

SUBCHAPTER F
THE ARCHITECT'S SEAL

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1.101 SEAL REQUIRED

As provided below, an Architect may not issue or authorize the issuance of a document regulated by this Subchapter unless, pursuant to the requirements of this Subchapter, the document is:

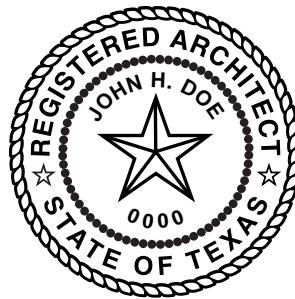
- (1) sealed, signed, and dated pursuant to Subsection 1.103(a), thereby indicating that it may be used for regulatory approval, permitting, or construction; or
- (2) labeled with the Architect's name and the date and clearly marked to indicate that it may not be used for regulatory approval, permitting, or construction pursuant to Subsection 1.103(b).

Note: The provisions of this §1.101 adopted to be effective August 2, 2000, 25 TexReg 7157; amended to be effective October 1, 2003, 28 TexReg 8326.

1.102 TYPE AND DESIGN

(a) On every document requiring an Architect's seal, the Architect shall affix or cause the affixation of a seal that will produce a clearly visible and legible image of the seal when the document is copied or reproduced. An Architect may not affix or authorize the affixation of an impression or embossing seal on a document requiring a seal unless the impression or embossing seal will produce a clearly visible and legible image of the seal when the document is copied or reproduced.

(b) The design of an Architect's seal shall be the same as the design of the sample seal shown in this Subsection except that the name of the Architect and the Architect's registration number shall be substituted for the name and registration number shown on the sample seal. The diameter of the seal shall be no smaller than one and one-half (1.5) inches.



(c) A document regulated by this Subchapter may be issued electronically or in any other format selected by the Architect whose seal and signature are affixed to the document. An Architect's seal and signature and the date of signing may be affixed electronically or through any other means selected by the Architect as long as the seal, signature, and date will produce a clearly visible and legible image on any copy or reproduction of the document to which they are affixed.

Note: The provisions of this §1.102 adopted to be effective August 2, 2000, 25 TexReg 7157; amended to be effective October 1, 2003; amended to be effective July 5, 2004, 29 TexReg 6275.

1.103 REQUIRED USE OF SEAL AND RETENTION OF SEALED DOCUMENTS

(a) Construction documents:

(1) On every Construction Document prepared by an Architect or under an Architect's Supervision and Control, the Architect shall affix or cause the affixation of:

(A) the Architect's seal;

(B) the Architect's signature (across the face of the seal's image or directly under or adjacent to the seal's image); and

(C) the date of signing (including the month, day, and year) before the Construction Document is issued by or under the authority of the Architect.

(2) The Architect's seal and signature and the date must be affixed in a manner that will be clearly visible and legible on each copy of a Construction Document issued by or under the authority of the Architect. The Architect's signature and the date may not conceal or obscure the name or registration number on the seal.

(3) Construction Documents requiring a seal, signature, and date include the following:

(A) each sheet of drawings or electronic equivalent of a sheet of drawings;

(B) each specification: if a specification is included in a bound grouping of specifications that includes a table of contents or index listing each individual specification, the seal must be placed in at least one conspicuous location on the bound document; any individual specification sheet or electronic equivalent of a specification sheet that is issued separately must be sealed individually;

(C) each sheet or electronic equivalent of a sheet that identifies the project and provides a list of sealed Construction Documents, such as a title sheet, table of contents, or index; and

(D) each architectural drawing and specification that is part of an addenda, change order, construction change directive, or other Supplemental Document.

(b) Documents issued for purposes other than regulatory approval, permitting, and construction:

(1) An architectural drawing or specification issued by or under the authority of an Architect for a purpose other than regulatory approval, permitting, or construction shall include:

(A) the Architect's name;

(B) the date the document is issued (including the month, day, and year); and

(C) the following statement placed in a conspicuous location on the document: "Not for regulatory approval, permitting, or construction."

(2) Each architectural drawing and specification included in a Feasibility Study issued by or under the authority of an Architect must be sealed, signed, and dated in the manner described in Subsection 1.103(a) or labeled with the Architect's name and the date and clearly marked to indicate that it may not be used for regulatory approval, permitting, or construction in the manner described in Subsection 1.103(b).

