

ARCHITECTS AND LANDSCAPE
ARCHITECTS BOARD LAWS
AS OF THE 2019 LEGISLATIVE SESSION

TITLE 37, CHAPTER 65
ARCHITECTURE

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CHAPTER 65 ARCHITECTURE

Chapter Compiler's Comments

Severability Clause: Section 6, Ch. 138, L. 1967, was a severability clause.

Chapter Cross-References

Construction contracts, Title 18, ch. 2.
Procurement of architectural, engineering, and land surveying services by governmental entities, Title 18, ch. 8, part 2.
Professional service corporations, Title 35, ch. 4.
Building construction standards, Title 50, ch. 60.

Chapter Administrative Rules

Title 24, chapter 114, ARM Board of Architects and Landscape Architects.

Chapter Case Notes

No Negligence by Architect if Professional Information Not Communicated in Absence of Contract: A tennis club filed a negligence and breach of contract action against a contractor who constructed a tennis facility for the club. The contractor in turn filed a third-party negligence action against the architect who had provided preliminary design parameters and building specifications for the facility. The District Court summarily dismissed the third-party claim, and the contractor appealed, but the Supreme Court affirmed. Applying *Jim's Excavating Serv., Inc. v. HKM Associates*, 265 M 494, 878 P2d 248 (1994), and Restatement (Second) of Torts 552 (1976), the court held that the architect owed no duty of care to the contractor because the contractor had no contract for the architect's services and failed to prove that the architect communicated professional information with the intention that the information be relied upon by the contractor. Absent a duty of care, there was no breach, so the third-party action failed as a matter of law, and summary judgment was proper. *Glacier Tennis Club at the Summit, LLC v. Treweek Constr. Co., Inc.*, 2004 MT 70, 320 M 351, 87 P3d 431 (2004).

Architects' Handbook as Standard of Duty — Violation Not Negligence Per Se: Standards set out in the *Architects' Handbook of Professional Practice* were considered as evidence of a duty on the part of architects; however, violation of the standards did not constitute negligence per se. *Taylor, Thon, Thompson & Peterson v. Cannaday*, 230 M 151, 749 P2d 63, 45 St. Rep. 102 (1988).

Retention of Building Materials by Architects Not Violative of Professional Conduct or Consumer Protection Act: Architects who retained property and building materials from a building site after defendant failed to make contractual payments did not violate standards of professional conduct or commit unfair practices under the Montana Unfair Trade Practices and Consumer Protection Act of 1973. *Taylor, Thon, Thompson & Peterson v. Cannaday*, 230 M 151, 749 P2d 63, 45

Architect Liable for Inadequate Specifications: There was sufficient evidence presented to the District Court to support its findings that the architect's water system specifications for a new school building were inadequate. A contractor is not responsible for errors or defects in the plans and is not liable, absent negligence on his part, when the owner's plans and specifications prove defective. *Ace Plumbing & Heating, Inc. v. School District*, 204 M 81, 662 P2d 1327, 40 St. Rep. 678 (1983). St. Rep. 102 (1988).

Chapter Law Review Articles

Architect and Engineer Liability, Fain, 46 Def. L.J. 187 (1997).
Quantifying Liability Under the Architect's Standard of Care, Wright & Boelzner, 29 U. Rich. L. Rev. 1471 (1995).
The Good, the Bad, and Economic Loss Liability of a Design Professional, Tarullo, 11 Construction Law. 10(2) (1991).
Architects' Site Services Liability: Contract Meets Reality, Dibert, 25 Tort & Ins. L.J. 810 (1990).
Tortious Interference With Contract Claims Against Architects and Engineers, Schneier, 10 Construction Law. 3(7) (1990).

Part 1

General

Part Attorney General's Opinions

Authority of Board to Regulate Practice: Montana law proscribes the unauthorized practice of architecture as well as the unauthorized use of the title "architect" or similar words implying that a person is engaged in the practice of architecture. The Board of Architects (now Board of Architects and Landscape Architects) may interpret statutes that the Board is to enforce, either through rulemaking or the contested case process. The authority of the Board of Architects (now Board of Architects and Landscape Architects) extends to the person performing architectural services, not to the person for whom those services are performed, and includes regulation of the practice of architecture and the use of the title "architect" or similar words. 47 A.G. Op. 5 (1997).

