Community & Economic
Development Department
Building & Safety Division

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When is a California-Licensed Architect or Professional Engineer Required?

Purpose & Authority

This bulletin outlines the circumstances under which the City of Riverside mandates that plans be prepared, signed, and sealed by a California-licensed Architect (AIA) or a Professional Engineer (PE). This procedure is guided by the California Business & Professions Code (BPC) and the California Building Code (CBC). These regulations are established to safeguard public health, safety, and welfare.

Plans That May Be Prepared by an Unlicensed Person

Sections 5537 and 6737 of the BPC
In accordance with BPC § 5537 and 6737, individuals without a license are permitted to prepare plans for wood-frame structures that strictly conform with the CBC requirements for Division IV of Chapter 23 for conventional light wood-frame construction. An unlicensed person may prepare plans, drawings or specifications for the following:

1. Single-family dwellings of wood-frame construction up to two stories and a basement.
2. Multiple dwellings of wood-frame construction containing no more than four units on a single lawfully divided lot, with each unit not exceeding two stories and a basement.
3. Garages and simple appurtenant structures of wood-frame construction not more than two stories and a basement.
4. Agricultural and ranch buildings of wood-frame construction. However, the Building Official may require licensed design in cases of undue risk to public safety.

However, if any portion of any structure exempted by these sections deviates from the requirements for conventional light wood-frame construction found in Division IV of Chapter 23 of the CBC, then the Building Official may require the preparation of plans, drawings, specifications or calculations for that portion by, or under the direct supervision of, a California Professional Engineer or California Registered Architect.

Sections 5538 and 6745 of the BPC
In accordance with BPC § 5538 and 6745, unlicensed individuals may design nonstructural interior work (i.e. storefronts, finishes, casework).

However, an unlicensed person may not prepare plans for alterations that will affect any components of the building's structural system or safety of the building and its occupants.

Plans That Must Be Prepared by a Licensed Architect or Engineer

Based on the applicability, exemptions, and limitations established in the California Business and Professions Code (BPC), including but not limited to Sections 5537, 5538, 6737, and 6745, and as determined by the authority of the Building Official, the following project scopes require design and preparation of plans by a California-licensed Professional Engineer and/or a California-registered Architect.

1. New buildings and additions to existing buildings unless specifically exempt by 4(f) or 4(g).
2. Interior or exterior structural alterations unless specifically exempt by 4(f) or 4(g).
3. Interior alteration with a change of occupancy unless specifically exempt by 4(f) or 4(g).
4. Projects with the following occupancy classifications:
    a) Group A (Assembly) occupancies.
    b) Group E (School and Day Care) occupancies, including daycare classified as E.
    c) Group F (Factory/Industrial) occupancies.
    d) Group H (High-Hazard) occupancies.
    e) Group I (Institutional) occupancies.
    f) Group R (Residential) occupancies, except for:
        a) Non-structural work within single-family dwellings.
        b) Conventionally wood-framed single-family dwellings up to two stories and a basement.
        c) Conventionally wood-framed containing no more than four units on a single lawfully divided lot, with each unit not exceeding two stories and a basement.
    g) Group U (Miscellaneous) occupancies, except for:
        a) Conventionally wood-framed garages and simple appurtenant structures up to two stories and a basement.
        b) Agricultural and ranch buildings of wood-frame construction.
    h) Group L (Laboratory) occupancies.
    i) Group C (Organized Camp) occupancies.
5. Interior alterations which cover a floor area exceeding 3,000 sq. ft., for Group B, S, or M occupancies.
6. Alterations that create or modify fire-resistance-rated assemblies, including walls, shafts, and horizontal assemblies, unless specifically exempt by 4(f) or 4(g).
7. Alterations affecting the means of egress requirements unless specifically exempt by 4(f) or 4(g).
8. Any projects as determined by the Building Official due to site-specific hazards, unusual loads, or overall project complexity.

