



## Tennessee Rules and Regulations

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**RULES  
OF  
STATE BOARD OF ARCHITECTURAL AND  
ENGINEERING EXAMINERS**  
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<b>Chapters</b>	<b>Title</b>
0120-01 .....	Registration Requirements and Procedures
0120-02 .....	Rules of Professional Conduct
0120-03 .....	Rules of Procedure for Hearing Contested Cases
0120-04 .....	Interior Designers
0120-05 .....	Continuing Education
0120-06 .....	Corporations, Partnerships and Firms

**ADMINISTRATIVE HISTORY**

Original chapters 0120-01 through 0120-02 were certified on May 3, 1974, under Chapter 491 of the "Public Acts of 1974" as rules in effect when Chapter 491 became effective. The Administrative History following each Rule gives the date on which the rule was certified, i.e. May 3, 1974, or the date on which the rule was filed and its effective date, if promulgated after March 11, 1974. The Administrative History after each rule also shows the date of any amendments or repeals.

Amendments to rules 0120-02-.03, 0120-02-.04 and 0120-02-.06 filed July 27, 1977; effective August 26, 1977.

Repeal of chapter 0120-01 and new chapter filed October 2, 1978; effective January 29, 1979.

Original chapter 0120-03 filed November 22, 1978; effective January 9, 1979.

Repeal of chapters 0120-01 and 0120-02 and new chapters 0120-01 and 0120-02 filed January 14, 1980; effective February 28, 1980.

Amendments to rules 0120-02-.01, 0120-02-.03 and 0120-02-.07 filed April 15, 1980; effective May 30, 1980.

Amendments to rules 0120-01-.06, 0120-01-.08, 0120-01-.11, 0120-01-.20, 0120-01-.21, 0120-02-.08 filed June 9, 1981; effective July 24, 1981.

Amendments to rules 0120-01-.04 and 0120-01-.25 filed June 10, 1982; effective July 26, 1982.

Amendments to rules 0120-01-.06, 0120-01-.07, 0120-01-.11, 0120-01-.12, 0120-01-.14, 0120-01-.20, 0120-01-.21, 0120-01-.22, 0120-01-.24 and 0120-02-.07 filed November 18, 1983; effective December 18, 1983.

Amendments to rules 0120-01-.07, 0120-01-.08, 0120-01-.20 and 0120-01-.23 filed November 28, 1984; effective February 12, 1985.

Amendments to rules 0120-01-.03, 0120-01-.06, 0120-01-.07, 0120-01-.08, 0120-01-.11, 0120-01-.22, 0120-01-.23 and 0120-01-.25 filed October 15, 1986; effective November 29, 1986.

Original rule 0120-02-.09 and amendments to rules 0120-01-.05, 0120-01-.14, 0120-01-.20, 0120-01-.21, 0120-02-.02, 0120-02-.03, 0120-02-.05, 0120-02-.07 through 0120-02-.09 filed January 29, 1987; effective March 15, 1987.

Original rule 0120-01-.26 and amendments to rules 0120-01-.10, 0120-01-.12 and 0120-01-.25 filed November 20, 1989; effective January 4, 1990.

Amendments to rules 0120-01-.01, 0120-01-.10, 0120-01-.14, 0120-01-.20, 0120-01-.21, 0120-01-.23, 0120-02-.01, and 0120-02-.09 filed December 9, 1991; effective January 23, 1992.

Amendments to rules 0120-01-.05 through 0120-01-.08, 0120-01-.17, 0120-01-.21 and 0120-01-.25 filed October 21, 1992; effective December 5, 1992.

Original chapter 0120-04 filed May 18, 1993; effective July 2, 1993.

Amendment to rules 0120-01-.01, 0120-01-.04 through 0120-01-.11, 0120-01-.13, 0120-01-.14, 0120-01-.17, 0120-01-.21, 0120-01-.24, 0120-01-.25, 0120-02-.08, 0120-04-.03 and 0120-04-.08 filed January 19, 1995; effective April 4, 1995.

Amendment to rules 0120-01-.02 through 0120-01-.25, 0120-04-.03, 0120-04-.06 and 0120-01-.27 filed March 13, 1997; effective May 27, 1997.

Original chapter 0120-05 filed April 25, 1997; effective July 9, 1997.

Amendment to rules 0120-01-.05, 0120-01-.07, 0120-01-.08, 0120-01-.11, 0120-01-.13, 0120-01-.14, 0120-01-.17, 0120-01-.22, 0120-02-.03, 0120-02-.07 through 0120-02-.09 and 0120-04-.03 filed February 26, 1999; effective May 12, 1999.

Original rule 0120-05-.13 filed February 26, 1999; effective May 12, 1999.

Amendment to rules 0120-01-.10, 0120-01-.11, 0120-02-.02, 0120-04-.02 through 0120-04-.05, 0120-04-.08, 0120-04-.09, 0120-04-.10, 0120-05-.10, and 0120-05-.12 filed July 19, 2002; effective October 2, 2002.

Amendment to rules 0120-01-.05, 0120-01-.14, 0120-01-.25, 0120-05-.04, 0120-05-.08, and 0120-05-.10 filed May 20, 2004; effective August 3, 2004.

Amendment to rule 0120-05-.06 filed May 20, 2004; effective August 3, 2004. However; stay of effective date to subparagraph (c) of paragraph (2) of 0120-05-.06 filed by the House and Senate Government Operations Committee of the Tennessee General Assembly on July 30, 2004; new effective date October 2, 2004.

Repeal and new rules 0120-01-.11 and 0120-05-.04; and amendments to rules 0120-01-.08, 0120-01-.10, and 0120-01-.23, filed March 14, 2005; effective May 28, 2005.

Amendment to rules 0120-01-.05, .09, .10, .11, .13, .14, .20, .21, .25; 0120-02-.07, .09; and 0120-04-.08 filed March 9, 2007; effective May 23, 2007.

Amendments to rules 0120-01-.10 and 0120-01-.11 filed December 18, 2007; effective March 1, 2008.

Amendments to rules 0120-01-.09, .10, and .17; 0120-02-.05; and 0120-04-.10 filed September 16, 2008; effective November 30, 2008.

Amendments to rules 0120-01-.10 and .12; 0120-02-.02 and .08; 0120-04-.04, and .10; and 0120-05-.02, .06, .07, and .08 filed September 11, 2009; effective December 10, 2009.

New rules 0120-04-.11 and 0120-06-.01 through .04 and amendments to rules 0120-01-.10, 0120-02-.08, 0120-02-.09, 0120-04-.02, 0120-04-.10, 0120-05-.06, 0120-05-.07, 0120-05-.10, and 0120-05-.13 filed March 9, 2011; effective June 7, 2011.

Amendments to rules 0120-01-.08, .13, .23, and .25 filed December 11, 2012; effective March 11, 2013.

Original rule 0120-02-.10 and amendments to rules 0120-02-.02, .07 and .08, filed December 11, 2012; effective March 11, 2013.

Original rule 0120-04-.12 and amendments to rules 0120-04-.08 and .10 filed December 11, 2012; effective March 11, 2013.

Amendments to rule 0120-05-.06 and .07 filed December 11, 2012; effective March 11, 2013.

Repeals of rules 0120-01-.03 and .26, amendments to rules 0120-01-.04, .05, .08, .09, .10, .11, and .14, repeal and new rule 0120-01-.06 and .27 filed November 17, 2014; effective February 15, 2015. Stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.

Amendments to rules 0120-02-.02, .05, .07, and .08 filed November 17, 2014; effective February 15, 2015. Stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.

Amendments to rules 0120-04-.05, and .10, original rule 0120-04-.13 filed November 17, 2014; effective February 15, 2015. Stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.

Original 0120-05-.14 filed November 17, 2014; effective February 15, 2015. Stay of the effective date of the rule filed January 27, 2015; new effective date May 1, 2015.

Amendment to 0120-01-.06 filed November 17, 2014; effective February 15, 2015. On January 27, 2015 the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards. filed a 75-day stay of the effective date; new effective date May 1, 2015. Emergency rule filed April 30, 2015; effective through October 27, 2015.

Original rule 0120-01-.28 filed May 21, 2015; effective August 19, 2015.

Emergency filed April 30, 2015 that created 0120-01-.29 expired October 27, 2015.

Amendments to rules 0120-01-.06, 0120-01-.11, 0120-01-.12, 0120-01-.13, 0120-01-.21, 0120-01-.25, 0120-01-.29, 0120-02-.02, 0120-02-.03, 0120-02-.04, 0120-02-.06, 0120-02-.07, 0120-04-.03, 0120-04-.05, 0120-04-.08, 0120-04-.10, 0120-05-.08, 0120-05-.13, and 0120-06-.03 filed September 15, 2015; effective December 14, 2015.

**RULES  
OF  
THE STATE BOARD OF ARCHITECTURAL  
AND ENGINEERING EXAMINERS**

**CHAPTER 0120-01  
REGISTRATION REQUIREMENTS AND PROCEDURES**

**TABLE OF CONTENTS**

0120-01-.01	Definitions	0120-01-.15	Examinations - Architect
0120-01-.02	Applicability	0120-01-.16	Examinations-Landscape Architect
0120-01-.03	Repealed	0120-01-.17	Repealed
0120-01-.04	Applications - General	0120-01-.18	Repealed
0120-01-.05	Applications - Engineer	0120-01-.19	Repealed
0120-01-.06	Applications Engineer intern	0120-01-.20	Reexamination - Engineer
0120-01-.07	Applications - Architect	0120-01-.21	Repealed
0120-01-.08	Applications - Landscape Architect	0120-01-.22	Reexamination - Architect
0120-01-.09	References	0120-01-.23	Reexamination - Landscape Architect
0120-01-.10	Education and Experience Requirements - Engineer	0120-01-.24	Duplicate Certificates of Registration
0120-01-.11	Education and Experience Requirements - Architect	0120-01-.25	Renewal of Registration
0120-01-.12	Education and Experience Requirements - Landscape Architect	0120-01-.26	Repealed
		0120-01-.27	Notification to the Board
		0120-01-.28	Military Application – Spouses – Expedited Registration
		0120-01-.29	Repealed
0120-01-.13	Examinations - General		
0120-01-.14	Examinations - Engineer, Engineer intern		

**0120-01-.01 DEFINITIONS.** As used in this Chapter:

- (1) “BOARD” shall mean the Tennessee Board of Examiners for Architects and Engineers created by Chapter No. 263 of the “Public Act of 1979”.
- (2) “NCEES” shall mean the National Council of Examiners for Engineering and Surveying.
- (3) “NCARB” shall mean the National Council of Architectural Registration Boards.
- (4) “CLARB” shall mean the Council of Landscape Architectural Registration Boards.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule was certified May 3, 1974. Repeal and refiled October 2, 1978; effective January 29, 1979. Repeal and refiled January 14, 1980; effective February 28, 1980. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed September 15, 2015; effective December 14, 2015.

**0120-01-.02 APPLICABILITY.** Unless otherwise indicated, the provisions of this Chapter shall apply to all applicants for registration as an engineer, architect or landscape architect and for certification as an engineer intern.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997.

**0120-01-.03 REPEALED.**

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed October 15, 1986; effective November 29, 1986.

(Rule 0120-01-.03, continued)

*Amendment filed March 13, 1997; effective May 27, 1997. Repeal filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.*

#### **0120-01-.04 APPLICATIONS - GENERAL.**

- (1) Applications for registration and certification are available on the Board website and upon request from the office of the Board.
- (2) Any application submitted which lacks required information or reflects a failure to meet any requirement will be held in "pending" status until satisfactorily completed within a reasonable period of time, not to exceed five (5) years from the date of application.
- (3) Any application submitted may be withdrawn; provided, however, that the application fee will not be refunded.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 10, 1982; effective July 26, 1982. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.

#### **0120-01-.05 APPLICATIONS - ENGINEER.**

- (1) An applicant for registration as an engineer shall submit with the application a nonrefundable application fee of thirty dollars (\$30.00). 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.
- (2) An applicant for registration as an engineer by comity shall pay a nonrefundable application fee of fifty-five dollars (\$55.00) and, if approved, a biennial registration fee of one hundred forty dollars (\$140.00) and shall receive a certificate of registration.
- (3) The deadline for receipt of applications from candidates who must be examined prior to registration as an engineer shall be determined annually by the Board after the Board receives notification from the National Council of Examiners for Engineers and Surveyors (NCEES) of the dates of the examinations.

**Authority:** T.C.A. §§ 62-2-203(c), 62-2-301(a) and 62-2-404(b). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance filed a 75-day stay of the effective date; new effective date May 1, 2015.

#### **0120-01-.06 APPLICATIONS - ENGINEER INTERN.**

An application for certification as an engineer intern shall be accompanied by a nonrefundable fee of fifteen dollars (\$15.00). An applicant who has passed the required examination and has met the other legal requirements shall receive a certificate.

(Rule 0120-01-.06, continued)

**Authority:** T.C.A. §§ 62-2-203(c), 62-2-402(b), and 62-2-404(c)(2). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 9, 1981; effective July 24, 1981. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Repeal and new rule filed November 17, 2014; effective February 15, 2015. On January 27, 2015 the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015. Emergency rule creating an 180-day of stay of the effective date of the amendment filed April 30, 2015; effective through October 27, 2015. Emergency rule expired October 27, 2015; reverted to rule filed November 17, 2014. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-01-.07 APPLICATIONS – ARCHITECT.

- (1) An applicant for registration as an architect shall submit with the application a nonrefundable application fee of thirty dollars (\$30.00). 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.
- (2) An applicant for registration as an architect by comity shall pay a nonrefundable application fee of fifty-five dollars (\$55.00) and, if approved, a biennial registration fee of one hundred forty dollars (\$140.00) and shall receive a certificate of registration.

**Authority:** T.C.A. §§ 56-1-302(b), 62-2-203(c), 62-2-301(a), 62-2-307, and 62-2-504(e). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 9, 1981; effective July 24, 1981. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed November 28, 1984; effective February 12, 1985. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed February 26, 1999; effective May 12, 1999.

#### 0120-01-.08 APPLICATIONS - LANDSCAPE ARCHITECT.

- (1) An applicant for registration as a landscape architect shall submit with the application a nonrefundable application fee of thirty dollars (\$30.00). 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.
- (2) An applicant for registration as a landscape architect by comity shall pay a nonrefundable application fee of fifty-five dollars (\$55.00) and, if approved, a biennial registration fee of one hundred forty dollars (\$140.00) and shall receive a certificate of registration.

**Authority:** T.C.A §§ 56-1-302(b), 56-1-302(h), 62-2-203(c), 62-2-307, 62-2-301(a), and 62-2-804(d) and (e). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 28, 1984; effective February 12, 1985. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed March 14, 2005; effective May 28, 2005. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2015; effective February 15, 2015. On January 27, 2015, the Tennessee

*Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.*

#### **0120-01-.09 REFERENCES.**

- (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, and landscape architect applicants shall be submitted. References from relatives will not be considered. No reference will be considered if prepared more than two (2) years prior to the date of application.
- (2) Three (3) such references must be registered architects or engineers with registration and experience in the applicant's field(s) of experience; except, however, that applicants for registration as a landscape architect may use references who are registered engineers, architects or landscape architects.
- (3) A maximum of three (3) references shall be obtained from the employer listed by the applicant. References are required from both the applicant's current employer/supervisor and a past employer/supervisor (if applicable).
- (4) If a reference reply is uncomplimentary, derogatory, or unfavorable of the applicant, the applicant may be required to furnish additional references. If subsequent replies are unfavorable, the applicant will be scheduled for an interview with the Board for further consideration.

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-301(a). **Administrative History:** Original rule filed May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed September 16, 2008; effective November 30, 2008. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015; the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.

#### **0120-01-.10 EDUCATION AND EXPERIENCE REQUIREMENTS - ENGINEER.**

- (1) (a) Accredited engineering programs. An engineering curriculum of four (4) years or more which was accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) (or its predecessor) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation, may be approved by the Board as being satisfactory.
- (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 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.
- (c) In reviewing applicants holding degrees from nonaccredited engineering programs, whether obtained in the United States or otherwise, which are substantially equivalent to degrees from ABET accredited programs, the Board may consider the following factors:



(Rule 0120-01-.10, continued)

1. Evidence of having obtained the statutory minimum acceptable progressive professional experience of a grade and character which indicates to the Board that the applicant may be competent to practice engineering; and
  2. At least five (5) references from individuals having knowledge of the applicant's technical competence as an engineer on projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering.
- (d) Applicants meeting the above requirements shall be reviewed by the Board for determination of eligibility for either the Fundamentals of Engineering examination or the Principles and Practice of Engineering examination or for registration by comity.
- (e) An engineering technology program, whether four (4) or two (2) years in length, is not considered by the Board to be an acceptable curriculum.
- (f) Programs that allow credit for work experience and experiential learning (with the exception of cooperative education programs), or which are not part of an institution that is accredited or recognized as a degree-granting institution of higher learning within a national territory or in the United States, are not considered by the Board to be acceptable curricula.
- (g) Engineering degrees from programs accredited by the Canadian Engineering Accreditation Board (CEAB) that were awarded in or after 1980 are considered substantially equivalent and do not require evaluation.
- (2) In general, "progressive experience in the practice of engineering" consists of engineering experience which is supervised by a registered professional engineer. The Board may grant toward experience requirements for registration as an engineer one (1) year of credit for graduation with a Master's degree (or higher) in engineering from an approved curriculum or up to one (1) year of qualified experience obtained in an established cooperative education program, which is carried out within the framework of an approved engineering curriculum, and which has been approved by the Board. At least one (1) year of engineering experience must be completed in the United States. Unless otherwise noted above, an applicant's engineering experience must be obtained after graduation with the qualifying degree and completed by the date of the examination.

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-401. **Administrative History:** Original rule filed May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 20, 1989; effective January 4, 1990. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed March 14, 2005; effective May 28, 2005. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 18, 2007; effective March 1, 2008. Amendment filed September 16, 2008; effective November 30, 2008. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed November 15, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance filed a 75-day stay of the effective date; new effective day May 1, 2015.

