



TEXAS Board of
Architectural Examiners
Architects • Interior Designers • Landscape Architects



Texas Board of
Professional Engineers

HB 2284: Frequently Asked Questions

*Prepared and issued jointly by
the Texas Board of Professional Engineers (TBPE) and
the Texas Board of Architectural Examiners (TBAE)*

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General Information

Q: What does House Bill 2284 do?

A: The legislation does a few things. Here are the highlights:

- The provisions of HB 2284 go into effect September 1, 2011.
- Defines areas of professional practice that are exclusively within the scope of practice of architecture or the practice of engineering and lists activities that can be performed by either an engineer or an architect.
- Provides a permitting process, including an application and appeal process, for certain qualified professional engineers to practice architecture; for the purposes of this program, such approved engineers will be referred to as “excepted engineers.”
- Clarifies that all other engineers are prohibited from practicing architecture.
- Allows a four-month window starting September 1, 2011, and ending January 1, 2012, for engineers to apply to be permitted to practice architecture.

- States that the Texas Board of Professional Engineers retains exclusive regulatory oversight over a professional engineer placed on the list of those permitted to practice architecture.
- Provides for graduate students of engineering to enroll in the architectural intern development program while completing a masters of architecture program.

Q: Where can I read the full language of House Bill 2284 ?

A: You can read the enrolled (final) version on the [Texas Legislature Online website](#).

Q: Have all the particulars of the implementation been finalized?

A: No. The rule and process development is ongoing, and the two agencies are working closely to develop the specifics of the program. We encourage you to subscribe to [the TBAE list-serve](#) and/or check the TBPE and TBAE Web sites for updates as the details are finalized. You can also follow TBPE via [Facebook](#) and [Twitter](#).

The Practice of Architecture and the Practice of Engineering

Q: What does the bill specify as engineering, which only a professional engineer can do?

A: The bill generally defines “engineering plans and specifications” as plans for structural, electrical, mechanical, and geotechnical aspects of the building, including foundations, structural framing of roofing, and hydrological management.

A full description from [HB 2284](#):

“...An engineer is responsible for the engineering plans and specifications of a building unless the work is exempt under Section 1001.053 or 1001.056. In this section, the term "engineering plans and specifications" means:

- (1) plans for a structural, mechanical, electrical, electronic, fire suppression, or geotechnical system in a building;
- (2) specifications of structural elements and connections of a building;
- (3) foundation design;
- (4) hydrologic management calculations and design of surface water control and detention necessary for compliance with ordinances and regulations;
- (5) design of building drain and waste system plumbing, fresh water plumbing, graywater systems, and mechanical aspects of moving water in and out of a structure, other than simple roof drainage;
- (6) evaluation of structural framing members before the addition of roof-mounted equipment or a heavier roof covering;
- (7) design of changes in roof pitch by the addition of structural framing members;
- (8) evaluation and repair of damaged roof structural framing;
- (9) design of electrical and signal and control systems;
- (10) shop drawings by manufacturers or fabricators of materials and products to be used in the building features designed by the engineer; and
- (11) specifications listing the nature and quality of materials and products for construction of features of the building elements or systems designed by an engineer.”

Q: What does the bill specify as architecture, which only a registered architect can do?

A: The bill generally defines the term “architectural plans and specifications” as floor plans, interior and exterior elevations, accessibility, simple foundations, reflected ceiling plans, finish schedules, and the depiction of integrated building systems.

A full description from [HB 2284](#):

"...architectural plans and specifications" include:

- (1) floor plans and details:
 - (A) depicting the design of:
 - (i) internal and external walls and floors, including simple foundations;
 - (ii) internal spaces of a building; and
 - (iii) vertical circulation systems, including accessibility ramps, stair systems, elevators, and escalators; and
 - (B) implementing programming, regulatory, and accessibility requirements for a building;
- (2) general cross-sections and detailed wall sections depicting building components from a hypothetical cut line through a building to include the building's mechanical, electrical, plumbing, or structural systems;
- (3) reflected ceiling plans and details depicting:
 - (A) the design of the location, materials, and connections of the ceiling to the structure; and
 - (B) the integration of the ceiling with electrical, mechanical, lighting, sprinkler, and other building systems;
- (4) finish plans or schedules depicting surface materials on the interior and exterior of the building;
- (5) interior and exterior elevations depicting the design of materials, locations, and relationships of components and surfaces;
- (6) partition, door, window, lighting, hardware, and fixture schedules;
- (7) manufacturer or fabricator drawings that are integrated into the construction documents; and
- (8) specifications describing the nature, quality, and execution of materials for construction of the elements of the building depicted in the plans prepared by the architect."

