

CHAPTER 225
FORMERLY
HOUSE BILL NO. 227

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO
ARCHITECTURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 3, Title 24 of the Delaware Code by adding a new section 312A to read as follows:

“§ 312A. Certificate of Authorization.

(a) The privilege of engaging in the practice of architecture is personal, based upon the qualifications of the individual evidenced by registration and is not transferable. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of architecture, as defined within this Chapter, shall be dated and bear the signature and seal of the architect or architects who prepared or directly supervised the same.

(b) Nothing in Subsection (a) shall be construed as preventing the formation of business entities, provided that such entities are authorized under Delaware law or the laws of another state, as a vehicle for the practice of or offer to practice architecture for others by individual architects registered under this Chapter through a business entity, or the offering or rendering of architectural services by a business entity through architects registered under this Chapter, provided that:

(1) One or more of the officers (if a corporation), partners (if a partnership), members or managers (if a limited liability company or publicly owned corporation), is designated as being responsible for any services in the practice of architecture on behalf of their respective business entity and is a registered architect under this Chapter;

(2) All personnel of said business entity, who act in its behalf as architects in this State or for clients located in this State are registered under this Chapter; and

(3) Said business entity has been issued a certificate of authorization by the Board as herein provided.

(c) A business entity desiring a certificate of authorization shall file with the Board an application, on forms provided by the Board, listing relevant information, including the names, addresses, and license or registration numbers of directors, officers, partners, members or managers of the business entity and also of the individual(s) duly registered to practice architecture in this State who shall be in responsible charge of the practice of architecture through the business entity in compliance with Subsection (b)(3) above, and any other information required by the Board, accompanied by the appropriate fee as determined by the Division of Professional Regulation. A certificate of authorization may be renewed biennially by submission of the required information and fee. In the event that there should be a change in the information provided on the application for a certificate of authorization, notification of such change shall be provided to the Board in writing within thirty (30) days of the effective date of such change. If all the requirements of this Section are met, the Board shall issue a certification of authorization to such business entity, and that business entity shall be authorized to contract for and to collect fees for architectural services.

(d) An applicant for initial issuance or renewal of a certificate of authorization shall be required to register each office of the business entity within this State with the Board and show that each office is under the charge and supervision of an individual holding a valid certificate of registration under this Chapter.

(e) No such business entity shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, members or principals by reason of its compliance with this Section, nor shall any individual be relieved of responsibility for architectural services performed by reason of employment or relationship with such business entity. All business entities and architects practicing through such entities shall be bound by professional responsibility standards no less stringent than those stated in Title 8, Delaware Code, § 608.

(f) The Board may revoke, suspend or cancel a certification of authorization, if after a hearing, the Board determines that any officer, partner, member, manager, principal or employee has violated any lawful provision of this Chapter, or any lawful regulation established thereunder.”.

Section 2. Amend §314(a), Chapter 3, Title 24 of the Delaware Code by inserting after the word “architect” and before the words “shall be” the words “or holder of a Certificate of Authorization”.

Section 3. Amend §314(a), Chapter 3, Title 24 of the Delaware Code by inserting after the words “the architect” and before the word “has” the words “or holder of a Certificate of Authorization”.

Section 4. Amend §314(e), Chapter 3, Title 24 of the Delaware Code by inserting after the word “architect” and before the words “has been” the words “or holder of a Certificate of Authorization”.

Section 5. Amend §314(e), Chapter 3, Title 24 of the Delaware Code by inserting after the word “registration” and before the words “shall be” the words “or Certificate of Authorization”.

Section 6. Amend §315(a), Chapter 3, Title 24 of the Delaware Code by inserting after the words “to an architect” and before the colon “:” the words “or holder of a Certificate of Authorization”.

Section 7. Amend §315(a)(2), Chapter 3, Title 24 of the Delaware Code by inserting after the word “architect” and before the semicolon “;” the words “or holder of a Certificate of Authorization”.

Section 8. Amend §315(a)(3), Chapter 3, Title 24 of the Delaware Code by inserting after the words “Place the architect” and before the words “on probationary” the words “or holder of a Certificate of Authorization”.

Section 9. Amend §315(a)(3), Chapter 3, Title 24 of the Delaware Code by inserting after the words “require the architect” and before the language “to:” the words “or holder of a Certificate of Authorization”.

Section 10. Amend §315(a)(4), Chapter 3, Title 24 of the Delaware Code by inserting after the words “certificate of registration” and before the semicolon “;” the words “or suspend a Certificate of Authorization”.

Section 11. Amend §315(a)(5), Chapter 3, Title 24 of the Delaware Code by inserting after the words “certificate of registration” and before the semicolon “;” the words “or revoke a Certificate of Authorization”.

Section 12. Amend §317(d), Chapter 3, Title 24 of the Delaware Code by deleting the language “\$5,000” as it appears therein and substituting in lieu thereof the language “\$10,000”.

Section 13. Amend §317(d), Chapter 3, Title 24 of the Delaware Code by deleting the language “\$2,500” as it appears therein and substituting in lieu thereof the language “5,000”.

Approved February 01, 2010