#### **0120-01-.11 EDUCATION AND EXPERIENCE REQUIREMENTS - ARCHITECT.**

- (1) For purposes of evaluating the education and experience of applicants for examination and registration as an architect, the Board will utilize the "Table of Equivalents" contained in Appendix "A" to Circular of Information No. 1, published in July 1983 by the National Council

(Rule 0120-01-.11, continued)

of Architectural Registration Boards (NCARB), except to the extent that such document conflicts with any applicable statute.

- (2) Accredited architecture programs. An architecture program which was accredited by the National Architectural Accrediting Board (NAAB) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation, may be approved by the Board as being satisfactory. For purposes of this paragraph, a state-supported school of architecture approved by the Tennessee Higher Education Commission is deemed to have an accredited degree curriculum.
- (3) Non-accredited architecture programs.
  - (a) 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.
- (4) For purposes of T.C.A. § 62-2-501(3), an approved "architecture-related curriculum" is an architectural engineering or architectural engineering technology curriculum accredited by the Accreditation Board for Engineering and Technology (ABET).
- (5) Effective December 1, 1984, an applicant for the required examination for registration as an architect must have completed the Intern-Architect Development Program (IDP) of the NCARB prior to registration.
- (6) An applicant for registration by comity shall submit proof acceptable to the board of having obtained the practical experience in architectural work required by T.C.A. §§ 62-2-501 and 62-2-502.
- (7) In general, "practical experience in architectural work" consists of architectural experience which is supervised by a registered architect and meets the requirements of T.C.A. § 62-2-503. Architecture teaching with full-time faculty status in a college or university offering an approved architectural curriculum of four (4) years or more may be considered, at the discretion of the Board, as practical experience in architectural work.

(Rule 0120-01-.11, continued)

- (8) The Board shall review applicants meeting the above requirements for determination of eligibility for either the Architect Registration Examination prepared by NCARB or for registration by comity.

**Authority:** T.C.A. §§ 62-2-203(c), 62-2-501, 62-2-502 and 62-2-503. **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed July 19, 2002; effective October 2, 2002. Repeal and new rule filed March 14, 2005; effective May 28, 2005. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 18, 2007; effective March 1, 2008. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance filed a 75-day stay of effective date; new effective date May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-01-.12 EDUCATION AND EXPERIENCE REQUIREMENTS - LANDSCAPE ARCHITECT.

The education and experience requirements for applicants for registration as a landscape architect shall be those prescribed in T.C.A. §§ 62-2-801, 62-2-802 and 62-2-803. All practical experience requirements must be completed prior to registration. Landscape architecture teaching with full-time faculty status in a college or university offering an approved landscape architectural curriculum of four (4) years or more may be considered, at the discretion of the Board, as practical experience in landscape architectural work.

**Authority:** T.C.A §§ 62-2-203(c), 62-2-801, 62-2-802, and 62-2-803. **Administrative History:** Original rule filed May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed November 20, 1989; effective January 4, 1990. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-01-.13 EXAMINATIONS - GENERAL.

- (1) If an applicant passes the required examination(s) and is not approved for registration, the applicant's application will be held pending. Such applicant may request to appear before the full Board at its next scheduled meeting.
- (2) An applicant's examination results may be invalidated and an applicant may be prohibited from taking the examination for a period of time as determined by the Board for violations of examination policies, procedures, and candidate agreements, including, but not limited to:
  - (a) Communicating with another examinee during administration of the examination;
  - (b) Copying another examinee's answers or permitting another examinee to copy one's answers;
  - (c) Possessing unauthorized devices or materials during the examination;
  - (d) Impersonating an examinee or permitting an impersonator to take the examination on one's behalf;
  - (e) Removing any secured examination materials from the examination room;
  - (f) Unauthorized disclosure of examination questions or content;

(Rule 0120-01-.13, continued)

- (g) Failure to cooperate with the Board's or any appropriate examination authority's investigation of examination irregularities;
  - (h) Disruptive or abusive behavior; or
  - (i) Other actions that would compromise the integrity or security of the examination.
- (3) Any licensure examination taken and passed in another jurisdiction by the examinee, while the examinee is barred from taking an examination in Tennessee, will not be acceptable for licensure purposes in Tennessee.

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-301(a). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-01-.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.

**Authority:** T.C.A. §§ 62-2-203(c), 62-2-401(a), 62-2-405 and 62-2-405(c). **Administrative History:** Original rule filed May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed November 27, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.

**0120-01-.15 EXAMINATIONS - ARCHITECT.** Examinations administered to candidates for registration as an architect will be prepared by the NCARB.

**Authority:** T.C.A. § 62-204. **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980.

**0120-01-.16 EXAMINATIONS - LANDSCAPE ARCHITECT.** Written examinations prepared by CLARB will be offered to applicants for registration as a landscape architect.

**Authority:** T.C.A § 62-204. **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980.

**0120-01-.17 REPEALED.**

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed September 16, 2008; effective November 30, 2008. Repeal filed November 17, 2015; effective May 1, 2015.

**0120-01-.18 REPEALED.**

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Repeal filed October 15, 1986; effective November 29, 1986.

**0120-01-.19 REPEALED.**

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed October 2, 1978; effective January 29, 1979. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed March 13, 1997; effective May 27, 1997. Repeal filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance filed a 75-day stay; new effective date May 1, 2015.

**0120-01-.20 REEXAMINATION - ENGINEER.**

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.

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-405(c). **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 9, 1981; effective July 24, 1981. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed November 28, 1984; effective February 12, 1985. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance filed a 75-day stay; new effective date May 1, 2015.

**0120-01-.21 REPEALED.**

**Authority:** T.C.A. §§ 62-2-203(c), 62-2-404, and 62-2-405(c). **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 9, 1981; effective July 24, 1981. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance filed a 75-day stay; new effective date May 1, 2015. Repeal filed September 15, 2015; effective December 14, 2015.

**0120-01-22 REEXAMINATION - ARCHITECT.**

- (1) Policy. Reexamination of candidates for registration as an architect will be permitted in accordance with the policy prescribed by the NCARB.

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-504. **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed February 26, 1999; effective May 12, 1999.

**0120-01-23 REEXAMINATION - LANDSCAPE ARCHITECT.**

- (1) Policy. Reexamination of candidates for registration as a landscape architect will be permitted in accordance with the policy prescribed by the CLARB.

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-804(e). **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 28, 1984; effective February 12, 1985. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed March 14, 2005; effective May 28, 2005. Amendment filed December 11, 2012; effective March 11, 2013.

**0120-01-24 DUPLICATE CERTIFICATES OF REGISTRATION.**

- (1) Upon written request from an architect, engineer, or landscape architect, accompanied by a fee of twenty-five dollars (\$25.00), a new certificate of registration to replace any lost, destroyed or mutilated certificate will be issued.
- (2) Upon written request from an engineer intern, accompanied by a fee of fifteen dollars (\$15.00), a new certificate to replace any lost, destroyed or mutilated certificate will be issued.
- (3) All replacement certificates issued pursuant to this rule will be marked "duplicate."

**Authority:** T.C.A §§ 62-2-203(c) and 62-2-305. **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997.

**0120-01-25 RENEWAL OF REGISTRATION.**

- (1) All certificates of registration issued to engineers, architects and landscape architects are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. § 56-1-302(b).
- (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 0120-05-.04.
- (3) Fees for biennial renewal of certificates of registration shall be as follows:

Engineer	\$140.00
Architect	\$140.00
Landscape Architect	\$140.00

(Rule 0120-01-.25, continued)

- (4) The penalty fee for late renewal shall be in the amount of ten dollars (\$10.00) for each month or fraction of a month which lapses during the six (6)-month late renewal period before payment is tendered.
- (5) Retirement Status.
  - (a) A registered certificate holder (over age 62) may place the registrant's certificate, if in good standing, in retirement status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required. Such registrant shall renew the registrant's certificate by so notifying the Board.
  - (b) A registrant holding a retired certificate may refer to oneself as an engineer, architect, or landscape architect, including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title. However, a holder of a retired certificate may not engage in or offer to engage in the practice of engineering, architecture or landscape architecture as defined by T.C.A. § 62-2-102. Practice or offer to practice in violation of this subparagraph shall be considered to be misconduct and may subject the registrant to disciplinary action by the Board.
  - (c) A registrant holding a retired certificate may not engage in any activity constituting the practice or offer to practice of engineering, architecture or landscape architecture in the State of Tennessee without first notifying the Board, in writing, as to a change to "active" status and paying a biennial license renewal fee of one hundred forty dollars (\$140.00).

**Authority:** T.C.A. §§ 62-2-203(c) and (d) and 62-2-307(c). **Administrative History:** Original rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 10, 1982; effective July 26, 1982. Amendment filed October 15, 1986; effective November 29, 1986. Amendment filed November 20, 1989; effective January 4, 1990. Amendment filed October 21, 1992; effective December 5, 1992. Amendment filed January 19, 1995; effective April, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed September 15, 2015; effective December 14, 2015.

#### **0120-01-.26 REPEALED..**

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed November 20, 1989; effective January 4, 1990. Repeal filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance filed a 75-day stay of the effective date; new effective day May 1, 2015.

#### **0120-01-.27 NOTIFICATION TO THE BOARD.**

- (1) A registrant or applicant for registration shall notify the Board in writing within thirty (30) calendar days of any change of name, mailing address, e-mail address, or phone number. Registrants and applicants are encouraged to notify the Board of a change of employment.

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-207. **Administrative History:** Original rule filed March 13, 1997; effective May 27, 1997. Repeal and new rule filed November 17, 2014; effective February 15, 2015. On January 27, 2015, the Tennessee Department of Commerce and Insurance's Division of Regulatory Boards filed a 75-day stay of the effective date; new effective date May 1, 2015.

#### **0120-01-.28 MILITARY APPLICATIONS – SPOUSES – EXPIDITED REGISTRATION.**

- (1) An applicant for registration meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:



(Rule 0120-01-.28, continued)

- (a) Be issued a certificate of registration upon application and payment of all fees required for the issuance of such registration if, in the opinion of the Board, the requirements for licensure of such other state are substantially equivalent to that required in Tennessee; or
  - (b) Be issued a temporary permit as described herein if the Board determines that the applicant's registration does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including – but not limited to - education, training, or experience, in order to meet the requirements for the certificate of registration to be substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular certificate of registration of the same type which shall allow such person to perform services as if fully registered for a set period of time that is determined to be sufficient by the Board for the applicant to complete such requirements.
    1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full certificate of registration shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full certificate of registration had been issued at that time, provided that the applicant is otherwise qualified.
    2. A temporary permit shall be issued for a period no longer than the length of a renewal cycle for a full certificate of registration of the same type.
    3. A temporary permit shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.
    4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certificate of registration, then the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the Board for all other renewals of a full certificate of registration of the same type.
- (2) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any certificate of registration issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such certificate of registration.
- (3) (a) Any registrant who is a member of the national guard or a reserve component of the armed forces of the United States called to active duty whose registration expires during the period of activation shall be eligible to be renewed upon the registrant being released from active duty without:
1. Payment of late fees or other penalties; or
  2. Obtaining continuing education credits when:
    - (i) Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or

(Rule 0120-01-.28, continued)

- (ii) The person performs the registered occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board.
- (b) The certificate of registration or permit shall be eligible for renewal pursuant to this paragraph for six (6) months from the person's release from active duty.
- (c) Any person renewing under this paragraph shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any certificate of registration pursuant to this paragraph.

**Authority:** T.C.A. §§ 62-2-203(c) and (d) and 4-3-1304(d), (e), and (f). **Administrative History:** Original rule filed May 21, 2015; effective August 19, 2015.

**0120-01-.29 REPEALED.**

**Authority:** T.C.A. §§ 4-5-208(a)(2) and 62-2-203(c). **Administrative History:** Emergency rule filed April 30, 2015; effective through October 27, 2015. Emergency rule expired October 27, 2015; rule 1020-01-.29 is no longer effective. Repeal filed September 15, 2015; effective December 14, 2015.

**RULES  
OF  
STATE BOARD OF ARCHITECTURAL AND  
ENGINEERING EXAMINERS**

**CHAPTER 0120-02  
RULES OF PROFESSIONAL CONDUCT**

**TABLE OF CONTENTS**

0120-02-.01	Applicability	0120-02-.06	Acceptance of Work
0120-02-.02	Proper Conduct of Practice	0120-02-.07	Misconduct
0120-02-.03	Service in Areas of Competence	0120-02-.08	Seals
0120-02-.04	Public Statement	0120-02-.09	Civil Penalties
0120-02-.05	Conflicts of Interest	0120-02-.10	Other Enforcement Actions

**0120-02-.01 APPLICABILITY.**

- (1) The provisions of this chapter shall apply to any person registered to practice architecture, engineering or landscape architecture in this State and to any partnership or corporation engaged in the practice of architecture, engineering or landscape architecture in this State. For the purpose of this chapter, unless the context otherwise requires, the word “registrant” includes any such person, partnership or corporation.
- (2) In addition, rule 0120-02-.09 CIVIL PENALTIES, paragraphs (2) through (4), shall apply to any person required to be registered to practice architecture, engineering or landscape architecture in this State, regardless of whether such person has actually obtained registration.

**Authority:** T.C.A. §§ 56-1-308 and 62-2-203(c). **Administrative History:** Original rule was certified May 3, 1974. Amendment filed April 15, 1980; effective May 30, 1980. Amendment filed December 9, 1991; effective January 23, 1992.

**0120-02-.02 PROPER CONDUCT OF PRACTICE.**

- (1) The registrant shall at all times recognize the primary obligation to protect the safety, health and welfare of the public in the performance of the registrant’s professional duties.
- (2) If the registrant becomes aware of a decision taken by an employer, client, or contractor, against the registrant’s advice, which violates applicable Federal, State or Local Laws, Regulations, or Codes which may affect adversely the safety, health and welfare of the public, the registrant shall:
  - (a) Report the decision to the authority having jurisdiction charged with the enforcement of the applicable Federal, State or Local Laws, Regulations, and Codes;
  - (b) Refuse to consent to the decision; and
  - (c) In circumstances where the registrant reasonably believes that other such decisions will be taken notwithstanding the registrant’s objections, terminate services with reference to the project.
- (3) A registrant possessing knowledge of a violation of T.C.A. Title 62, chapter 2, or this chapter, shall report such knowledge to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as it may require.

(Rule 0120-02-.02, continued)

- (4) The registrant shall maintain the continuing education records required by rule 0120-05-.10 for a period of four (4) years and shall furnish such records to the Board for audit verification purposes within thirty (30) days of the Board's request.
- (5) A registrant possessing knowledge of an applicant's qualifications for registration shall cooperate with the applicant and/or the Board by responding appropriately regarding those qualifications when requested to do so. A registrant shall provide timely verification of employment and/or experience earned by an applicant under the registrant's supervision if there is reasonable assurance that the facts to be verified are accurate. A registrant shall not knowingly sign any verification document that contains false or misleading information.
- (6) A registrant may not submit any information as part of a proposal for a public project to the state or any of its political subdivisions that would enable the governmental entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services required, thereby precluding participation in any system requiring a comparison of compensation. This rule shall apply only to proposals submitted to governmental entities that are prohibited by T.C.A. § 12-4-107(a) from making a selection or awarding a contract on the basis of competitive bids. Upon selection, a registrant may state compensation to a prospective client in direct negotiation where architectural, engineering, or landscape architectural services necessary to protect the public health, safety, and welfare have been defined.

**Authority:** T.C.A. §§ 62-2-203(c) and (d) and 62-204. **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015.

#### **0120-02-.03 SERVICE IN AREAS OF COMPETENCE.**

- (1) The registrant shall perform services only in areas of the registrant's competence. The registrant shall undertake to perform professional assignments only when qualified by education or experience in the specific technical field involved.
- (2) The registrant may accept an assignment requiring education or experience outside of the registrant's own field of competence, but only to the extent that such services are restricted to those phases of the project in which the registrant is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.
- (3) The registrant shall not affix the registrant's signature and/or seal to any plan or document dealing with subject matter in which the registrant lacks competence acquired through education or experience, nor to any plan or document not prepared by the registrant or under the registrant's responsibility.
- (4) In the event a question as to the competence of a registrant to perform a professional assignment in a specific technical field arises and cannot be otherwise resolved to the satisfaction of the Board of Examiners for Architects and Engineers, the Board, upon request of the registrant or by its own volition, may require the registrant to submit to whatever examination it deems appropriate.
- (5) In providing services, the registrant shall take into account all applicable Federal, State and Local building Laws and Regulations. The registrant shall not knowingly provide services resulting in violation of such laws and regulations.

(Rule 0120-02-.03, continued)

- (6) Incompetence. The following acts or omissions, among others, may be deemed to be "incompetence" pursuant to T.C.A. § 62-2-308(a)(1)(B), and to be cause for denial, suspension or revocation of a certificate of registration to practice architecture, engineering or landscape architecture and/or the imposition of any other lawful discipline:
  - (a) Malpractice. Incompetence includes, but is not limited to, recklessness, or excessive errors, omissions or building failures in the registrant's record of professional practice.
  - (b) Disability. Incompetence includes, but is not limited to, mental or physical disability or addiction to alcohol or drugs which leads to the impairment of the registrant's ability to exercise due skill and care in providing professional services so as to endanger the health, safety and welfare of the public.

**Authority:** T.C.A. §§ 62-2-203(c), 62-204, 62-2-308, and Public Acts of 1979, Chapter 263.  
**Administrative History:** Original rule certified May 3, 1974. Amendment filed July 27, 1977; effective August 26, 1977. Amendment filed April 15, 1980; effective May 30, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed February 26, 1999; May 12, 1999. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-02-.04 PUBLIC STATEMENTS.