Pursuant to the California Business and Professions Code, licensed Architects and Professional Engineers are authorized to prepare, sign, and stamp plans only when such documents are prepared under their responsible control and within their area of professional competence. The Building Official reserves the authority to require clarification of design responsibility or reject documents where the professional scope, competence, or responsible control is unclear. [BPC § 5585, 6730, 6775]

Nothing herein is intended to prohibit a California-licensed contractor from designing plumbing, electrical or mechanical systems when such systems are installed by that contractor, as expressly permitted by the Professional Engineers Act. [BPC § 6737.3]

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Riverside Submittal & Stamping Notes

Digital Seals and Signatures: Digital professional seals and signatures are acceptable. In accordance with BPC Sections 5536.1, 6735, 6735.3, and 6735.4, the Licensed Design Professional in Responsible Charge (LDP-RC) charge and other design professionals delegated responsibility for portions of the project, shall stamp and sign the drawings and specifications for which they are responsible. Stamp, signature, date of signing, and license number shall be shown on each sheet of the drawings and cover sheet of the structural calculations and reports.

Deferred Submittals: Where a portion of the construction cannot be adequately detailed on the approved plans because of variations in product design and manufacture, the approval of plans for such portion, when specifically accepted by the enforcement agency, may be deferred until the material suppliers are selected provided the following conditions are met:

1. The project plans clearly indicate that a deferred approval by the enforcement agency prior to the fabrication and installation is required for the indicated portions of the work.
2. The project plans and specifications adequately describe the performance and loading criteria for such work.
3. An architect or registered engineer stamps and signs the plans and specifications for the deferred approval items. The Licensed Design Professional in Responsible Charge (LDP-RC) of the design of the project shall submit the plans and specifications for the deferred approval item to the enforcement agency, with notation indicating that the deferred approval documents have been found to be in general conformance with the design of the building.

Disclaimer

This document summarizes requirements related to the California Business & Professions Code and California Building Code; it is not a substitute for state law. In any case of uncertainty, the Building Official's determination prevails.

Design Professional & Unlicensed Person FAQs

These FAQs are adapted from the California Architects Board California Architects Board Building Official Guide, and the Guide to Engineering & Land Surveying for City and County Officials.

Q- When a licensed architect working on a project quits or is discharged, may another architect sign the original licensee's plans or instruments?
A- If both architects are licensed in California, and the supplanting architect completely reviews the plans of the original architect, making necessary, or client-directed changes, the supplanting architect has "prepared" the plans for purposes of BPC section 5582.1 and may stamp and sign them, absent fraud, deception, or dishonesty. [CCR, title 16, §151]

Q- When plans have been filed by the original architect of record, may a building official accept changes to those plans that are submitted by the supplanting architect or engineer?
A- A building official is only required to verify that the appropriate stamp and signature is on the documents before a permit is issued and that design changes are made and approved by the appropriate person. [BPC § 5536.25, CCR, title 16, § 151, and California Building Standards Code (CBSC), title 24, § 106.4.4.1]

Q- Can a licensed engineer modify or add to a project for which another licensed engineer is in responsible charge?
A- The licensed engineer (called a "successor licensee") can modify or add to a project which has been designed under the responsible charge of another licensed engineer. The "successor licensee" must exercise the requisite extent of control and assume the responsibility for the engineering decisions for all new work and for the effect the new work has on the existing work.
The "successor licensee" is not required to assume responsible charge of the entire project. [16 CCR § 404.1]

Q- What happens when a licensed engineer does not complete a project, and a new licensed engineer takes over?
A- The new licensed engineer (successor licensee) may assume responsible charge of a project and complete the design as long as he or she exercises the extent of control and assumed responsibility for the engineering decisions. Thus, this successor licensee must review drawings, calculations, studies, etc., to the degree that meets the responsible charge criteria. The successor licensee cannot be required to assume responsibility for portions of the project where responsible charge was by the original licensed engineer (stamped and signed by the original licensed engineer). However, the original licensed engineer is not relieved of any responsibility arising from engineering services of which he or she was in responsible charge (documents stamped and signed only by the original licensed engineer). [16 CCR §§ 404.1, 411]

Q- Sometimes an owner has separate contracts with an architect and the structural, civil, mechanical, and electrical engineers. No one discipline has overall coordination of the project, and a design change is required that will affect the work of all disciplines. May a building official require the project architect to sign for changes on his own work as well as others? Can the architect coordinate the work of the others?
A- No. The architect is only required to stamp, sign, and take responsibility for his or her own documents. The same shall apply to each design professional. The building official should notify the owner that such coordination is required, and it is the owner's responsibility to arrange for proper coordination. An architect can coordinate the services and documents of others if he or she accepts the responsibility. [BPC § 5536.1]

