

INTERIOR DESIGNER AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill modifies the Architects Licensing Act.

Highlighted Provisions:

This bill:

- ▶ defines the term "qualified interior designer";
- ▶ adds additional members to the Architects Licensing Board, including one qualified interior designer;
- ▶ modifies the Architects Licensing Act by allowing a qualified interior designer to prepare a plan or specification for, or supervise the alteration of or repair to, an existing building when structural elements of a building are not changed;
- ▶ requires a qualified interior designer to affix a seal when submitting final plans and specifications to a client, or to a building official for the purpose of obtaining a building permit, for such a plan or specification; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-3a-102, as last amended by Laws of Utah 2011, Chapter 14

58-3a-201, as enacted by Laws of Utah 1996, Chapter 260

58-3a-304, as enacted by Laws of Utah 1996, Chapter 260

ENACTS:

58-3a-104, Utah Code Annotated 1953

58-3a-604, Utah Code Annotated 1953

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **58-3a-102** is amended to read:

35 **58-3a-102. Definitions.**

36 In addition to the definitions in Section 58-1-102, as used in this chapter:

37 (1) "Architect" means a person licensed under this chapter as an architect.

38 (2) "Board" means the Architects Licensing Board created in Section 58-3a-201.

39 (3) "Building" means a structure which has human occupancy or habitation as its
40 principal purpose, and includes the structural, mechanical, and electrical systems, utility
41 services, and other facilities required for the building, and is otherwise governed by the State
42 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
43 Act.

44 (4) "Complete construction plans" means a final set of plans and specifications for a
45 building that normally includes:

46 (a) floor plans;

47 (b) elevations;

48 (c) site plans;

49 (d) foundation, structural, and framing detail;

50 (e) electrical, mechanical, and plumbing design;

51 (f) information required by the energy code;

52 (g) specifications and related calculations as appropriate; and

53 (h) all other documents required to obtain a building permit.

54 (5) "Fund" means the Architects Education and Enforcement Fund created in Section
55 58-3a-103.

56 (6) (a) "Practice of architecture" means rendering or offering to render the following
57 services in connection with the design, construction, enlargement, or alteration of a building or
58 group of buildings, and the space within and surrounding such buildings:

59 (i) planning;

60 (ii) facility programming;

61 (iii) preliminary studies;

62 (iv) preparation of designs, drawings, and specifications;

63 (v) preparation of technical submissions and coordination of any element of technical

64 submissions prepared by others including, as appropriate and without limitation, professional
65 engineers, and landscape architects; and

66 (vi) administration of construction contracts.

67 (b) "Practice of architecture" does not include the practice of professional engineering
68 as defined in Section 58-22-102, but a licensed architect may perform such professional
69 engineering work as is incidental to the practice of architecture.

70 (7) "Principal" means a licensed architect having responsible charge of an
71 organization's architectural practice.

72 (8) "Qualified interior designer" means a person that holds an active certificate from
73 the National Council for Interior Design Qualification, or an equivalent body as determined by
74 division rule.

75 ~~[(8)]~~ (9) "Supervision of an employee, subordinate, associate, or drafter of an architect"
76 means that a licensed architect is responsible for and personally reviews, corrects when
77 necessary, and approves work performed by any employee, subordinate, associate, or drafter
78 under the direction of the architect, and may be further defined by rule by the division in
79 collaboration with the board.

80 ~~[(9)]~~ (10) "Unlawful conduct" as defined in Section 58-1-501 is further defined in
81 Section 58-3a-501.

82 ~~[(10)]~~ (11) "Unprofessional conduct" as defined in Section 58-1-501 may be further
83 defined by rule by the division in collaboration with the board.

84 Section 2. Section **58-3a-104** is enacted to read:

85 **58-3a-104. Rulemaking.**

86 When exercising rulemaking authority under this chapter, the division shall comply
87 with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

88 Section 3. Section **58-3a-201** is amended to read:

89 **58-3a-201. Board.**

90 (1) There is created the Architects Licensing Board consisting of four architects [~~and~~
91 ~~one member~~], one qualified interior designer, and two members of the general public.

