



Tennessee – Laws, Rules, and Ethics for Professional Engineers

Three (3) Continuing Education Hours
Course #TN101

Approved Continuing Education for Licensed Professional Engineers

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Course Description:

The Tennessee Laws, Rules and Ethics course satisfies 3 of the 24 hours of continuing education requirements required for Tennessee licensed professional engineers.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Tennessee.

Objectives:

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of Tennessee. Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the TN state laws and board rules.

Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course. The quiz may be taken as many times as necessary to successfully pass and complete the course.

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TENNESSEE CODE ANNOTATED

TITLE 62 PROFESSIONS, BUSINESSES AND TRADES CHAPTER 2 ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

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 provided in this chapter, 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 the person has been duly registered under this chapter, except as otherwise provided.

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 that compounds, modifies or qualifies the word "architecture," "engineering" or "landscape architecture," or that gives or is designed to give the impression that the person using those words 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 those occupancies are defined in the International Building Code currently adopted by the state fire marshal, that 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 to those dwellings;
- (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 that was organized and doing business other than business regulated in this chapter that was organized and doing business prior to January 1, 1967, and whose corporate name includes the appellation "engineer" or an appellation that compounds, modifies or qualifies the word "engineering," may continue to use that corporate name and shall not be required to register pursuant to this chapter. This section shall not be construed to authorize those entities to engage in the practice of architecture, engineering or landscape architecture without registering pursuant to this chapter.

62-2-103. Persons exempt from chapter.

The following shall be exempted from 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 of those titles, including persons employed by this state 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 this chapter; provided, that the nonresident is qualified for such professional service in the nonresident's own state or country;

(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; and

(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 (4) shall be construed as exempting any person who makes public use of the title "engineer," "architect" or "landscape architect" or any appellation of those titles.

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 to buildings, 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 the building enlargements, constructions or alterations were prepared.

(b) Nothing in this chapter shall prevent persons, mechanics or builders from making plans, specifications for or supervising the erection, enlargement or alterations of buildings or any appurtenance to buildings, 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 of the drawings and their true appellations as "contractor," "carpenter," etc., without the use in any form of the title "architect," "engineer" or "landscape architect."

62-2-105. Violations -- Penalties -- Reporting offenses.

(a) (1) No person shall:

(A) Present or attempt to file as the 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 of the board 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 subdivision (a)(1) 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 subdivision (b)(1) is a Class B misdemeanor.

(3) Each day's violation of subdivision (b)(1) 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 that 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.

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 this chapter.

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

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 this state 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 this subsection (c), "electrical distribution system" does not include any office buildings, warehouses or other structures containing walls and a roof that are to be open to the general public.

62-2-108. Hearings and judicial review.

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

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 the 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 are provided as described in this section.

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.

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, called the board in this part and parts 3-8 of this chapter.

(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 that 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 that member shall be appointed from a grand division different from that 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. That member shall be a resident of the state and shall possess good moral character. The 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.

(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 (c) 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 the member.

(3) Appointments to the board under this subsection (c) shall be in a 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 (c) shall be subject to § 62-2-202.

(6) Associate engineer members approved under this subsection (c) 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. The 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.

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

(2) (A) Notwithstanding subdivision (b)(1), any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the board.

(B) The chair of the board shall promptly notify, or cause to be notified, the appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision (b)(2)(A).

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

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 of the board 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 this subsection (d) shall be promulgated in compliance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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 times that the bylaws of the board may provide. Notice of all meetings shall be given in the manner that 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 no 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.

62-2-205. Executive director.

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

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.

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 in the books and register.

(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.

Part 3 Qualification and Registration Generally

62-2-301. General requirements for registration.

(a) The board shall, upon application for a certificate of registration, on the prescribed form and the payment by the applicant of a fee as prescribed by the board, consider the 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 the 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 the 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.

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.

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.

62-2-304. Comity.

(a) The board may, upon proper application for a certificate of registration, 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 the 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 certificate upon application to the board.

