

Notice of Rulemaking Hearing

Architectural and Engineering Examiners

There will be a hearing before the Tennessee State Board of Architectural and Engineering Examiners to consider the promulgation of rules and amendments to rules pursuant to T.C.A. § 62-2-203(c). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204, and will take place in Room 160 of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 9:00 a.m. (Central Time) the 22nd day of May, 2008.

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

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

Substance of Proposed Rules

Chapter 0120-01 Registration Requirements and Procedures

Amendments

Paragraph (1) of rule 0120-01-.09 References is amended by adding the following sentence to the end of the existing language:

No reference will be considered if prepared more than two (2) years prior to the date of application.

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

Paragraph (2) of rule 0120-01-.10 Education and Experience Requirements – Engineer is amended by adding the following sentence to the end of the existing language:

Unless otherwise noted above, an applicant's engineering experience must be obtained after graduation and prior to the date of application.

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

Rule 0120-01-.17 Postponement of Examinations - General is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that, as amended, rule 0120-01-.17 shall read:

0120-01-.17 Postponement of Examinations – General. Any applicant who postpones and requests to reschedule an examination after the date on which the examination is ordered shall pay a processing fee of twenty-five dollars (\$25.00) upon making the request to be rescheduled.

Authority: T.C.A. § 62-2-203(c)

Chapter 0120-02
Rules of Professional Conduct

Amendments

Paragraph (1) of rule 0120-02-.05 Conflicts of Interest is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that, as amended, paragraph (1) of rule 0120-02-.05 shall read:

- (1) The registrant shall conscientiously strive to avoid conflicts of interest with his employer or his client; but, when such conflict is unavoidable, the registrant shall forthwith disclose the circumstances to his employer or client in writing.

Authority: T.C.A. § 62-2-203(c)

Paragraph (2) of rule 0120-02-.05 Conflicts of Interest is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that, as amended, paragraph (2) of rule 0120-02-.05 shall read:

- (2) The registrant shall avoid all known conflicts of interest with his employer or client, and shall promptly inform his employer or client in writing of any business association, interests or circumstances which could influence his judgment or the quality of his services.

Authority: T.C.A. § 62-2-203(c)

Paragraph (3) of rule 0120-02-.05 Conflicts of Interest is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that, as amended, paragraph (3) of rule 0120-02-.05 shall read:

- (3) The registrant shall not accept compensation (financial or otherwise) from more than one 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.

Authority: T.C.A. § 62-2-203(c)

Chapter 0120-04
Interior Designers

Amendments

Paragraph (16) of rule 0120-04-.10 Professional Conduct is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that, as amended, paragraph (16) of rule 0120-04-.10 shall read:

- (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.

Authority: T.C.A. § 62-2-203(c)

The notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 31st day of March, 2008. (FS 03-20-08; DBID 841)