37-65-101. Purpose. It is hereby declared, as a matter of legislative policy in the state of Montana, that the practice of architecture is a privilege granted by legislative authority and is not a natural right of individuals and that it is necessary, as a matter of such policy and in the interests of the health, safety, and welfare of the people of Montana, to provide laws covering the granting of that privilege and its subsequent use, control, and regulation for the purpose of protecting the public from the unprofessional, improper, unauthorized, and unqualified practice of architecture.

History: En. 66-101.1 by Sec. 1, Ch. 544, L. 1977; R.C.M. 1947, 66-101.1.

Attorney General's Opinions

Authority of Board to Regulate Practice: Montana law proscribes the unauthorized practice of architecture as well as the unauthorized use of the title "architect" or similar words implying that a person is engaged in the practice of architecture. The Board of Architects (now Board of Architects and Landscape Architects) may interpret statutes that the Board is to enforce, either through rulemaking or the contested case process. The authority of the Board of Architects (now Board of Architects and Landscape Architects) extends to the person performing architectural services, not to the person for whom those services are performed, and includes regulation of the practice of architecture and the use of the title "architect" or similar words. 47 A.G. Op. 5 (1997).

37-65-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Architect" means an individual who is technically and legally qualified to practice architecture and who is authorized under this chapter to practice architecture.

(2) "Board" means the board of architects and landscape architects provided for in 2-15-1761.

(3) "Building" means a structure intended primarily for human occupancy or use.

(4) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(5) "Practice of architecture" means any professional service or creative work requiring the application of advanced knowledge of architectural design, building construction, and standards and involving the constant exercise of discretion and judgment in those activities, in which the safeguarding of life, health, or property is concerned, as consultation, investigation, evaluation, planning, design, or inspection of construction for any public or private building.

(6) "Public building" means any building that the state or any political subdivision of the state maintains for the use of the public.

History: En. Sec. 3, Ch. 158, L. 1917; re-en. Sec. 3231, R.C.M. 1921; re-en. Sec. 3231, R.C.M. 1935; amd. Sec. 1, Ch. 149, L. 1957; amd. Sec. 2, Ch. 439, L. 1973; amd. Sec. 26, Ch. 350, L. 1974; amd. Sec. 2, Ch. 544, L. 1977; R.C.M. 1947, 66-103(2); amd. Sec. 5, Ch. 388, L. 1979; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 1, Ch. 490, L. 1983; amd. Sec. 148, Ch. 483, L. 2001; amd. Sec. 19, Ch. 11, L. 2007.

Compiler's Comments

2007 Amendment: Chapter 11 in definition of board after "of architects" inserted "and landscape architects"; and made minor changes in style. Amendment effective July 1, 2007.

2001 Amendment: Chapter 483 in definition of department substituted reference to department of labor and industry for reference to department of commerce and substituted "part 17" for "part 18"; and made minor changes in style. Amendment effective July 1, 2001.

1983 Amendment: In (5), substituted definition of practice of architecture for former text that read: "rendering or offering to render services by consultations, preliminary studies, drawings, specifications, or other services in connection with the design of a building or addition or alteration thereto, whether one or all of these services are performed either in person or as the directing head of an organization".

1981 Amendment: Substituted "department of commerce" for "department of professional and occupational licensing" in (4); changed internal references to the department and the board.

Administrative Rules

ARM 24.114.301 Definitions.

37-65-103. Exemptions. (1) This chapter does not prevent drafters, students, clerks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this chapter from acting under the instruction, control, or supervision of their employers or to prevent the employment of superintendents of the construction, enlargement, or structural alteration of buildings or any appurtenance to buildings.

(2) This chapter may not be construed to:

- (a) apply to alterations to any building that do not involve changes affecting the structural safety of a building or the public health;
- (b) prevent the preparation of details and shop drawings by persons other than architects for use in connection with the execution of their work; or
- (c) prevent the preparation of drawings or details for fixtures, cabinetwork, furniture, or other interior appliances or equipment or for any work necessary to provide for installation unless the drawings or installation involves public health or safety.

(3) The acts enumerated in subsections (1) and (2) may not be interpreted or construed as the practice of architecture.