(b) In addition to subsection (a), the board may, upon proper application for a certificate of registration, issue a certificate of registration as an architect or landscape architect to any person whose qualifications do not meet the requirements of this chapter and the rules established by the board if that person holds a like unexpired certificate of qualification or registration issued to such person by any state, territory, or possession of the United States or by any country; holds an unexpired national certificate issued by the National Council of Architectural Registration Boards or the Council of Landscape Architectural Registration Boards; and presents proof of the certificates upon application to the board. The issuance of a certificate of registration pursuant to this subsection (b) is at the sole discretion of the board's determination that the applicant has qualifications suitable to be issued a certificate of registration in this state.

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.

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 in the certificate 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 that 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 on the seal 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 this state.

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

(e) Notwithstanding 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 of a document, that has been prepared by another architect or engineer, if the document has been designated as a state standard prototype, pursuant to § 12-4-116 [see now § 12-4-111]. The architect or engineer who is involved in a state standard prototypical re-use project, as provided in § 12-4-116 [see now § 12-4-111], shall fully review and modify, as required, the documents and then affix that architect's or engineer's seal or stamp and signature on the 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.

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 under this chapter 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. The 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 that 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 the applicant and any further education and experience beyond that obtained at the time of the applicant's original registration in this state.

(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.

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 under this chapter 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 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.

Part 4 Qualifications and Registration -- Engineers

62-2-401. General provisions.

(a) The following is 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, after passing an examination prepared by the National Council of Examiners for Engineering and Surveying involving the fundamentals of engineering, must 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 the examination, and with a specific record of four (4) years or more of progressive

experience on engineering projects of a grade and character that indicates to the board that the applicant may be competent to practice engineering, the applicant must be granted a certificate of registration to practice engineering in this state; provided, that the applicant is otherwise qualified;

(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 that indicates to the board that the applicant may be competent to practice engineering, must 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 the examination, the applicant must be granted a certificate of registration to practice engineering in this state; provided, that the applicant is otherwise qualified;

(3) Graduation from Approved Post-Graduate Engineering Curriculum, Experience, and Examination.

(A) A graduate of a curriculum of four (4) years leading to a baccalaureate degree, approved by the board as being of satisfactory standing, accompanied with the completion of post-graduate coursework in engineering curriculum leading to a master's degree or higher in engineering approved by the board as being of satisfactory standing, after passing an examination prepared by the National Council of Examiners for Engineering and Surveying involving the fundamentals of engineering, must 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 the examination, and with a specific record of eight (8) years or more of progressive experience on engineering projects of a grade and character that indicates to the board that the applicant may be competent to practice engineering, the applicant must be granted a certificate of registration to practice engineering in this state; provided, that the applicant is otherwise qualified;

(B) The board shall, in its discretion, set forth further criteria in rule specifying what constitutes an acceptable four (4) year undergraduate curriculum; and

(C) The board may approve an applicant having less than eight (8) years of experience if the applicant's education and experience are that of a grade and character that indicates to the board that the applicant may be competent to practice engineering; or

(4) Graduation from Approved Engineering Technology Curriculum, Experience, and Examination. A graduate of an ABET ETAC accredited engineering technology curriculum of four (4) years or more, approved by the board as being of satisfactory standing; and who holds a post-graduate degree in engineering from an institution with an ABET EAC accredited undergraduate engineering program approved by the board as being of satisfactory standing; and with a specific record of eight (8) years or more of experience on engineering projects of a grade and character that indicates to the board that the applicant may be competent to practice engineering and acquired under the supervision of a licensed professional engineer; and who has passed an examination prepared by the National Council of Examiners for Engineering and Surveying involving the fundamentals of engineering, must 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 the examination, the applicant must be granted a certificate of registration to practice engineering in this state; provided, that the applicant is otherwise qualified.

(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 that is carried out within the framework of an approved engineering curriculum and that has been approved by the board.

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 or the completion of post-graduate coursework in engineering curriculum leading to a master's degree or higher in engineering or engineering technology 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.

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.

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]

(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.

62-2-405. Examinations.

(a) The examinations will be held at times and places that 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.

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.

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 a 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 a 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.

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

(a) An accredited degree in architecture shall be one that 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 that 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 the school for the full period attended by the applicant.

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 in this section, 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.

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.

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 the 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 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 in this section, 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.

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 the results in registering the individual within their jurisdiction. The request for 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 a transfer and pay a fee established by the board. The transfer shall terminate the candidate's current application to this board for registration.

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.

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.

