INDIANA STATE BOARD OF REGISTRATION FOR
ARCHITECTS: What fees should be charged to renew
a license, or to restore a lapsed license?

May 7, 1943.

Mrs. Helen Keating, Secretary,
Indiana State Board of Registration for Architects,
State House,
Indianapolis, Indiana.

Dear Mrs. Keating:

Your letter of April 8, 1943 received requesting advice as to the date when House Bill No. 129, being Chapter 217 of the Acts of the General Assembly for 1943, becomes effective, being an amendment to the Indiana Architectural Act, and also requesting an opinion on the following questions:

"1. If an architect failed to renew his license on or before December 1, 1942, and now desires to renew, what amount does he owe in order to become in good standing with the Board at this time? What amount of penalty is he now subject to pay?

"2. If an architect failed to renew his license on or before December 1, 1942, and allows his delinquency to extend, for instance into the month of July, 1943, what amount will he then be subject to pay in order to become in good standing? What amount of penalty will he be subject to pay at that time?"

I wish to advise that Chapter 217 passed by the 1943 Legislature did not contain an emergency clause and will not be effective until the Governor issues his proclamation announcing the final distribution of the 1943 Acts, which will probably be in the month of June.

In answer to your first question, you are governed by the law as it existed prior to the passage of the 1943 Act, which is Chapter 62 of the Acts of 1929, Section 14 of said Acts, Section 63-114, Burns’ R. S. 1933, being as follows:

“Every registered architect who continues in active practice shall, annually on or before the first day of November, renew his certificate of registration and pay the required renewal fee. Every license or cer-
Certificate of registration which has not been renewed during the month of November in any year shall expire on the first day of December in that year. A registered architect whose certificate of registration has expired may have his certificate restored only upon payment of the required restoration fee.

"Any architect registered or licensed in this state who has retired from the practice of architecture for a period of not more than five (5) years may have his certificate of registration renewed, at any time within a period of five (5) years after so retiring, upon making application to the board for such renewal, and upon payment of all lapsed annual renewal fees."

Section 16 of said Acts, Section 63-116, Burns' R. S. 1933 is in part as follows:

"The fee to be paid by an applicant for a certificate of registration as a registered architect shall be twenty-five dollars ($25.00).

"The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be twenty-five dollars ($25.00).

"The fee to be paid upon renewal of a certificate of registration shall be twenty-five dollars ($25.00)."

Webster's New International Dictionary, 2d ed., gives the following definition of the word, "restore":

"To bring back to, or put back into, the former or original state; To give back (something which has been lost, or taken away); to make restitution of; to return."

Your first question is answered as follows:

(a) An architect who has failed to renew his license during the year which expired December 1, 1942, would be required to pay a restoration fee of twenty-five dollars ($25.00).

(b) An architect who has failed to renew his license before the beginning of the year which expired December 1, 1942, would be required to pay a restoration fee of twenty-five dollars ($25.00) plus a renewal fee of twenty-five dollars.
($25.00) for each year he was in default prior to December 1, 1942, not exceeding a total of five years.

I assume that your second question was intended to apply to a situation when the 1943 amendments are in full force and effect. The effect of an amendment is to take out, as to all matter occurring thereafter, the part amended as completely as though it had never existed, and the amendatory section is construed as being a part of the original act.

Stiers v. Mundy (1910), 174 Ind. 651.

There is no property right in a license, and the legislature has full power to change by amendment the amount of fees that shall be charged for restorations or renewals. By these amendments the legislature lowered the amounts of the fees.

Section 1 of Chapter 217 of the Acts of 1943 amends Section 14 of the 1929 Acts, supra, and is as follows:

“Every registered architect who continues in active practice shall, annually, on or before the first day of November, renew his certificate of registration and pay the required renewal fee. Every license or certificate of registration which has not been renewed during the month of November in any year shall expire on the first day of December in that year. A registered architect whose certificate of registration has expired may have his certificate restored only upon payment of the required restoration fee.

“Any architect registered or licensed in this state who has failed to renew his certificate of registration for a period of not more than five years may have said certificate renewed at any time within a period of five years after such failure to renew upon making application to the board for such a renewal, during and upon payment of all lapsed annual renewal fees. * * *

Section 2 of Chapter 217 of the Acts of 1943 amends Section 16 of the Acts of 1929 and in part is as follows:

“* * * The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be one dollar after the certificate has been in default for one month, and an additional one dollar for
each succeeding month or fraction thereof of such default but not exceeding a maximum restoration fee of ten dollars. Such restoration fee shall be in addition to all unpaid renewal fees.

"The fee to be paid upon renewal of a certificate of registration shall be fifteen dollars. * * *"

The word "lapsed," incorporated in Section 14, supra, has been defined to mean "having lost position, privilege, use, etc., by neglect." The word "lapse" has been defined to mean "to allow to pass; to suffer the lapse of." Webster's New International Dictionary, 2d edition. Therefore, in making a construction of the above statute the words "lapsed annual renewal fees" would mean those which the licensee had neglected to pay.

Therefore, the answer to your second question is:

(a) An architect in active practice who has failed to renew his license during the year which expired December 1, 1942, would be required to pay a restoration fee of one dollar ($1.00) for each month in default, however, not to exceed the maximum restoration fee of ten dollars ($10.00), plus a renewal fee of fifteen dollars ($15.00) for that year.

(b) An architect who has failed to renew his license before the beginning of the year which expired December 1, 1942, would be required to pay a renewal fee of fifteen dollars ($15.00) plus an annual renewal fee of fifteen dollars ($15.00) for each year he failed to renew.

Attention is further called to the provisions of Chapter 31 of the Acts of 1943 which provides that persons holding licenses from the State of Indiana to practice architecture, and other professions therein named, are exempt for the license fees while in the armed forces of the United States for the period set forth in said Act.