



AIA Washington Council

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Issue Brief

Bills in the Senate Rules Committee

Support Substitute SSB 6757 — Modernization of the Architecture Laws

It has been 23 years since the architecture licensing law was last revised. New technologies and modern practice methods, such as sustainability, have significantly changed the practice of architecture in the past two decades.

SSB 6757 updates the qualifications standards for initial and continuing licensure, streamlines the corporate registration provisions and cleans up confusing and conflicting exemptions. AIA/WA has worked on this bill with engineers, building officials, home builders, building designers and contractors. **There is no opposition to the bill.**

Support SB 5833 — Certificate of Merit for Design Professionals

SB 5833 would require a certificate of merit to be filed with the court prior to a suit proceeding against a design professional. It is a reasonable requirement before engaging in costly litigation.

It is modeled after a similar requirement passed by the Washington State Legislature in 2006 (RCW 7.70.150) for medical professionals. SB 5833 would apply to “an architect, professional engineer, land surveyor, landscape architect, or geologist who is licensed and authorized by law to practice such profession.” It would also apply to the firms that employ these professionals, their employees and subconsultants.

A study by professional liability insurer CNA/Schinnerer found that “**only 28.8 percent of all claims brought against Washington design firms insured by CNA through Schinnerer resulted in a payment...to correct property or economic damage or provide a remedy for a bodily injury.**”

The study observes that for “**71.2 percent of the claims, design firms were determined to have had no responsibility for damage or injury** as measured by having no indemnity payment by the insurer on behalf of the design firm.”

Oppose Substitute SB 6784 — Anti-Vesting Bill

The current process for vesting projects provides owners, architects and building officials with clear and predictable guidelines for construction and development. Washington’s current laws provide that when the documentation is submitted for a permit and the application is certified to be complete, the project is vested and the laws in effect on that date are applied. **This system gives predictability to the owner, the public, design professionals and building officials as the project moves through the review process.**

SSB 6784 would result in project delays and projects being cancelled for the lack of predictability. If the project is not vested at the time a permit is submitted, any change in any regulation could send the owner “back to the drawing board” requiring considerable expense and time delay. That degree of unpredictability would be an unfair burden, and it would fall on all homeowners, business owners and developers working responsibly within the regulatory and statutory framework.

SSB 6784 would delay projects indefinitely by preventing them from vesting while amendments or appeals to governing laws are considered.

Applying regulatory changes retroactively to completed designs creates an unreasonable burden on architects to predict the future. Architects are responsible for ensuring that projects are designed to meet all applicable codes, laws and regulations. If an architect’s designs do not meet such standards, he or she can be held liable for the cost of changes to bring the project into compliance. This is a reasonable standard, provided that the laws are clear and are not changed after the designs are completed.