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 the corporation, partnership or firm is in responsible charge of the practice and is registered as required in this chapter for 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 the practice in this state. The corporations, partnerships or firms shall advise the board in writing within sixty (60) days of any change of status.

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 the service at any and each place of business, a resident registered architect, a registered engineer or a registered landscape architect.

Part 7 Landscape Architecture [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 no more than one (1) year of landscape architectural practical training and school may be concurrent.

62-2-802. Accredited degree.

(a) An accredited degree in landscape architecture shall be one that 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.

(b) If an applicant does not hold a degree accredited by the Landscape Architectural Accreditation Board (L.A.A.B.), whether obtained in the United States or otherwise, that is substantially equivalent to a degree from an L.A.A.B. accredited program, the board may consider the following factors and approve the applicant in its discretion:

- (1) Evidence of having obtained the statutory minimum of acceptable practical experience in landscape architectural work; and
- (2) The receipt of at least five (5) references from individuals having knowledge of the applicant's technical competence as a landscape architect.

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 no 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 in this section, 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.

62-2-804. Examination -- Administration, grading, credit, retakes, applications to take examination, fees and refunds.

(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.

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 the 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 transfer privileges only once to each applicant and shall accept transfer of grades only from the state of original application.

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 the results in registering the individual within their jurisdiction. The request for 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. The transfer shall terminate the candidate's current application to this board for registration.

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.

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."

62-2-902. Part 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.

62-2-903. Use of title "registered interior designer."

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

(2) This part shall not prohibit any architect registered under 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 the person shall not be permitted to use or be identified by the title "registered interior designer" unless registered in accordance with this part.

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.

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; and

(2) A person shall be deemed to have used or been identified by the title "interior designer" within the meaning of this section if the person demonstrates to the satisfaction of the board that the person was, either on the 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.

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 the corporation, partnership or firm is in responsible charge of the practice and is registered as a registered interior designer under this chapter.

(b) Any person, firm, company, business, corporation or other entity that was organized and doing business prior to April 16, 1991, and whose corporate name includes the appellation "interior design" may continue to use the 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 the persons are registered pursuant to this chapter.

RULES OF THE STATE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS

CHAPTER 0120-01 REGISTRATION REQUIREMENTS AND PROCEDURES

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.

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.

0120-01-.03 CLARIFICATIONS TO OFFERING TO PRACTICE.

- (1) The following items are not considered offering to practice architecture, engineering, or landscape architecture, provided that the architect, engineer or landscape architect is registered in another jurisdiction:
 - (a) Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not registered.
 - (b) Responding to letters of inquiry regarding requests for proposals or requests for qualifications, provided there is written disclosure that the architect,

engineer, or landscape architect is not registered in Tennessee and the response is limited to inquiries regarding scope of project and to demonstrate interest.

(c) Responding to letters of inquiry from prospective clients, provided there is written disclosure that the architect, engineer, or landscape architect is not registered in Tennessee and the response is limited to inquiries regarding scope of project and to demonstrate interest.

(d) Using the title "engineer," "architect," "landscape architect," or any appellation thereof, provided that the individual using the title is registered in another jurisdiction and clearly specifies the jurisdiction in which they are registered following the title so as not to mislead the public regarding their credentials.

(e) Using the title "engineer," "architect," "landscape architect," or any appellation thereof in communications from an office in the jurisdiction where registration is held.

(f) Any person gaining practical experience in an office of a practicing architect may use the title, appellation or designation "architectural associate".

(2) Notwithstanding paragraph (1), proposals may not be submitted, contracts signed, nor work commenced until the architect, engineer, or landscape architect becomes registered in Tennessee, unless the architect, engineer, or landscape architect is either acting as a consulting associate in accordance with T.C.A. § 62-2-103(2) or working under the responsible charge of a Tennessee registrant..

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) (a) Comity applications and reapplications for registration as an engineer, architect, and landscape architect and applications for engineer intern certification shall expire one (1) year from the date of application. Upon written request by the applicant, an extension of time may be granted for good cause as determined by the Board.

(b) Applications to sit for professional examinations shall expire 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.

(4) An individual who was previously registered in another jurisdiction but whose registration has expired may apply in Tennessee as a new exam applicant. The Board shall decide on a case-by-case basis if it shall accept exam(s) passed in another jurisdiction.