(4) This chapter may not be construed to affect or prevent the following, provided that words, letters, figures, or other device may not be used in a manner that tends to convey the impression that the person rendering the service is an architect registered under this chapter:

- (a) consultants, officers, and employees of the United States while engaged solely in the practice of architecture for the United States;
- (b) professional engineers from performing architectural services that are purely incidental to their engineering practice;
- (c) any person from planning, designing, altering, repairing, supervising, or engaging in residential construction consisting of less than eight living units regardless of size or cost or farm buildings that are not intended for use or used as a public building;
- (d) the planning, design, alteration, construction, repair, or supervision of construction of a building by its owner if the building is not intended for use or used as a public building.

History: En. Sec. 7, Ch. 158, L. 1917; re-en. Sec. 3235, R.C.M. 1921; re-en. Sec. 3235, R.C.M. 1935; amd. Sec. 2, Ch. 149, L. 1957; amd. Sec. 3, Ch. 439, L. 1973; amd. Sec. 4, Ch. 544, L. 1977; R.C.M. 1947, 66-107(b), (c); amd. Sec. 1443, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

Cross-References

Policy regarding state practice of architecture, 18-2-111.

Part 2

Board of Architects and Landscape Architects

Part Cross-References

Right to know, Art. II, sec. 9, Mont. Const.

Oath defined, 1-1-201.
Oaths, Title 1, ch. 6.
Open meetings, Title 2, ch. 3, part 2.
Meeting defined, 2-3-202.
Public records, Title 2, ch. 6.
Allocation of boards for administrative purposes, 2-15-121.
Quasi-judicial boards, 2-15-124.
Board established, 2-15-1761.
Preservation of records, Title 22, ch. 3, part 2.
Duties of Department, Director, and boards, Title 37, ch. 1, part 1.
Perjury, 45-7-201.
False swearing, 45-7-202.
Disrupting meeting as disorderly conduct, 45-8-101.

Part Administrative Rules

Title 24, chapter 114, subchapter 1, ARM Organizational rule.
Title 24, chapter 114, subchapter 2, ARM Procedural rules.
Title 24, chapter 114, subchapter 4, ARM General provisions.

37-65-201. Organization — records. (1) The board shall, on an annual basis, elect from among its number a president, vice president, and secretary-treasurer.

(2) The department shall keep a record of proceedings of the board.

(3) The department shall keep a register of applicants for a license, with the name of the applicant and whether the applicant was granted a license or rejected. The register is prima facie evidence of the matters contained in it.

History: En. Sec. 2, Ch. 158, L. 1917; re-en. Sec. 3230, R.C.M. 1921; re-en. Sec. 3230, R.C.M. 1935; amd. Sec. 25, Ch. 350, L. 1974; R.C.M. 1947, 66-102; amd. Sec. 41, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 in (1) substituted text regarding officers to be elected for former text that read: "The board must, during the first week in April of each year, elect from among its number a president, secretary, and treasurer and must have a seal"; deleted former (2) and (3) that read: "(2) The president and secretary may administer oaths in the examination of applications for certificates and to witnesses called before the board for the transaction of business under this chapter.

(3) The board shall meet at places the board determines during the first week of April of each year and at other times"; in (3) in first sentence near middle after "with the name" substituted "of the applicant" for "and age of the applicants, the number of years spent in the study of architecture"; and made minor changes in style. Amendment effective October 1, 2001.

Administrative Rules

ARM 24.114.401 Fee schedule.

37-65-202. Compensation of board members — expenses. Each member of the board is entitled to receive compensation and travel expenses as provided in 37-1-133.

History: En. Sec. 9, Ch. 158, L. 1917; re-en. Sec. 3237, R.C.M. 1921; re-en. Sec. 3237, R.C.M. 1935; amd. Sec. 141, Ch. 147, L. 1963; amd. Sec. 2, Ch. 138, L. 1967; amd. Sec. 18, Ch. 93, L. 1969; amd. Sec. 5, Ch. 439, L. 1973; amd. Sec. 28, Ch. 350, L. 1974; amd. Sec. 24, Ch. 439, L. 1975; R.C.M. 1947, 66-109(1); amd. Sec. 30, Ch. 474, L. 1981; amd. Sec. 2, Ch. 490, L. 1983; amd. Sec. 38, Ch. 481, L. 1997.