- (1) The registrant shall be completely objective and truthful in all professional reports, statements or testimony. The registrant shall include all relevant and pertinent information in such reports, statements or testimony.
- (2) The registrant, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the registrant's testimony.
- (3) The registrant will issue no statements, criticisms or arguments on professional matters connected with public policy which are inspired or paid for by an interested party or parties, unless the registrant has prefaced the registrant's comments by explicitly identifying the registrant, by disclosing the identity of the party or parties on whose behalf the registrant is speaking, and by revealing the existence of any pecuniary interest the registrant may have in the instant matter.

**Authority:** T.C.A. §§ 62-204 and 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Amendment filed July 27, 1977; effective August 26, 1977. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-02-.05 CONFLICTS OF INTEREST.

- (1) The registrant shall conscientiously strive to avoid conflicts of interest with his or her employer or his client; but, when such conflict is unavoidable, the registrant shall forthwith disclose the circumstances to his or her employer or client in writing.
- (2) The registrant shall avoid all known conflicts of interest with his or her employer or client, and shall promptly inform his or her employer or client in writing of any business association, interests or circumstances which could influence the registrant's judgment or the quality of the registrant's services.
- (3) The registrant shall not accept compensation (financial or otherwise) from more than one (1) party for services on or pertaining to the same project unless the circumstances are agreed to in writing by all interested parties prior to the acceptance of any such compensation.

(Rule 0120-02-.05, continued)

- (4) The registrant shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
- (5) When in public service as a member, advisor or employee of a governmental body or department, the registrant shall not participate in considerations or actions with respect to services provided by the registrant or the registrant's organization in private professional practices.
- (6) The registrant shall not solicit or accept any contract from a governmental body on which the registrant, or a principal or officer of the registrant's organization, serves as a member.
- (7) When acting as the interpreter of construction contract documents and the judge of construction contract performance, the registrant shall render decisions impartially, favoring neither party to the construction contract.

**Authority:** T.C.A. §§ 36-5-706, 62-2-203(c), 62-2-308 and 67-4-1704. **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed March 9, 2007; effective May 23, 2007. Amendments filed September 16, 2008; effective November 30, 2008. Amendment filed November 7, 2015; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.

#### **0120-02-.06 ACCEPTANCE OF WORK.**

- (1) The registrant shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.
- (2) The registrant shall not falsify or permit misrepresentation of the registrant's or the registrant's associates' academic or professional qualifications to a prospective or existing client or employer. The registrant shall not misrepresent or exaggerate the registrant's degree of responsibility in or for the subject matter of present or prior assignments.
  - (a) It shall be the responsibility of each registrant to clearly and appropriately state prior professional experience of the registrant and/or the firm the registrant is representing in presenting qualifications to prospective clients, both public and private. If a registrant uses visual representations of prior projects or experience, all registrants whose seal appears on plans, specifications and/or contract documents must be clearly identified.
  - (b) A registrant who has been an employee of another design firm may not claim unconditional credit for projects contracted for in the name of the previous employer. The registrant shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee. Additionally, the registrant shall provide the time frame in which the project was performed, identify the previous design firm, and describe the nature and extent of the registrant's participation in the project.
  - (c) A registrant who was formerly a principal in a firm may legitimately make additional claims provided the registrant discloses the nature of ownership in the previous design firm (e.g., stockholder, director or officer) and identifies with specificity the registrant's responsibilities for that project.
  - (d) A registrant who presents a project that has received awards recognition must comply with the requirements of this rule with regard to project presentation to the public and prospective clients.

(Rule 0120-02-.06, continued)

- (e) Projects which remain unconstructed and which are listed as credit shall be listed as “unbuilt” or by a similar designation.
- (3) The registrant shall not request, propose, or accept a professional commission on a contingent basis under circumstances in which the registrant’s professional judgment may be compromised.

**Authority:** T.C.A. §§ 62-204 and 62-2-203(c). **Administrative History:** Original rule certified May 3, 1974. Amendment filed July 27, 1977; effective August 26, 1977. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed September 15, 2015; effective December 14, 2015.

#### **0120-02-.07 MISCONDUCT.**

- (1) The registrant shall not knowingly associate with, or permit the use of the registrant’s name or firm name in, a business venture by any person or firm which the registrant knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.
- (2) The registrant shall not furnish limited services in such a manner as to enable unregistered persons to evade:
  - (a) Federal, State and Local building laws and regulations, including building permit requirements; or
  - (b) Registration requirements of T.C.A. Title 62, chapter 2.
- (3) The registrant may not take over, review, revise, or sign or seal drawings or revisions thereof when such plans are begun by persons not properly registered and qualified; or do any other act to enable either such persons or the project owners, directly or indirectly, to evade the registration requirements of T.C.A. Title 62, Chapter 2.
- (4) The registrant may not make or promise to make contributions of money for the purpose of securing a commission or influencing the engagement or employment of the registrant for a project.
- (5) A registrant may be deemed by the Board to be guilty of misconduct in the registrant’s professional practice if:
  - (a) The registrant has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony or fails to report such action to the Board in writing within sixty (60) days of the action;
  - (b) The registrant’s 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 or the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
  - (c) The registrant fails to respond to Board requests and investigations within thirty (30) days of the mailing of communications, unless an earlier response is specified; or
  - (d) The registrant fails to comply with a lawful order of the Board.
- (6) The registrant may not utilize the seal of another registrant without the other registrant’s knowledge and consent.

(Rule 0120-02-.07, continued)

**Authority:** T.C.A. §§ 62-2-203(c), 62-204, 62-212, and 62-2-308. **Administrative History:** Original rule certified May 3, 1974. Amendment filed April 15, 1980; effective May 30, 1980. Amendment filed November 18, 1983; effective December 18, 1983. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; effective May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015.

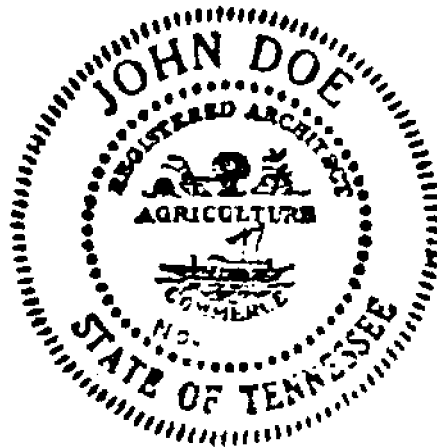
**0120-02-.08 SEALS.**

(1) The design of the registrant’s seal required by T.C.A. §62-2-306, shall be as follows:

(a) Engineer:



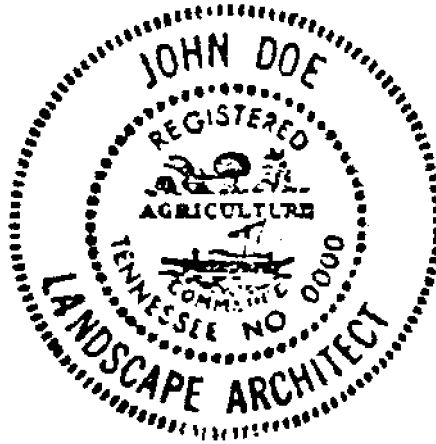
(b) Architect:



(c) Landscape Architect:



(Rule 0120-02-.08, continued)



- (2) The registrant shall stamp with his seal the following documents:
  - (a) All original sheets of any bound or unbound set of working drawings or plans;
  - (b) The original cover or index page(s) identifying all specification pages covered; and
  - (c) Design calculations that are submitted for review.
- (3) The registrant shall superimpose his signature (not a rubber stamp) and date of signature across the face and beyond the circumference of the seal on documents listed above.
- (4) Any portions of working drawings, plans, reports or other design documents prepared by registered consultants shall bear the seal and signature of the consultant responsible therefor.
- (5)
  - (a) No registrant shall affix his or her seal or signature to sketches, working drawings, specifications or other documents developed by others not under the registrant's responsible charge and not subject to the authority of that registrant in critical professional judgments.
  - (b) In circumstances where a registrant can no longer provide services on a project (such as death, retirement, disability, contract termination, etc.), a successor registrant may perform work on a set of plans originally prepared by another registrant. If the plans are incomplete (are at a stage prior to submittal to a reviewing official), the successor registrant may not seal the set of drawings prepared by the original registrant; rather, the successor registrant must take all steps necessary to ensure that the drawings were prepared under his or her responsible charge before sealing them. If the plans are complete and have been submitted to a reviewing official, the successor registrant may prepare and seal addenda sheets or document and seal changes to the original sheets if revisions are necessary.
- (6)
  - (a) Responsible Charge. Plans, specifications, drawings, reports or other documents will be deemed to have been prepared under the responsible charge of a registrant only when:
    1. The client requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the registrant, or to the registrant's employee at the time initial client contact is made, so long as the registrant has the right to control and direct the employee in the material details of how the work is to be performed;

(Rule 0120-02-.08, continued)

2. The registrant supervises and is involved in the preparation of the plans, specifications, drawings, reports or other documents and has input into and full knowledge of their preparation prior to their completion;
  3. The registrant reviews the final plans, specifications, drawings, reports or other documents; and
  4. The registrant has the authority to, and does, make any necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents; and
  5. Contributions of information or predrawn detail items or detail units that are incidental to and intended to be integrated into a registrant's technical submissions are from trusted sources (including, but not limited to, manufacturers, installers, consultants, owners, or contractors), are subject to appropriate review, and are then coordinated and integrated into the design by the registrant.
- (b) Except as provided by Rule 0120-02-.08(5)(b), any changes made to the final plans, specifications, drawings, reports or other documents after final revision and sealing by the registrant are prohibited by any person other than the registrant, including but not limited to owners/clients, contractors, subcontractors, other design professionals, or any of their agents, employees or assigns.
  - (c) Mere review of work prepared by another person, even if that person is the registrant's employee, does not constitute responsible charge unless the registrant has met the criteria set out above.
  - (d) The intent of the definition of responsible charge may be met if all provisions of the definition are met using remote electronic or other communication means.
- (7) No registrant shall affix his seal or signature to documents having titles or identities excluding the registrant's name unless:
- (a) Such documents were indeed developed by the registrant or under the registrant's responsible charge; and
  - (b) The registrant has exercised full authority to determine their development.
- (8) (a) Subject to the requirements of this rule, rubber-stamp, embossed, transparent self-adhesive or electronically generated seals may be used. Such stamps or seals shall not include the registrant's signature or date of signature.
- (b) Subject to the requirements of this rule, the registrant may affix an electronically generated signature and date of signature to documents. Electronic signatures and dates of signature are not required to be placed across the face and beyond the circumference of the seal, but must be placed adjacent to the seal. Documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document. The digital signature must be:
- i. Unique to the individual using it;
  - ii. Capable of verification;
  - iii. Under the sole control of the individual using it; and

(Rule 0120-02-.08, continued)

- iv. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

**Authority:** T.C.A. §§ 62-2-203(c), 62-2-306, 62-2-306(d), and 62-2-307(f). **Administrative History:** Original rule certified May 3, 1974. Repeal and new rule filed January 14, 1980; effective February 28, 1980. Amendment filed June 29, 1981; effective July 24, 1981. Amendment filed January 29, 1987; effective March 15, 1987. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendments filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; effective May 1, 2015.

**0120-02-09 CIVIL PENALTIES.**

- (1) With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such registrant for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

<b>Violation</b>	<b>Penalty</b>
(a) T.C.A. 62-2-306(b).....	\$250-1000
(b) T.C.A. 62-2-308(a)(1).....	250-1000
(c) Rule 0120-02-.02.....	100-1000
(d) Rule 0120-02-.03.....	500-1000
(e) Rule 0120-02-.04.....	50-1000
(f) Rule 0120-02-.05.....	500-1000
(g) Rule 0120-02-.06.....	250-1000
(h) Rule 0120-02-.07.....	500-1000
(i) Rule 0120-02-.08.....	100-1000
(j) Board Order.....	100-1000

- (2) With respect to any person required to be registered in this state as an architect, engineer or landscape architect, the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

(Rule 0120-02-.09, continued)

<b>Violation</b>	<b>Penalty</b>
(a) T.C.A. §62-2-101 .....	\$100-1000
(b) T.C.A. §62-2-105(a)(1) .....	500-1000
(c) T.C.A. §62-2-105(b)(1).....	500-1000
(d) T.C.A. § 62-2-601 .....	500-1,000
(e) T.C.A. §62-2-602 .....	500-1000
(3) Each day of continued violation may constitute a separate violation.	
(4) In determining the amount of civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:	
(a) Whether the amount imposed will be a substantial economic deterrent to the violation;	
(b) The circumstances leading to the violation;	
(c) The severity of the violation and the risk of harm to the public;	
(d) The economic benefits gained by the violator as a result of non-compliance; and	
(e) The interest of the public.	

**Authority:** T.C.A. §§ 56-1-308 and 62-2-203(c). **Administrative History:** Original rule filed January 29, 1987; effective March 15, 1987. Amendment filed December 9, 1991; effective January 23, 1992. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed January March, 2011; effective June 7, 2011.

**0120-02-.10 OTHER ENFORCEMENT ACTIONS.**

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) Passage of a laws and rules examination;
- (2) Completion of additional, Board-assigned continuing education hours (with appropriate documentation required); or
- (3) Assignment of a probationary period with peer review of all technical work, accompanied by reporting requirements from the reviewer.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed December 11, 2012; effective March 11, 2013.

**RULES  
OF  
TENNESSEE STATE BOARD OF ARCHITECTURAL  
AND ENGINEERING EXAMINERS**

**CHAPTER 0120-3  
RULES OF PROCEDURE FOR HEARING CONTESTED CASES**

For Rules of Procedure for Hearing Contested Cases, see Rules of the Secretary of State, Chapter 1360-4-1.

**Authority:** T.C.A. §4-509. **Administrative History:** Original Chapter filed November 22, 1978; effective January 8, 1979.

**RULES  
OF  
TENNESSEE STATE BOARD OF ARCHITECTURAL AND  
ENGINEERING EXAMINERS**

**CHAPTER 0120-04  
INTERIOR DESIGNERS**

**TABLE OF CONTENTS**

0120-04-.01	Definitions	0120-04-.08	Renewal of Registration
0120-04-.02	Applicability	0120-04-.09	Registration Without Examination
0120-04-.03	Applications	0120-04-.10	Professional Conduct
0120-04-.04	Education Requirements	0120-04-.11	Civil Penalties
0120-04-.05	Experience Requirements	0120-04-.12	Other Enforcement Actions
0120-04-.06	Initial Registration	0120-04-.13	Notification to the Board
0120-04-.07	Duplicate Certificates of Registration		

**0120-04-.01 DEFINITIONS.**

- (1) NCIDQ shall mean the National Council for Interior Design Qualification.
- (2) BOARD shall mean the Tennessee State Board of Architectural and Engineering Examiners.
- (3) REGISTRANT shall mean a registered interior designer.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993.

**0120-04-.02 APPLICABILITY.**

- (1) Unless otherwise indicated, the provisions of this chapter shall apply to all applicants for registration as registered interior designers and all registered interior designers.
- (2) Rule 0120-04-.11 Civil Penalties, paragraphs (2) through (4), shall apply to any person required to be registered to use the title "registered interior designer."

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed March 9, 2011; effective June 7, 2011.

**0120-04-.03 APPLICATIONS.**

- (1) Each applicant for registration as a registered interior designer must be at least twenty-one (21) years old and must not have been convicted of any offense that bears directly on the applicant's fitness to be registered as determined by the Board. The applicant shall indicate the applicant's age and shall give a full explanation of any conviction of any offense on a form provided by the Board.
- (2) An application for registration as a registered interior designer under the provisions of T.C.A. § 62-2-904 (registration requiring examination), shall be made on a form prescribed by the Board and shall be accompanied by a nonrefundable fee of fifty-five dollars (\$55.00). The applicant shall provide the Board with NCIDQ examination verification or equivalent examination verification by submitting the following to the examination sponsor:
  - (a) An examination verification form supplied by the Board; and

(Rule 0120-04-.03, continued)

- (b) The fee, if any, charged by the examination sponsor for verification.

**Authority:** T.C.A. §§ 62-2-203(c), 62-2-301(a), 62-2-904, and 62-2-905. **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed March 13, 1997; effective May 27, 1997. Amendment filed February 26, 1999; effective May 12, 1999. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-04-.04 EDUCATION REQUIREMENTS.

- (1) Except as provided by T.C.A. §62-2-905 (registration without examination), the education requirements for an applicant for registration as a registered interior designer shall be those prescribed in T.C.A. § 62-2-904(a).
- (2) The education requirements shall be completed by the applicant prior to submitting an application to the Board.
- (3) A nonaccredited interior design curriculum shall be referred at the applicant's expense to a person or entity approved by the Board and qualified to evaluate substantial equivalency to a Council for Interior Design Accreditation (formerly the Foundation for Interior Design Education Research) accredited program for evaluation and recommendation. Nonaccredited interior design degrees that were awarded within two (2) academic years prior to accreditation may be approved by the Board as being satisfactory.

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-904(a). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed September 11, 2009; effective December 10, 2009.