(5) Individuals who are currently registered in another state may apply by comity in accordance with T.C.A. § 62-2-304.

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.

0120-01-.06 APPLICATIONS - ENGINEER INTERN.

Individuals may apply for certification as an engineer intern. An applicant who has passed the required examination and has met the other legal requirements shall receive a certificate.

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.

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.

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 available.

(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.

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:

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 falling within the categories described in subparagraphs (a)-(d). Greater weight is given to the Practical Application and Theory component.

(a) Practical Application of Theory includes:

(b) Management of Engineering includes:

1. Planning – developing concepts; evaluating alternative methods.
2. Scheduling – preparing task breakdowns and schedules.
3. Budgeting and Contracting – cost estimating and control; contract development.
4. Supervising – organizing human resources; motivating teams; directing and coordinating project resources.
5. Project Control – complete or partial project control.
6. Risk Assessment – assessment of risk associated with the progression of the project.

(c) Communication Skills includes:

1. Accumulation of project knowledge through interpersonal communication with supervisors, clients, subordinates, or team interaction.
2. Transmission of project knowledge in verbal or written methods to clients, supervisors, subordinates, the general public, or team members. Examples include but are not limited to meetings, written reports, public hearings and reporting or findings and suggestions, other written correspondence and/or verbal briefings.

(d) Social Implications of Engineering includes:

1. Promoting and safeguarding the health, safety, and welfare of the public as demonstrated in daily work activities.
2. Demonstrating an awareness of the consequences the work performed may incur and a desire to mitigate or eliminate any potential negative impact.
3. Following a code of ethics that promotes a high degree of integrity in the practice of professional engineering.

(e) The Board may grant toward experience requirements for registration as an engineer one (1) year of credit for completing one (1) of the following:

1. Graduation with a Master's degree (or higher) in engineering from an approved curriculum;
2. 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; or
3. Three (3) years or more qualified experience obtained prior to graduation under the direct supervision of a licensed engineer.

(f) No partial credit will be awarded for experience which does not fully meet the criteria listed in 0120-01-.10(2)(e)1.-3. Applicants are limited to gaining one (1) year of credit from the options listed in 0120-01-.10(2)(e)1.-3. towards progressive experience in the practice of engineering. 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.

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 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.

(d) For purposes of this paragraph, an architectural degree from a program accredited by the Canadian Architectural Certification Board (CACB), or from a program deemed substantially equivalent by the NAAB, is deemed to be equivalent to a degree from a NAAB-accredited program.

(4) For purposes of Tenn. Code Ann. § 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 Tenn. Code Ann. §§ 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 Tenn. Code Ann. § 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.

(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.

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.

0120-01-.13 EXAMINATIONS - GENERAL.

(1) If an applicant passes the required examination(s) and is not approved for registration, his 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;
- (g) Failure to cooperate with the Board'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.

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.

0120-01-.15 EXAMINATIONS - ARCHITECT.

(1) The NCARB shall prepare and administer examinations for candidates for registration as an architect. The use of materials, reference books, notes, calculators and equipment in such examinations shall be in accordance with instructions from the NCARB.

(2) Applicants shall apply directly to NCARB for admittance to the examination needed for registration as an architect.

0120-01-.16 EXAMINATIONS - LANDSCAPE ARCHITECT.

(1) The CLARB shall prepare and administer examinations for candidates for registration as a landscape architect. The use of materials, reference books, notes, calculators and equipment in such examinations shall be in accordance with instructions from the CLARB.

(2) Applicants shall apply directly to CLARB for admittance to the examination needed for registration as a landscape architect.

0120-01-.17 REPEALED.

0120-01-.18 REPEALED.

0120-01-.19 REPEALED.

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.

0120-01-.21 REPEALED

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.

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.

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."

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 Tenn. Code Ann. §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

(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 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 himself 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).

0120-01-.26 REPEALED.

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.

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:

(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

(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.

0120-01-.29 REPEALED

CHAPTER 0120-02 RULES OF PROFESSIONAL CONDUCT

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.

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 building Laws and Regulations or which may affect adversely the safety to the public, the registrant shall:
 - (a) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable Federal, State or Local building Laws and Regulations;
 - (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.
- (4) 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.
- (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 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.
- (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.