Q-Can a licensed engineer be in responsible charge of only a portion or portions of a project?
A- The licensed engineer may provide services for a portion or portions of an engineering project as long as he or she exercises the requisite extent of control and assumes the responsibility for the engineering decisions relating to those portions. The licensed engineer is not required to assume responsible charge of the entire project. [16 CCR § 404.1]

Q- If a lot contains an existing residence, may an unlicensed person prepare plans for a maximum of four additional units as exempted under BPC section 5537?
A- No. The maximum number of units that could be designed on the lot by an unlicensed person would be three additional units in any combination. [BPC § 5537]

Q- If an owner prepares drawings for his or her own exempt building, is he or she required to sign the drawings?

A- No. The statute requires only those who prepare drawings for others to sign them and, if licensed, to note their license number. However, the statute does not prohibit a building official from requiring the owner to sign the drawings. [BPC § 5536.1]

Q- BPC section 5537, which deals with exemptions, does not discuss site planning. Does this mean that an unlicensed person who prepares drawings for exempt structures must hire an architect to prepare the site plan drawings?
A- An unlicensed person may only do site planning if the activities are not subject to regulation by any licensing boards. For example, preparing grading and drainage plans are activities that require a license. Therefore, an architect or engineer would be required to prepare such plans for an exempt structure.

Q- May the building official require other exempt structures to be designed by an architect or engineer in addition to the noted agricultural and ranch buildings if it is deemed that such structures are an undue risk to public safety, health, or welfare?
A- Yes. The building official may require part or all of the structure to be designed by an architect or engineer. The BPC does not supersede the building official's authority to protect the health, safety, and welfare of the public.

Q-Are building designers licensed by the state?
A-No. At one time, the state recognized "registered building designers"; however, that category was eliminated in 1985. [BPC § 5536(a) and (b)]

Q- What services may an interior designer provide?
A- Interior designers may not design any components that change or affect the structural system or safety of the building. [BPC §§ 5537, 5538]

Q- Can landscape architects prepare site grading and site drainage plans?
A- Yes. A landscape architect can prepare landscape architectural site grading and site drainage plans. [BPC § 5616]

Q- Does the replacement of a fire-rated door require an architect or engineer to approve the replacement or write a specification for the replacement?
A-The local building official should make this determination.

Q- What criteria does the Board use to determine what it considers the "safety of a building"?
A- See the *California Building Standards Code*. The local building official should determine which components of building systems affect safety and required to be designed by an architect or engineer.

Q- Is there a difference between "registered" and "licensed" for engineers?
A- No. The terms are interchangeable. [B&P Code § 6732]

Contractors & Unlicensed Individuals

Q- May an unlicensed individual design, plan, or prepare instruments of service for storefronts or interior alterations?
A- Yes. Unlicensed persons may prepare and submit plans for non-structural or non-seismic interior alterations or additions, provided such alterations do not change or affect the structural system or safety of the building. [BPC § 5538]

Q- May an unlicensed individual design interior alterations or additions for nonexempt structures?
A- Unlicensed individuals may prepare and sign plans for nonstructural or non-seismic store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, other appliances or equipment, and any nonstructural or non-seismic alterations or additions necessary to provide for their installation. However, an unlicensed individual may not prepare and sign plans for any components affecting the structural system or safety of any building as determined by the local building official. [BPC § 5538]

Q-Does this mean that an unlicensed person who prepares drawings for exempt structures must hire an architect to prepare the site plan drawings?
A- An unlicensed person may only do site planning if the activities are not subject to regulation by any licensing boards. For example, preparing grading and drainage plans are activities that require a license. Therefore, an architect or engineer would be required to prepare such plans for an exempt structure.

