ID#525

Notice
Of
Rulemaking Hearing

Department of Commerce and Insurance
Tennessee State Board of
Architectural and Engineering Examiners

There will be a hearing before the Tennessee State Board of Architectural and Engineering Examiners to consider the promulgation of rules and amendments to rules pursuant to T.C.A. § 62-2-203(c). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204, and will take place in Room 640 of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 9:00 a.m. (Central Time) on Thursday, January 25, 2007.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with Don Coleman, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of this Notice of Rulemaking Hearing, contact the State Board of Architectural and Engineering Examiners, attention John Cothron, Tennessee State Board of Architectural and Engineering Examiners, 500 James Robertson Parkway, 3rd Floor, Nashville, Tennessee 37243 at (615) 741-3221.

Substance of Proposed Rules

Chapter 0120-1
Registration Requirements and Procedures

Amendments

Paragraph (1) of rule 0120-1-.05 Applications – Engineer is amended by deleting the text of the paragraph and substituting instead the following so that, as amended, paragraph (1) of rule 0120-1-.05 shall read:

(1) An applicant for registration as an engineer shall submit with the application a nonrefundable application fee of thirty dollars ($30.00). Upon notification to the applicant of approval to take any required examination(s), the applicant shall pay to the Board the cost of the current examination(s), administration of the examination(s) and scoring. An applicant who has passed the required examination(s) shall also pay a biennial registration fee of one hundred forty dollars ($140.00) and shall receive a certificate of registration.

Authority: T.C.A. §§62-2-203(c), 62-2-301(a) and 62-2-404(b).

Paragraph (1) of rule 0120-1-.09 References is amended by deleting the text of the paragraph and substituting instead the following so that, as amended, paragraph (1) of rule 0120-1-.09 shall read:

(1) References named in applications for registration must be acquainted with the technical ability of the applicant, but need not be residents of the State of Tennessee. A minimum of five (5) references for architect, engineer, landscape architect and interior designer applicants shall be submitted. References from relatives will not be considered.

Authority: T.C.A. §§ 62-2-203(c) and 62-2-301(a).

Subparagraphs (b) of paragraph (1) of rule 0120-1-.10 Education and Experience Requirements – Engineer is amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that, as amended, subparagraph (b) of paragraph (1) of rule 0120-1-.10 shall read:

(1) (b) Nonaccredited engineering programs. An engineering curriculum of four (4) years or more which is a non-ABET accredited program shall be referred at the applicant's expense to a person or an entity approved by the Board and qualified to evaluate equivalency to an ABET accredited engineering program for evaluation and recommendation. If the curriculum for the degree at the time of the applicant's graduation is substantially equivalent to ABET accreditation requirements, the application shall be reviewed in accordance with the requirements for applicants holding engineering degrees from institutions which do not have ABET accredited engineering programs in consideration of the factors outlined below.

Authority: T.C.A. §§62-2-203(c) and 62-2-401.

Subparagraph (c) of paragraph (1) of rule 0120-1-.10 Education and Experience Requirements – Engineer is amended by deleting subparagraph in its entirety redesignating the following subparagraphs accordingly.

Authority: T.C.A. § 62-2-203(c).

Paragraph (3) of rule 0120-1-.11 Education and Experience Requirements – Architect is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that, as amended, paragraph (3) of rule 0120-1-.11 shall read:

(3) (a) Nonaccredited architecture programs. For purposes of T.C.A. §§ 62-2-501(2) and 62-2-502(b), an architectural curriculum of four (4) years or more which is a non-NAAB accredited program shall be referred at the applicant's expense to a person or entity approved by the Board and qualified to evaluate equivalency to an NAAB accredited program for evaluation and recommendation. If the curriculum for the degree at the time of the applicant's graduation is equivalent to NAAB accreditation requirements, the application shall be reviewed in accordance with the requirements for applicants holding architecture degrees from institutions which do not have NAAB accredited architecture programs in consideration of the factors outlined below.

(b) In reviewing a non-accredited architectural curriculum, the Board may approve either an architectural curriculum of not less than four (4) years offered by a school of architecture as part of an architectural curriculum toward a NAAB accredited degree or its equivalent.

(c) In reviewing applicants holding degrees from non-accredited architecture programs, whether obtained in the United States or otherwise, which are substantially equivalent to degrees from NAAB accredited programs, the Board may consider the following factors:

1. evidence of having obtained the statutory minimum acceptable practical experience in architectural work, and
2. at least five (5) references from individuals having knowledge of the applicant's technical competence as an architect.

Authority: T.C.A. §§ 62-2-203(c), 62-2-501, 62-2-502 and 62-2-503.

Rule 0120-1-.13 Examinations – General is amended by deleting paragraph (1) in its entirety and renumbering the following paragraphs accordingly.