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

(1) The registrant shall perform his services only in areas of his 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 his own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.

(3) The registrant shall not affix his signature and/or seal to any plan or document dealing with subject matter in which he lacks competence acquired through education or experience, nor to any plan or document not prepared by him or under his 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 him 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.

(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.

0120-02-.04 PUBLIC STATEMENTS.

(1) The registrant shall be completely objective and truthful in all professional reports, statements or testimony. He 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 his 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 he has prefaced his comment by explicitly identifying himself, by disclosing the identity of the party or parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matter.

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.

(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.

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.

(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 his professional judgment may be compromised.

0120-02-.07 MISCONDUCT.

(1) The registrant shall not knowingly associate with, or permit the use of his or her 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;

(d) 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

(e) 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.

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:



(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; original sheets shall include tracings or other reproducible sheets;

(b) The original cover or index page(s) identifying all specification pages covered; and

~~(c) Design calculations that are submitted for review.~~

(c) The original cover or index page(s) for design calculations or reports that are submitted for review.

(d) When an engineer must seal, sign and date engineering specifications, drawings, plans, or calculations for digitally generated seals and signatures under the provisions of T.C.A. § 62-2-306(b), an index sheet for engineering specifications and calculations may be used. The index sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and preparation of each section of the engineering specifications or calculations, with sufficient information on each index sheet to identify every

portion of the specifications or calculations for which each professional engineer is responsible. In addition, the index sheet shall include at a minimum:

1. The name and license number of each engineer in responsible charge of the production of any portion of the calculations or specifications; and
2. Identification of the project.

(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) When multiple registrants contribute to a project, each registrant shall sign and seal the portions of the project for which that registered consultant is responsible. When multiple registrants in responsible charge provide content on the same document, all such registrants should seal the document, and, if there is any question, a description of the areas of responsibility should be included. All registrants in responsible charge who work on a set of specifications are required to seal either the cover page of the specifications, or the cover page(s) for the section(s) of the specifications they produce.~~

(4) When multiple registrants contribute to a project, each registrant shall sign and seal the portions of the project for which that registered consultant is responsible. When multiple registrants in responsible charge provide content on the same document, all such registrants should seal the document, and, if there is any question, a description of the areas of responsibility should be included. All registrants in responsible charge who work on a set of specifications are required to seal either the cover page, except as specified in 2(d) above, of the specifications, drawings, or plans or the cover page(s) for the section(s) of the specifications they produce.

(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;
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:

1. Unique to the individual using it;
2. Capable of verification;
3. Under the sole control of the individual using it; and
4. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

(9) All working or partially completed plans, or any drawings that are not construction documents, shall be designated "preliminary – not for construction," "for review only," "draft," or other designation clearly indicating that the drawings are not complete.

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:

Violation Penalty

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

(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:

Violation Penalty

- (a) T.C.A. §62-2-101
\$500-1000

(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.

(f) Prior disciplinary action in any jurisdiction or repeated violations; and

(g) Self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken.

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 with a minimum passing score of 80%;

(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.

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.

CHAPTER 0120-04 INTERIOR DESIGNERS

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.

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."

0120-04-.03 APPLICATIONS.

(1) Each application 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 his or her 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
- (b) The fee, if any, charged by the examination sponsor for verification.

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.

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;
 - (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.

(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.

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.

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."

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 himself 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, as to a change to "active" status and paying a biennial registration renewal fee of one hundred forty dollars (\$140.00).

0120-04-.09 REPEALED.

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 his services only in areas of his 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.

(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 him or his organization in private professional practice.

(9) The registrant shall not solicit or accept any contract from a governmental body on which he, or a principal or officer of his 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 his or his associate's academic or professional qualifications. The registrant shall not misrepresent or exaggerate registrant's degree of responsibility in or for the present or prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, or joint ventures, or his or their past accomplishments with the intent and purpose of enhancing the registrant's qualifications and work.

(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

(12) The registrant shall not request, propose or accept a professional commission on a contingent basis under circumstances in which his professional judgment may be compromised.

(13) The registrant shall not knowingly associate with, or permit the use of his name or firm name in, a business venture by any person or firm which he 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) He 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) His license or certificate of interior design title is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings in another jurisdiction or he fails to report such action to the Board in writing within sixty (60) days of the action;

(c) He 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) He 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.

