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

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

58-3a-102. Definitions.

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

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

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

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

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

(a) floor plans;

(b) elevations;

(c) site plans;

(d) foundation, structural, and framing detail;

(e) electrical, mechanical, and plumbing design;

(f) information required by the energy code;

(g) specifications and related calculations as appropriate; and

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

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

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

(i) planning;

(ii) facility programming;

(iii) preliminary studies;

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

(v) preparation of technical submissions and coordination of any element of technical
submissions prepared by others including, as appropriate and without limitation, professional
engineers, and landscape architects; and

(vi) administration of construction contracts.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The duties and responsibilities of the board shall be in accordance with Sections
58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a
permanent or rotating basis to:

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

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

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

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

58-3a-304. Exemptions from licensure.

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

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

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

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

(A) is not licensed in the state;

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

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

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

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

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

(c) a person licensed to practice professional engineering under Title 58, Chapter 22,
Professional Engineers and Land Surveyors Licensing Act, performing engineering or
incidental architectural acts or practices that do not exceed the scope of the education and
training of the person performing architecture;
(d) unlicensed employees, subordinates, associates, or drafters of a person licensed under this chapter while preparing plans and specifications under the supervision of an architect;

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

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

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

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

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

(i) the organization employs a principal; and

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

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

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

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

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

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

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

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