

**MISSISSIPPI STATE BOARD OF ARCHITECTURE
PROPOSED RULE REVISIONS and RULE ADDITION**

November 22, 2010

(to become effective February 1, 2011)

2.07 Restrictions on Solicitation of Work Prior to Licensure or While Inactive

An individual not licensed in Mississippi or an individual on inactive status with the Board who is seeking an architectural commission in Mississippi may enter Mississippi for the purpose of offering to render or offer or propose architectural services and for that purpose only if all of the following conditions are met:

- (a) The applicant holds a current and valid registration issued by a registration authority recognized by the Board; and
- (b) the applicant holds an NCARB Certificate; and
- (c) prior to engaging in any activity that could result in an architectural commission, the applicant must notify the Board in writing that:
 - (i) individual holds an NCARB Certificate and is not currently registered or active in the state, but will be ~~present in the state for the purpose of offering or proposing to render~~ architectural services in the state; and
 - (ii) individual will deliver a copy of the notice referred to in (i) to every potential client to whom the applicant offers or proposes to render architectural services; and
 - (iii) individual shall apply for a Mississippi license or reinstatement within 10 working days of notification to the Board; and
 - (iv) individual consents to the jurisdiction of the Board.

Only through this process may an individual perform the above architectural services prior to licensure. The individual shall be prohibited from rendering additional architectural services beyond the offer or proposal until the individual has been licensed.

An individual seeking an architectural commission by participating in an architectural design competition for a project in Mississippi may enter Mississippi for the purpose of offering to render architectural services and for that purpose only if:

- (a) the individual holds a current and valid registration issued by a registration authority recognized by the Board; and
- (b) the individual holds an NCARB Certificate; and
- (c) prior to participating in any architectural competition the individual must notify the Board in writing that:
 - (i) individual is participating in the competition; and
 - (ii) individual holds an NCARB Certificate; and
 - (iii) individual shall apply for a Mississippi license within 10 working days of notification to the Board; and
 - (iv) individual shall not submit the competition entry until the individual has been duly licensed by the Board.

2.08 Licensure on Federal Projects

The term "employee of the United States" as contained in *Miss. Code Ann. §73-1-39 (a)* means a federal employee as defined in *5 United States Code Service (U.S.C.S.) Section 2101*. Otherwise, an individual engaged to provide architectural services on a federal project or on federal lands in Mississippi must be licensed in Mississippi in order to provide such services, unless otherwise exempted per *Miss. Code Ann. §73-1-39*.

3.02.2

All stationery, printed matter, title blocks, and listings of an architectural firm or business, including a sole proprietorship, shall contain the name of at least one (1) person who is registered as an architect in this state, and any firm or business name listed on such documents shall be the firm or business name provided in conjunction with the architect's registration with the Board. No person shall be named on any card, stationery, title block, printed matter or listing of such a firm (partnership, professional corporation, professional association, or professional limited liability company) used in this state unless there is designated thereon whether or not such person is licensed in this state. Employees of a firm that are not registered as an architect or engineer in any jurisdiction are allowed to use business cards for that

firm, provided that the job title of the individual is clearly stated and said title does not lead the public to believe the employee is a licensed architect in this state.

3.02.14

~~An individual who is contracted or hired to perform architectural services in Mississippi due to that individual's status or reputation as an architect, past or present, in Mississippi or in another jurisdiction, is required to obtain licensure in Mississippi in order to perform those architectural services regardless of whether the project may or may not normally be exempted.~~

In Mississippi, a "Registered Design Professional" is defined as an architect, an engineer, or a landscape architect who is registered or licensed to practice in the State of Mississippi, provided that the individual is practicing in compliance with that individual's registration laws.

3.02.16

In regard to construction administration, if, under Mississippi law, an architect must prepare, or supervise and control the preparation of the architectural plans and specifications for a new building or the alteration of or an addition to an existing building, then 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

For purposes of this rule, "construction administration" means the administration of the portion of the construction contract described and documented in the architectural plans and specifications, including, but not necessarily limited to, the following services:

- (a) 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
- (b) Processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and
- (c) Notifying an owner and any building official of any code violations; changes which 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 which the architect identifies as constituting a hazard to the public, which the architect observes in the course of performing the architect's duties.

On a project where the architect of record has not been engaged, or is no longer engaged, to perform construction administration services, as defined in section (1) above, the architect of record shall report in writing that the architect has not been engaged or is no longer engaged to perform construction administration services, to the following parties:

- (a) the building official; and
- (b) the owner; and
- (c) the client; and
- (d) the contractor.

4.05.2 "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 that amount of control over and detailed knowledge of the content of technical submissions during throughout their preparation by the architect and the architect's employees. as is ordinarily exercised by architects applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible control if the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation.

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.

Commentary - This provision reflects current practice by which the architect's final construction documents may comprise the work of other professionals as well as work of the architect. The reference to "registered under this or another professional registration law" means of course the laws of the state whose state board has published these rules. The reference is most commonly to persons licensed under the engineering registration law and in some states under the registration law for landscape architects. Although it covers registered architects as well, who may be engaged to do a portion of the work without being subject to the principal architect's supervisory control. If an architect does not expect to be responsible for the adequacy of the architect's consultant's work, the architect should not sign or seal such work and should otherwise comply with the law of the jurisdiction in order to avoid responsibility.