#### 0120-04-.05 EXPERIENCE REQUIREMENTS.

- (1) Except as provided by T.C.A. § 62-2-905 (registration without examination), the experience requirements for an applicant for registration as a registered interior designer shall be those prescribed in T.C.A. § 62-2-904 (registration with examination).
- (2) For purposes of T.C.A. § 62-2-904(a), and this rule, "diversified interior design experience" shall mean that the applicant has been engaged in three (3) or more of the following activities of enhancing the function and quality of interior space:
  - (a) Analysis of a client's needs, goals, and life safety requirements for the interior space of a structure;
  - (b) Integration of findings with knowledge of interior design;
  - (c) Formulation of preliminary design concepts that are appropriate, functional and aesthetic;
  - (d) Development and presentation of final design recommendations through presentation media;
  - (e) Preparation of working drawings and specifications for non-load bearing interior construction, materials, finishes, space planning, furnishings, fixtures and equipment;
  - (f) Collaboration with professional services of other licensed practitioners in the technical areas of mechanical, electrical and load-bearing design required for regulatory approval;

(Rule 0120-04-.05, continued)

- (g) Preparation and administration of bids and contract documents as the client's agent; and
  - (h) Review and evaluation of design solutions during implementation and upon completion.
- (3) An applicant shall have worked at least one thousand six hundred (1,600) hours in a calendar year to obtain credit for a year's worth of diversified interior design experience under the provisions of T.C.A. § 62-2-904(a).
- (4) Interior design teaching with full-time faculty status in a college or university offering an approved interior design curriculum of four (4) years or more may be considered, at the discretion of the Board, as diversified interior design experience.
- (5) Diversified interior design experience shall be demonstrated to the Board by the applicant who shall furnish the following:
- (a) An affidavit by the applicant attesting that the applicant has engaged in the practice of interior design for the number of years for which the applicant is claiming experience; and
  - (b) A minimum of five (5) references, on forms supplied by the Board, certifying that the applicant has provided interior design services for the period of experience claimed by the applicant. References from relatives will not be considered. No reference will be considered if prepared more than two (2) years prior to the date of application.
  - (c) Three (3) such references must be registered interior designers and/or registered architects. In addition, one (1) client reference and one (1) employer reference are required. A client reference may be substituted for the employer reference if an applicant is self-employed. An employer reference or a reference from a registered interior designer or registered architect may be substituted for the client reference if the applicant is an interior design educator.
  - (d) If a reference reply is uncomplimentary, derogatory, or unfavorable of the applicant, the applicant may be required to furnish additional references. If subsequent replies are unfavorable, the applicant will be scheduled for an interview with the Board for further consideration.

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-904(a). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed; new effective date May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-04-.06 INITIAL REGISTRATION.

- (1) An initial certificate of registration shall be issued upon:
- (a) The Board's determination that all the applicable prerequisites for registration have been met; and
  - (b) The payment of application fees and other costs, if any, and the payment of an initial certificate of registration fee of one hundred forty dollars (\$140.00) which shall be valid for two (2) years.

**Authority:** T.C.A. §§ 56-1-302(b), 62-2-203(c), 62-2-307, and 62-2-904(b)(4). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed March 13, 1997; effective May 27, 1997.



#### **0120-04-.07 DUPLICATE CERTIFICATES OF REGISTRATION.**

- (1) Upon written request from a registered interior designer, accompanied by a fee of twenty-five dollars (\$25.00), a new certificate of registration to replace any lost, destroyed or mutilated certificate will be issued.
- (2) All replacement certificates issued pursuant to this rule will be marked "duplicate."

**Authority:** T.C.A. §§ 62-2-203(c) and 62-2-305. **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993.

#### **0120-04-.08 RENEWAL OF REGISTRATION.**

- (1) All certificates of registration issued to a registered interior designer are subject to biennial renewal (every two (2) years) in accordance with the provisions of T.C.A. § 56-1-302(b).
- (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 0120-05-.04.
- (3) The fee for biennial renewal of certificates of registration for registered interior designers shall be in the amount of one hundred forty dollars (\$140.00).
- (4) The penalty for late renewal shall be in the amount of ten dollars (\$10.00) for each month or fraction of a month which elapses during the six (6)-month late renewal period before payment is tendered.
- (5) Retirement Status.
  - (a) A registered certificate holder (over age 62) may place his certificate, if in good standing, in retirement status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required. Such registrant shall renew his certificate by so notifying the Board.
  - (b) A registrant holding a retired certificate may refer to oneself as a registered interior designer, including on correspondence and business cards, provided that the word "retired" is used in conjunction with the title. Use of the title in violation of this subparagraph shall be considered to be misconduct and may subject the registrant to disciplinary action by the Board.
  - (c) A registrant holding a retired certificate may return to "active" status by notifying the Board, in writing, to change to "active" status and paying a biennial registration renewal fee of one hundred forty dollars (\$140.00).

**Authority:** T.C.A. §§ 62-2-203(c) and (d) and 62-2-307(c) and (f). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed January 19, 1995; effective April 4, 1995. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed March 9, 2007; effective May 23, 2007. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed September 15, 2015; effective December 14, 2015.

#### **0120-04-.09 REGISTRATION WITHOUT EXAMINATION.**

- (1) The education and experience requirements for an applicant for registration as a registered interior designer without examination shall be those prescribed in T.C.A. §62-2-905.

(Rule 0120-04-.09, continued)

- (2) For purposes of *T.C.A. §62-2-905*, an applicant shall be deemed to have “satisfactory interior design experience” if, for each year the applicant claims credit, the applicant has worked a minimum of one thousand six hundred (1,600) hours performing interior design services. For purposes of this rule, “satisfactory interior design experience” shall mean design services which do not necessarily require performance by an architect, including consultations, studies, drawings and specifications in connection with reflected ceiling plans, space utilization, furnishings or the fabrication of non-structural elements within the surrounding interior spaces of buildings, but specifically excluding the services specified by law to require other licensed professionals, such as the design of mechanical, plumbing, electrical and load-bearing structural systems, except for specification of fixtures and their location within interior spaces.
- (3) Satisfactory interior design experience shall be demonstrated to the Board by the applicant who shall provide the following:
  - (a) An affidavit by the applicant attesting that the applicant has used or been identified by the title “interior designer” and has engaged in the practice of interior design for the number of years for which the applicant is claiming experience;
  - (b) Three (3) references, on forms supplied by the Board, certifying that the applicant has provided interior design services for the period of experience claimed by the applicant; such references to be submitted from the following:
    1. Interior designers who have passed the NCIDQ examination;
    2. Registered architects; and/or
    3. Professional members of any of the professional organizations specified under paragraph (3)(c)1. of this rule; and
  - (c) Documentation of the interior design experience claimed by using any one (1) of the two (2) methods enumerated below:
    1. Providing certification of active professional membership in one (1) of the following professional organizations which require six (6) years education and experience substantially similar to the education and experience required by *T.C.A. §62-2-905*:
      - (i) American Society of Interior Designers;
      - (ii) Institute of Business Designers;
      - (iii) Interior Design Society; or
      - (iv) Any other professional interior design organization that requires successful completion of the NCIDQ Examination or its equivalent or the experience requirements of *T.C.A. §62-2-905*; or
    2. Furnishing documentation of the number of years of interior design experience claimed as set forth below:
      - (i) Verification by the employer for each year worked under an interior designer who holds active professional membership in any of the professional organizations specified in paragraph (3)(c)1. of this rule, or a registered architect; and/or

(Rule 0120-04-.09, continued)

- (ii) A combination of no less than three (3) of the following documents per year as proof of experience:
    - (I) Tax returns listing occupation as interior designer or Schedule C listing business as interior design;
    - (II) Affidavits from clients, attesting to the interior design services provided and when the applicant provided such services;
    - (III) Business licenses; or
    - (IV) Tax identification numbers issued prior to January 1, 1988; and/or
  - (iii) Equivalent proof as determined by the Board.
- (4) Notwithstanding any provision to the contrary, no more than one (1) year of credit for satisfactory design experience shall be given for interior-design-related sales experience.
- (5) Notwithstanding any other provision to the contrary, an applicant claiming experience for the teaching of interior design may use such experience to qualify for registration without examination, pursuant to the provisions of *T.C.A. §62-2-905(2)*.
- (a) Any combination totaling six (6) years of satisfactory interior design experience, as defined in this rule, and experience being regularly engaged in the teaching of interior design, such teaching experience being part of a program leading to a degree at an accredited institution recognized by the Board shall meet the requirements of *T.C.A. §62-2-905(2)*.
  - (b) To demonstrate satisfactory interior design experience, the applicant shall do so in the manner provided above by this rule. To demonstrate teaching experience, the applicant shall submit an affidavit by the applicant and a statement from an accredited institution stating the number of years the applicant was regularly engaged in the teaching of interior design.
  - (c) "Regularly engaged" shall mean a full-time teaching position in which no less than twelve (12) credit hours per semester or the equivalent hours per quarter are taught for each semester or quarter of a year.

**Authority:** *T.C.A. §§ 62-2-203(c) and 62-2-905.* **Administrative History:** *Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002.*

#### **0120-04-.10 PROFESSIONAL CONDUCT.**

- (1) The registrant shall comply with all applicable laws, regulations and codes governing the practice of interior design, and the use of the title "registered interior designer."
- (2) The registrant shall at all times recognize the primary obligation to protect the health, safety and welfare of the public in the registrant's practice of interior design.
- (3) The registrant shall perform services only in areas of the registrant's competence.
- (4) The registrant shall not engage in any form of false or misleading advertising or promotional activities including, but not limited to, implying unregistered staff members or employees of the firm are registered interior designers.

(Rule 0120-04-.10, continued)

- (5) The registrant shall not divulge any confidential information about the client or the client's project, or utilize photographs or specifications of the project without the express permission of the client; provided, however, this provision shall not apply to those specifications, drawings or photographs over which the designer retains proprietary rights or the designer is required by law or in connection with an investigation by the Board to furnish.
- (6) The registrant shall be completely objective and truthful in all professional reports, statements and testimony.
- (7) The registrant shall not assist or abet improper or illegal conduct of anyone in connection with a project.
- (8) When in public service as a member, advisor, or employee of a governmental body or department, the registrant shall not participate in considerations or actions with respect to services provided by the registrant or the registrant's organization in private professional practice.
- (9) The registrant shall not solicit or accept any contract from a governmental body on which the registrant, or a principal or officer of the registrant's organization, serves as a member.
- (10) The registrant shall not pay or offer to pay, either directly or indirectly, any commission, political contribution, or gift or other consideration in order to secure work, exclusive of securing salary positions through employment agencies.
- (11) The registrant shall not falsify or permit misrepresentation of the registrant's or the registrant's associates' academic or professional qualifications to a prospective or existing client or employer. The registrant shall not misrepresent or exaggerate the registrant's degree of responsibility in or for the subject matter of present or prior assignments.
  - (a) It shall be the responsibility of each registrant to clearly and appropriately state prior professional experience of the registrant and/or the firm the registrant is representing in presenting qualifications to prospective clients, both public and private.
  - (b) A registrant who has been an employee of another design firm may not claim unconditional credit for projects contracted for in the name of the previous employer. The registrant shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee. Additionally, the registrant shall provide the time frame in which the project was performed, identify the previous design firm, and describe the nature and extent of the registrant's participation in the project.
  - (c) A registrant who was formerly a principal in a firm may legitimately make additional claims provided the registrant discloses the nature of ownership in the previous design firm (e.g., stockholder, director or officer) and identifies with specificity the registrant's responsibilities for that project.
  - (d) A registrant who presents a project that has received awards recognition must comply with the requirements of this rule with regard to project presentation to the public and prospective clients.
  - (e) Projects which remain unconstructed and which are listed as credit shall be listed as "unbuilt" or by a similar designation.
- (12) The registrant shall not request, propose or accept a professional commission on a contingent basis under circumstances in which the registrant's professional judgment may be compromised.

(Rule 0120-04-.10, continued)

- (13) The registrant shall not knowingly associate with, or permit the use of the registrant's name or firm name in, a business venture by any person or firm which the registrant knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.
- (14) The registrant may be deemed by the board to be guilty of misconduct if:
  - (a) The registrant has pleaded guilty or nolo contendere to or is convicted in a court of competent jurisdiction of a felony or fails to report such action to the Board in writing within sixty (60) days of the action;
  - (b) The registrant's license or certificate of interior design title is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings in another jurisdiction or the registrant fails to report such action to the Board in writing within sixty (60) days of the action;
  - (c) The registrant fails to respond to Board requests and investigations within thirty (30) days of the mailing of communications, unless an earlier response is specified; or
  - (d) The registrant fails to comply with a lawful order of the Board.
- (15) The registrant shall not engage, or offer to engage, in the providing of services specified by law to require other licensed professionals, such as the design of mechanical, plumbing, electrical and load-bearing structural systems, except for specification of fixtures and their location within interior spaces.
- (16) Before accepting a project, a registrant shall reasonably inform the prospective client of:
  - (a) The scope and nature of the project;
  - (b) The professional services relating to the interior design that will be performed and the method of compensation for those performed services; and
  - (c) All compensation that the registrant will receive in connection with the project. If the registrant accepts the project, the registrant shall not accept any compensation from any person with whom the registrant deals in connection with the project that has not been fully disclosed to the client in writing prior to acceptance of the project.
- (17) A registrant possessing knowledge of an applicant's qualifications for registration shall cooperate with the applicant and/or the Board by responding appropriately regarding those qualifications when requested to do so. A registrant shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. A registrant shall not knowingly sign any verification document that contains false or misleading information.
- (18) The registrant shall maintain the continuing education records required by rule 0120-05-.10 Records for a period of four (4) years and shall furnish such records to the Board for audit verification purposes within thirty (30) days of the Board's request.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed May 18, 1993; effective July 2, 1993. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed September 16, 2008; effective November 30, 2008. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013. Amendment filed November 17, 2014; effective February 15, 2015. A stay of

(Rule 0120-04-.10, continued)

*the effective date was filed January 27, 2015; new effective date May 1, 2015. Amendment filed September 15, 2015; effective December 14, 2015.*

**0120-04-.11 CIVIL PENALTIES.**

- (1) With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such registrant for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

Violation    Penalty

- (a) T.C.A. § 62-2-308(a)(1) . \$500-\$1,000
- (b) Rule 0120-04-.10 500-1,000
- (c) Board Order        100-1,000

- (2) With respect to any person required to be registered in this state to use the title “registered interior designer,” the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation    Penalty

- (a) T.C.A. § 62-2-101 \$100-\$1,000
- (b) T.C.A. § 62-2-105(a)(1) 500-1,000
- (c) T.C.A. § 62-2-105(b)(1) 500-1,000
- (d) T.C.A. § 62-2-903 500-1,000

- (3) Each day of continued violation may constitute a separate violation.
- (4) In determining the amount of civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
  - (a) Whether the amount imposed will be a substantial economic deterrent to the violation;
  - (b) The circumstances leading to the violation;
  - (c) The severity of the violation and the risk of harm to the public;
  - (d) The economic benefits gained by the violator as a result of non-compliance; and
  - (e) The interest of the public.

**Authority:** *T.C.A. §§ 56-1-308 and 62-2-203(c).* **Administrative History:** *Original rule filed March 9, 2011; effective June 7, 2011.*

**0120-04-.12 OTHER ENFORCEMENT ACTIONS.**

With respect to any registrant, the Board may, in addition to or in lieu of any other lawful disciplinary action, take enforcement action against any registrant who is a respondent in a disciplinary case. Other enforcement actions may include, but are not limited to, the following:

- (1) Passage of a laws and rules examination; or
- (2) Completion of additional, Board-assigned continuing education hours (with appropriate documentation required).

**Authority:** *T.C.A. § 62-2-203(c).* **Administrative History:** *Original rule filed December 11, 2012;*

(Rule 0120-04-.12, continued)  
*effective March 11, 2013.*

**0120-04-.13 NOTIFICATION TO THE BOARD**

A registrant or applicant for registration shall notify the Board in writing within thirty (30) calendar days of any change of name, mailing address, e-mail address, or phone number. Registrants and applicants are encouraged to notify the Board of a change of employment.

**Authority:** *T.C.A. §§ 62-2-203(c) and 62-2-207. Administrative History: Original rule filed November 17, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.*



STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
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NASHVILLE, TENNESSEE 37243  
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December 4, 2015

Via Messenger Mail

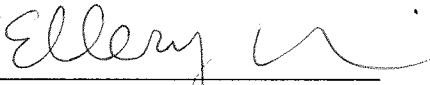
Secretary of State's Office  
Division of Publications  
Attn: Cody Ryan York, Director of Publications  
312 Rosa L. Parks Avenue  
Snodgrass Tower, 8th Floor  
Nashville, TN 37243

*RE: Proposed Rulemaking - Sequence Number 09-25-15, Rule ID 6030-6034  
Department of Commerce and Insurance – Division of Regulatory Boards  
Tennessee Board of Architectural and Engineering Examiners*

Dear Director York:

The Publications Division informed the Board that there may be a typographical error in the above referenced Proposed Rule Filings. I have reviewed the filing and can confirm that this is indeed an error. On page thirteen (13) of the filing, Rule 0120-04-.10(14) has four (4) paragraphs labeled (a), (b), (c), and (c). These paragraphs should be labeled (a), (b), (c), and (d). Please move forward with correcting this error. If you need anything else, do not hesitate to call me at (615) 741-3072.

Sincerely,

By:   
Ellery Richardson  
Assistant General Counsel  
Department of Commerce and Insurance  
[Ellery.Richardson@tn.gov](mailto:Ellery.Richardson@tn.gov)

Cc: Katelyn Smith (via Email)  
John Cothron, Executive Director, Tennessee Board of Architectural and  
Engineering Examiners

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Cody Ryan York  
Director of Publications

December 10, 2015

Ellery Richardson  
Assistant General Counsel  
Division of Regulatory Boards, Department of Commerce and Insurance  
500 James Robertson Parkway  
Nashville, TN 37243

Ms. Richardson,

Per your letter submitted December 4, 2015, we have made the changes to the Proposed Rules Filing form you submitted on September 15, 2015; effective December 14, 2015. On page thirteen (13) of the filing for Rule 0120-04-.10, paragraph (14) has four (4) subparagraphs labeled (a), (b), (c), and (c). Upon review, we have corrected the typographical error and made the change to Rule 0120-04-.10, paragraph (14), fourth subparagraph (d). This change will be reflected in the effective rule on our website: <http://sos.tn.gov/effective-rules>. If you should have questions, please feel free to contact me at (615) 741-2650.

Sincerely,

A handwritten signature in black ink, appearing to read "Cody York", is written over the word "Sincerely,".

