Agency Name: Board of Architectural Examiners

Statutory Authority: 40‑1‑70 and 40‑3‑60

Document Number: 4334

Proposed in State Register Volume and Issue: 37/1

House Committee: Labor, Commerce and Industry Committee

Senate Committee: Labor, Commerce and Industry Committee

120 Day Review Expiration Date for Automatic Approval: 02/03/2014

Final in State Register Volume and Issue: 38/2

Status: Final

Subject: Officers; Meetings; Applications and Fees; Renewals; and Continuing Education

History: 4334

By Date Action Description Jt. Res. No. Expiration Date

‑ 01/25/2013 Proposed Reg Published in SR

- 02/27/2013 Received by Lt. Gov & Speaker 02/03/2014

S 02/27/2013 Referred to Committee

H 02/28/2013 Referred to Committee

S 05/13/2013 Resolution Introduced to Approve 690

- 02/03/2014 Approved by: Expiration Date

- 02/28/2014 Effective Date unless otherwise

 provided for in the Regulation

Document No. 4334

**BOARD OF ARCHITECTURAL EXAMINERS**

CHAPTER 11

Statutory Authority: 1976 Code Sections 40‑1‑70 and 40‑3‑60

11‑2. Officers

11‑3. Meetings

11‑5. Applications and Fees

11‑8. Renewals

11‑8.1. Continuing Education

**Synopsis:**

 To satisfy the requirements of licensure in the field of architecture, Regulations 11‑2 through 11‑3, 11‑5, and 11‑8 through 11‑8.1 must be updated in conformance with the current Board of Architectural Examiners Practice Act.

 The Notice of Drafting was published in the *State Register* on December 28, 2012.

**Instructions:**

 The following sections of Chapter 11 are modified as provided below. All other items and sections remain unchanged.

**Text:**

11‑2. Officers.

A. Officers of this Board shall be chairman, vice‑chairman, and secretary, and shall be elected annually. The chairman shall exercise general supervision of the Board’s affairs, except such as are placed under the Director of the Department of Labor, Licensing and Regulation, and shall preside at all meetings of the Board when present. The vice‑chairman shall possess all the powers and perform all the duties of the chairman in the event of the absence, disability, refusal or failure to act of the chairman. The secretary shall act as its recording secretary; cause written minutes of every meeting of this Board to be kept in the Book of Minutes; affix the Board’s Seal to such instruments as require it; and sign all instruments and matters that require attestation or approval of this Board.

B. No members may serve more than two (2) consecutive one‑year terms in the office of chairman or vice‑chairman, but election to fill an unexpired term shall not bar the serving of two (2) succeeding terms. A member must have served one (1) calendar year on the Board to be eligible for the office of chairman and vice‑chairman.

11‑3. Meetings.

Notice of all meetings shall be distributed to each member at least five (5) days in advance of such meeting, giving the time, place, and general purpose of the meeting. The Annual meeting shall be held within ninety (90) days of the end of the fiscal year. Public notice of the meetings shall be made in accordance with the Freedom of Information Act.

11‑5. Applications and Fees.

A. All applications must be accompanied by an application fee in the form of a credit card or check or money order made payable to South Carolina Board of Architectural Examiners. Applications will be reviewed by the Board within ninety (90) days of receipt. If after review by the Board an application is approved, the applicant shall be advised in writing.

B. The Board may charge the following fees:

 (1) Individual Fees

 (a) Application fee $105

 (b) Initial licensure fee $85

 (c) Biennial renewal fee $130

 (d) Penalty late fees $50 during first month after expiration date; total of $150 during remainder of the year after expiration. Late penalty fees are assessed in addition to the renewal fee.

 (e) Reinstatement application fee $105

 (f) Reinstatement licensure fee $85

 (2) Firm Fees

 (a) Application and licensure fee $100

 (b) Biennial renewal fee $200

 (c) Penalty late fees $50 during first month after expiration date; total of $150 during remainder of the year after expiration. Late penalty fees are assessed in addition to the renewal fee.

 (d) Reinstatement application and licensure fee $100

 (3) Other Fees

 (a) File transfer fee $50

 (b) Electronic list of licensees $10

11‑8. Renewals.

A. Certificates of Registration issued to individuals expire biennially. They must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Certificates shall become invalid unless renewed.

B. Certificates of Authorization issued to firms expire biennially. They must be renewed for the following licensure period by payment of the renewal fee and shall become invalid unless renewed.

C. Lapsed Certificates of Registration may be renewed by the Board at any time within one year from the date of expiration on payment of the renewal fee plus late penalties and demonstration of twenty‑four (24) hours of continuing education in health, safety and welfare topics. In case of failure to renew within one year from the date of expiration, the Certificate cannot be reissued except by a new application accompanied by the application fee and approval by the Board.

D. Lapsed Certificates of Authorization may be renewed by the Board at any time within one year from the date of expiration on payment of the renewal fee plus late penalties. In case of failure to renew within one year from the date of expiration, the Certificate cannot be reissued except by a new application accompanied by the application fee and approval by the Board.

11‑8.1. Continuing Education.

A. These requirements shall apply to every South Carolina registered architect as a condition for renewal of registration.

B. Exemptions: A registrant may be exempt from the continuing education requirements for one of the following reasons:

(1) A first‑time new registrant by examination will be exempt for the first renewal.

(2) A registrant serving on active military duty may be exempt for some or all of the continuing education requirements.

(3) Hardship cases may be considered by the Board on an individual basis upon submittal of relevant documentation acceptable to the Board in its discretion.

(4) Architects in Emeritus status as defined in Section 40‑3‑20.

C. Requirements.

(1) Each South Carolina Registered architect shall complete a minimum of twelve (12) continuing education hours each calendar year in topics related to health, safety and welfare. No carry‑over of continuing education hours into the next biennial licensure period is permitted. However, carry‑over within the licensing period is allowed.

(2) Each registrant shall submit, on a form provided by the board, a signed affidavit attesting to the fulfillment of continuing education requirements for the two calendar years preceding the calendar year in which the license is set to expire.

(3) Each affidavit may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements for a period of two (2) years after submission in the event the affidavit is selected for audit. Registrants must comply with audit deadlines and requirements.

(4) The Board may disallow claimed credit for continuing education hours. The registrant shall have forty‑five (45) calendar days after notification of disallowance of credit to substantiate the original claim or earn other continuing education credit which fulfills minimum requirements.

D. Noncompliance and Sanctions. Failure to fulfill the continuing education requirements shall be considered a violation of the Architectural Registration Law. Failure to file the required report, properly completed and signed, or to comply with audit and verification requests within thirty (30) days of notice shall be considered a violation of the Architectural Registration Law.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

 These regulations are updated in conformance with the current Board of Architectural Examiners Practice Act.