

The TEXAS BOARD of ARCHITECTURAL EXAMINERS



IDA# 13706
SA

ARCHITECTURE
512-458-1033
LANDSCAPE ARCHITECTURE
512-458-4126
September 20, 1991

RQ-186

The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548, Capitol Station
Austin, TX 78711-2548

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SEP 26 91

Opinion Committee

RE: RQ - 156

Dear Attorney General Morales:

On August 15, 1991, I sought your opinion on the scope of Section 16 of Article 249a, TEX. REV. CIV. STAT. ANN. That request was designated RQ - 156. The purpose of this letter is to clarify the concern of the Board of Architectural Examiners.

Section 16 of Article 249a provides:

To protect the public health, safety, and welfare of the citizens of the State of Texas, an architect registered in accordance with this Act must prepare the architectural plans and specifications for a new building intended for education, assembly, or office occupancy whose construction costs exceed One Hundred Thousand Dollars (\$100,000.00) which is to be constructed by a State agency, a political subdivision of this State, or any other public entity in this State.

See also Article 249a, §9, (use of architect's seal); §10(a) (practice of architecture defined); §13 (criminal penalty for unauthorized practice of architecture); §17 (prohibiting public official from accepting architectural work from unauthorized individual).

The scope of Section 16 is not clear. For example Section 10(b) provides that Article 249a does not prevent a licensed engineer from performing work that constitutes the practice of engineering. Section 10(b) recognizes that there may be areas in which the practices of architecture and engineering overlap. Section 10(g) specifies that licensed engineers may perform certain, specific acts. Article 249a does not prohibit engineers from "planning and supervising work, such as railroad hydroelectric work, industrial plants, or other construction primarily intended for engineering use or structures incidental thereto, nor prevent said engineers from planning, designing, or supervising the mechanical, electrical, or structural features of any building." Article 249a, §10(g). That exception does not include the general design of buildings; that exception is not as broad as the act's definition of the practice of architecture. Most important, although some engineers have training in the technical aspects of planning and constructing buildings, they ordinarily are not trained in how people use buildings.

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At issue is whether the plain language of Section 16 prohibits an individual, other than one licensed as an architect, from preparing the plans and specifications for the type of public works covered by Section 16.

Please feel free to call if you have questions.

Yours very truly,

A handwritten signature in black ink, appearing to read "Robert H. Norris". The signature is stylized and cursive.

ROBERT H. NORRIS, AIA, EXECUTIVE DIRECTOR

jf

cc: Ms. Jennifer Riggs
TBAE Members