

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:

40763

Date filed:

9-13-2016

State Admin Rule Filing Id:

Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 3a	-
Changed to Admin. Code Ref. (R no.):	R	-	-

- Agency:** Commerce/Division of Occupational and Professional Licensing
Room no.:
Building: Heber M. Wells Building
Street address 1: 160 East 300 South
Street address 2:
City, state, zip: Salt Lake City UT 84111-2316
Mailing address 1: PO Box 146741
Mailing address 2:
City, state, zip: Salt Lake City UT 84114-6741
Contact person(s):

Name:	Phone:	Fax:	E-mail:
Steve Duncombe	801-530-6235	801-530-6511	sduncombe@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

- Title of rule or section (catchline):**

Architect Licensing Act Rule

- Type of notice:**

New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___

- Purpose of the rule or reason for the change:**

The Division and Architects Licensing Board are proposing amendments due to the fact that on June 29, 2016, the National Council of Architectural Registration Boards (NCARB) made changes to reflect areas of current architectural practice. These changes include renaming the Intern Development Program (IDP) to the now recognized Architectural Experience Program or AXP. Additionally, reference to the previously used IDP Committee and IDP Coordinator are now recognized as an Architect Licensing Advisory. In order to align with NCARB's recently adopted nomenclature, the language in this rule must also be codified. Additional minor technical changes include replacing outdated references to the 2009 International Building Code with Title 15A, State Construction and Fire Codes Act and updating the referenced edition of NCARB Rules of Conduct to the 2014-2015 edition.

5. This change is a response to comments from the Administrative Rules Review Committee.

No ; Yes

6. Summary of the rule or change:

Section R156-3a-102: Changes are made to Subsection (2), replacing the term "IDP (Intern Development Program) Committee" with "Architect Licensing Advisory". Changes are made to Subsections (6)(d) and (f) to modify the code reference to Title 15A, State Construction and Fire Codes Act. Subsection (7) replaces the term "Intern Development Program" with "Architect Experience Program" and replaces the acronym "IDP" with "AXP". Subsection (10)(b) replaces "Intern Development Program" with "Architect Experience Program". Section R156-3a-201: Changes made in this section include replacing the terms "IDP Committee" and "IDP Coordinator" with "Architect Licensing Advisor" and replacing "IDP" with "AXP" where appropriate. Section 302: Changes are made to replace the "IDP" reference with "AXP". Section 502: Changes in this section update the NCARB Rules of Conduct to the 2014-2015 edition.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ; Yes

Once the proposed amendments are made effective, the Division will incur minimal costs of approximately \$75 to reprint the rule. Otherwise, the proposed amendments will have no additional impact on the budget. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No ; Yes

Although it is unknown by the Division how many licensed architects are employed by local governments, the proposed amendments in terminology is expected to have a negligible impact on local government budgets, as all proposed changes made to the rule will only require minor formatting changes to existing media. These will vary depending on each local government and as a result, any costs or savings to a local government cannot be estimated by the Division.

C) Small businesses ("small business" means a business employing fewer than 50 persons)

Affected: No ; Yes

While it is unknown by the Division how many licensed architects are employed by or operate small businesses,, it is anticipated the proposed amendments will have a negligible impact on small business budgets, as all proposed changes made to the rule will only require minor formatting changes to existing media. These will vary from business to business, so any cost or savings cannot be estimated by the Division.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ; Yes

The proposed amendments solely apply to licensed architects and those seeking licensure as an architect. As such, the proposed amendments are expected to have a negligible impact, if any. The incorporation of change nomenclature to identify the required program will only require minor formatting changes to existing media which will vary from person to person and any potential cost or savings associated with the proposed amendments cannot be estimated by the Division. It is noted that the updated NCARB Rules of Conduct can be found for free on the NCARB website.

8. Compliance costs for affected persons:

The proposed amendments do not modify any of the current requirements necessary for licensure. The proposed amendments merely update the nomenclature used to identify the required program of diversified practical experience. Therefore, the Division anticipates that there will be no added compliance costs for affected persons beyond the current requirements.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The amendments merely exchange new titles and terminology for titles and terminology that have been made out of date by the National Council of Architectural Registration Boards (NCARB). A negligible fiscal impact to businesses is anticipated.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Section 58-3a-101

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

Section 58-3a-303.5

11 This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; *if none, leave blank*):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)	National Council of Architectural Registration Boards (NCARB) Rules of Conduct	
Publisher	NCARB	
Date Issued		
Issue, or version	2014-2015	
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes	Updates	

(If this rule incorporates more than two items by reference, please attach additional pages)

12 The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):

10/31/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):

At (hh:mm AM/PM):

At (place):

10/12/2016

1:30 PM

160 East 300 South, Conference Room
475, Salt Lake City, Utah

13 This rule change may become effective on (mm/dd/yyyy):

11/07/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

14 Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:

architects

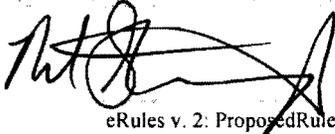
licensing

15 Attach an RTF document containing the text of this rule change R156-3a.pro
(filename):

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

AGENCY AUTHORIZATION

Agency head or
designee, and title:



Date
(mm/dd/yyyy)
: 9/13/2016

R156. Commerce, Occupational and Professional Licensing.

R156-3a. Architect Licensing Act Rule.

R156-3a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 3a, as used in Title 58, Chapters 1, 3a, and 22 or this rule:

(1) "ARE" means the NCARB Architectural Registration Examination.

(2) "Committee" means the ~~[IDP Committee]~~ Architect Licensing Advisor created in Section R156-3a-201.