(c) For a minimum of ten (10) years from the date of signature on each Construction Document and Prototypical Construction Document sealed by or under the authority of an Architect, the sealing Architect shall be responsible for the maintenance of the sealed, signed, and dated original document or a copy of the document bearing the clearly visible and legible seal, signature, and date.

Note: The provisions of this §1.103 adopted to be effective August 2, 2000, 25 TexReg 7158; amended to be effective September 29, 2003, 28 TexReg 8326.

1.104 PROHIBITIONS

(a) Except as provided in Subsection 1.105, an Architect may not affix or authorize the affixation of his/her seal to any document unless the document was prepared by the Architect or under the Architect's Supervision and Control.

(b) If only a portion of a document was prepared by an Architect or under an Architect's Supervision and Control, the Architect's seal may not be affixed to the document unless:

- (1) the portion of the document prepared by the Architect or under the Architect's Supervision and Control is clearly identified; and
- (2) it is clearly indicated on the document that the Architect's seal applies only to that portion of the document prepared by the Architect or under the Architect's Supervision and Control.
- (c) Only the Architect and any person with the Architect's consent may use or attempt to use an Architect's seal. No other person may use or attempt to use:
 - (1) an Architect's seal;
 - (2) a copy of an Architect's seal; or
 - (3) a replica of an Architect's seal.
- (d) An Architect may not modify a document bearing another Architect's seal without first:
 - (1) taking reasonable steps to notify the sealing Architect of the intent to modify the document; and
 - (2) clearly indicating on the document the extent of the modifications made.
- (e) Once a Construction Document bearing an Architect's seal is issued, the seal may not be removed.

Note: The provisions of this §1.104 adopted to be effective August 2, 2000, 25 TexReg 7160; amended to be effective September 29, 2003, 28 TexReg 8326.

1.105 PROTOTYPICAL DESIGN

- (a) An Architect may not affix or authorize the affixation of the Architect's seal to a Prototypical Construction Document derived from a Prototypical design prepared by another person unless:
 - (1) the Architect thoroughly reviews and makes appropriate changes to all aspects of the Prototypical design to adapt the Prototypical design to the specific site and ensure compliance with all applicable statutes, codes, and other regulatory provisions;
 - (2) the Architect affixes or causes the affixation of the Architect's seal and signature and the date of signing to each sheet or electronic equivalent of a sheet of the adapted Prototypical Construction Documents in the manner described in Subsection 1.103(a); and
 - (3) the Architect accepts full responsibility for each sheet or electronic equivalent of a sheet of the adapted Prototypical Construction Documents on which the Architect's seal is placed.
- (b) In addition to the responsibility set forth in Subsection 1.103(c), an Architect who affixes or authorizes the affixation of his/her seal to an adapted Prototypical Construction Document derived from a Prototypical design prepared by another person shall be responsible for the maintenance of a copy of the complete set of Prototypical design documents prepared by the other person for at least ten (10) years from the date of the Architect's signature on the adapted Prototypical Construction Document.

Note: The provisions of this §1.105 adopted to be effective August 2, 2000, 25 TexReg 7160; amended to be effective September 29, 2003, 28 TexReg 8326.

1.106 OTHER PROFESSIONAL RESPONSIBILITIES

- (a) An Architect shall provide a written statement of jurisdiction to each client for whom the Architect renders an architectural service in Texas.
- (b) The statement of jurisdiction shall:
 - (1) state that "The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as architects in Texas";
 - (2) include the Board's current mailing address and telephone number; and
 - (3) be placed within every written contract for architectural services.
- (c) If an Architect provides an architectural service to a client without entering into a written contract with the client, the Architect shall provide the client with the statement of jurisdiction:

- (1) by including the statement of jurisdiction in each bill for architectural services presented to the client; or
- (2) if the client visits the Architect's office, by posting the statement of jurisdiction on a sign prominently displayed in the Architect's office.

Note: The provisions of this §1.106 adopted to be effective April 6, 2000, 25 TexReg 2809; amended to be effective September 29, 2003, 28 TexReg 8326.

