

AIA California Council

The American Institute of Architects



The SB 1608 Law

Disability Access Continuing Education Requirement for California Architects – Frequently Asked Questions

Do California architects have to take disability access continuing education courses to maintain their license?

Yes. The Legislature passed, and the Governor signed [SB 1608](#), a comprehensive bill on disability access and disability access litigation. Part of the bill requires California licensed architects to take disability access continuing education as a condition of licensure renewal.

Does this new requirement apply to Assoc. AIA members/emerging professionals?

No. The continuing education requirement applies only to licensed architects.

Does SB 1608 require architects to take any other continuing education?

No. SB 1608 only requires disability access continuing education.

Specifically, how many CE hours is required?

The requirement will be phased in, eventually requiring five hours of CE every license cycle (two years).

To renew a license on time in 2009:

- Architects born in the months of January through May do not have to take any CE in 2009.
- Architects born in the months of June through November need to take 1 hour of CE.
- Architects born in the month of December need to take 2 ½ hours of CE.

To renew a license in 2011 and beyond, all California architects must take 5 hours of CE.

Why is it based on the month of the architect's birth?

It actually is based on the month the architect renews his/her license. It is easier to understand who must do what to renew a license in 2009 by using the birth month because in California an architect's license expires the last day of his/her birth month.

What if an architect is not on time for his/her renewal? Is the number of CE hours still based on his/her birth month?

No. The hour requirement as described above applies only if the renewal is on time. The number of hours depends on when the architect renews his/her license. For example, if an architect born in February delinquently renews his/her license this year in July, he/she would have to complete 1 hour of CE; if he/she delinquently renews his/her license in January of 2010, he/she would have to complete 2 ½ hours of CE.

Has the CAB prepared a chart for delinquent renewals?

Yes. It is based on when the CAB receives the delinquent renewal. If it is received:

- Before June 30th, 2009, there is no CE requirement in 2009.
- Between July 1, 2009 and December 31, 2009, the CE requirement is 1 hour.
- Between January 1, 2010 and December 31, 2010, the CE requirement is 2 ½ hours.
- On January 1, 2011 or later, the CE requirement is 5 hours.

It is strongly recommended that any architect who is delinquent in his/her renewal to contact the CAB to verify the steps needed to renew the license.

How does an architect comply with this requirement?

SB 1608 requires architects to self-certify their compliance with the CE requirement to the California Architects Board when renewing their license, and to provide documentation from the course provider that includes the course title; subjects covered; name of provider and trainer or educator; date of completion; number of hours completed; and a statement about the trainer or educator's knowledge and experience background.

Does a course provider have to be approved by the California Architects Board?

No. SB 1608 does not require providers of the CE to be certified, licensed, or in any way approved by the State of California. It does require the trainers and educators to have "knowledge and expertise" in the disabled access laws, but that qualification is not defined.

What type of continuing education course qualifies?

SB 1608 provides a general requirement that "coursework regarding disability access requirements shall include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990, state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws." The California Architects Board may further define this through regulations in 2009, but it is too early at this time to know what, if any, action the Architects Board may take.

Do AIA CES courses meet the state requirement?

Yes, so long as the coursework covers the content and trainer/educator requirements.

Will the state required continuing education be accepted as AIA CES?

Only if the course meets the guidelines of the AIA Continuing Education System.

Can extra CE hours be carried over and counted towards the next license renewal cycle?

No. The law does not allow for carry over CE hours.

When was this new law enacted?

SB 1608 was passed by the Legislature in August and signed by the Governor in late September. The discussions that resulted in SB 1608 began in 2007, though discussions on disability access litigation have been held in the Capitol for more than 10 years.

What else is included in SB 1608?

Besides requiring California architects to take disability access continuing education as a condition of renewing a license, SB 1608 changes the legal process for an accessibility lawsuit if the building was inspected by a [Certified Access Specialist](#); creates the Commission on Disability Access to provide recommendations to the Legislature; and requires local building officials, examiners, and inspectors to take disability access continuing education.

What happens if an architect doesn't comply with the CE requirement?

The architect's application for renewal would be incomplete and the license will expire.

Can an architect self-certify his/her compliance?

SB 1608 requires the architect to self-certify compliance. It also requires the architect to submit with the license renewal application documentation provided by the course provider.

What is the format of that documentation?

The California Architects Board has created a sample form that contains the information that must be submitted when sending the renewal application. [CAB Form](#).

Does the California Architects Board have to adopt rules or regulations?