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
\$500-1,000	

(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
\$500-\$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.

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).

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.

CHAPTER 0120-05 CONTINUING EDUCATION

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.

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.

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.

0120-05-.04 BASIC REQUIREMENTS.

(1) Basic Requirements-Architects

(a) A registered architect seeking biennial renewal for the first time shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. All twelve (12) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities.

(b) A registered architect 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) PDHs the two (2) years immediately preceding application for renewal. All twenty-four (24) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. For registrants renewing a certificate of registration that expires prior to 2023, up to

twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be carried over to a future renewal period.

(c) 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 in this rule.

(d) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs during the twenty-four (24) months immediately preceding reapplication. All twenty-four (24) PDHs must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities.

(e) As an alternative to the requirements listed in 0120-05-.04(1)(a)-(d), a registered architect may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, all twelve (12) of which shall be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be credited to a future calendar year.

(f) 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, 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.

(g) 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.

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

2. Construction Contract Administration: Contracts, Bidding, Contract Negotiations
3. Construction Documents: Drawings, Specifications, Delivery Methods
4. Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures
5. Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation
6. Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to Protect Owners and Public
7. Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment
8. Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying
9. Preservation: Historic, Reuse, Adaptation

(2) Basic Requirements-Engineers

(a) A registered engineer 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) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency.

(b) A registered engineer 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) PDHs the two (2) years immediately preceding application for renewal. At least thirteen (13) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be carried over to a future renewal period.

(c) 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.

(d) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address Health, Safety and Welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.

(e) As an alternative to the requirements listed in 0120-05-.04(2)(a)-(d), a registered engineer may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, at least seven (7) of which shall address Health, Safety and Welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be credited to a future calendar year.

(3) Basic Requirements-Landscape Architects

(a) A registered landscape architect 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) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency.

(b) A registered landscape architect 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) PDHs the two (2) years immediately preceding application for renewal. At least thirteen (13) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be carried over to a future renewal period.

(c) 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 in this rule.

(d) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address Health, Safety and Welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.

(e) As an alternative to the requirements listed in 0120-05-.04(3)(a)-(d), a registered landscape architect may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, at least seven (7) of which shall address Health, Safety and Welfare issues and technical competency. For registrants renewing a certificate of registration that expires prior to 2023, up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed. For registrants renewing a certificate of registration that expires in 2023 and thereafter, excess PDHs may not be credited to a future calendar year.

(4) Basic Requirement-Registered Interior Designers

(a) A registered interior designer 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) PDHs the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDHs claimed shall address Health, Safety and Welfare issues and technical competency.

(b) A registered interior designer 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) PDHs 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 PDHs claimed shall address Health, Safety and Welfare issues and technical competency.

(c) 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 in this rule.

(d) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDHs (thirteen (13) of which shall address Health, Safety and Welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.

(e) As an alternative to the requirements listed in 0120-05-.04(4)(a)-(d), a registered interior designer may meet the continuing education requirement by obtaining twelve (12) PDHs per calendar year, at least seven (7) of which must be completed in Health, Safety, and Welfare and technical competency subjects acquired in structured educational activities. The remainder of the PDHs claimed may address general knowledge subjects relevant to the practice of interior design. Up to twelve (12) carryover PDHs from the preceding renewal period may be included in the total PDHs claimed.

1. For purposes of this paragraph, a structured educational activity is one 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 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.

2. For purposes of this paragraph, 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.

- (i) Health/Safety—Includes topics related to protection of the public or the environment. Such topics may include, but are not limited to:

- (I) Building and Life Safety Codes, regulations and standards of practice

- (II) Building regulations

- (III) Products or designs implemented to protect the public or the environment

(IV) Product performance standards and topics including, but not limited to, energy efficiency, acoustics, indoor air quality, lighting, or fire and life-safety systems

(ii) Welfare—Includes topics that enhance the social, psychological, financial and physical well-being of individuals and the environment. Such topics include, but are not limited to:

(I) Social

(II) Psychological

(III) Financial

(IV) Business practices

(V) Ethics

(VI) Space design

(VII) Budgets and estimating

(VIII) Construction administration

(IX) Environmental and sustainability issues

(X) Finish materials and methods of construction detailing

(XI) Special needs populations

(iii) Topics that do not qualify as Health, Safety, and Welfare include, but are not limited to, computer software training and general business practices, firm marketing, personnel, and management issues.