Cody Ryan York  
Director of Publications

**RULES  
OF  
THE DEPARTMENT OF COMMERCE AND INSURANCE  
TENNESSEE STATE BOARD OF  
ARCHITECTURAL AND ENGINEERING EXAMINERS**

**CHAPTER 0120-05  
CONTINUING EDUCATION**

**TABLE OF CONTENTS**

0120-05-.01	Purpose	0120-05-.09	Certification
0120-05-.02	Definitions	0120-05-.10	Records
0120-05-.03	Continuing Education Review	0120-05-.11	Disallowance
0120-05-.04	Basic Requirements	0120-05-.12	Noncompliance
0120-05-.05	Conversion Table	0120-05-.13	Reciprocity
0120-05-.06	Types of Acceptable Continuing Education	0120-05-.14	Alternative Continuing Professional Development Option for Architects and Registered Interior Designer
0120-05-.07	Credits		
0120-05-.08	Exemptions		

**0120-05-.01 PURPOSE.** The Tennessee State Board of Architectural and Engineering Examiners is authorized by Tenn. Code Ann. §62-2-203(d) (Acts 1995, Public Chapter 129), to establish continuing education requirements and standards for architects, engineers, landscape architects and registered interior designers in order to safeguard life, health and property and to promote the public welfare. The purposes of this chapter are to prescribe the basic continuing education requirements for present and future architects, engineers, landscape architects and registered interior designers and to establish standards by which continuing education programs will be evaluated for the awarding of credit.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

**0120-05-.02 DEFINITIONS.**

- (1) "ACTIVE" means a registered architect, engineer, landscape architect or registered interior designer who has complied with the continuing education requirements described herein.
- (2) "BOARD" means the Tennessee State Board of Architectural and Engineering Examiners.
- (3) "INACTIVE" means a registered architect, engineer, landscape architect or registered interior designer who has obtained inactive status from the Board and is not required to comply with the continuing education requirements prescribed herein. An inactive registrant may not engage in the practice of architecture, engineering, landscape architecture or use the title "registered interior designer" in the State of Tennessee.
- (4) "PROFESSIONAL DEVELOPMENT HOUR (PDH)" means a contact (clock) hour consisting of not less than fifty (50) minutes of instruction or presentation acceptable to the Board. Registrants will not receive credit for activities less than one (1) PDH in duration.
- (5) "REGISTRANT" means a person licensed by the Board as an architect, engineer, landscape architect or registered interior designer.
- (6) "SPONSOR" means an individual, organization, association, institution or other entity which provides an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed September 11, 2009; effective December 10, 2009.

**0120-05-.03 CONTINUING EDUCATION REVIEW.**

- (1) The Board may review and may approve sponsors and programs as being relevant to the practice of the represented profession. The Board shall establish a format for documentation needed to comply with these rules. The Board shall also adopt guidelines for auditing continuing education credits claimed. The Chairman of the Board shall, for each represented profession, appoint one (1) member of the Board who is a member of the represented profession to serve as the chairman of any committee appointed to review continuing education.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

**0120-05-.04 BASIC REQUIREMENTS.**

- (1) A registrant seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDH's the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDH's claimed shall address health, safety and welfare issues and technical competency.
- (2) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDH's the two (2) years immediately preceding application for renewal (carryover hours, not exceeding twelve (12) hours, from the preceding renewal period may be included). At least thirteen (13) of the PDH's claimed shall address health, safety and welfare issues and technical competency.
- (3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.
- (4) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDH's (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Repeal and new rule filed March 14, 2005; effective May 28, 2005.

**0120-05-.05 CONVERSION TABLE.**

- (1) Conversions from other units of continuing education to PDH's is as follows:
  - (a) One (1) university semester hour of credit.....15 PDH
  - (b) One (1) university quarter hour of credit.....10 PDH
  - (c) One (1) Continuing Education Unit .....10 PDH
  - (d) One (1) hour acceptable professional development education.....1 PDH

**Authority:** Tenn. Code Ann. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

**0120-05-.06 TYPES OF ACCEPTABLE CONTINUING EDUCATION.**

- (1) The Board will grant credit for only such continuing education activities that satisfy the following criteria:
  - (a) There is clear purpose and objective for each activity which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
  - (b) The content of each presentation is well-organized and presented in a sequential manner.
  - (c) There is evidence of pre-planning.
  - (d) The presentation will be made by persons who are well-qualified by education or experience.
  
- (2) Continuing education activities for which credit may be given by the Board include, but are not limited to the following:
  - (a) Successful completion or monitoring of college or university sponsored courses;
  - (b) Successful completion of courses which are awarded continuing education units (CEU's);
  - (c) Attendance at structured seminars, tutorials, short courses, correspondence courses, televised courses, Internet courses, or videotaped courses;
  - (d) Attendance at in-house educational programs sponsored by corporations or other organizations;
  - (e) Teaching or instructing as described in (a) through (d) above, unless teaching or instructing is the registrant's regular employment;
  - (f) Authoring published papers, articles or books;
  - (g) Making presentations at technical meetings;
  - (h) Attendance at program presentations at related technical or professional meetings where program content is comprised of at least one (1) PDH;
  - (i) Attendance at Board meetings and professional society legislative events, and active participation in a technical/professional society or organization, or a technical or professional public board, as an officer or committee member;
  - (j) Active participation in educational outreach activities involving K-12 or higher education students; and,
  - (k) All such activities as described in (a) through (j) above must be relevant to the practice of architecture, engineering, landscape architecture or interior design as determined by the Board and may include technical, ethical or managerial content.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. However; Stay of effective date to subparagraph (c) of paragraph (2) filed by the House and Senate Government Operations Committee

(Rule 0120-05-.06, continued)

*of the Tennessee General Assembly on July 30, 2004; new effective date October 2, 2004. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013.*

#### **0120-05-.07 CREDITS.**

- (1) Professional Development Hours of credit for qualifying courses successfully completed which offer semester hour, quarter hour, or CEU credit are as specified above. All other activities will be credited one (1) PDH for each contact hour with the following exceptions:
  - (a) Monitoring of university or college courses will be credited at one-third (1/3) the above-stated conversion table.
  - (b) Teaching or instructing qualifying courses or seminars will be credited at twice the PDH's earned by a participating student and may be claimed for credit only once.
  - (c) Authorship of papers, articles or books cannot be claimed until actually published. Credit earned will equal preparation time spent not to exceed twenty-five (25) PDH's per publication.
  - (d) Correspondence course PDH's may be considered acceptable to the Board, but the registrant shall submit, upon request, supporting documentation to demonstrate high quality course content.
  - (e) A maximum of eight (8) PDH's per biennium may be claimed for attendance at Board meetings and professional society legislative events, and active participation in technical/professional societies or organizations, or technical or professional public boards, as an officer or committee member.
  - (f) A maximum of four (4) PDH's per biennium may be claimed for active participation in educational outreach activities involving K-12 or higher education students.

**Authority:** T.C.A. §6 2-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013.

#### **0120-05-.08 EXEMPTIONS.**

- (1) A registrant may be exempt from continuing education requirements for any of the following reasons:
  - (a) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.
  - (b) A non-career military registrant serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the PDH required during that year.
  - (c) A registrant employed as an architect, engineer, landscape architect or registered interior designer and assigned to duty outside the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the PDH required during that year.

(Rule 0120-05-.08, continued)

- (d) A registrant who lists the registrant's occupation as "retired" or "inactive" on the Board-approved renewal form and who further certifies that they are no longer practicing shall be exempt from the PDH required. In the event such a person elects to return to active practice, PDH must be earned for each year exempt, not to exceed the annual requirement for two (2) years before the person returns to active practice. Inactive or retired registrants returning to active practice must report PDH earned within no more than two (2) years of the request to reactivate.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-05-.09 CERTIFICATION.

- (1) A registrant seeking renewal shall complete the certification on the renewal form and indicate the number of PDH's claimed for the renewal period. If applicable, the registrant shall also indicate the number of carryover PDH's claimed for the renewal period. Upon completion of the certification, the registrant shall complete the renewal form and submit the appropriate fee.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

#### 0120-05-.10 RECORDS.

- (1) Each registrant is responsible for maintaining records which may be used to support credits claimed.
- (2) Required records include but are not limited to the following:
  - (a) A log showing the type(s) of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, description of the activity and PDH credit(s) earned; and
  - (b) A transcript or completion certificate or at least two (2) of the following types of documentation: attendance verification records in the form of signed attendance receipts, paid receipts, a copy of a listing of participants signed by a person in responsible charge, or other documents supporting evidence of attendance.
- (3) Records must be maintained for a period of four (4) years, and copies must be furnished to the Board for audit verification purposes within thirty (30) days of the Board's request.
- (4) Any registrant who fails to comply with the requirements of this rule may be deemed by the Board to have violated rule 0120-02-.02 [Proper Conduct of Practice] or rule 0120-04-.10 [Professional Conduct].

**Authority:** T.C.A. §§ 62-2-203(c) and (d) and 62-2-308. **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2011; effective June 7, 2011.

#### 0120-05-.11 DISALLOWANCE.

- (1) If the Board disallows claimed PDH credits, the registrant shall within one hundred eighty (180) days after notification of same substantiate the original claim or earn other credit to meet the minimum requirements.

(Rule 0120-05-.11, continued)

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

#### 0120-05-12 NONCOMPLIANCE.

- (1) Unless a request for inactive or retired status is made, any registrant failing to furnish the required certification during the renewal period, properly completed and signed, shall not be granted renewal of registration by the Board.
- (2) Certificates of registration shall be subject to late renewal for six (6) months following their expiration date by payment of the renewal fee, plus a late penalty as set by the Board, along with a properly completed and signed renewal form indicating that all continuing education requirements for the renewal period have been completed. The applicant for late renewal of certification may not offer to engage in the practice of or engage in the practice of architecture, engineering or landscape architecture, or use the title "registered interior designer," until all late renewal requirements have been met.
- (3) Any person wishing to renew a certificate later than six (6) months after its expiration shall reapply for registration.

**Authority:** T.C.A. §§ 62-2-203(d), 62-2-307, and 63-2-308(a)(1)(E). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed July 19, 2002; effective October 2, 2002.

#### 0120-05-13 RECIPROCITY.

- (1) If a registrant resides in or has principal place of business in a state or territory of the United States, or another country, that has established mandatory continuing education requirements for architects, engineers, landscape architects or interior designers, and that registrant has met the continuing education requirements of the registrant's home jurisdiction and is in good standing in that jurisdiction, then that registrant shall be deemed to have met the continuing education requirements of Tennessee. Documentation that the registrant is in good standing in the registrant's home jurisdiction must be provided at the Board's request. If the registrant is exempt from the continuing education requirements in the registrant's home jurisdiction, the registrant must meet the requirements of Tennessee unless the registrant qualifies for an exemption in Tennessee.
- (2) This rule shall apply only to the acceptance of professional development hours for continuing education and shall not be construed to apply to the registration by comity of architect, engineer, landscape architect or interior designer applicants from another state, territory of the United States or country.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed September 15, 2015; effective December 14, 2015.

#### 0120-05-14 ALTERNATIVE CONTINUING PROFESSIONAL DEVELOPMENT OPTION FOR ARCHITECTS AND REGISTERED INTERIOR DESIGNERS.

- (1) As an alternative to the requirements of Rule 0120-05-.04 Basic Requirements, a registered architect or registered interior designer may meet the continuing education requirement for renewal by obtaining twelve (12) Continuing Education Hours (CEH) per calendar year. All twelve (12) Continuing Education Hours must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours may not be credited to a future calendar year.

(Rule 0120-05-.14, continued)

- (2) For the purposes of this rule, CEH means one continuous instructional hour (no less than 50 minutes of contact) spent in structured educational activities intended to increase or update the architect's or registered interior designer's knowledge and competence in Health, Safety, and Welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's or registered interior designer's time for Continuing Education Hour purposes irrespective of actual time spent on the activity. Registrants will not receive credit for activities less than one (1) CEH in duration.
- (3) For purposes of this rule, a structured educational activity is one (1) in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of architecture or interior design, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.
- (4) For purposes of this rule, health, safety, and welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

Construction Contract Administration: Contracts, Bidding, Contract Negotiations

Construction Documents: Drawings, Specifications, Delivery Methods

Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures

Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to Protect Owners and Public

Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment

Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

Preservation: Historic, Reuse, Adaptation

**Authority:** T.C.A. § 62-2-203(d). *Administrative History:* Original rule filed November 11, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.



**RULES  
OF  
THE STATE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

**CHAPTER 0120-06  
CORPORATIONS, PARTNERSHIPS AND FIRMS**

**TABLE OF CONTENTS**

0120-06-.01	Definitions	0120-06-.03	Disclosure Requirements
0120-06-.02	Applicability	0120-06-.04	Responsible Charge Requirements

**0120-06-.01 DEFINITIONS.**

- (1) As used in this chapter:
  - (a) “Principal” means an architect, engineer or landscape architect registered in this state who has the authority to make independent design decisions. A principal is not required to be an officer in a corporation, partnership or firm.
  - (b) “Registrant” means a person licensed by the Board as an architect, engineer or landscape architect.
  - (c) “Resident registered architect, engineer or landscape architect” means an architect, engineer or landscape architect registered in this state who is employed full-time for a minimum of thirty (30) hours per week by a corporation, partnership or firm.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed March 9, 2011; effective June 7, 2011.

**0120-06-.02 APPLICABILITY.** Unless otherwise indicated, the provisions of this chapter shall apply to architectural, engineering and landscape architectural corporations, partnerships or firms required to file a disclosure form and comply with the provisions of T.C.A. §§ 62-2-601 and 62-2-602.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed March 9, 2011; effective June 7, 2011.

**0120-06-.03 DISCLOSURE REQUIREMENTS.**

- (1) Corporations, partnerships and firms offering architectural, engineering and landscape architectural services to the public must comply with the provisions of T.C.A. §§ 62-2-601 and 62-2-602.
- (2) An individual registrant practicing in the registrant’s own name as a sole proprietorship shall not be required to submit a disclosure form.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed March 9, 2011; effective June 7, 2011. Amendment filed September 15, 2015; effective December 14, 2015.

**0120-06-.04 RESPONSIBLE CHARGE REQUIREMENTS.**

- (1) Only officers and principals who are employed full-time for a minimum of thirty (30) hours per week and who hold active Tennessee registration can be in responsible charge of a firm’s practice. A registrant who renders occasional, part-time, or consulting services to or for a firm may not be designated as an officer or principal in responsible charge.

(Rule 0120-06-.04, continued)

- (2) The officer or principal in responsible charge must be registered in the profession in which services are being offered.
- (3) An officer or principal may be in responsible charge of more than one firm only if the firms are at the same physical location.
- (4) Corporations, partnerships and firms maintaining any place of business in this state for the purpose of providing or offering to provide architectural, engineering or landscape architectural services to the public shall have, in responsible charge of such service at any and each place of business, a resident registered architect, engineer or landscape architect.
- (5) In the event of a change in the officer or principal in responsible charge, a firm cannot provide or offer design services to the public until such time as a new officer or principal in responsible charge is identified.

**Authority:** T.C.A. § 62-2-203(c). **Administrative History:** Original rule filed March 9, 2011; effective June 7, 2011.

**TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

**TENNESSEE CODE ANNOTATED**

**TITLE 62  
PROFESSIONS, BUSINESSES AND TRADES**

**CHAPTER 2  
ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS AND  
INTERIOR DESIGNERS**

*Last updated 11/2/15 (recent changes are highlighted)*

**NOTICE:** This publication is provided as a general guide to the statutory provisions governing the professions regulated by the Board of Architectural and Engineering Examiners. It is not an official version of the Tennessee Code, and it is not intended to be offered as legal advice. Although every effort has been made to ensure the accuracy of the content, it may contain typographical errors. An official version of the Tennessee Code is available at <http://www.lexisnexis.com/hotttopics/tncode/>.

**Table of Contents**

Part 1. General Provisions, 62-2-101 to 62-2-110.....	1
Part 2. State Board of Examiners, 62-2-201 to 62-2-207.....	5
Part 3. Qualification and Registration Generally, 62-2-301 to 62-2-309.....	7
Part 4. Qualifications and Registration—Engineers, 62-2-401 to 62-2-406.....	10
Part 5. Qualifications and Registration—Architects, 62-2-501 to 62-2-508.....	12
Part 6. Corporations, Partnerships and Firms, 62-2-601 and 62-2-602.....	14
Part 7. Landscape Architecture [Repealed].....	15
Part 8. Qualifications and Registration—Landscape Architects, 62-2-801 to 62-2-807.....	15
Part 9. Interior Designers Title Registration Act, 62-2-901 to 62-2-906.....	17

**PART 1—GENERAL PROVISIONS**

**62-2-101. Registration.**

In order to safeguard life, health and property, and to promote public welfare, by requiring that only properly qualified persons shall practice architecture, engineering and landscape architecture, or use the title “registered interior designer” in this state, any person practicing architecture, engineering or landscape architecture, or using the title “registered interior designer” shall be registered as hereinafter provided, and it is unlawful for any person to practice or offer to practice architecture, engineering or landscape architecture, or use the title “registered interior designer” unless such person has been duly registered under the provisions of this chapter, except as hereinafter provided.

[Acts 1979, ch. 263, § 1; T.C.A., § 62-201; Acts 1988, ch. 990, § 1; 1991, ch. 164, § 8; 1997, ch. 33, § 1.]

**62-2-102. Practice and persons exempt from registration.**

(a) Except as provided in subsections (b) and (d), nothing in this section shall be construed as requiring registration for the purpose of practicing architecture, engineering or landscape architecture by a person; provided, that the person does not use the appellation “architect,” “engineer” or “landscape architect,” an appellation which compounds, modifies or qualifies the words “architecture,” “engineering” or “landscape architecture,” or which gives or is designed to give the impression that the person using same is an architect, engineer or landscape architect.