Compiler's Comments

1997 Amendment: Chapter 481 after "compensation" substituted "and travel expenses as provided in 37-1-133" for "at the rate provided in 37-1-123 and the actual cost of mileage or other reasonable transportation costs, meals, and lodging when engaged in official board business".

Severability: Section 49, Ch. 481, L. 1997, was a severability clause.

1983 Amendment: After "compensation" substituted language (see 1983 Session Law) for former text that read: "and travel expenses as provided for in 37-1-133".

1981 Amendment: Substituted section (see 1981 Session Law) for former text that read: "Each member of the board is allowed the sum of \$25 per day plus mileage and travel expenses as provided for in 2-18-501 through 2-18-503, while in the discharge of his actual duties".

Board Compensation and Travel Expenses — Preamble: The preamble of SB 463 (Ch. 474, L. 1981), which provided for uniform compensation and travel expenses for Board members, is located in the compiler's comments under 37-1-133.

37-65-203. Exclusive licensing jurisdiction — no additional fee. The board is vested with exclusive jurisdiction to issue licenses for the privilege of practicing architecture. No other state agency or political subdivision of the state, including counties and municipalities, may levy any fee or tax for such privilege.

History: En. Sec. 10, Ch. 158, L. 1917; re-en. Sec. 3238, R.C.M. 1921; re-en. Sec. 3238, R.C.M. 1935; amd. Sec. 3, Ch. 138, L. 1967; amd. Sec. 29, Ch. 350, L. 1974; amd. Sec. 5, Ch. 544, L. 1977; R.C.M. 1947, 66-110(2).

Attorney General's Opinions

Self-Government Powers — Professional Licensing — Conflict With State Statutes: The city of Helena, operating under a home rule charter, passed an ordinance requiring a license fee of all city businesses. State statutes that prohibit municipalities from imposing license fees on certain professions did not apply because the statutes were not made specifically applicable to self-government units. Home rule governments have all powers not specifically denied by the Montana Constitution, law, or charter. 39 A.G. Op. 60 (1982).

37-65-204. Rulemaking. The board may adopt, amend, or repeal rules necessary for the implementation and enforcement of Title 37, chapter 66, and this chapter in accordance with the provisions of the Montana Administrative Procedure Act.

History: En. Sec. 9, Ch. 490, L. 1983; amd. Sec. 20, Ch. 11, L. 2007.

Compiler's Comments

2007 Amendment: Chapter 11 at beginning after "board" deleted "of architects" and near middle after "enforcement of" inserted "Title 37, chapter 66, and". Amendment effective July 1, 2007.

Statement of Intent: The statement of intent attached to Ch. 490, L. 1983, which enacted this section, provided: "A statement of intent is required for this bill because it grants the Board of Architects the authority to adopt rules implementing Title 37, Chapter 65.

Currently, the chapter of state statutes governing the licensing of architects contains no general grant of rulemaking authority such as those available to most other state agencies and licensing boards. The Board of Architects must therefore rely on the grants of rulemaking authority applicable to all boards contained in 37-1-131 which allows only the adoption of rules "governing licensing, certification, registration, and conduct of" architects, upon 37-1-136 allowing the board to adopt rules relating to disciplinary action, and upon 2-4-201 requiring every agency to adopt procedural rules. Thus, the board has no authority to adopt rules unauthorized by those sections of law. HB 490 grants the board general rulemaking authority to adopt any rule "necessary" to implement all previously existing statutes contained in Title 37, Chapter 65. Any such rules must be adopted under the Montana Administrative Procedure Act."

Cross-References

Montana Administrative Procedure Act, Title 2, ch. 4.

Administrative Rules

Title 24, chapter 114, ARM Board of Architects and Landscape Architects.

Part 3 Licensing

Part Cross-References

Seal defined, 1-4-201.

Licensing to follow contested case procedure, 2-4-631.

Duty of Department to administer and grade examinations, 37-1-101.

Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.

Licensing boards to establish fees commensurate with costs, 37-1-134.

Grounds for disciplinary action as grounds for license denial — conditions to new licenses, 37-1-137.

Licensure of criminal offenders, Title 37, ch. 1, part 2.

Nondiscrimination in licensing, 49-3-204.

Part Administrative Rules

Title 24, chapter 114, subchapter 5, ARM Licensing.