3. A general knowledge PDH is one where the PDH covers general knowledge regarding interior design practice and process and where less than seventy-five percent (75%) of the PDH content covers Health, Safety, Welfare, barrier free design or sustainability. The subject of a general knowledge PDH may include, but is not limited to, the five (5) phases of design, including programming, schematic design, design development, construction documents and contract administration.

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

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

(1) The Board will grant PDH credit for only such professional development 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 PDH 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 (CEUs);
- (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, books, or accepted licensing examination items;
- (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;
- (k) Patents granted; and
- (l) All such activities as described in (a) through (k) above must be relevant to the practice of architecture, engineering, landscape architecture or interior design as determined by the Board.

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 professional continuing education 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 PDHs 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. A maximum of ten (10) PDHs per biennium may be claimed for each published peer reviewed paper, article, or book. A maximum of five (5) PDHs per biennium may be claimed for each published paper, article, or book that is not peer-reviewed.

(d) Correspondence course PDHs 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) PDHs 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) PDHs per biennium may be claimed for active participation in educational outreach activities involving K-12 or higher education students.

(g) A maximum of ten (10) PDHs per biennium may be claimed for each patent.

(h) A maximum of five (5) PDHs per biennium may be claimed for writing accepted licensing examination items.

(2) PDHs may be acquired at any location. If the continuing education provider 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 registrant's time for PDH purposes irrespective of actual time spent on the activity.

0120-05-.08 EXEMPTIONS.

(1) A registrant may be exempt from continuing professional development 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 for professional development.

(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.

(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.

(e) A registrant experiencing physical disability, a serious medical condition, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the Board. Supporting documentation must be furnished to the Board, and the Board reserves the right to deny requests lacking adequate documentation or justification. Registrants granted an exemption or extension may still be subject to disciplinary action for violations of this chapter that occurred outside the period of exemption or extension.

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.

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

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0120-05-.11 DISALLOWANCE.

(1) If the Board disallows claimed PDH credits, the registrant shall have ninety (90) days after notification of same substantiate the original claim or earn other credit to meet the minimum requirements.

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.

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.

CHAPTER 0120-06 CORPORATIONS, PARTNERSHIPS AND FIRMS

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.

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.

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 his or her own name as a sole proprietorship shall not be required to submit a disclosure form.

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.

(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.

CODE OF ETHICS

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
 - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
 - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.

- 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
 - 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
 - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
 - 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
 - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
 3. Engineers shall issue public statements only in an objective and truthful manner.
 - 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
 - 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
 - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
 4. Engineers shall act for each employer or client as faithful agents or trustees.

- 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
 - 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
 - 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
 - 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
 - 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
5. Engineers shall avoid deceptive acts.
- 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
 - 2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
 - 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
 - 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
 - 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
 - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
 - 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
 - 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
 - 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
 - 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
 - 4) Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.
3. Engineers shall avoid all conduct or practice that deceives the public.
 - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
 - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
 - 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
 - 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
 - 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
5. Engineers shall not be influenced in their professional duties by conflicting interests.
 - 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
 - 2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
 - 1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
 - 2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
 - 3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

- 1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
 - 2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
 - 3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
- 1) Engineers shall conform with state registration laws in the practice of engineering.
 - 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
- 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
 - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
 - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
 - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
 - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses,

reading in the technical literature, and attending professional meetings and seminars.

REFERENCES

Tennessee Department of Commerce & Insurance, Architects & Engineers: Rules and Laws – Homepage

<https://www.tn.gov/commerce/regboards/architects-engineers/rules-laws.html>

Tennessee Code Annotated Title 62 Professions, Businesses and Trades Chapter 2 Architects, Engineers, Landscape Architects and Interior Designers, (62-2-101 to 62-2-906)

<http://www.lexisnexis.com/hottopics/tncode/>

Rules of The State Board of Architectural and Engineering Examiners, (0120-01.01 to 0120-06-.04)

<https://publications.tnsosfiles.com/rules/0120/0120.htm>

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>