examination may be waived by the Board if funding allows.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33.

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed August 1, 2002; effective September 5, 2002. **Amended:** Filed August 12, 2005; effective September 16, 2005. **Repealed and New Rule:** Filed February 19, 2010; effective March 26, 2010. **Amended:** Filed August 6, 2015; effective September 10, 2015. **Amended:** Published June 30, 2021; effective August 14, 2021. **Amended:** Published ~~_____; effective _____~~November 27, 2024; effective January 11, 2025.