

MISSISSIPPI STATE BOARD OF ARCHITECTURE
RULES AND REGULATIONS
Final Rules Proposed May 7, 2024; Effective November 9, 2024

CLEAN

Title 30, Part 201, Chapter 2: Registration Requirements

Rule 2.1 Registration by Examination.

- 2.1.1 Applicants for initial registration by examination must:
- A. submit to the jurisdiction of the Board; and
 - B. provide an official record from NCARB which documents that the applicant:
 - 1. has acquired a professional degree in architecture from a school or college of architecture on the list of accredited schools issued by the National Architectural Accrediting Board (NAAB); and
 - 2. met the experience requirements of AXP in accordance with Rule 1.2; and
 - 3. passed all sections of the ARE in accordance with NCARB guidelines; and
 - C. non-resident applicants shall pay the fee prescribed in Rule 2.4 (the application/registration fee is waived for applicants for registration by examination if the applicant is a resident of the State of Mississippi); and
 - D. complete the Mississippi Application for Initial Licensure; and
 - E. successfully pass the Mississippi Jurisprudence Examination; and
 - F. meet the requirements of *Miss. Code Ann.* §73-1-13 and §73-1-17.

Source: *Miss. Code Ann.* §73-1-13

Title 30, Part 201, Chapter 3: General Rules

Rule 3.2 Practice Procedures.

- 3.2.8 A non-resident architectural firm, with no members registered in this state, may form a joint venture or association with a resident architectural firm if:
- A. the non-resident firm complies with *Miss. Code Ann.* §73-1-19; and
 - B. the firm agrees to consent to the jurisdiction of the Board; and
 - C. the construction documents and specifications are prepared under the responsible control of the architect licensed in Mississippi; and
 - D. one member of the non-resident architectural firm holds a valid NCARB Certificate; and
 - E. one member of the non-resident architectural firm shall apply for licensure in Mississippi within ten (10) days of the date of formation of the joint venture or association.

3.2.8.1 A non-resident architect, not registered in this state but registered in another state, may serve as a consultant to an architect registered in this state if:

- A. the non-resident architect holds a valid NCARB Certificate; and
- B. all construction documents and specifications are prepared under the responsible control of the architect licensed in Mississippi and are signed and sealed by the architect licensed in Mississippi; and
- C. the non-resident architect shall not use the title "architect," or any prefix, suffix or other form thereof, or any title, sign, card or device to indicate that such person is practicing architecture, or is an architect, in this state, unless it is stated thereon that such architect is participating as a consultant; and
- D. the non-resident architect consents to the jurisdiction of the courts of this state.

3.2.16 In regard to construction administration, if, under Mississippi law, an architect must prepare, or supervise and control the preparation of the contract documents for a new building or the alteration of or an addition to an existing building, construction administration services of an architect on the architectural aspects of the project are deemed necessary to protect the life, health and property of the public. In such event, construction administration for the project shall be conducted by an architect or by a person working under the responsible control of an architect. Construction administration as defined herein constitutes the practice of architecture as defined by the Board.

- A. For purposes of this rule, "construction administration" means the administration of the portion of the construction contract described and documented in the contract documents, including, but not necessarily limited to, the following services:
 - 1. visiting the construction site at intervals appropriate to the contractor's operations to determine that the work is proceeding generally in accordance with the technical submissions submitted to the owner and/or the building official at the time the building permit was issued; and
 - 2. processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and
 - 3. notifying an owner and any building official of any code violations; changes that affect code compliance; the use of any materials, assemblies, components, or equipment prohibited by a code; major or substantial changes between such technical submissions and the work in progress; or any deviation from the technical submissions that the architect identifies as constituting a hazard to the public, which the architect observes in the course of performing the architect's duties.
- B. On a project where the architect of record has not been engaged, or is no longer engaged, to perform construction administration services, as defined above, the architect of record shall report in writing to each of the following parties that the architect has not been engaged or is no longer engaged to perform construction administration services, or is not providing construction administration services as defined above:
 - 1. the building official;
 - 2. the Board;
 - 3. the owner;

4. the client; and
5. the contractor.

Commentary - In order to assure a project that is required by law to be designed by an architect is constructed in accordance with the plans and specifications, the architect of record should provide construction administration services as part of the protection of the life, health and property of the individuals using the built environment. Where the architect of record was not originally contracted or is no longer engaged to perform construction administration as defined above, or is providing only limited construction administration services, the architect is required to give the notice outlined above to assure that all parties to the construction project are aware that construction administration is not being performed by the architect of record or is limited in scope. This specifically provides a building official with notice so that the building official may compel the owner to provide someone to perform those services if the building official so chooses.

Source: *Miss. Code Ann. §§ 73-1-1, 3, 13, 19, 29, & 35; 73-2-3; 73-13-45.*

Title 30, Part 201, Chapter 4: Professional Code of Conduct

Rule 4.3 Compliance with Laws.

