

State of Utah  
Administrative Rule Analysis

# NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:	40411	Date filed:	5-10-2016
State Admin Rule Filing Id:		Time filed:	
Utah Admin. Code Ref (R no.):	R 156	Rule No.	86
Changed to Admin. Code Ref. (R no.):	R		

<b>1. Agency:</b>	Commerce/Division of Occupational and Professional Licensing		
<b>Room no.:</b>			
<b>Building:</b>	Heber M. Wells Building		
<b>Street address 1:</b>	160 East 300 South		
<b>Street address 2:</b>			
<b>City, state, zip:</b>	Salt Lake City UT 84111-2316		
<b>Mailing address 1:</b>	PO Box 146741		
<b>Mailing address 2:</b>			
<b>City, state, zip:</b>	Salt Lake City UT 84114-6741		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>
Steve Duncombe	801-530-6235	801-530-6511	sduncombe@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

- |                                                                                                 |                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2. Title of rule or section (catchline):</b>                                                 | State Certification of Commercial Interior Designers Act Rule                                                                                                                                                                   |
| <b>3. Type of notice:</b>                                                                       | New XXXX; Amendment ___; Repeal ___; Repeal and Reenact ___                                                                                                                                                                     |
| <b>4. Purpose of the rule or reason for the change:</b>                                         | During the 2016 General Session of the Legislature, S.B. 117 passed which created Title 58, Chapter 86, the State Certification of Commercial Interior Designers Act. This proposed rule implements the referenced legislation. |
| <b>5. This change is a response to comments from the Administrative Rules Review Committee.</b> | No XXX; Yes ___                                                                                                                                                                                                                 |
| <b>6. Summary of the rule or change:</b>                                                        |                                                                                                                                                                                                                                 |

Section R156-86-101 establishes a title for this rule. Section R156-86-102 defines terms used within the respective act or rule. Section R156-86-103 references the authority of the Division to administer Title 58, Chapter 86, and rules adopted under Title 58. Section R156-86-104 establishes the relationship of this rule to R156-1. Section R156-86-202 establishes the exam requirements for state certification of commercial interior designers. Section R156-86-203 establishes the renewal cycle and procedures for state certification of commercial interior designers. Section R156-86-204 further defines continuing education requirements for state certification of commercial interior designers. Section R156-86-301 establishes unprofessional conduct.

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**

**Affected:** No ; Yes XXXX

The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

**B) Local government:**

**Affected:** No ; Yes XXX

The proposed amendments implement state certification requirements established by S.B. 117. There are no additional costs imposed upon local governments by the proposed rule amendments. The requirements of S.B. 117 may result in additional costs for any local government agency that enlists the services of a state certified commercial interior designer. However, these costs cannot be quantified by the Division.

**C) Small businesses ("small business" means a business employing fewer than 50 persons)**

**Affected:** No ; Yes XXX

The proposed rule amendments implement state certification requirements established by S.B. 117. There are no additional costs or savings imposed upon small business by the proposed rule amendments. The requirements of S.B. 117 upon small business are described below. S.B. 117 applies to those required to be licensed as state certified commercial interior designers. State certified commercial interior designers may seek to establish their own firms, many of which may be small businesses. Current architectural and engineering firms engaging in the practice of commercial interior design, some of which may be small businesses, may experience a potential loss in commercial interior design work or a downsize in subordinate design staff, as commercial interior design work previously done by these firms may now be performed by state certified commercial interior designers, independent of a licensed architect or engineer. Due to copious variables, the related costs for current firms and future small businesses may increase, remain neutral, or decrease. However, the Division is not able to quantify these costs.

