

AN ACT

relating to the practice of architecture and engineering.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 1001, Occupations Code, is amended by adding Section 1001.0031 to read as follows:

Sec. 1001.0031. PRACTICES OF ENGINEERING AND ARCHITECTURE.

(a) Except as provided by Subsection (d) or (e), the practice of engineering does not include, and engineers may not engage in or offer to engage in, the practice of architecture as defined by Sections 1051.001(7)(A), (B), and (C), as that definition existed on April 1, 2011, and by Section 1051.0016(a).

(b) An engineer may not prepare or provide a complete, comprehensive set of building plans for a building designed for human use or occupancy unless:

(1) the plans and specifications as described by Section 1051.001(7)(A) or (B) are prepared by, or under the supervision of, an architect;

(2) the building is part of a project described by Section 1051.601(b) or a building described by Section 1051.606(a)(4); or

(3) the engineer has received administrative approval by the Texas Board of Architectural Examiners to practice architecture under Section 1051.607.

(c) An engineer is responsible for the engineering plans and

1 specifications of a building unless the work is exempt under
2 Section 1001.053 or 1001.056. In this section, the term
3 "engineering plans and specifications" means:

4 (1) plans for a structural, mechanical, electrical,
5 electronic, fire suppression, or geotechnical system in a building;

6 (2) specifications of structural elements and
7 connections of a building;

8 (3) foundation design;

9 (4) hydrologic management calculations and design of
10 surface water control and detention necessary for compliance with
11 ordinances and regulations;

12 (5) design of building drain and waste system
13 plumbing, fresh water plumbing, graywater systems, and mechanical
14 aspects of moving water in and out of a structure, other than simple
15 roof drainage;

16 (6) evaluation of structural framing members before
17 the addition of roof-mounted equipment or a heavier roof covering;

18 (7) design of changes in roof pitch by the addition of
19 structural framing members;

20 (8) evaluation and repair of damaged roof structural
21 framing;

22 (9) design of electrical and signal and control
23 systems;

24 (10) shop drawings by manufacturers or fabricators of
25 materials and products to be used in the building features designed
26 by the engineer; and

27 (11) specifications listing the nature and quality of

1 materials and products for construction of features of the building
2 elements or systems designed by an engineer.

3 (d) The preparation of engineering plans and specifications
4 for the following tasks is within the scope of practice of both
5 engineering and architecture:

6 (1) site plans depicting the location and orientation
7 of a building on the site based on:

8 (A) a determination of the relationship of the
9 intended use with the environment, topography, vegetation,
10 climate, and geographic aspects; and

11 (B) the legal aspects of site development,
12 including setback requirements, zoning and other legal
13 restrictions, and surface drainage;

14 (2) the depiction of the building systems, including
15 structural, mechanical, electrical, and plumbing systems, in:

16 (A) plan views;

17 (B) cross-sections depicting building components
18 from a hypothetical cut line through a building; and

19 (C) the design of details of components and
20 assemblies, including any part of a building exposed to water
21 infiltration or fire-spread considerations;

22 (3) life safety plans and sheets, including
23 accessibility ramps and related code analyses; and

24 (4) roof plans and details depicting the design of
25 roof system materials, components, drainage, slopes, and
26 directions and location of roof accessories and equipment not
27 involving structural engineering calculations.

1 (e) The following activities may be performed by either an
2 engineer or an architect:

3 (1) programming for construction projects, including:

4 (A) identification of economic, legal, and
5 natural constraints; and

6 (B) determination of the scope of functional
7 elements;

8 (2) recommending and overseeing appropriate
9 construction project delivery systems;

10 (3) consulting with regard to, investigating, and
11 analyzing the design, form, materials, and construction technology
12 used for the construction, enlargement, or alteration of a building
13 or its environment; and

14 (4) providing expert opinion and testimony with
15 respect to issues within the responsibility of the engineer or
16 architect.

17 SECTION 2. Subchapter A, Chapter 1051, Occupations Code, is
18 amended by adding Section 1051.0016 to read as follows:

19 Sec. 1051.0016. PRACTICES OF ARCHITECTURE AND ENGINEERING.

20 (a) In this chapter, "architectural plans and specifications"
21 include:

22 (1) floor plans and details:

23 (A) depicting the design of:

24 (i) internal and external walls and floors,
25 including simple foundations;

26 (ii) internal spaces of a building; and

27 (iii) vertical circulation systems,

1 including accessibility ramps, stair systems, elevators, and
2 escalators; and

3 (B) implementing programming, regulatory, and
4 accessibility requirements for a building;

5 (2) general cross-sections and detailed wall sections
6 depicting building components from a hypothetical cut line through
7 a building to include the building's mechanical, electrical,
8 plumbing, or structural systems;

9 (3) reflected ceiling plans and details depicting:

10 (A) the design of the location, materials, and
11 connections of the ceiling to the structure; and

12 (B) the integration of the ceiling with
13 electrical, mechanical, lighting, sprinkler, and other building
14 systems;

15 (4) finish plans or schedules depicting surface
16 materials on the interior and exterior of the building;

17 (5) interior and exterior elevations depicting the
18 design of materials, locations, and relationships of components and
19 surfaces;

20 (6) partition, door, window, lighting, hardware, and
21 fixture schedules;

22 (7) manufacturer or fabricator drawings that are
23 integrated into the construction documents; and

24 (8) specifications describing the nature, quality,
25 and execution of materials for construction of the elements of the
26 building depicted in the plans prepared by the architect.