4.3.5 Rule 4.3.4 shall not prevent a person who is not currently registered in this state, but who is currently registered in another United States or Canadian jurisdiction, from providing uncompensated (other than reimbursement of expenses) safety assessment services at the scene of an emergency at the request of a public official, public safety official, or building inspection official, acting in official capacity in accordance with *Miss. Code Ann. § 11-75-1*. Any person providing uncompensated safety assessment services under this provision shall notify the Board on the form provided for that purpose. This provision shall apply only to safety assessment services rendered within ninety (90) days following the end of the period for the emergency, unless extended by an executive order. "Safety assessment services" means inspection and evaluation of any structure, building, facility, project utility, equipment, machine, process, piping, or other system at the scene of an emergency related to structural integrity or nonstructural elements affecting life, safety and habitability. Architectural services beyond safety assessment services including, but not limited to, design of repairs, demolition plans, construction documents, or construction administration shall only be undertaken by an architect registered in Mississippi.

Source: *Miss. Code Ann. §§ 73-1-29(1) and 11-75-1.*

Rule 4.5 Professional Conduct.

4.5.2

A. "Responsible control" shall be control over all phases of the practice of architecture as is ordinarily exercised by architects applying the required professional standard of care,

including, but not limited to control over and detailed knowledge of the content of technical submissions throughout preparation by the architect and others over whom the architect exercises supervisory direction and authority.

B. An architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared by or under the responsible control of the architect; except that (i) the architect may sign or seal those portions of the professional work that were prepared by or under the responsible control of persons who are registered under the architectural registration laws of this jurisdiction if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into the architect's work, and (ii) the architect may sign or seal portions of the professional work that are not required by the architectural registration law to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into the architect's work.

C. Plans, specifications, drawings, reports or other documents will be deemed to have been prepared under the responsible control of an architect only when:

1. the client requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the architect, or to a person under the supervisory direction and authority of the architect, so long as the architect has the right to control and direct the material details of how the work is to be performed; and
2. the architect supervises, directs and is involved in the preparation of the plans, specifications, drawings, reports or other documents and has input into and full knowledge of their preparation prior to their completion; and
3. the architect reviews the final plans, specifications, drawings, reports or other documents; and
4. the architect has the authority to, and does, make any necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents; and
5. contributions of information or predrawn detail items or detail units that are incidental to and intended to be integrated into an architect's technical submissions are from trusted sources (including, but not limited to, manufacturers, installers, consultants, owners, or contractors), are subject to appropriate review, and are then coordinated and integrated into the design by the architect.

D. Review, or review and correction, of technical submissions after they have been prepared by individuals not under the supervisory direction and authority of the architect does not constitute the exercise of responsible control because the reviewer has neither

control over nor detailed professional knowledge of the content of such submissions throughout their preparation.

E. Use by an architect of third-party off-site drafting services is permissible only if there is responsible control as indicated by the following, in addition to the requirements of paragraph (C) above:

1. A written agreement exists between the architect and the drafting service showing that the architect assumes full professional responsibility for the work in relation to the client, spelling out in detail the services to be provided by the drafting service including necessary disciplines and types of services. This agreement may be a standing agreement pertaining to more than one project; and
2. The technical submissions prepared by the drafting service are taken from complete information provided by the architect whose seal will appear on the documents; and
3. The drafting service's preparation shall not consist of any original design work whatsoever produced by that drafting service, including decisions for use of previously drawn or stored work. The architect shall retain documented evidence for at least five (5) years to prove the source of such original design work is that of the architect and make such records available to the Board upon request. Such records include written project agreements, time records, site visit logs, records of meetings and communications among project participants, documentation of research or investigations conducted on behalf of the project, design calculations, design sketches at various stages of development indicating the progress of the project, and notations memorializing reviews, corrections or revisions of documents prepared for the project.

Source: *Miss. Code Ann. §§73-1-1, 13, 19, 29(1), 35*

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- C. the non-resident architect shall not use the title "architect," or any prefix, suffix or other form thereof, or any title, sign, card or device to indicate that such person is practicing architecture, or is an architect, in this state, unless it is stated thereon that such architect is participating as a consultant; and
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 - 1. the building official; ~~and~~
 - 2. the Board;

- 23. the owner; ~~and~~
- 34. the client; and
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Commentary - In order to assure a project ~~which~~that is required by law to be designed by an architect is constructed in accordance with the plans and specifications, the architect of record should provide construction administration services as part of the protection of the life, health and property of the individuals using the built environment. Where the architect of record was not originally contracted or is no longer engaged to perform construction administration as defined above, or is providing only limited construction administration services, the architect is required to give the notice outlined above to assure that all parties to the construction project are aware that construction administration is not being performed by the architect of record or is limited in scope. This specifically provides ~~the~~a building official with notice so that the building official may compel the owner to provide someone to perform those services if the building official so chooses.

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