Authority: T.C.A. § 62-2-203(c).

Rule 0120-1-.14 Examinations – Engineer, Engineer Intern is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0120-1-.14 shall read:

0120-1-.14 Examinations – Engineer, Engineer Intern.

(1) The NCEES prepares the examinations administered to candidates for registration as an engineer or certification as an engineer intern. The use of materials, reference books, notes, calculators and equipment in such examinations shall be in accordance with instructions by the NCEES.

(2) The passing score on both the "Fundamentals of Engineering" and "Principles and Practice of Engineering" examinations shall be determined by the NCEES and shall be reported as "pass" or "fail."

(3) A candidate who passes either the "Fundamentals of Engineering" examination or the "Principles and Practice of Engineering" examination may retain credit for passing such examination indefinitely.

(4) Any senior student applicant for certification as an engineer intern who fails to report for the required examination as scheduled must reapply for examination.

Authority: T.C.A. §§ 62-2-203(c), 62-2-401(a) and 62-2-405.

Rule 0120-1-.20 Reexamination – Engineer is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0120-1-.20 shall read:

0120-1-.20 Reexamination – Engineer.

(1) The "Principles and Practice of Engineering" examination is graded as a whole. A candidate for registration as an engineer who fails the examination must retake the examination in its entirety.

(2) The fee for reexamination shall be the cost to the Board of the current NCEES examination, administration of the examination and scoring.

Authority: T.C.A. §§ 62-2-203(c). and 62-2-405(c).

Rule 0120-1-.21 Reexamination – Engineer – Intern is amended by deleting the text of the rule in its entirety and substituting instead the following so that, as amended, rule 0120-1-.21 shall read:

0120-1-.21 Reexamination – Engineer Intern.

(1) The "Fundamentals of Engineering" examination is graded as a whole. A candidate for certification as an engineer intern who fails the examination must retake the examination in its entirety.

(2) The nonrefundable fee for reexamination shall be fifty dollars ($50.00).

Authority: T.C.A. §§ 62-2-203(c) and 62-2-405(c).

Rule 0120-1-.25 Renewal of Registration is amended by adding the following as a new paragraph (2) and by renumbering the following paragraphs accordingly:

(2) An architect, engineer or landscape architect may renew a current, valid registration by submitting a renewal form approved by the board, the required renewal fee, and evidence of having completed the number of professional development hours (PDH's) required by rule 0120-5-.04.

Authority: T.C.A. §§ 62-2-203(c), (d) and 62-2-307(c).

Chapter 0120-2
Rules of Professional Conduct

Amendments

Paragraph (5) of rule 0120-2-.07 Misconduct is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that, as amended, paragraph (5) of rule 0120-2-.07 shall read:

(5) A registrant may be deemed by the Board to be guilty of misconduct in his professional practice if:

(a) He has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony;

(b) His license or certificate of registration to practice architecture, engineering or landscape architecture in another jurisdiction is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings;

(c) He has been certified by the department of human services as not being in compliance with an order of support pursuant to T.C.A. §§ 36-5-705 – 36-5-709; or

(d) He has been delinquent in the payment of the professional privilege tax pursuant to T.C.A. §§ 67-4-1702 – 67-4-1704.

Authority: T.C.A. §§ 36-5-706, 62-2-203(c), 62-2-308 and 67-4-1704.

Paragraph (1) of rule 0120-2-.09 Civil Penalties is amended by adding the following as a new subparagraph (b) and by renumbering the following subparagraphs accordingly:

(1) (b) T.C.A. 62-2-308(a)(1).....$250-1000

Authority: T.C.A. §§ 56-1-308 and 62-2-203(c).

Chapter 0120-4
Interior Designers

Amendments

Rule 0120-4-.08 Renewal of Registration is amended by adding the following as a new paragraph (2) and by renumbering the following paragraphs accordingly:

(2) A registered interior designer may renew a current, valid registration by submitting a renewal form approved by the board, the required renewal fee, and evidence of having

completed the number of professional development hours (PDH's) required by rule 0120-5-.04.

Authority: T.C.A. §§ 62-2-203(c), (d) and 62-2-307(c).

I certify that this is an accurate and complete representation of the intent and scope of the rulemaking proposed by the Tennessee State Board of Architectural and Engineering Examiners.

Christy A. Allen
Deputy General Counsel
Department of Commerce and Insurance

Subscribed and sworn to before me this 30th day of November, 2006.

W. C. HENDERSON
STATE OF TENNESSEE NOTARY PUBLIC
WILSON COUNTY

Notary Public

My Commission expires on the 8th day of September 2009

The notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 30 day of Nov., 2006.

Riley C. Darnell
Secretary of State

By: