

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 100
Department or Agency: Alabama State Board for Registration of Architects
Rule No.: Chapter 100-X-8
Rule Title: Certificates of Authorization
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? Yes

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Paula Pilgreen
Paula Pilgreen

Date

Friday, August 9, 2024

REC'D & FILED
AUG 9, 2024

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA STATE BOARD FOR REGISTRATION OF ARCHITECTS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board for Registration of Architects

RULE NO. & TITLE: Chapter 100-X-8 Certificates of Authorization

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To comply with Act 2024-379

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written Comment may be sent to the Board of Architects; 445 Dexter Avenue; Suite 4010; Montgomery, AL 36104 through October 4, 2024.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, October 4, 2024

CONTACT PERSON AT AGENCY:

Paula Pilgreen, Executive Director

Paula Pilgreen

Paula Pilgreen

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**ALABAMA STATE BOARD FOR REGISTRATION OF ARCHITECTS
ADMINISTRATIVE CODE**

**CHAPTER 100-X-8
CERTIFICATES OF AUTHORIZATION**

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100-X-8-.01 General Requirements.

(1) An entity may practice architecture in Alabama as a corporation, professional corporation, professional association, partnership, or limited liability company. An entity must meet the following requirements to be approved for practice as an entity in Alabama:

(a) Two-thirds (2/3) or more of the officers, partners, directors, members, or others (depending on the legal structure of the entity) are registered/licensed architects and/or licensed professional engineers in any United States jurisdiction and are also voting stockholders of the entity; and

(b) At least one (1) of the stockholding officers, partners, directors, or members must be an architect registered in the State of Alabama, who has authority to contractually bind the entity and whose name and registration seal shall appear on all documents prepared under his or her responsible control.

(2) Upon registration as an architect in Alabama, the registrant will be notified that if the firm entity he or she is affiliated with intends to offer, solicit, or perform architectural services in the firm entity's name, the entity must apply for a Certificate of Authorization (COA) to Practice Architecture in Alabama within thirty (30) days of notification that registration has been granted.

(3) No firm entity shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this regulation. Likewise, no individual practicing architecture as defined in §34-2-30(2) and (3) of the Code of Ala. 1975, shall be relieved of responsibility

for work performed by reason of employment, association, or relationship with the entity.

(4) The Board shall maintain a public roster of firm entities that have been issued a COA.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-37.

History: New Rule: Filed July 19, 2010; effective August 23, 2010. **Amended:** Published November 30, 2023; effective January 14, 2024.

100-X-8-.02 Application Procedures.

(1) All applications for a COA shall be made in the format provided by the Board. The firm entity will be required to furnish all applicable information indicated on the form along with the required fee. Application fees will not be refunded.

(2) Any entity required to be qualified by the Alabama Secretary of State's Office to do business in Alabama may file such qualification documents with that office concurrently with application for a COA. The firm entity name on the Application for COA must be the same as the firm entity name on documents filed with the Alabama Secretary of State's Office.

(3) Withholding information, providing statements which are untrue, or misrepresenting pertinent facts may be cause for denial of an application or revocation of the COA.

(4) When the Board, after due consideration of the application, finds that the firm entity is not eligible for a COA, the application will be denied. In this event, the firm may not offer, solicit, or perform architectural services as a firm entity.

(5) If the firm entity is dissolved or reorganized, or if there is a change in the registered architect(s) in responsible control of the practice of architecture in Alabama, the entity must notify the Board in writing within thirty (30) days.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-37.

History: New Rule: Filed July 19, 2010; effective August 23, 2010. **Amended:** Filed August 20, 2013; effective September 24, 2013. **Amended:** Published November 30, 2023; effective January 14, 2024.

100-X-8-.03 **Renewal Requirements.**

The Board shall have the power to set COA renewal fees and fees for late payment. The Board shall issue renewal notices to each COA 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. The COA term is May 1 to April 30. No provision is made for partial payment for a partial year. Renewal fees are due on or before April 30 of each year. ~~If the COA elects to renew electronically, a~~ convenience fee or surcharge may be applied for electronic renewals. If COA renewal is not completed on or before May 30th, the COA will lapse and must be reinstated, as required by rule. COAs providing architectural services under a lapsed or expired COA shall be subject to disciplinary action by the Board.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-37.

History: New Rule: Filed July 19, 2010; effective August 23, 2010. **Amended:** Published November 30, 2023; effective January 14, 2024. Amended: Published ; effective .

100-X-8-.04 **Reinstatement.**

A lapsed COA must complete a new application, submit a reinstatement fee, and sworn affidavit stating the COA has not performed any service included in the definition for the practice of architecture as a COA while not authorized to do so. 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 COA. If approved, the same COA number will be reissued.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, Section 34-2-37.

History: New Rule: Published ; effective .