37-65-301. License required. Except as provided in this chapter, a person may not practice architecture in this state or use the title "architect" or "licensed architect" or any words, letters, figures, or other device indicating or intending to imply that the person is an architect, without having qualified under this chapter.

History: En. Sec. 3, Ch. 158, L. 1917; re-en. Sec. 3231, R.C.M. 1921; re-en. Sec. 3231, R.C.M. 1935; amd. Sec. 1, Ch. 149, L. 1957; amd. Sec. 2, Ch. 439, L. 1973; amd. Sec. 26, Ch. 350, L. 1974; amd. Sec. 2, Ch. 544, L. 1977; R.C.M. 1947, 66-103(1); amd. Sec. 3, Ch. 490, L. 1983; amd. Sec. 1444, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

1983 Amendment: Changed "registered architect" to "licensed architect".

Attorney General's Opinions

Authority of Board to Regulate Practice: Montana law proscribes the unauthorized practice of architecture as well as the unauthorized use of the title "architect" or similar words implying that a person is engaged in the practice of architecture. The Board of Architects (now Board of Architects and Landscape Architects) may interpret statutes that the Board is to enforce, either through rulemaking or the contested case process. The authority of the Board of Architects (now Board of Architects and Landscape Architects) extends to the person performing architectural services, not to the person for whom those services are performed, and includes regulation of the practice of architecture and the use of the title "architect" or similar words. 47 A.G. Op. 5 (1997).

37-65-302. Licensure limited to individuals. No firm, company, partnership, association, corporation, or other similar organization shall be licensed as an architect. Only individuals shall be licensed as architects, but a number of architects constituting a firm may use the collective title "architects" or "licensed architects".

History: En. Sec. 7, Ch. 158, L. 1917; re-en. Sec. 3235, R.C.M. 1921; re-en. Sec. 3235, R.C.M. 1935; amd. Sec. 2, Ch. 149, L. 1957; amd. Sec. 3, Ch. 439, L. 1973; amd. Sec. 4, Ch. 544, L. 1977; R.C.M. 1947, 66-107(a); amd. Sec. 4, Ch. 490, L. 1983.

Compiler's Comments

1983 Amendment: Substituted references to licensed architects for references to registered architects.

37-65-303. Application — examination — issuance of license. (1) A person wishing to practice architecture in this state shall apply to the department for a license. A person applying must have successfully completed the requirement of prerequisites in education and practical experience and an examination as prescribed by the board. The examination must be in substantial conformance with the standard national council of architectural registration boards examination and grading procedure, except as modified by board rules.

(2) After examination, the department shall, if the candidate has been found qualified, grant a license to the candidate to practice architecture in this state.

History: En. Sec. 3, Ch. 158, L. 1917; re-en. Sec. 3231, R.C.M. 1921; re-en. Sec. 3231, R.C.M. 1935; amd. Sec. 1, Ch. 149, L. 1957; amd. Sec. 2, Ch. 439, L. 1973; amd. Sec. 26, Ch. 350, L. 1974; amd. Sec. 2, Ch. 544, L. 1977; R.C.M. 1947, 66-103(part); amd. Sec. 6, Ch. 388, L. 1979; amd. Sec. 5, Ch. 490, L. 1983; amd. Sec. 42, Ch. 492, L. 2001; amd. Sec. 12, Ch. 196, L. 2003.

Compiler's Comments

2003 Amendment: Chapter 196 in (1) in second sentence before "examination" deleted "written"; at end of (2) deleted "which may be granted only on the consent of not less than two members of the board"; and made minor changes in style. Amendment effective October 1, 2003.

2001 Amendment: Chapter 492 in (2) at end after "members of the board" deleted "attested by the secretary, and have the seal of the board attached"; and made minor changes in style. Amendment effective October 1, 2001.

1983 Amendment: In (1) and (2), substituted "license" for "certificate".

Statement of Intent: The statement of intent attached to SB 498 (Ch. 388, L. 1979) provided in part: "Section 6 allows the board to modify the standard national council of architectural registration board's examination and grading procedure. It is contemplated that the board may, in its discretion, adopt rules to modify specific questions for purposes of tailoring them to the Montana situation."

Administrative Rules

ARM 24.114.501 Examination.