(b) It is unlawful for any person other than a registered architect or engineer to prepare plans and specifications for any building or structure other than the following:

- (1) Structures classified as “business,” “factory-industrial,” “hazardous,” “mercantile,” “residential” and “storage” occupancies, as such occupancies are defined in the 1985 edition of the Standard Building Code, which are:
  - (A) Less than three (3) stories in height; and
  - (B) Less than five thousand square feet (5,000 sq. ft.) in total gross area;
- (2) One-family and two-family dwellings and domestic outbuildings appurtenant thereto; or
- (3) Farm buildings not designed or intended for human occupancy; or
- (4) (A) Signs that do not exceed either of the following limits:
  - (i) Any portion of the sign is twenty feet (20') or more above the ground level; or
  - (ii) Any portion of the sign is fifteen feet (15') or more above the ground level, if the sign has more than one hundred twenty square feet (120 sq. ft.) in total sign face area;(B) Subdivision (b)(4)(A) shall not apply if, in the opinion of the local government building official, failure of the support system for the sign is likely to cause harm to people or property.

(c) Nothing in this section shall prevent any awarding authority, public or private, from requiring the services of a registered architect, engineer or landscape architect for any project.

(d) Any person, firm, company, business, corporation or other entity which was organized and doing business other than business regulated herein, which was organized and doing business prior to January 1, 1967, and whose corporate name includes the appellation “engineer” or an appellation which compounds, modifies or qualifies the word “engineering,” may continue to use such corporate name and shall not be required to register pursuant to this chapter. The provisions of this section shall not be construed to authorize such entities to engage in the practice of architecture, engineering or landscape architecture without registering pursuant to this chapter. [Acts 1979, ch. 263, § 29; T.C.A., § 62-229; Acts 1983, ch. 47, § 1; 1988, ch. 990, § 2; 1989, ch. 307, § 1; 1993, ch. 132, § 1; 2009, ch. 268, § 1.]

### **62-2-103. Persons exempt from chapter.**

The following shall be exempted from the provisions of this chapter; provided, that except as provided in subdivision (4), nothing in this section shall be construed as exempting any person who makes public use of the title “engineer,” “architect,” or “landscape architect” or any appellation thereof, including persons employed by the state of Tennessee or its political subdivisions:

(1) Any person engaging in architectural, engineering or landscape architectural work as an employee of a registered architect, registered engineer or registered landscape architect; provided, that such work may not include responsible charge of design or supervision;

(2) Architects, engineers, or landscape architects who are not residents of and have no established place of business in this state, who are acting as consulting associates of an architect, engineer or landscape architect registered under the provisions of this chapter; provided, that the nonresident is qualified for such professional service in the nonresident's own state or country; and

(3) Architects, engineers or landscape architects who are employed by a person, firm or corporation not engaged in the practice of architecture, engineering, or landscape architecture and who render architectural, engineering or landscape architectural services to their employer only and not to the general public.

(4) Architects, engineers or landscape architects who are employed by a municipal electric system or electric and community service cooperative as defined in § 65-34-102, or telephone cooperatives as defined in title 65, chapter 29 and who render architectural, engineering or landscape architectural services pertaining to the operations of their employer and who do not offer their services to the general public in exchange for compensation other than that received from their employer. Nothing in this subdivision shall be construed as exempting any person who makes public use of the title “engineer,” “architect,” or “landscape architect,” or any appellation thereof.

[Acts 1979, ch. 263, § 30; T.C.A., § 62-230; Acts 1988, ch. 990, §§ 3-5; 1989, ch. 307, §§ 2, 3; 1993, ch. 132, § 2; 1994, ch. 644, §§ 1, 2; 1995, ch. 113, § 2.]

**62-2-104. Employees of licensees.**

(a) Nothing in this chapter shall prevent the drafters, students, clerks of the work superintendents and other employees of lawfully practicing architects, engineers and landscape architects under provisions of this chapter, from acting under the instruction, control or supervision of the employer, or to prevent the employment of superintendents on the construction, enlargement or alterations of buildings or any appurtenance thereto, or prevent such superintendents from acting under the immediate personal supervision of registered architects, registered engineers or registered landscape architects by whom the plans and specifications of any such building enlargements, constructions or alterations were prepared.

(b) Nor shall anything contained in this chapter prevent persons, mechanics or builders from making plans, specifications for, or supervising the erection, enlargement or alterations of buildings, or any appurtenance thereto, to be constructed by themselves or their employees exclusively for their own use and occupancy, unless the same involves the public health or safety; provided, that the working drawings for such constructions are signed by the authors thereof and their true appellations as "contractor," "carpenter," etc., without the use in any form of the title "architect," "engineer" or "landscape architect."

[Acts 1979, ch. 263, § 31; T.C.A., § 62-231; Acts 1988, ch. 990, § 6.]

**62-2-105. Penalties—Reporting offenses.**

(a) (1) No person shall:

(A) Present or attempt to file as such person's own the certificate of registration of another;

(B) Give forged or willfully false evidence of any kind to the state board of examiners for architects and engineers or any member thereof for the purpose of obtaining a certificate;

(C) Falsely impersonate any other practitioner; or

(D) Use or attempt to use an expired or revoked certificate of registration.

(2) A violation of this subsection is a Class B misdemeanor.

(b) (1) No person shall practice or offer to practice engineering, architecture or landscape architecture, or use the title "registered interior designer" in this state in violation of this chapter.

(2) A violation of this subsection is a Class B misdemeanor.

(3) Each day's violation of this subsection is a separate offense.

(c) A person is construed to practice (or offer to practice) engineering, architecture or landscape architecture who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents such person to be an architect, engineer or landscape architect, with or without qualifying adjective, or through the use of some other title implies that the person is an architect, engineer or landscape architect.

(d) It is the duty of the members of the board to report any violations of this chapter to the proper authorities.

[Acts 1979, ch. 263, § 34; 1980, ch. 627, § 5; T.C.A., § 62-234; Acts 1988, ch. 990, § 7; 1989, ch. 591, § 112; 1991, ch. 164, § 9; 1997, ch. 33, § 2.]

**62-2-106. Enforcement.**

(a) It is the duty of the state board of examiners for architects and engineers to inquire into the identity of any person claiming to be an architect, engineer, landscape architect or registered interior designer, and to prosecute any person or persons violating the provisions of this chapter.

(b) The board may, when it deems appropriate, seek such civil remedies at law or equity to restrain or enjoin any unauthorized practice or other violation of this chapter.

[Acts 1979, ch. 263, § 35; T.C.A., § 62-235; Acts 1988, ch. 990, § 8; 1991, ch. 164, § 10; 1997, ch. 33, § 3.]

**62-2-107. Employment of licensees on public works—Excluded public works.**

(a) Neither the state, nor any county, city, town or village, or other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture, engineering or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, registered engineer or registered landscape architect.

(b) (1) Nothing in this section shall be held to apply to such public work if:

(A) The contemplated expenditure for the complete project does not exceed fifty thousand dollars (\$50,000), and the work does not alter the structural, mechanical or electrical system of the project; or

(B) The contemplated expenditure for the complete project does not exceed one hundred thousand dollars (\$100,000), the project is located in a state park, and the work is solely maintenance, as defined in the policy and procedures of the state building commission.

(2) For a public work located in a state park, existing plans may be used as a basis of design if the plans have been designed and sealed by a registered architect, engineer, or landscape architect and a registered architect, engineer, or landscape architect reviews such plans for compliance with all applicable codes and standards and appropriateness for the site conditions of the project, makes changes if required, and seals the plans in accordance with the requirements of this chapter.

(c) For the purposes of this chapter, "public work" does not include construction, reconstruction or renovation of all or any part of an electric distribution system owned or operated directly or through a board by a municipality, county, power district or other subdivision of the state of Tennessee, that is to be constructed, reconstructed or renovated according to specifications established in the American National Standard Electrical Safety Code, the National Electrical Code, or other recognized specifications governing design and construction requirements for such facilities. Notwithstanding the foregoing, "electrical distribution system" does not include any office buildings, warehouses or other structures containing walls and a roof which are to be open to the general public.

[Acts 1979, ch. 263, § 36; T.C.A., § 62-236; Acts 1988, ch. 990, § 9; 1994, ch. 644, § 3; 2012, ch. 927, § 1; 2015, ch. 403, § 1.]

**62-2-108. Hearings and judicial review.**

The provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, govern all matters and procedures respecting the hearing and judicial review of any contested case, as defined therein, arising under this chapter.

[Acts 1980, ch. 451, § 11; T.C.A., § 62-237.]

**62-2-109. Voluntary inspection services by architects or engineers at scene of a natural or man-made emergency—Limitation of liability—Applicability and scope of limitation.**

(a) An architect or engineer who voluntarily, without compensation or expectation of compensation, provides structural or building systems inspection services at the scene of a declared national, state, or local natural or man-made emergency at the request of a public safety officer or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury or property damage caused by the architect's or engineer's good faith, but negligent, inspection of a structure used for human habitation or a structure owned by a public entity, for structural integrity or nonstructural elements affecting life and safety. The immunity provided by this section shall apply only for an inspection that occurs within ninety (90) days of the declared national, state, or local natural or man-made emergency.

(b) Nothing in this section shall be construed to provide immunity for gross negligence or willful misconduct.

(c) As used in this section, "public safety officer" means:

(1) The chief law enforcement officer in a county or city;

(2) A law enforcement officer acting at the specific direction of the chief law enforcement officer; or

(3) The director or such director's assistants of the emergency management agency designated in accordance with § 58-2-104.

(d) Nothing in this section shall be construed as extending immunity to a city or county for whom inspection services, as described herein, are provided.

[Acts 1991, ch. 267, § 1; 2006, ch. 937, § 3.]

**62-2-110. Exemptions from part.**

Notwithstanding any other provision of law to the contrary, any person in business in Tennessee in 1998 for the sole purpose of manufacturing and distributing federal aviation administration-approved avionic equipment is exempt from the provisions of this part.  
[Acts 2010, ch. 945, § 1.]

**PART 2—STATE BOARD OF EXAMINERS**

**62-2-201. Board of examiners—Composition—Terms of members.**

(a) There is created a state board of examiners for architects and engineers, hereinafter called the board.

(1) The board shall include, where possible, at least one (1) female and at least one (1) member of a racial minority.

(2) This board shall consist of eight (8) members to be appointed by the governor, three (3) to be registered architects who may be appointed from lists of qualified persons submitted by interested architect groups including, but not limited to, the representative professional architects of the state, three (3) to be registered engineers who may be appointed from lists of qualified persons submitted by interested engineering groups including, but not limited to, the representative professional engineering society of the state, one (1) to be a registered landscape architect who may be appointed from lists of qualified persons submitted by interested landscape architect groups including, but not limited to, the representative professional landscape architecture society of the state, and one (1) to be a registered interior designer who may be appointed from lists of qualified persons submitted by interested interior design groups including, but not limited to, the representative professional interior design society of the state. The governor shall consult with interested statewide architect, engineering, landscape architect, and interior design groups including, but not limited to, the professional societies listed in this subdivision (a)(2) to determine qualified persons to fill the positions. This subdivision (a)(2) shall not apply to the appointment of the public member of the board.

(3) In the event of a vacancy on the board for any reason and the governor failing to appoint a successor within three (3) months after the vacancy occurs, the board is empowered to fill that vacancy from the lists of qualified persons submitted by the interested groups, including, but not limited to, the respective societies, until the governor makes an appointment as provided in subdivision (a)(2).

(4) Two (2) of the members, one (1) a registered architect and one (1) a registered engineer, shall be appointed from each grand division of the state, to serve for a period of four (4) years. The successor of any member shall be appointed from the grand division of such member. The member who is a registered landscape architect shall be appointed to serve for a period of four (4) years; provided, that the successor of such member shall be appointed from a grand division different from such member's predecessor. The member who is a registered interior designer shall be appointed to serve for a period of four (4) years.

(5) Appointments to the board shall be in such manner that the terms of members in the same profession shall expire at different times.

(6) Terms of office begin on July 1 of the year of appointment, except that successors may at any time qualify and serve for the remainder of the given term.

(b) In addition to members serving on the board under the authority of subsection (a), the board of architects and engineers shall also include one (1) member who is not engaged in the practice of architecture, engineering or landscape architecture. Such member shall be a resident of the state and shall possess good moral character. Such member shall be appointed by the governor, shall serve for a period of four (4) years, and except as provided in § 62-2-302, shall be a full member of the board relative to all board matters. Such member is subject to removal by the governor for misconduct, incapacity, or neglect of duty.

(c) (1) In addition to members serving on the board under the authority of subsections (a) and (b), the board shall also include as associate members three (3) registered engineers, who may be appointed by the governor from lists of qualified persons submitted by interested engineering groups, including, but not limited to, the representative professional engineering society of the

state. The governor shall consult with such interested engineering groups to determine qualified persons to fill the positions.

(2) An associate engineer member shall be appointed from each grand division, to serve for a period of four (4) years; provided, that the first two (2) members appointed under this subsection shall serve for periods of one (1) and two (2) years, respectively. The successor of any associate engineer member shall be appointed from the grand division of such member.

(3) Appointments to the board under this subsection shall be in such manner that the terms of the associate engineer members shall expire at different times.

(4) Terms of office begin on July 1 of the year of appointment, except that successors may at any time qualify and serve for the remainder of the given term.

(5) Associate engineer board members appointed under this subsection shall be subject to the provisions of § 62-2-202.

(6) Associate engineer members approved under this subsection shall assist the board with routine matters and responsibilities as requested by the board. Associate engineer members shall attend board meetings, committee meetings and other board functions only as required by the board. Such associate engineer members shall have no voting privileges and are not to be considered as members for quorum or election purposes.

(7) Associate engineer members shall render technical assistance to the board and staff as authorized by the board.

[Acts 1979, ch. 263, § 2; T.C.A., § 62-202; Acts 1988, ch. 990, §§ 10, 11; 1991, ch. 164, §§ 11-13; 1992, ch. 582, § 1; 1995, ch. 198, § 1; 1997, ch. 33, §§ 4, 5; 2012, ch. 724, §§ 3, 4.]

**62-2-202. Qualifications of board members—Removal—Vacancies.**

(a) The members of the board appointed under § 62-2-201(a) shall each have had at least ten (10) years' experience in the practice of architecture as a registered architect, ten (10) years' experience in the practice of engineering as a registered engineer, ten (10) years' experience in the practice of interior design as a registered interior designer or ten (10) years' experience in the practice of landscape architecture as a registered landscape architect, with no record of any formal disciplinary action. Such members shall each have been in responsible charge of work for at least five (5) years, and shall each have demonstrated an interest in improving the profession by involvement in a statewide association directly related to their profession for at least five (5) years. Each member shall be a citizen of the United States and shall have been a resident of Tennessee for five (5) years at the time of appointment. The ten-year requirement of experience as a registered practitioner shall not apply to the registered interior designer member until January 1, 2014; provided, however, that the member shall have been a registered interior designer for five (5) years and shall have ten (10) years' experience as an interior designer.

(b) The governor may remove any member of the board for misconduct, incapacity or neglect of duty.

(c) Vacancies on the board shall be filled for the unexpired term as prescribed in § 62-2-201.

[Acts 1979, ch. 263, § 3; T.C.A., § 62-203; Acts 1988, ch. 990, § 12; 1991, ch. 164, §§ 14, 15; 1992, ch. 582, § 2; 1997, ch. 33, § 6; 2005, ch. 9, § 1; 2012, ch. 724, § 5.]

**62-2-203. Certificates of appointment—Legal assistance—Attendance of witnesses—Seal—Rules—Continuing professional education.**

(a) Each member appointed under § 62-2-201(a) shall receive a certificate of appointment from the governor, and no one shall be eligible for appointment who does not at the time hold an unexpired certificate to practice architecture, engineering or landscape architecture, or certificate of registration to use the title "registered interior designer" (except the first registered interior designer board member) issued under this chapter or other applicable law. Before beginning a term of office, each appointed member shall file with the secretary of state the oath of office.

(b) The board or any committee thereof shall be entitled to the services of an assistant attorney general, in connection with the affairs of the board, and the board shall have power to compel the attendance of witnesses on behalf of the state or any party having issue before the board, may administer oaths and may take testimony concerning all matters within its jurisdiction.

(c) The board shall adopt and have an official seal which shall be affixed to all certificates of registration granted, and shall make all bylaws and rules not inconsistent with the law.



(d) The board has the authority to establish continuing professional education requirements for architects, engineers, landscape architects and registered interior designers. Any rules promulgated to effect the provisions of this subsection shall be promulgated in compliance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Acts 1979, ch. 263, § 4; T.C.A., § 62-204; Acts 1988, ch. 990, § 13; 1991, ch. 164, § 16; 1995, ch. 129, § 1; 1997, ch. 33, § 7.]

**62-2-204. Board meetings—Officers—Quorum.**

(a) The board shall hold at least two (2) regular meetings each year. Special meetings shall be held at such times as the bylaws of the board may provide. Notice of all meetings shall be given in such manner as the bylaws of the board may provide, consistent with all existing state laws.

(b) The board shall elect annually from its members a chair, a vice chair and a secretary.

(c) A quorum of the board shall consist of not less than five (5) members; except, however, for the purpose of formal disciplinary matters involving an architect, engineer, registered interior designer or landscape architect, at least one (1) board member from the respective profession shall be present.

[Acts 1979, ch. 263, § 5; T.C.A., § 62-205; Acts 1982, ch. 735, §§ 1, 2; 1984, ch. 676, § 6; 1988, ch. 990, § 14; 1990, ch. 1026, § 20; 1991, ch. 164, § 17; 1997, ch. 33, § 8.]

**62-2-205. Executive director.**

The board shall have an executive director who shall perform all administrative functions for the board.

[Acts 1979, ch. 263, § 6; T.C.A., § 62-206; Acts 1995, ch. 197, § 1.]

**62-2-206. Attendance at state, regional and national registration meetings.**

The board may authorize, subject to the approval of the department of commerce and insurance, one (1) administrative person and three (3) board members to attend state, regional and national registration meetings and to perform other necessary functions. These personnel shall be reimbursed for all travel and other necessary expenses which shall be claimed and paid in accordance with the prevailing travel regulations of state government.