92 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

93 (3) The duties and responsibilities of the board shall be in accordance with Sections
94 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a

95 permanent or rotating basis to:

96 (a) assist the division in reviewing complaints concerning the unlawful or
97 unprofessional conduct of a licensee; and

98 (b) advise the division in its investigation of these complaints.

99 (4) A board member who has, under Subsection (3), reviewed a complaint or advised
100 in its investigation may be disqualified from participating with the board when the board serves
101 as a presiding officer in an adjudicative proceeding concerning the complaint.

102 Section 4. Section **58-3a-304** is amended to read:

103 **58-3a-304. Exemptions from licensure.**

104 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
105 may engage in the stated limited acts or practices without being licensed under this chapter:

106 (a) a person offering to render architectural services in this state when not licensed
107 under this chapter if the person:

108 (i) holds a current and valid architect license issued by a licensing authority recognized
109 by rule by the division in collaboration with the board;

110 (ii) discloses in writing to the potential client the fact that the architect:

111 (A) is not licensed in the state;

112 (B) may not provide architectural services in the state until the architect is licensed in
113 the state; and

114 (C) that such condition may cause a delay in the ability of the architect to provide
115 architectural services in the state;

116 (iii) notifies the division in writing of his intent to offer to render architectural services
117 in the state; and

118 (iv) does not provide architectural services or engage in the practice of architecture in
119 this state until licensed to do so;

120 (b) a person preparing a plan and specification for a one, two, three, or four-family
121 residence not exceeding two stories in height, exclusive of basement;

122 (c) a person licensed to practice professional engineering under Title 58, Chapter 22,
123 Professional Engineers and Land Surveyors Licensing Act, performing engineering or
124 incidental architectural acts or practices that do not exceed the scope of the education and
125 training of the person performing architecture;

126 (d) unlicensed employees, subordinates, associates, or drafters of a person licensed
127 under this chapter while preparing plans and specifications under the supervision of an
128 architect;

129 (e) a person preparing a plan or specification for, or supervising the alteration of or
130 repair to, an existing building [~~affecting an area not exceeding 3,000 square feet~~] when
131 structural elements of a building are not changed, such as foundations, beams, columns, and
132 structural slabs, joists, bearing walls, and trusses[~~;~~ and] provided that:

133 (i) the affected area does not exceed 3,000 square feet; or

134 (ii) the person is a qualified interior designer; and

135 (iii) the qualified interior designer's seal is affixed to the plan or specification in
136 accordance with Section 58-3a-604; and

137 (f) an organization engaged in the practice of architecture, provided that:

138 (i) the organization employs a principal; and

139 (ii) all individuals employed by the organization, who are engaged in the practice of
140 architecture, are licensed or exempt from licensure under this chapter.

141 (2) Nothing in this section shall be construed to restrict a draftsman from preparing
142 plans for a client under the exemption provided in Subsection (1)(b) or taking those plans to a
143 licensed architect for his review, approval, and subsequent fixing of the architect's seal to that
144 set of plans if they meet the building code standards.

145 Section 5. Section **58-3a-604** is enacted to read:

146 **58-3a-604. Seal -- Use by an interior designer.**

147 (1) A qualified interior designer may have a seal, the design and implementation of
148 which shall be established by rule by the division in collaboration with the board.

149 (2) A final plan or specification for an existing building described in Subsection
150 58-3a-304(1)(e) that is prepared by or under the supervision of a qualified interior designer
151 shall bear the seal of the qualified interior designer when submitted to a client, or when
152 submitted to a building official for the purpose of obtaining a building permit.

153 (3) A qualified interior designer may only affix the qualified interior designer's seal to
154 a final plan or specification for an existing building described in Subsection 58-3a-304(1)(e)
155 when the plan or specification:

156 (a) was personally prepared by the qualified interior designer; or

157 (b) was prepared by an employee, subordinate, associate, or drafter under the
158 supervision of the qualified interior designer, provided the qualified interior designer assumes
159 responsibility for the plan or specification.