Q: What work does the bill stipulate either an architect or an engineer may do?

A: From [HB 2284](#):

“(b) The preparation of architectural plans and specifications for the following tasks is within the scope of practice of both engineering and architecture:

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

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

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

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

(A) plan views;

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

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

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

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

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

(1) programming for construction projects, including:

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

(B) determination of the scope of functional elements;

- (2) recommending and overseeing appropriate construction project delivery systems;
- (3) consulting with regard to, investigating, and analyzing the design, form, materials, and construction technology used for the construction, enlargement, or alteration of a building or its environment; and
- (4) providing expert opinion and testimony with respect to issues within the responsibility of the engineer or architect.”

Application for a permit to practice architecture

Q: What will the application process entail?

A: Qualified engineers will submit application materials to TBAE for review.

Engineers must meet the following requirements in order to apply:

- Application and supporting documentation must be received by TBAE no sooner than September 1, 2011, and no later than January 1, 2012.
- Must have been registered by the Texas Board of Professional Engineers (TBPE) and in good standing before January 1, 2011.
- Must provide to the Texas Board of Architectural Examiners (TBAE) documentation of at least three projects that were designed by the engineer; adequately and safely built before January 1, 2011; and not exempt from the Architects Practice Act.

Q: What kind of projects must be depicted in the submitted documents?

A: Below is a summary of types of projects that must be depicted, with a reference document for more detailed information.

- Commercial buildings that exceed 2 stories or 20,000 square feet;

- Multifamily buildings that exceed 2 stories or 16 units per building;
- Non-commercial buildings such as churches of any size;
- Institutional residential facilities such as hospitals, assisted living facilities, and jails;
- New construction of buildings owned by a governmental entity which are to be used for education, assembly, or offices, if construction costs exceed \$100,000; and
- Remodels or other alterations to those governmental buildings if the alteration requires the relocation or removal of a wall, partition, or exit and construction costs exceed \$50,000.

For more detailed information, [see the TBAE Statutes and Rules](#).

Q: What kind of documentation must an applicant submit?

A: Sufficient documentation includes plans, specifications, photographs, and other records establishing that the architectural design work was performed by the applicant engineer. Documentation submitted is subject to verification by TBAE.

Please note: the more documentation submitted, the easier it will be to perform the verification. Full instructions on the application process are being finalized by TBAE.

Q: Where and how can an applicant submit his or her application?

A: Applications will be accepted and assessed by TBAE only. The application process has not been finalized yet. Operational details for submissions are being determined now, and the two boards will update stakeholders as soon as possible.

Q: How much will an application cost?

A: The application cost is not yet finalized, pending the TBAE rulemaking process. The proposed fee is \$150.

Q: How long does TBAE have to notify an applicant of approval or rejection?

A: TBAE must complete the verification 120 days after TBAE receives a full and complete application and supporting documentation.

Q: When does the application window open and close?

A: Applications and supporting documentation can be submitted starting September 1, 2011 and must be submitted to TBAE no later than January 1, 2012.

Q: Will an engineer who completes the permit process become a fully registered architect?

No. The new law merely allows certain qualified engineers to become listed as permitted to practice architecture.

Q: Will architects be able to similarly apply for a permit to practice engineering?

A: No. There are no special provisions for a permit in the legislation. However, an individual who is a registered architect may apply for licensure as a Professional Engineer under the current engineering law and rules if they meet all standard licensure requirements.

Q: Will applicants who are denied the permit have any form of appeal?

Q: Yes. Denied applicants may request a contested case hearing at the State Office of Administrative Hearings, and the resulting decision will be final. TBAE and TBPE will share equally the cost of such a contested case.