[Acts 1979, ch. 263, § 7; T.C.A., § 62-207; Acts 2000, ch. 817, § 1.]

**62-2-207. Records of board—Roster of registrants—Annual report.**

(a) The board shall keep a record of its proceedings and a register of all applicants for registration showing, for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of registration granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein.

(b) A roster showing the names and places of business and of residence of all registered architects, engineers, landscape architects and registered interior designers and the names and addresses of all firms, corporations and partnerships practicing architecture, engineering or landscape architecture or using the title "registered interior designer" in this state may be printed annually.

(c) The board shall submit reports to the governor as required by state regulations. A copy of these reports shall be filed with the secretary of state.

[Acts 1979, ch. 263, § 8; T.C.A., § 62-208; Acts 1997, ch. 128, § 1; 2001, ch. 261, § 1.]

**PART 3—QUALIFICATION AND REGISTRATION GENERALLY**

**62-2-301. General requirements for registration.**

(a) The board shall, upon application therefor, on prescribed form and the payment by the applicant of a fee as prescribed by the board, consider such application, and, in proper cases, issue a certificate of registration, either as an architect, as an engineer, as a registered interior designer or as a landscape architect to any person who submits evidence satisfactory to the board that such person is fully qualified to practice architecture, engineering, or landscape architecture or

use the title "registered interior designer." No person shall be eligible for registration who does not speak and write the English language and who is not of good character and repute.

(b) No person shall be granted any combination of licenses as architect, engineer, registered interior designer or landscape architect unless such person makes a separate application and pays a separate fee for each profession, both original fee and annual renewal fee, and is found by the board to be qualified for a license in each profession.

[Acts 1979, ch. 263, § 9; T.C.A., § 62-209; Acts 1988, ch. 990, § 15; 1991, ch. 164, §§ 18-20; 1997, ch. 33, §§ 9, 10.]

**62-2-302. Board members examining and voting on applicants.**

(a) (1) In determining the qualifications of applicants for registration as architects, a majority vote of the architect members of the board only shall be required.

(2) In determining the qualifications of applicants for registration as engineers, a majority vote of the engineer members of the board only shall be required.

(3) In determining the qualifications of applicants for registration as landscape architects, the one (1) landscape architect board member and one (1) architect or engineer board member only shall be required.

(4) In determining the qualifications of applicants for registration as registered interior designers, the registered interior designer board member and one (1) architect, engineer or landscape architect board member only shall be required; provided, that for the first registered interior designer board member no such vote shall be required.

(b) (1) Applicants for registration as architects shall be examined by architect members of the board only and applicants for registration as engineers shall be examined by the engineer members of the board only.

(2) Applicants for registration as landscape architects shall be examined by the landscape architect member and one (1) architect and engineer member of the board.

(3) Applicants for registration as registered interior designers shall be examined by the registered interior designer member and one (1) architect and engineer member of the board.

(c) In the event the board denies issuance of a certificate to an applicant, no refund of any part of the application fee shall be returned by the board to the applicant.

(d) For purposes of this section, the member of the board appointed under the authority of § 62-2-201(b) is not a voting member of the board.

[Acts 1979, ch. 263, § 22; T.C.A., § 62-222; Acts 1988, ch. 990, § 16; 1991, ch. 164, §§ 21, 22; 1997, ch. 33, §§ 11, 12.]

**62-2-303. Additional evidence.**

Applicants for registration in cases where the evidence originally presented in the application does not appear to the board conclusive or as warranting the issuance of a certificate may be required to present other evidence as required by the board.

[Acts 1979, ch. 263, § 23; T.C.A., § 62-223.]

**62-2-304. Comity.**

The board may, upon proper application therefor, issue a certificate of registration as an architect, engineer, registered interior designer or landscape architect to any person who holds a like unexpired certificate of qualification or registration issued to such person by any state, territory or possession of the United States, or of any country; provided, that the applicant's qualifications meet the requirements of this chapter and the rules established by the board. Any applicant for registration as an architect or landscape architect, pursuant to this section, shall hold an unexpired national certificate issued by the National Council of Architectural Registration Boards or the Council of Landscape Architectural Registration Boards and shall present proof of the same upon application to the board.

[Acts 1979, ch. 263, § 24; T.C.A., § 62-224; Acts 1988, ch. 990, § 17; 1989, ch. 292, § 1; 1991, ch. 164, § 23; 1997, ch. 33, § 13; 1998, ch. 770, § 1.]

**62-2-305. Replacement of certificate.**

A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations of the board.

[Acts 1979, ch. 263, § 25; T.C.A., § 62-225.]

**62-2-306. Effect of certificate—Seal.**

(a) The issuance of a certificate of registration by this board shall be evidence that the person named therein is entitled to all the rights and privileges of an architect, engineer or landscape architect while the certificate remains unrevoked or unexpired.

(b) Each registered architect, registered engineer and registered landscape architect shall obtain and keep a seal, of the design authorized by the board, bearing the registrant's name, the registrant's registration number, the words "Registered Architect," "Registered Engineer" or "Registered Landscape Architect" and the words "State of Tennessee" or "Tennessee." The registrant shall stamp with the registrant's seal all original sheets of any bound set of plans and the first sheet of any specifications or reports prepared by the registrant or under the registrant's responsible charge. No architect, engineer or landscape architect shall affix the architect's, engineer's or landscape architect's seal or stamp to any document which has not been prepared by the architect, engineer or landscape architect or under the architect's, engineer's or landscape architect's responsibility. Plans, specifications and reports issued by the registrants shall be stamped with the seal during the life of a registrant's certificate, but it is unlawful for anyone to stamp or seal any document with the seal after the certificate of the registrant named thereon has expired or has been revoked.

(c) As used in this section, "registered architects," "registered engineers" or "registered landscape architects" means only those registered architects, registered engineers or registered landscape architects who are required by this chapter to be registered in Tennessee.

(d) The board may also adopt such rules and regulations for the affixing to and endorsement of the registrant's seal on architectural, engineering and landscape architectural documents as may be necessary to implement compliance with this section.

(e) Notwithstanding the provisions of subsection (b), an architect or engineer, after fully reviewing and modifying, as required, may affix that architect's or engineer's seal or stamp to a document, or part thereof, which has been prepared by another architect or engineer, if such document has been designated as a state standard prototype, pursuant to § 12-4-116. The architect or engineer who is involved in a state standard prototypical re-use project, as provided in § 12-4-116, shall fully review and modify, as required, the documents and then affix that architect's or engineer's seal or stamp and signature on such documents. The architect or engineer shall become solely responsible for all documents on which that architect's or engineer's seal or stamp is placed.

[Acts 1979, ch. 263, § 26; 1981, ch. 349, § 1; T.C.A., § 62-226; Acts 1988, ch. 800, § 1; 1988, ch. 990, § 18; 1989, ch. 307, § 4; 1995, ch. 113, § 3.]

**62-2-307. Expiration and renewal of certificate—Certificates for retirees.**

(a) Certificates of registration shall expire two (2) years following the date of their issuance or renewal and are invalid on that date unless renewed.

(b) It is the duty of the board to notify every person registered hereunder of the date of the expiration of that person's certificate and the amount of the fee required for its renewal for two (2) years. Such notice shall be mailed at least one (1) month in advance of the date of the expiration of the certificate.

(c) Renewal may be effected at any time during the thirty (30) days preceding the certificate expiration date by the payment of the fee determined by and payable to the board.

(d) Certificates of registration shall be subject to late renewal for six (6) months following their expiration date by payment of the renewal fee plus a penalty as set by the board for each month or fraction of a month which elapses before payment is tendered.

(e) Any person wishing to renew a certificate later than six (6) months after its expiration date shall reapply for certification. The board may, in its discretion, waive any further examination of such an applicant and any further education and experience beyond that obtained at the time of such applicant's original registration in Tennessee.

(f) Notwithstanding any provision in this chapter to the contrary, the board has the authority to establish, by rule and regulation, procedures and criteria pursuant to which persons who are retired may continue to use the titles of "architect," "engineer," "landscape architect," or "registered interior designer" without the payment of a registration renewal fee.

[Acts 1979, ch. 263, § 27; 1981, ch. 349, § 2; T.C.A., § 62-227; Acts 1989, ch. 523, §§ 106, 107; 1995, ch. 171, § 1; 1997, ch. 33, § 14; 1997, ch. 127, § 1.]

**62-2-308. Denial, suspension or revocation of certificate—Reissuance.**

(a) (1) The board may refuse to issue or renew, and revoke or suspend the certificate of registration of any architect, engineer, landscape architect or registered interior designer registered hereunder who is found guilty:

(A) Of any fraud or deceit in obtaining a certificate of registration;

(B) Of gross negligence, incompetency, or misconduct in the practice of architecture, engineering, landscape architecture or in the use of the title "registered interior designer";

(C) Of failure to obtain, keep and utilize the registrant's seal as provided in this chapter;

(D) By a court of competent jurisdiction of breach of contract for professional services;

(E) Of any violation of the rules adopted by the board;

(F) Of having the person's right to practice architecture, engineering, landscape architecture or use the title registered interior designer suspended or revoked by another state or national registration board; or

(G) By a court of competent jurisdiction of any felony.

(2) Any person may prefer charges in writing to the board against any architect, engineer, landscape architect or registered interior designer registered under this chapter on any of the grounds listed in subdivision (a)(1).

(3) The affirmative vote of five (5) or more members of the board shall be necessary in order to revoke or suspend the certificate of registration of any architect, engineer, landscape architect or registered interior designer registered under this chapter.

(b) The board may reissue a certificate of registration to any person whose certificate has been revoked; provided, that five (5) or more members of the board vote in favor of such reissuance for reasons the board may deem sufficient.

(c) [Deleted by 2015 amendment]

(d) The board members are officers of the state in carrying out the duties imposed by this chapter and as such have the full measure of governmental immunity provided by law.

[Acts 1979, ch. 263, § 28; 1980, ch. 451, § 2; 1980, ch. 627, § 4; 1981, ch. 349, § 3; T.C.A., § 62-228; Acts 1983, ch. 71, § 1; 1988, ch. 990, § 19; 1991, ch. 164, § 24; 1997, ch. 33, §§ 15-17; 2015, ch. 291, §§ 1, 2.]

**62-2-309. [Repealed.]**

**PART 4—QUALIFICATIONS AND REGISTRATION—ENGINEERS**

**62-2-401. General provisions.**

(a) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as an engineer:

(1) **Graduation from Approved Engineering Curriculum, Experience and Examination.** A graduate of an engineering curriculum of four (4) years or more, approved by the board as being of satisfactory standing, and with a specific record of four (4) years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering, and who has obtained certification as an engineer intern, shall be admitted to an examination, prepared by the National Council of Examiners for Engineering and Surveying, in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided the applicant is otherwise qualified; or

(2) **Long Established Practice.** A graduate of an approved engineering curriculum of four (4) years or more, with a specific record of twelve (12) years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering shall be admitted to an examination, prepared by the National Council of Examiners for Engineering and Surveying, in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided the applicant is otherwise qualified.

(3) [Deleted by 2007 amendment, effective June 30, 2012.]

(b) Notwithstanding any provision to the contrary, the board may in its discretion grant up to one (1) year of qualified experience obtained in an established cooperative education program, which is carried out within the framework of an approved engineering curriculum, and which has been approved by the board.

[Acts 1979, ch. 263, § 10; 1980, ch. 627, § 6; T.C.A., § 62-210; Acts 1990, ch. 1026, §§ 21, 22; 1993, ch. 132, §§ 3-5; 1995, ch. 113, § 1; 1997, ch. 129, §§ 1, 2; 2007, ch. 215, § 1; 2013, ch. 180, § 1.]

#### **62-2-402. Engineer intern.**

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as an engineer intern: A graduate in a curriculum of four (4) years or more leading to a baccalaureate degree in engineering and approved by the board as of satisfactory standing or who is a prospective graduate in good standing in the senior year in such a curriculum, and who passes an examination prepared by the National Council of Examiners for Engineering and Surveying involving the fundamentals of engineering; provided, that the applicant is of good character and repute.

[Acts 1979, ch. 263, § 11; 1980, ch. 627, § 7; T.C.A., § 62-211; Acts 1990, ch. 1026, § 21; 1993, ch. 132, § 6; 1995, ch. 113, §§ 1, 4; 2013, ch. 180, § 2.]

#### **62-2-403. Teaching as engineering experience.**

Engineering teaching with full-time faculty status in a college or university offering an approved engineering curriculum of four (4) years or more may be considered, at the discretion of the board, as engineering experience.

[Acts 1979, ch. 263, § 12; T.C.A., § 62-212.]

#### **62-2-404. Application form—Fees.**

(a) Application for registration as a professional engineer or certification as an engineer intern shall be on a form prescribed and furnished by the board, shall contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical experience, and shall contain references, none of whom may be members of the board.

(b) (1) The initial application fee shall be established by the board and shall accompany the application.

(2) The application fee for engineer intern certification or enrollment shall be established by the board and shall accompany the application.

(3) [Deleted with 2013 amendment, effective April 23, 2013.]

(4) The registration fee shall be established by the board and shall be paid upon approval of the application.

(5) Should the board deny the issuance of a certificate to any applicant, the application fee shall be retained by the board.

[Acts 1979, ch. 263, § 13; T.C.A., § 62-213; Acts 1990, ch. 1026, § 21; 1993, ch. 132, § 7; 1995, ch. 113, § 1; 1998, ch. 612, § 1; 2013, ch. 180, § 3; 2015, ch. 291, § 3.]

#### **62-2-405. Examinations.**

(a) The examinations will be held at such times and places as the board directs. The board shall determine the acceptable grade on examinations.

(b) Written examinations will be given in two (2) sections as follows:

(1) **Engineering Fundamentals.** Consists of a National Council of Examiners for Engineering and Surveying prepared examination on the fundamentals of engineering. Passing this

examination qualifies the examinee for an engineer intern certificate; provided, that the examinee has met all other requirements for certification required by this chapter; and

(2) **Principles and Practices of Engineering.** Consists of a National Council of Examiners for Engineering and Surveying examination on applied engineering. Passing this examination qualifies the examinee for registration as a professional engineer; provided, that the examinee has met the other requirements for registration by this chapter.

(c) A candidate failing an examination may apply for reexamination.

[Acts 1979, ch. 263, § 14; T.C.A., § 62-214; Acts 1990, ch. 1026, § 21; 1993, ch. 132, §§ 8, 9; 1995, ch. 113, §§ 1, 5; 2013, ch. 180, § 4; 2015, ch. 291, §§ 4, 5.]

**62-2-406. Engineers born prior to 1928 exempt from continuing education requirements.**

Any continuing education requirements established pursuant to this chapter shall provide that engineers who were born prior to January 1, 1928, shall be exempt from complying with continuing education standards and requirements.

[Acts 1998, ch. 754, § 2; 1999, ch. 131, § 1.]

**PART 5—QUALIFICATIONS AND REGISTRATION—ARCHITECTS**

**62-2-501. General provisions.**

In addition to the successful completion of examination acceptable to the board, the following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as an architect:

(1) An applicant who is a graduate of a school of architecture where the professional degree curriculum has been accredited and who has completed three (3) years of practical experience in architectural work satisfactory to the board, of which not more than (1) year of architectural practical training and school may be concurrent; or

(2) An applicant who is a graduate of a nonaccredited architectural curriculum, of not less than four (4) years in such curriculum approved by the board, and five (5) years of practical experience in architectural practical training satisfactory to the board, of which not more than one (1) year of architectural work and school may be concurrent;

(3) An applicant who is a graduate of an architecture-related curriculum, of not less than four (4) years in such curriculum approved by the board, and seven (7) years of practical experience in architectural practical training satisfactory to the board, of which not more than one (1) year of architectural work and school may be concurrent.

[Acts 1979, ch. 263, § 15; 1980, ch. 627, § 1; T.C.A., § 62-215; Acts 1983, ch. 71, §§ 2, 3; 1988, ch. 546, § 1.]

**62-2-502. Degree accreditation of architecture schools.**

(a) An accredited degree in architecture shall be one which was accredited by the National Architectural Accrediting Board (N.A.A.B.) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation. For the purposes of this chapter, a state-supported school of architecture approved by the Tennessee higher education commission is deemed to have an accredited degree curriculum.

(b) Approval of a curriculum which is not accredited under the terms of subsection (a) shall be at the discretion of the board and upon the basis of certified information submitted by such school for the full period attended by the applicant.

[Acts 1979, ch. 263, § 16; T.C.A., § 62-216; Acts 1983, ch. 71, §§ 4, 5.]

**62-2-503. Practical architecture experience credit.**

(a) (1) For the purpose of evaluating "practical experience in architectural work," the board may utilize criteria and standards published by the National Council of Architectural Registration Boards (N.C.A.R.B.).

(2) Every applicant shall have not less than two (2) years of practical experience in an office of a practicing registered architect.

(3) To receive credit for practical training time, the applicant must be employed by the same employer for a period of not less than four (4) consecutive calendar months. The work month is considered to be one hundred forty (140) hours.

(b) (1) Experience acquired while employed by a registered architect practicing as an individual will be credited as practical training only when acquired under the supervision of the practicing architect in the course of the regular practice. Practice as a principal after proper architectural registration by other jurisdictions may be accepted by the board as fulfilling the required experience in the office of a registered practicing architect.

(2) Experience acquired while employed by a partnership or corporation engaging in the practice of architecture will be credited as practical training only when acquired under the supervision of the partner or partners or the officer or officers who shall be the registered architect or registered architects exercising professional and supervisory control over the particular architectural services rendered by the partnership or corporation.

(c) Practical experience as approved by the board and obtained, while working in the United States government, public or private service agencies, covering the fields of education, research, and in the service of such agencies as redevelopment authorities, Peace Corps, VISTA, HUD, other United States government and armed forces agencies, multiplied by a factor of .75, may be considered as "practical experience in architectural work."