(3) "Complete and final" as used in Subsection 58-3a-603(1) means "complete construction plans" as defined in Subsection 58-3a-102(4).

(4) "EESA" means the Education Evaluation Services for Architects.

(5) "Employee, subordinate, associate, or drafter of an architect" as used in Subsections 58-3a-102(8), 58-3a-603(1)(b) and this rule means one or more individuals not licensed as an architect who are working for, with, or providing architectural services directly to the licensed architect under the supervision of the licensed architect.

(6) "Incidental practice" means "architecture work as is incidental to the practice of engineering" as used in Subsection 58-22-102(9) and "engineering work as is incidental to the practice of architecture" as used in Subsection 58-3a-102(6) which:

(a) can be safely and competently performed by the licensee without jeopardizing the life, health, property and welfare of the public;

(b) is secondary and substantially less in scope and magnitude when compared to the work performed or to be performed by the licensee in the licensed profession;

(c) is work in which the licensee is fully responsible for the incidental practice performed as provided in Subsection 58-3a-603(1) or Subsection 58-22-603(1);

(d) unless exempt from licensure as provided in Subsection 58-3a-304(1)(e), is work that affects not greater than 49 occupants as determined in ~~[Section 1604 of the 2009 International Building Code]~~ Title 15A, State Construction and Fire Codes Act;

(e) unless exempt from licensure as provided in Subsection 58-3a-304(1)(e), is work included on a project with a construction value not greater than 15 percent of the overall construction value for the project including all changes or additions to the contracted or agreed upon work; and

(f) shall not include work on a building or related structure in an occupancy risk category of III or IV as defined in ~~[Section 1604.5 of the 2009 International Building Code]~~ Title 15A, State Construction and Fire Codes Act.

(7) "~~[Intern Development Program]~~ Architect Experience Program" or "~~[IDP]~~ AXP" as used in Subsection R156-3a-302(1) means an NCARB approved training program.

(8) "NAAB" means the National Architectural Accrediting Board.

(9) "NCARB" means the National Council of Architectural Registration Boards.

(10) "Program of diversified practical experience" as used in Subsection 58-3a-302(1)(e) means:

- (a) current licensure in a recognized jurisdiction; or
- (b) the training standards and requirements set forth in the ~~[Intern Development Program]~~ Architect Experience Program.

(11) "Recognized jurisdiction" as used in Subsections 58-3a-302(2)(d)(i) and (iii), for licensure by endorsement, means any jurisdiction that is a member of NCARB.

(12) "Responsible charge" by a principal, as used in Subsection 58-3a-102(7), means direct control and management by a principal over the practice of architecture by an organization.

(13) "Technical submissions", as used in Section R156-3a-601, means documents which are:

- (a) required by public authorities for building permits or regulatory approvals; or
- (b) intended for construction purposes, including all addenda and other changes to submissions.

(14) "Under the direction of the architect" as used in Subsection 58-3a-102(8), as part of the definition of "supervision of an employee, subordinate, associate, or drafter of an architect" means that the unlicensed employee, subordinate, associate, or drafter of the architect engages in the practice of architecture only on work initiated by the architect, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of the architect.

(15) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 3a, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-3a-502.

R156-3a-201. Advisory Peer Committee Created - Membership - Duties.

(1) There is created in accordance with Subsection 58-1-203(1)(f), the ~~[IDP Committee]~~ Architect Licensing Advisor as an advisory peer committee to the Architect Licensing Board consisting of one or more members as follows:

- (a) a State ~~[IDP Coordinator]~~ Architect Licensing Advisor; or
- (b) an Education Coordinator ~~[, or~~
- ~~_____ (c) an Intern IDP Coordinator].~~

(2) The committee shall be appointed and serve in accordance with Section R156-1-205.

(3) The duties and responsibilities of the committee shall include assisting the Board in its duties, functions, and responsibilities defined in Subsection 58-1-202(1)(e) as follows:

- (a) promote an awareness of ~~[IDP]~~ the AXP by holding meetings and seminars on ~~[IDP]~~ the AXP;
- (b) establish a network of sponsors and advisors for ~~[IDP]~~ AXP interns;
- (c) encourage firms to support ~~[IDP]~~ the AXP;

- (d) act as a resource to respond to questions on [~~IDP~~]the AXP received from advisors, sponsors, and interns; and
- (e) report to the Board as directed.

R156-3a-302. Qualifications for Licensure - Program of Diversified Practical Experience.

In accordance with Subsection 58-3a-302(1)(e), an applicant shall establish completion of a program of diversified practical experience requirement by submitting documentation of:

- (1) [~~IDP~~]AXP;
- (2) current licensure in a recognized jurisdiction; or
- (3) current NCARB Certification.

R156-3a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) submitting an incomplete final plan, specification, report, or set of construction plans to:
 - (a) a client, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, report, or set of construction plans to be complete and final; or
 - (b) a building official for the purpose of obtaining a building permit;
- (2) failing as a principal to exercise reasonable charge;
- (3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter;
- (4) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the [~~July 2011~~]2014-2015 edition of the NCARB "Rules of Conduct", which is hereby incorporated by reference; or
- (5) failing as a supervising architect to verify actual work experience when requested by a subordinate, associate or drafter of an architect who is or has been an employee.

KEY: architects, licensing

Date of Enactment or Last Substantive Amendment: [~~January 24, 2013~~]2016

Notice of Continuation: January 7, 2016

Authorizing, and Implemented or Interpreted Law: 58-3a-101; 58-1-106(1)(a); 58-1-202(1)(a), 58-3a-303.5