Q- May unlicensed individuals prepare and sign plans for the interiors of any type of building? Are there square footage limitations?
A- Unlicensed individuals may prepare and sign interior designs for any type of building subject to the approval of the official building. There are no square footage limitations imposed by the *Architects Practice Act*: however, some building departments do set square footage limitations applicable to design services by unlicensed individuals. [BPC § 5538]

Q- May unlicensed individuals design and sign mechanical, electrical, and plumbing systems?
A- No. Such systems must be designed and signed by appropriately licensed or registered design professionals or appropriately licensed contractors as allowed by the *Professional Engineers Act*.

Q-May a licensed contractor perform design services under the direction of a structural or civil engineer for a nonexempt structure?
A- Yes, if the contractor works under the responsible charge of the engineer, and the engineer signs all engineering documents prepared by the contractor. [BPC § 5537.2]

Q-May contractors design nonexempt structures if they are going to build them?
A- No. Contractors may only design exempt buildings and nonstructural or non-seismic storefronts or interior alterations that do not affect the structural system or safety of the building. If they associate with an architect or engineer, contractors may prepare documents under the direct supervision of an architect or engineer; however, the architect or engineer must stamp and sign the documents. [BPC §§ 5537.2, 5538]

Q- May licensed contractors prepare and sign drawings for their respective systems without supervision of an architect or engineer?
A- Yes. The *Professional Engineers Act* states that appropriately licensed contractors may design electrical or mechanical systems for any building if they also install them [BPC § 6737.3]
Appropriately licensed contractors may design mechanical and electrical systems in accordance with applicable construction codes if they also install those systems. If they do not install the systems and supervise the installation of the systems, they must have an architect or engineer.

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Building Official / Plan Checker

Q- Does the plan checking of documents prepared by a licensed engineer have to be done by a licensed engineer?
A- If the level of review done during plan checking is strictly simple code compliance—a nondiscretionary comparison of the engineering documents with the clearly mandated code requirements and determination of whether the engineering documents comply with those clearly mandated code requirements—then the plan checking does not rise to the level of professional engineering and does not have to be performed by, or under the responsible charge of, an appropriately licensed engineer. [B&P Code §§ 6704, 6730, 6730.2; 16 CCR § 404.1]
HOWEVER, if the level of review done during plan checking involves the exercise of professional engineering discretion and independent engineering judgments, analyses, and determinations by the plan checker, then the plan checking would rise to the level of professional engineering and would have to be performed by, or under the responsible charge of, an appropriately licensed engineer.

Q- Do plan check comments have to be signed and sealed by a licensed engineer?
A- If the plan check comments involve the exercise of professional engineering discretion and independent engineering judgments, analyses, and determinations by the plan checker, then the plan check comments constitute an engineering report and must be signed and sealed by the licensed engineer in responsible charge of the plan checking that resulted in plan check comments. (See previous question for additional information.) [B&P Code §§ 6704, 6730, 6730.2, 6735, 6735.3, 6735.4; 16 CCR §§ 404.1, 411]

Q- Are building officials required to verify whether the individual who prepares engineering documents has a current license?
A- They are not required to do so by law; however, the Board encourages building officials to verify licensure. Building officials may verify that the individual who prepares engineering documents is currently licensed or is working under the responsible charge of a licensed engineer. To verify licensure online, visit the Board's Web site at www.bpelsg.ca.gov.

Q- Can a building official require a civil engineer to prepare plans, drawings, specifications, or calculations for portions of a wood-framed residential structure?
A- Yes. If any portion of any structure is exempted by section 6737.1 deviates from substantial compliance with conventional framing requirements for wood frame construction found in the most recent edition of Title 24 of the California Code of Regulations or tables of limitation for wood frame construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the responsible charge of, a licensed architect or licensed engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. [B&P Code § 6737.1]

Q- Are building officials required to give a copy of record documents to anyone who asks for them?
A-No. See HSC section 19851, which specifies who may obtain copies of drawings and under what conditions.

Q- What type of immunity is available to architects who provide inspection services for building department.
A- California has a good Samaritan law for licensed architects, engineers, and land surveyors who, at the request of a public official, provide safety inspection services, without compensation, at the scene of a declared national, state, or local emergency caused by an earthquake. This law gives architects immunity from liability. This immunity applies only for an inspection that occurs within 30 days after the earthquake. [BPC 5536.27]