**Note: Defined terms are capitalized.
Definitions are provided in rule 1.5, pages 3 - 6.**

Pertinent Definitions:

- (65) Supervision and Control--The amount of oversight by an architect overseeing the work of another whereby:
 - (A) the architect and the individual performing the work can document frequent and detailed communication with one another and the architect has both control over and detailed professional knowledge of the work; or
 - (B) the architect is in Responsible Charge of the work and the individual performing the work is employed by the architect or by the architect's employer.

- (57) Responsible Charge--That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the applicable architectural standard of care.

Info on Upcoming Fingerprinting Requirement

In the spring of 2013, the Texas Legislature passed a new law requiring all incoming and renewing active TBAE registrants to submit a set of fingerprints to be used to conduct a criminal history check. The fingerprints will also be maintained and cross-referenced by DPS and FBI in order to provide TBAE notice of certain arrests or convictions in the future. Since the new law's passage, TBAE staff has been creating the processes and procedures necessary to implement the new requirement.

As of now, implementation is ongoing and full operational details are still to come. Meanwhile, TBAE would like to provide all the latest available information on the program, so that registrants and applicants can begin to familiarize themselves with the requirement.

A few tips and hints are very important to remember:

□ **Allow plenty of time prior to your renewal due date** (several weeks is best) to submit your fingerprints. The process is straightforward, but pre-scheduling an appointment is required, and appointment times and locations are not unlimited. There is no “walk-in” option available from the State’s chosen fingerprinting vendor; appointments must be scheduled online or via telephone beforehand.

□ **If you are outside Texas, allow yourself even more time** than the several weeks suggested above. The out-of-state process is different (more specific information coming soon), and involves mailing “hard copy” fingerprints via the postal service and other hands-on processes, which can take time. If you live outside Texas, allow yourself six or more weeks just to be safe.

□ **TBAE is prohibited (by law—no exceptions) from issuing or renewing an Active status license without submitted fingerprints.** Beginning with renewals or new applications on or after January 1, 2014, you must have submitted fingerprints in accordance with the new law to renew your Active status license. There is no fingerprint requirement for Inactive or Emeritus licenses, though fingerprints will be required in order to switch back to Active status at a later time.

Based upon information obtained from the vendor, the fingerprint process will work as follows:

□ Registrants will fill out a “FAST pass” from the TBAE Web site, and keep it on hand for later steps in this process. (FAST pass will be available soon.)

□ Registrants and applicants will schedule an appointment with the vendor through the vendor’s Web site.

□ Registrants and applicants will arrive at the one of the vendor’s offices for fingerprinting (there are about 85 offices statewide).

□ TBAE will be notified electronically once the fingerprints are submitted.

□ Upon receipt of the notice, the TBAE database will “unlock” the registration process and allow registrants to renew registration and applicants to move forward with initial registration.

□ **Note:** the process for nonresident TBAE registrants and applicants will be different. Out-of-state registrants and applicants will undergo fingerprinting on standard cards at law enforcement agencies and send the form to the vendor which will send notice to TBAE, allowing it to complete registration renewal or initial registration of registrants and applicants, respectively.

□ **Note:** Particularly for out-of-state applicants and registrants, the process can take quite a bit of time. **Please allow several weeks prior to your renewal due date!**

PLEASE DO NOT ATTEMPT TO SCHEDULE AN APPOINTMENT AT THIS TIME; THE PROCESS IS NOT YET IN PLACE TO DO SO.

The information on this page can be accessed from our website and will serve as the official depository for links and information related to the new fingerprint-based criminal history check requirement. TBAE will update this page with each new piece of information available, so check back often and feel free to share with colleagues, interns, and others who might find it helpful.

□ [Frequently Asked Questions](#) (FAQ) regarding the new law, produced by TBAE

□ [Acceptable forms of identification \(per DPS\)](#)

□ [Fingerprinting vendor’s Texas home page](#) (please do not yet attempt to schedule an appointment; the process is not yet in place to do so)

- List of 80+ fingerprinting locations across Texas
- More information coming soon, so check back frequently

Note: The State's chosen fingerprinting vendor, MorphoTrust USA, has undergone a handful of name changes in recent years. Web site URLs or other documents may refer to Identogo, L1 Enrollment, Safran, IBT Fingerprinting, or others, but they all indicate the company now known as MorphoTrust USA, located now at www.IdentoGO.com.