SB 1608 does not require the California Architects Board to adopt rules or regulations to administer the continuing education requirement. Any rules and regulations adopted by the Architects Board cannot make any substantive changes to the CE requirement, but rather clarify the requirement.

Why was SB 1608 introduced?

For several years, the business and building owner communities have sought relief from accessibility litigation filed in state courts, arguing that many of the lawsuits were nothing more than legal extortion. These communities usually asked for a "right-to-repair" law, which has consistently been rejected by the California Legislature. Last year the business and building owner communities began new discussions and negotiations with the disability community, plaintiff's bar, and key legislative staff on protecting the business and building owner communities from frivolous lawsuits, and on increasing compliance with accessibility standards. SB 1608 is the result of those discussions.

What were the arguments in support of SB 1608?

SB 1608 will increase compliance with the accessibility standards and therefore reduce litigation. It will increase compliance by encouraging businesses to use the services of Certified Access Specialists; require local building officials, inspectors, and examiners to take disability access continuing education; and require California licensed architects to take disability access continuing education.

Who supported SB 1608?

Supporters of SB 1608 included the Consumer Attorneys of California, California Chamber of Commerce, California Disability Community Action Network, California Foundation for Independent Living Centers, California Building Owner and Managers Association, California Grocers Association, California Hotel and Lodging Association, California Restaurant Association, and California Retailers Association.

What did The AIACC do?

The AIACC participated in the meetings in 2007 that led to the introduction of SB 1608, and worked with the author's office and proponents of SB 1608 to seek changes, sometimes successful, sometimes we're not. Specifically:

- The AIACC joined the California Architects Board in arguing that there was no evidence suggesting the profession needed disability access continuing education.
- The AIACC pointed out that, like all other building standards, disability access standards are published and architects reference those documents when designing buildings.
- The AIACC argued that if disability access continuing education was going to be required, one hour a year was more than sufficient due to the "open book" nature of the practice, the lack of significant changes to disability access standards, and in recognition of the fact that many architects work only on building types where the accessibility laws do not apply.
- The AIACC argued that if continuing education was going to be required of the architectural profession, it should not be done by piecemeal. The AIACC and the Architects Board suggested that the Architects Board be given the authority to adopt a comprehensive continuing education program that would have included a one hour per year of disability access continuing education requirement.
- The AIACC and the Architects Board successfully argued against language that would have required the Architects Board to verify that each applicant for license renewal complied with the CE requirement. This would have been a costly task and would have required a significant increase in the licensing fee.

Were there other efforts before SB 1608?

Yes. There have been several legislative efforts the past 10 years to limit disability access litigation, mostly in the form of "right-to-repair" proposals. The California Legislature has consistently defeated such proposals. In 2003, SB 262 was passed and enacted which, among other things, required the Division of the State Architect to create a Certified Access Specialist program through which individuals can demonstrate expertise in accessibility standards. The Certified Access Specialist program, which is offering its first examinations this year, was the key component of SB 1608 on which the benefit to the business and building owner communities rested.

What is the actual continuing education language in the SB 1608 law?

(The new language in the Architects Practice Act is represented by the ***bold italicized*** text.)

Business and Professions Code Section 5600 as amended by SB 1608

5600. (a) All licenses issued or renewed under this chapter shall expire at 12 midnight on the last day of the birth month of the licenseholder in each odd-numbered year following the issuance or renewal of the license.

(b) To renew an unexpired license, the licenseholder shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

(c) The renewal form shall include a statement specifying whether the licensee was convicted of a crime or disciplined by another public agency during the preceding renewal period and that the licensee's representations on the renewal form are true, correct, and contain no material omissions of fact, to the best knowledge and belief of the licensee.

(d) (1) As a condition of license renewal, a licensee shall have completed coursework regarding disability access requirements pursuant to paragraphs (2) and (3). A licensee shall certify to the board, as a part of the license renewal process, that he or she has completed the required coursework prior to approval of his or her license renewal and shall provide documentation from the course provider that shall include the course title, subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer or educator's knowledge and experience background.

(2) (A) For licenses renewed on and after July 1, 2009, and before January 1, 2010, a licensee shall have completed one hour of coursework.

(B) For licenses renewed on and after January 1, 2010, and before January 1, 2011, a licensee shall have completed two and one-half hours of coursework.

(C) For licenses renewed on and after January 1, 2011, a licensee shall have completed five hours of coursework within the previous two years.

(3) Coursework regarding disability access requirements shall include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework provided pursuant to this paragraph shall be presented by trainers or educators with knowledge and expertise in these requirements. The board shall require that a licensee certify that he or she has satisfied the requirements of this subdivision as a condition of license renewal.