37-65-304. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. Sec. 8, Ch. 158, L. 1917; re-en. Sec. 3236, R.C.M. 1921; re-en. Sec. 3236, R.C.M. 1935; amd. Sec. 140, Ch. 147, L. 1963; amd. Sec. 1, Ch. 138, L. 1967; amd. Sec. 4, Ch. 439, L. 1973; amd. Sec. 27, Ch. 350, L. 1974; R.C.M. 1947, 66-108; amd. Sec. 7, Ch. 388, L. 1979; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 43, Ch. 492, L. 2001.

37-65-305. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. Sec. 3, Ch. 158, L. 1917; re-en. Sec. 3231, R.C.M. 1921; re-en. Sec. 3231, R.C.M. 1935; amd. Sec. 1, Ch. 149, L. 1957; amd. Sec. 2, Ch. 439, L. 1973; amd. Sec. 26, Ch. 350, L. 1974; amd. Sec. 2, Ch. 544, L. 1977; R.C.M. 1947, 66-103(part); amd. Sec. 6, Ch. 490, L. 1983.

37-65-306. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. Sec. 10, Ch. 158, L. 1917; re-en. Sec. 3238, R.C.M. 1921; re-en. Sec. 3238, R.C.M. 1935; amd. Sec. 3, Ch. 138, L. 1967; amd. Sec. 29, Ch. 350, L. 1974; amd. Sec. 5, Ch. 544, L. 1977; R.C.M. 1947, 66-110(1); amd. Sec. 8, Ch. 388, L. 1979; (2)En. Sec. 9, Ch. 388, L. 1979; amd. Sec. 119, Ch. 429, L. 1995; amd. Sec. 47, Ch. 492, L. 1997; amd. Sec. 54, Ch. 271, L. 2003.

37-65-307. Deposit of license fees. All fees and moneys received by the department for licenses from practicing architects shall be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6).

History: En. Sec. 9, Ch. 158, L. 1917; re-en. Sec. 3237, R.C.M. 1921; re-en. Sec. 3237, R.C.M. 1935; amd. Sec. 141, Ch. 147, L. 1963; amd. Sec. 2, Ch. 138, L. 1967; amd. Sec. 18, Ch. 93, L. 1969; amd. Sec. 5, Ch. 439, L. 1973; amd. Sec. 28, Ch. 350, L. 1974; amd. Sec. 24, Ch. 439, L. 1975; R.C.M. 1947, 66-109(2); amd. Sec. 1, Ch. 277, L. 1983.

Compiler's Comments

1983 Amendment: Substituted reference to state special revenue fund for reference to earmarked revenue fund.

Administrative Rules

ARM 24.114.401 Fee schedule.

37-65-308. Seal of architect. Every licensed architect must have a seal that must contain the name of the architect, the city and state of the architect's place of business, the architect's license number, and the words "Licensed Architect, State of Montana".

History: En. Sec. 5, Ch. 158, L. 1917; re-en. Sec. 3233, R.C.M. 1921; re-en. Sec. 3233, R.C.M. 1935; R.C.M. 1947, 66-105; amd. Sec. 44, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 substituted text regarding information to be contained in architect's seal for former text that read: "Every licensed architect shall have a seal, the impression of which must contain the name of the architect, his or her place of business, and the words "Licensed Architect, State of Montana", with which he or she shall stamp all drawings and specifications issued from his or her office for use in this state." Amendment effective October 1, 2001.

Cross-References

Seal defined, 1-4-201.
Manner of making seal, 1-4-202.

Administrative Rules

ARM 24.114.402 Architect seal.

Attorney General's Opinions

Seal Not Required for Private Buildings: "Public" in 18-2-122 refers only to the buildings of the state and its political subdivisions. Therefore, plans and specifications for construction of privately owned buildings need not bear seals of specified professional persons. 36 A.G. Op. 52 (1976).

37-65-309. Repealed. Sec. 12, Ch. 388, L. 1979.

History: En. Sec. 11, Ch. 158, L. 1917; re-en. Sec. 3239, R.C.M. 1921; re-en. Sec. 3239, R.C.M. 1935; amd. Sec. 30, Ch. 350, L. 1974; R.C.M. 1947, 66-111.

37-65-310. License verification. Notification to the board by a board-approved entity that the entity has received verification from a state or jurisdiction in which a person is licensed that the person is currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct must be considered verification in compliance with 37-1-304(2).