27 (b) The preparation of architectural plans and

1 specifications for the following tasks is within the scope of
2 practice of both engineering and architecture:

3 (1) site plans depicting the location and orientation
4 of a building on the site based on:

5 (A) a determination of the relationship of the
6 intended use with the environment, topography, vegetation,
7 climate, and geographic aspects; and

8 (B) the legal aspects of site development,
9 including setback requirements, zoning and other legal
10 restrictions, and surface drainage;

11 (2) the depiction of the building systems, including
12 structural, mechanical, electrical, and plumbing systems, in:

13 (A) plan views;

14 (B) cross-sections depicting building components
15 from a hypothetical cut line through a building; and

16 (C) the design of details of components and
17 assemblies, including any part of a building exposed to water
18 infiltration or fire-spread considerations;

19 (3) life safety plans and sheets, including
20 accessibility ramps and related code analyses; and

21 (4) roof plans and details depicting the design of
22 roof system materials, components, drainage, slopes, and
23 directions and location of roof accessories and equipment not
24 involving structural engineering calculations.

25 (c) The following activities may be performed by either an
26 engineer or an architect:

27 (1) programming for construction projects, including:

1 (A) identification of economic, legal, and
2 natural constraints; and

3 (B) determination of the scope of functional
4 elements;

5 (2) recommending and overseeing appropriate
6 construction project delivery systems;

7 (3) consulting with regard to, investigating, and
8 analyzing the design, form, materials, and construction technology
9 used for the construction, enlargement, or alteration of a building
10 or its environment; and

11 (4) providing expert opinion and testimony with
12 respect to issues within the responsibility of the engineer or
13 architect.

14 SECTION 3. Subchapter F, Chapter 1051, Occupations Code, is
15 amended by adding Section 1051.308 to read as follows:

16 Sec. 1051.308. INTERN DEVELOPMENT PROGRAM. The board shall
17 allow a graduate student engineer enrolled in an accredited
18 architectural professional degree program in this state to enroll
19 concurrently in the intern development program required by board
20 rules before an applicant may take the examination under this
21 chapter.

22 SECTION 4. Subchapter L, Chapter 1051, Occupations Code, is
23 amended by adding Section 1051.607 to read as follows:

24 Sec. 1051.607. LIST OF ENGINEERS PERMITTED TO ENGAGE IN
25 PRACTICE OF ARCHITECTURE. (a) The board shall maintain a list of
26 engineers licensed under Chapter 1001 who are authorized to engage
27 in the practice of architecture based on an administrative finding

1 of experience under this section. The board shall post the list on
2 the board's Internet website.

3 (b) An engineer may not engage or offer to engage in the
4 practice of architecture unless:

5 (1) the engineer is listed under Subsection (a); and

6 (2) the engineer is in good standing with the Texas
7 Board of Professional Engineers.

8 (c) The board shall list each engineer who:

9 (1) applies for placement on the list not later than
10 January 1, 2012;

11 (2) was licensed to practice engineering under Chapter
12 1001 before January 1, 2011; and

13 (3) provides to the board documentation of at least
14 three projects that:

15 (A) were prepared by the engineer;

16 (B) were adequately and safely built before
17 January 1, 2011; and

18 (C) are described by Section 1051.703(a) or were
19 not exempt under Section 1051.606(a)(4).

20 (d) Documentation that is sufficient to satisfy the
21 requirement of Subsection (c)(3) includes plans, specifications,
22 photographs, and other records establishing that the architectural
23 design work was performed by the engineer. The documentation is
24 subject to verification by the board. The board shall complete the
25 verification not later than the 120th day after the date the board
26 receives the documentation.

27 (e) The board shall issue written confirmation to each

1 engineer listed under this section that, notwithstanding the
2 requirements of Section 1051.701, the engineer may lawfully engage
3 and offer to engage in the practice of architecture without a
4 license under this chapter.

5 (f) If the board declines to list an engineer who applies
6 under this section, the engineer may request a contested case
7 hearing to be conducted under Chapter 2001, Government Code. The
8 motion for rehearing required by Chapter 2001, Government Code,
9 shall be filed with the State Office of Administrative Hearings.
10 The decision of the administrative law judge in the contested case
11 is final and may be appealed in a Travis County district court.

12 (g) The board and the Texas Board of Professional Engineers
13 shall pay equally the costs of a contested case.

14 (h) The Texas Board of Professional Engineers has exclusive
15 regulatory oversight over an engineer listed under Subsection (a).

16 SECTION 5. Section 1051.703(b), Occupations Code, is
17 amended to read as follows:

18 (b) This section does not prohibit an owner of a building
19 from contracting with [~~choosing~~] an architect or engineer as the
20 prime design professional for a building construction, alteration,
21 or addition project. Designation as the prime design professional
22 does not expand the scope of practice of an architect or engineer
23 beyond the scope of practice that the architect or engineer is
24 authorized to practice under Chapter 1001 or 1051.

25 SECTION 6. (a) The Texas Board of Professional Engineers
26 and the Texas Board of Architectural Examiners shall establish a
27 joint task force of members of each board and license and

1 registration holders regulated by each board to make
2 recommendations to the boards regarding whether certain activities
3 should be within the scope of practice of architecture or
4 engineering, or both.

5 (b) This section expires August 31, 2013.

6 SECTION 7. An engineer who applies for listing under
7 Section 1051.607, Occupations Code, as added by this Act, may
8 continue to practice under the law as it existed immediately before
9 the effective date of this Act until the date the application is
10 finally approved or denied, or if appealed after denial, a final
11 decision is entered by an administrative law judge, and the former
12 law is continued in effect for that purpose.

13 SECTION 8. Sections 1001.216 and 1051.212, Occupations
14 Code, are repealed.

15 SECTION 9. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 2284 was passed by the House on May 5, 2011, by the following vote: Yeas 144, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2284 on May 25, 2011, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2284 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor