

**R156. Commerce, Occupational and Professional Licensing.**

**R156-3a. Architect Licensing Act Rule.**

**R156-3a-101. Title.**

This rule is known as the "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 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 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 Title 15A, State Construction and Fire Codes Act.
- (7) "Architect Experience Program" or "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 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-103. Authority - Purpose.**

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 3a.

**R156-3a-104. Organization - Relationship to Rule R156-1.**

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

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

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

- (b) an Education 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 the AXP by holding meetings and seminars on the AXP;
  - (b) establish a network of sponsors and advisors for AXP interns;
  - (c) encourage firms to support the AXP;
  - (d) act as a resource to respond to questions on the AXP received from advisors, sponsors, and interns; and
  - (e) report to the Board as directed.

**R156-3a-301. Qualifications for Licensure - Architecture Program Criteria.**

In accordance with Subsection 58-3a-302(1)(d), the architecture program criteria are established as follows.

- (1) The architecture program shall be accredited by either the National Architectural Accrediting Board (NAAB), or the Canadian Architectural Certification Board (CACB), or an architectural program equivalent to a NAAB accredited program.
- (2) Equivalency shall be documented by submitting one of the following:
  - (a) If educated in a foreign country, an applicant shall submit a comprehensive report prepared by EESA stating that the applicant has successfully completed an educational program that is equivalent to the NAAB accredited educational program.
    - (i) Deficiencies in general education or history, human behavior and environment may be satisfied by successfully completing the deficiencies in course work at a recognized college or university or by passing the College Level Examination Program (CLEP) demonstrating proficiency in the deficient areas.
    - (ii) Deficiencies in design, technical systems, or practice course work may be completed at an NAAB accredited educational program.
  - (b) Alternatively, an applicant may submit verification of a current NCARB Certification.
  - (c)(i) If an applicant was previously licensed and practicing in Utah under a license that was granted under prior statute or rule but allowed the license to lapse for more than two years, the applicant may reinstate the license by demonstrating that their combined education, supervised experience and licensed practice demonstrate that the applicant's training is equivalent to an NAAB accredited educational program.
    - (ii) If the combined education and experience is not demonstrated to be equivalent, the Division, in collaboration with the Board, may:
      - (A) determine whether continuing education can bring the combined education and experience up to equivalency, and if so, specify the type of continuing education required; or
      - (B) determine that the applicant shall be required to obtain the actual degree under Subsection (1).

**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) AXP;
- (2) current licensure in a recognized jurisdiction; or
- (3) current NCARB Certification.

**R156-3a-303. Qualifications for Licensure - Examination Requirements.**

- (1) In accordance with Subsections 58-3a-302(1)(f) and 58-3a-302(2)(e), an applicant for licensure as an architect (whether by education and experience or by endorsement) shall submit documentation establishing:
  - (a) current NCARB Certification; or
  - (b) passing scores on all divisions of the ARE as established by NCARB.
- (2) An applicant for licensure may apply directly to NCARB to sit for any part of the ARE examination anytime after having completed the education requirements specified in Section R156-3a-301.

**R156-3a-304. Continuing Education for Architects.**

In accordance with Section 58-3a-303.5, the continuing education standards for architects are established as follows:

- (1)(a) During each two year period ending on December 31 of each odd numbered year, a licensed architect shall complete not less than 24 hours of continuing education directly related to the licensee's professional practice.
- (b) At least 12 hours should be completed each year.
- (2) The required number of hours of continuing education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.
- (3) Continuing education under this section shall:
  - (a) have an identifiable, clear statement of purpose and defined objective for the educational program directly related to the practice of an architect and directly related to topics involving the public health, safety, and welfare of architectural practice and the ethical standards of architectural practice;
    - (i) health, safety, welfare and ethical standards as used in this subsection are defined to include the following:

(A) The definition of "health" shall include, but not be limited to, aspects of architecture that have salutary effects among users of buildings or sites and that address environmental issues. Examples include all aspects of air quality, provisions of personal hygiene, and use of non-toxic materials and finishes.

(B) The definition of "safety" shall include, but not be limited to, aspects of architecture intended to limit or prevent accidental injury or death among users of buildings or construction sites. Examples include fire-rated egress enclosures, automatic sprinkler systems, stairs with correct rise-to-run proportions, and accommodations for users with disabilities.

(C) The definition of "welfare" shall include, but not be limited to, aspects of architecture that consist of values that may be spiritual, physical, aesthetic and monetary in nature. Examples include spaces that afford natural light or views of nature or whose proportions, color or materials engender positive emotional responses from its users.

(D)(a) The definition of "ethical standards of architectural practice" shall include, but not be limited to the NCARB rules of conduct specified in Subsection R156-3a-502(4).

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the continuing education program and records of that registration and completion are available for review.

(4) Credit for qualified continuing education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) a maximum of eight hours per two year period may be recognized for teaching in a college or university or for teaching continuing education courses in the field of architecture, provided it is the first time the material has been taught during the preceding 12 months;

(c) a maximum of three hours per two year period may be recognized for preparation of papers, articles, or books directly related to the practice of architecture and submitted for publication; and

(d) unlimited hours may be recognized for continuing education that is provided via the Internet or through home study courses provided the course verifies registration and participation in the course by means of a test which demonstrates that the participant has learned the material presented.

(5) A licensee shall be responsible for maintaining records of completed continuing education for a period of six years after the two year period to which the records pertain. It is the responsibility of the licensee to maintain information with respect to continuing education to demonstrate it meets the requirements under this section.

(6) A licensee who is unable to complete the continuing education requirement for reasons such as a medical or related condition, humanitarian or ecclesiastical services, or extended presence in a geographical area where continuing education is not available, may be excused from the requirement for a period of up to three years as provided in Section R156-1-308d.

(7) Any licensee who fails to timely complete the continuing education hours required by this rule shall be required to complete double the number of hours missed to be eligible for renewal or reinstatement of licensure.

(8) Any applicant for reinstatement shall be required to complete 24 hours of continuing education complying with this rule within two years prior to the date of application for reinstatement of licensure.

#### **R156-3a-305. Renewal Cycle - Procedures.**

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 3a is established by rule in Subsection R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

#### **R156-3a-306. Inactive Status.**

(1) The requirements for inactive licensure specified in Subsection R156-1-305(3) shall also include certification that the licensee shall not engage in the practice of architecture while the license is on inactive status except to identify the individual as an inactive licensee.

(2) A licensee, prior to being placed on inactive status, shall be active and in good standing.

(3) Inactive status licensees are not required to fulfill the continuing education requirement.

(4) In addition to the requirements in Subsection R156-1-305(6) to reactivate an inactive license, a licensee shall provide documentation that the licensee, within two years prior to the license being reactivated, completed 24 hours of continuing education.

(5) Prior to a license being reactivated, a licensee shall meet the requirements for license renewal.

#### **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 responsible 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 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.

**R156-3a-503. Administrative Penalties.**

(1) In accordance with Section 58-3a-502, the following fine schedule shall apply to citations issued to individuals licensed under Title 58, Chapters 1 and 3a:

TABLE

FINE SCHEDULE

Violation	First Offense	Second Offense
58-1-501(1)(a)	\$ 800.00	\$1,600.00
58-1-501(1)(b)	\$1,000.00	\$2,000.00
58-1-501(1)(c)	\$1,000.00	\$2,000.00
58-1-501(1)(d)	\$1,000.00	\$2,000.00
58-3a-501(1)	\$ 800.00	\$1,600.00
58-3a-501(2)	\$ 800.00	\$1,600.00

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-3a-502(1)(i).

(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(4) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(5) In all cases the presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount based upon the evidence reviewed.

**R156-3a-601. Architectural Seal - Requirements.**

In accordance with Section 58-3a-601, all technical submissions prepared by the licensee or prepared under the supervision of the licensee, shall be signed and dated with the licensee's seal. Electronically generated seals and signatures are acceptable. It is the responsibility of the licensee to provide adequate security when documents with electronic seals and electronic signatures are distributed. Sheets subsequent to the cover of specifications are not required to be sealed, signed and dated.

(1) Each seal shall be a circular seal, 1-1/2 inches minimum diameter and shall include the licensee's name, license number, "State of Utah", and "Licensed Architect".

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