History: En. Sec. 45, Ch. 492, L. 2001.

Compiler's Comments

Effective Date: Section 77(2), Ch. 492, L. 2001, provided that this section is effective October 1, 2001.

37-65-311. Emeritus status. (1) A licensee who no longer practices architecture may apply to the department for emeritus status.

(2) Upon receiving an application for emeritus status accompanied by the fee established by the board, the department shall issue a license of emeritus status to the applicant and record the applicant's name in the appropriate database as an emeritus licensee, along with the date on which the licensee received emeritus status.

(3) An emeritus licensee may retain but may not use the licensee's seal and may not practice architecture.

(4) The department shall reissue an active license to an emeritus licensee who pays all application fees, meets all current requirements for licensure, and demonstrates to the board's satisfaction that for the 2 years preceding the application for active licensure, the applicant has met requirements set by the board for maintaining professional competence.

History: En. Sec. 1, Ch. 502, L. 2007.

Compiler's Comments

Saving Clause: Section 52, Ch. 502, L. 2007, was a saving clause.

Effective Date: This section is effective October 1, 2007.

Administrative Rules

ARM 24.114.515 Architect emeritus status.

37-65-312 through 37-65-320 reserved.

37-65-321. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. Sec. 12, Ch. 158, L. 1917; re-en. Sec. 3240, R.C.M. 1921; re-en. Sec. 3240, R.C.M. 1935; amd. Sec. 3, Ch. 149, L. 1957; amd. Sec. 4, Ch. 138, L. 1967; amd. Sec. 6, Ch. 439, L. 1973; amd. Sec. 31, Ch. 350, L. 1974; R.C.M. 1947, 66-112; amd. Sec. 7, Ch. 490, L. 1983.

37-65-322. Penalty. Any person who uses the title "architect" or "licensed architect" or any other words, letters, figures, or device indicating or intending to imply that the person using the same is an architect or who shall engage in the practice of architecture within the meaning of this chapter or shall accept compensation for rendering architectural service without first having complied with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$500 or more than \$1,000 or by imprisonment in the county jail for not less than 30 days or more than 6 months or by both such fine and imprisonment. Any person convicted a second time for any violation of this chapter shall be punished by both such fine and imprisonment. The district court shall have jurisdiction of all prosecutions brought hereunder.

History: En. Sec. 6, Ch. 158, L. 1917; re-en. Sec. 3234, R.C.M. 1921; re-en. Sec. 3234, R.C.M. 1935; amd. Sec. 4, Ch. 149, L. 1957; amd. Sec. 3, Ch. 544, L. 1977; R.C.M. 1947, 66-106(1); amd. Sec. 8, Ch. 490, L. 1983.

Compiler's Comments

1983 Amendment: At beginning substituted "licensed architect" for "registered architect", and near end increased fines from \$200 and \$500 to \$500 and \$1,000.

37-65-323. Injunction. Whenever the board has reasonable cause to believe that a person is violating any provision of Title 37, chapter 66, this chapter, or a rule of the board, it may, in addition to the remedies provided in 37-65-322 or 37-66-322, as appropriate, and without prejudice, bring an action in the district court for the county in which the violation is occurring to enjoin the person from continuing to engage in the violation or from doing any act that contributes to the violation.

History: En. Sec. 6, Ch. 158, L. 1917; re-en. Sec. 3234, R.C.M. 1921; re-en. Sec. 3234, R.C.M. 1935; amd. Sec. 4, Ch. 149, L. 1957; amd. Sec. 3, Ch. 544, L. 1977; R.C.M. 1947, 66-106(2); amd. Sec. 21, Ch. 11, L. 2007.

Compiler's Comments

2007 Amendment: Chapter 11 near beginning after "board" deleted "of architects", after "provision of" inserted "Title 37, chapter 66", and near middle after "37-65-322" inserted "or 37-66-322, as appropriate"; and made minor changes in style. Amendment effective July 1, 2007.

Cross-References

Issuance of injunctions on nonjudicial days, 3-1-302, 3-5-302.

Contempts, Title 3, ch. 1, part 5.

Affidavits, Title 26, ch. 1, part 10.

Injunctions, Title 27, ch. 19.

Disciplinary authority of boards — injunctions, 37-1-136.