(d) Notwithstanding any provision herein, the board may refuse to credit as practical training experience acquired while employed by an individual or by any type of organization having any interest in any project or building prejudicial to or in conflict with the individual's or organization's professional interest therein.

[Acts 1979, ch. 263, § 17; T.C.A., § 62-217; Acts 1983, ch. 71, § 6.]

**62-2-504. Examinations—Fees.**

(a) The written examination for candidates who are eligible for registration under § 62-2-501 may be the current architect registration examination prepared by the National Council of Architectural Registration Boards (N.C.A.R.B.), as accepted by the board.

(b) The board shall be responsible for administering and grading the examinations.

(c) Candidates will retain credit for any parts of the examination passed and may, at the board's discretion, be permitted to have unlimited retakes of any parts of the examination failed.

(d) The deadline date for receipt of applications for examination shall be at the discretion of the board. Each applicant eligible for written examination shall be notified of the dates set for each part of the examination, where it shall be held, and the instruments and materials the applicant shall provide.

(e) The initial application fee shall entitle the candidate to one (1) examination of a prescribed number of parts. An additional fee shall be required for the retaking and examination or parts thereof. No refunds will be made.

[Acts 1979, ch. 263, § 18; 1980, ch. 627, §§ 2, 3, 8-10; T.C.A., § 62-218; Acts 1983, ch. 71, § 7.]

**62-2-505. Commencing examinations in other states.**

(a) Upon proper application, the board may administer any part of the National Council of Architectural Registration Boards' examinations for candidates who have commenced such series of examinations in another state. Each such application shall be accompanied by an administration fee and endorsement by the architectural registration board of original application. Separate applications as described above shall be filed for each year's examination.

(b) Upon proper application, the board may, at its discretion, credit to a candidate any of the prescribed parts of the National Council of Architectural Registration Boards' examinations successfully passed and properly attested to by another state or possession. The candidate may then take the remaining examination parts as set forth herein, and, if successfully completed under its jurisdiction, may be registered by the board. The board will extend such transfer privileges only once to each applicant and may, at its discretion, accept transfer of grades only from the state of original application.

[Acts 1979, ch. 263, § 19; T.C.A., § 62-219.]

**62-2-506. Finishing examinations in other states.**

(a) When requested to do so, the board may allow candidates who have commenced examinations in Tennessee as outlined under § 62-2-504(a), to finish taking parts of these examinations in any other state; provided, that the other state approved this procedure and has established a method of accomplishing it.

(b) The board may, at its discretion and upon proper application, forward the grades achieved by a candidate in the various sections of the examination given under its jurisdiction to other duly constituted architectural registration boards for their use in evaluating and utilizing such results in registering the individual within their jurisdiction. The request for such transfer shall include a statement of concurrence by the other board and a description of the information it will require. The candidate shall state the candidate's need for requesting transfer, and pay a fee established by the board. Such transfer shall terminate the candidate's current application to this board for registration.

[Acts 1979, ch. 263, § 20; T.C.A., § 62-220; Acts 1983, ch. 71, § 8.]

**62-2-507. Recording and transferring examination results.**

(a) Whether conducted in this state or another state, all records of the examinations shall be returned to the state board of registration of architects where the series of examinations were commenced, for recording and licensure when successfully completed.

(b) After the written examination marks are properly recorded in the permanent record book, all examination books and papers over two (2) years old may be destroyed.

[Acts 1979, ch. 263, § 21; T.C.A., § 62-221.]

**62-2-508. Exemption from continuing education requirements for certain architects.**

Any continuing education requirements established pursuant to this chapter shall provide that architects who were born prior to January 1, 1928, shall be exempt from complying with continuing education standards and requirements.

[Acts 2004, ch. 529, § 1.]

**PART 6—CORPORATIONS, PARTNERSHIPS AND FIRMS**

**62-2-601. Practice—Disclosure.**

(a) A corporation, partnership or firm offering architectural, engineering or landscape architectural service to the public may engage in the practice of architecture, engineering or landscape architecture in this state; provided, that at least one (1) of the principals or officers of such corporation, partnership or firm is in responsible charge of such practice and is registered as herein required of architects, engineers and landscape architects, or is otherwise by this chapter authorized to practice. The same exemptions shall apply to corporations, partnerships and firms as apply to individuals under this chapter.

(b) Corporations, partnerships or firms offering engineering, architectural or landscape architectural service to the public shall file with the board, on a form prescribed by the board, a listing of names and addresses of all principals and officers, as well as the principals or officers duly registered to practice architecture, engineering or landscape architecture in this state who are in responsible charge of such practice in this state. Such corporations, partnerships or firms shall advise the board in writing within sixty (60) days of any change of status.

[Acts 1979, ch. 263, § 32; T.C.A., § 62-232; Acts 1988, ch. 990, § 20.]

**62-2-602. Registered architect, engineer or landscape architect in charge of service.**

Corporations, partnerships, and firms maintaining any place of business in this state for the purpose of providing or offering to provide architectural, engineering or landscape architectural design to the public shall have, in responsible charge of such service at any and each place of business, a resident registered architect, a registered engineer or a registered landscape architect.

[Acts 1979, ch. 263, § 33; T.C.A., § 62-233; Acts 1988, ch. 990, § 21.]



**PART 7—LANDSCAPE ARCHITECTURE [REPEALED]**

**62-2-701—62-2-704. [Repealed.]**

**PART 8—QUALIFICATIONS AND REGISTRATION—LANDSCAPE ARCHITECTS**

**62-2-801. Qualifications for registration.**

In addition to the successful completion of examination acceptable to the board, the following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as a landscape architect: an applicant who is a graduate of a school of landscape architecture where the professional degree curriculum has been accredited and who has completed three (3) years of practical experience in landscape architectural work satisfactory to the board, of which not more than one (1) year of landscape architectural practical training and school may be concurrent.

[Acts 1988, ch. 990, § 22.]

**62-2-802. Accredited degree.**

An accredited degree in landscape architecture shall be one which was accredited by the Landscape Architectural Accreditation Board (L.A.A.B.) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation.

[Acts 1988, ch. 990, § 22.]

**62-2-803. Practical experience.**

(a) (1) For the purpose of evaluating “practical experience in landscape architectural work,” the board may utilize criteria and standards published by the Council of Landscape Architectural Registration Boards (C.L.A.R.B.).

(2) However, every applicant shall have not less than two (2) years of practical experience in an office of a practicing registered landscape architect.

(3) To receive credit for practical training time, an applicant must be employed by the same employer for a period of not less than four (4) consecutive calendar months. The work month is considered to be one hundred forty (140) hours.

(b) (1) Experience acquired while employed by a registered landscape architect practicing as an individual will be credited as practical training only when acquired under the supervision of the practicing landscape architect in the course of the regular practice. Practice as a principal after proper landscape architectural registration by other jurisdictions may be accepted by the board as fulfilling the required experience in the office of a registered practicing landscape architect.

(2) Experience acquired while employed by a partnership or corporation engaging in the practice of landscape architecture will be credited as practical training only when acquired under the supervision of the partner or partners or the officer or officers who shall be the registered landscape architect or registered landscape architects exercising professional and supervisory control over the particular landscape architectural services rendered by the partnership or corporation.

(c) Practical experience as approved by the board and obtained while working in the United States government, public or private service agencies covering the field of education, research, and in the service of such agencies as redevelopment authorities, Peace Corps, VISTA, HUD, other United States government and armed forces agencies, multiplied by a factor of seventy-five hundredths (.75) may be considered as “practical experience” in landscape architectural work.

(d) Notwithstanding any provision herein, the board may refuse to credit as practical training experience acquired while employed by an individual or by any type of organization having any interest in any project or building prejudicial to or in conflict with the individual's or organization's professional interest therein.

[Acts 1988, ch. 990, § 22.]

**62-2-804. Examination—Administration, fees, etc.**

- (a) The written examination for candidates who are eligible for registration under § 62-2-801 may be the current landscape architecture registration examination prepared by the Council of Landscape Architectural Registration Boards (C.L.A.R.B.), as accepted by the board.
- (b) The board shall be responsible for administering and grading the examinations.
- (c) Candidates will retain credit for any parts of the examination passed and shall be permitted to have unlimited retakes of any parts of the examination failed.
- (d) The deadline date for receipt of applications for examination shall be at the discretion of the board. Each applicant eligible for written examination shall be notified of the dates set for each part of the examination, where it shall be held, and the instruments and materials the applicant shall provide.
- (e) The initial application fee shall entitle the candidate to one (1) examination of the prescribed number of parts. An additional fee shall be required for the retaking and examination or parts thereof. No refunds will be made.  
[Acts 1988, ch. 990, § 22.]

**62-2-805. Transfer privileges.**

- (a) Upon proper application, the board may administer any part of the Council of Landscape Architectural Registration Board's examinations for candidates who have commenced such series of examinations in another state. Each such application shall be accompanied by an administration fee and endorsement by the landscape architectural registration board of original application. Separate applications as described in § 62-2-804 shall be filed for each year's examination.
- (b) Upon proper application and meeting the qualifications outlined in § 62-2-801, the board will credit to a candidate any of the prescribed parts of the Council of Landscape Architectural Registration Board's examinations successfully passed and properly attested to by another state or possession. The candidate may then take the remaining examination parts as set forth herein and, if successfully completed under this jurisdiction, may be registered by the board. The board will extend such transfer privileges only once to each applicant and shall accept transfer of grades only from the state of original application.  
[Acts 1988, ch. 990, § 22.]

**62-2-806. Furnishing of examination results to other states.**

- (a) When requested to do so, the board may allow candidates who have commenced examinations in Tennessee as outlined under § 62-2-804(a), to finish taking parts of these examinations in any other state; provided, that the other state approved this procedure and has established a method of accomplishing it.
- (b) The board shall upon proper application forward the grades achieved by a candidate in the various sections of the examination given under its jurisdiction to other duly constituted landscape architectural registration boards for their use in evaluating and utilizing such results in registering the individual within their jurisdiction. The request for such transfer shall include a statement of concurrence by the other board and a description of the information it will require. The candidate shall state the applicant's need for requesting transfer, and pay a fee established by the board. Such transfer shall terminate the candidate's current application to this board for registration.  
[Acts 1988, ch. 990, § 22.]

**62-2-807. Records of examinations.**

- (a) Whether conducted in this state or another state, all records of the examinations shall be returned to the state board of registration of landscape architects where the series of examinations were commenced, for recording and licensure when successfully completed.
- (b) After the written examination marks are properly recorded in the permanent record book, all examination books and papers over two (2) years old may be destroyed.  
[Acts 1988, ch. 990, § 22.]

**PART 9—INTERIOR DESIGNERS TITLE REGISTRATION ACT**

**62-2-901. Short title.**

This part shall be known and may be cited as the “Interior Designers Title Registration Act.”  
[Acts 1991, ch. 164, § 2.]

**62-2-902. Definitions.**

As used in this part, unless the context otherwise requires:

- (1) “Board” means the state board of examiners for architects and engineers; and
  - (2) “Registered interior designer” means a person registered to use the title “registered interior designer” under this part. The registered interior designer is a person who meets the criteria of education, experience and examination as determined by the board.
- [Acts 1991, ch. 164, § 3; 1997, ch. 33, §§ 18, 19.]

**62-2-903. Use of title “registered interior designer.”**

(a) (1) No person shall use the title “registered interior designer” unless such person is registered as provided in this part.

(2) The provisions of this part shall not prohibit any architect registered under the provisions of parts 1-6 of this chapter from using the title of “registered interior designer.”

(b) Nothing contained in this part shall prevent any person from rendering or offering to render interior design services; provided, that such person shall not be permitted to use or be identified by the title “registered interior designer” unless registered in accordance with this part.

[Acts 1991, ch. 164, § 4; 1995, ch. 113, §§ 7-9.]

**62-2-904. Application for registration—Requirements—Examination.**

(a) (1) Each applicant for registration shall apply to the board.

(2) Except as otherwise provided in this part, each applicant shall take and pass the examination administered by the National Council for Interior Design Qualifications or an equivalent examination as specified by the board.

(3) The applicant shall provide substantial evidence to the board that the applicant has passed the examination required by this part; and:

- (A) Is a graduate of a five-year interior design program from an accredited institution and has completed at least one (1) year of diversified interior design experience;
- (B) Is a graduate of a four-year interior design program from an accredited institution and has completed at least two (2) years of diversified interior design experience;
- (C) Is a graduate of a three-year interior design program from an accredited institution and has completed three (3) years of diversified interior design experience; or
- (D) Is a graduate of a two-year interior design program from an accredited institution and has completed four (4) years of diversified interior design experience; and

(4) All interior design programs must be accredited by the Foundation for Interior Design Education Research or a program determined by the board to be substantially equivalent to such a program, or an interior design program must be offered by an institution located in this state on April 16, 1991, and the institution is accredited by the Southern Association of Colleges and Schools or licensed by the Tennessee higher education commission.

(b) An applicant for registration as a registered interior designer shall establish to the satisfaction of the board that the applicant:

- (1) Is at least twenty-one (21) years of age;
- (2) Has not been convicted of an offense that bears directly on the fitness of the applicant to be registered;
- (3) Has passed or supplied proof of passage of the examination required by this part; and
- (4) Meets any other requirements established by the board.

[Acts 1991, ch. 164, § 5; 1993, ch. 58, § 1; 1995, ch. 113, §§ 6, 10.]

**62-2-905. Registration without examination—Requirements.**

Any person who applies for registration and remits the application and initial registration fees prior to January 1, 1994, shall be registered by the board without taking the written examination; provided, that:

(1) The applicant has satisfactory evidence of having used or been identified by the title “interior designer” and has:

(A) Satisfactory interior design experience totaling six (6) years; or

(B) A combination of interior design education and satisfactory interior design experience totaling six (6) years as follows:

(i) A graduate of a four-year interior design program and two (2) years' experience;

(ii) A graduate of a three-year interior design program and three (3) years' experience; or

(iii) A graduate of a two-year interior design program and four (4) years' experience. The board shall determine if the two-year degree program meets the standards.

(2) A person shall be deemed to have used or been identified by the title “interior designer” within the meaning of this section if such person demonstrates to the satisfaction of the board that such person was, either on such person's own account, which means self-employed, or in the course of regular employment, rendering or offering to render to another person interior design services as defined in § 62-2-903, or was regularly engaged in the teaching of interior design at an accredited institution recognized by the board leading to a degree in interior design. Any combination of rendering services and teaching totaling six (6) years shall satisfy the requirements of this section.

[Acts 1991, ch. 164, § 6.]

**62-2-906. Corporations, partnerships or firms—Use of title “interior designer” or “registered interior designer.”**

(a) A corporation, partnership or firm may use the title “registered interior designer”; provided, that at least one (1) of the principals or officers of such corporation, partnership or firm is in responsible charge of such practice and is registered as a registered interior designer under the provisions of this chapter.

(b) Any person, firm, company, business, corporation or other entity which was organized and doing business prior to April 16, 1991, and whose corporate name includes the appellation “interior design” may continue to use such corporate name and shall not be required to register pursuant to this chapter.

(c) Nothing in this section shall be construed to authorize persons employed by such entities to use the title “registered interior designer” unless such persons are registered pursuant to this chapter.

[Acts 1991, ch. 164, § 7; 1995, ch. 113, § 11; 1997, ch. 33, § 19.]



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## **CONTINUING EDUCATION POLICY FOR ENGINEERS RELATING TO HEALTH, SAFETY AND WELFARE**

These example topics, related to these health, safety and welfare issues, shall be considered acceptable for credit as professional development hours in fulfillment of the continuing education requirement for engineers registered with the Tennessee State Board of Architectural and Engineering Examiners. The registrant shall also meet the requirements per rule 0120-5-.06 (Types of Acceptable Continuing Education), of the Rules for Continuing Education established by the Tennessee State Board of Architectural and Engineering Examiners.

### **(A) LEGAL AND ADMINISTRATIVE ISSUES**

1. Planning
2. Construction law
3. Governmental policies and laws that affect the use and/or development of a project
4. Development restrictions
5. Construction contracts and the responsibilities of the various parties under the construction contract
6. Professional liability issues
7. The bid evaluation process, including alternates, unit prices, bidder qualifications, bonds, etc.
8. Legal aspects of the bidding process, such as bid form, bid bond, addenda, etc.
9. Legal procedures for change orders and addenda
10. Ethical standards for professional practice
11. Project
  - a. Management
  - b. Business law
  - c. Accounting/Finance
  - d. Etc.

### **(B) INVENTORY**

1. History of the profession and/or projects
2. Information sources, such as existing documentation
3. Surveying practices
4. Landscape architecture practices
5. Architectural practices

### **(C) ANALYSIS**

1. Mathematics
2. Geology
3. Historical patterns
4. Sociological, historical and cultural influences on design

5. Behavioral factors relating to design
6. Resource preservation
7. Floodplain management principles
8. Stormwater management technologies
9. Water supply and conservation technologies
10. Characteristics of fire hazard areas
11. Visual analysis methods and techniques

#### (D) DESIGN ISSUES

1. Design principles
2. Functional relationships among program elements
3. Code requirements and design principles for universal accessibility
4. Principles of sustainability
5. Any codes related to the profession

#### (E) CONSTRUCTION METHODS AND PROCESSES

1. Construction methods and techniques
2. Construction equipment and technologies
3. Quality control procedures for construction, such as delivery, storage, testing, etc.
4. Sequencing of design, approval, permitting and construction activities
5. Methods of installation of construction materials
6. Factors influencing selection of materials (e.g., availability, cost, maintenance, location, survivability, dependability)

#### (F) DOCUMENTATION AND ADMINISTRATION

1. Components of specifications for a project
2. Specification types (e.g., material, workmanship, performance, proprietary)
3. General and supplemental conditions, special provisions, and technical specifications and their organizations
4. Computer technology for design and administration

#### (G) OTHER ISSUES

1. Any other beneficial topics that encourage, enhance, or reduce risk to the health, safety and welfare of the general public.

Adopted 1-10-08