**D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):**

**Affected:** No ; Yes XXX

The proposed rule amendments implement state certification requirements established by S.B. 117. There are no additional costs or savings imposed upon other persons by these proposed amendments. The requirements of S.B. 117 upon other persons are described below. State certified commercial interior designers may seek to establish their own firms, as commercial interior design work previously done by architectural and engineering firms may now be performed by state certified commercial interior designers, independent of a licensed architect or engineer. Current architectural and engineering firms engaging in the practice of commercial interior design may experience a potential loss in commercial interior design work or a downsize in subordinate design staff, as commercial interior design work previously done by these firms may now be performed by state certified commercial interior designers, independent of a licensed architect or engineer. The Division is not able to quantify these potential costs. The training required for unlicensed employees, subordinates, associates, or drafters to engage in practice of commercial interior design may be less for those working under the supervision of a state certified commercial interior designer, as their scope of practice is limited. However, as the practice of commercial interior design is distinct, perhaps even specialized, they may require more training in their area of expertise. As such, the training required for and the remuneration provided to those engaged in such practice may vary. This cost or savings will have a corresponding impact upon employers and clients. The Division is not able to quantify these costs or savings.

**8. Compliance costs for affected persons:**

The proposed amendments implement state certification requirements established by S.B.117. There are no additional costs or savings imposed upon affected persons by this rule. The requirements of S.B. 117 upon affected persons are described below. The proposed rule amendments will result in an increase of costs for those applicants seeking state certification as a commercial interior designer. Associated costs include an application fee of \$70, renewal fee of \$40, continuing education on average of \$15 to \$30 per continuing education (CE) credit, National Council for Interior Design Qualification (NCIDQ) exam related fees ranging from \$50 to \$450, and any prerequisite education required to apply for the NCIDQ exams, the cost of which cannot be quantified by the Division.

**9. A) Comments by the department head on the fiscal impact the rule may have on businesses:**

This rule change corresponds with recently-passed legislation, which made commercial interior designers an occupation now licensed by the Division. This new rule: defines terms, references statutory authority for the rule, establishes exam requirements, establishes the renewal cycle and procedures for state certification, defines the continuing education requirements, and describes unprofessional conduct. No fiscal impact to businesses is anticipated by this rule change. Some businesses will be fiscally impacted by the change in state law. But the definitions, procedures, and requirements of this rule will not fiscally impact businesses beyond that of the state law change.

**B) Name and title of department head commenting on the fiscal impacts:**

Francine A. Giani, Executive Director

**10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.**

**State code or constitution citations (required)** (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

Section 58-86-101

**11 This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; if none, leave blank):**

	First Incorporation	Second Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>	American Society of Interior Designers (ASID) Code of Ethics and Professional Conduct	
<b>Publisher</b>	American Society of Interior Designers	
<b>Date Issued</b>	December 2013	
<b>Issue, or version</b>		
<b>ISBN Number (optional)</b>		
<b>ISSN Number (optional)</b>		
<b>Cost of Incorporated Reference</b>	-0-	
<b>Action: Adds, updates, or removes</b>	Adds	

(If this rule incorporates more than two items by reference, please attach additional pages)

**12 The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)**

**A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):**

07/01/2016

**B) A public hearing (optional) will be held:**

**On (mm/dd/yyyy):**

**At (hh:mm AM/PM):**

**At (place):**

13 This rule change may become effective on (mm/dd/yyyy): 07/08/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

14 Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:

licensing

commercial interior designers

15 Attach an RTF document containing the text of this rule change (filename): R156-86.pr o

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

### AGENCY AUTHORIZATION

Agency head or designee, and title:



Date (mm/dd/yyyy): 5/9/2016

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

**R156-86. State Certification of Commercial Interior Designers Act Rule.**

**R156-86-101. Title.**

This rule is known as the "State Certification of Commercial Interior Designers Act Rule."

**R156-86-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 86, as used in Title 58, Chapters 1 and 86, or this rule:

(1) "ASID" means the American Society of Interior Design.

(2) "IDCEC" means the Interior Design Continuing Education Council.

(3) "NCIDQ" means the National Council for Interior Design

Qualification.

(4) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 86, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-86-301.

**R156-86-103. Authority - Purpose.**

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) and Section 58-86-103 to enable the Division to administer Title 58, Chapter 86.

**R156-86-104. Organization - Relationship to Rule R156-1.**

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

**R156-86-202. Qualifications for State Certification - Exam Requirement.**

In accordance with Subsection 58-86-202(3)(b), the exam requirement for certification under this title is passing all sections of the NCIDQ examination established by the Council for Interior Design Qualification.

**R156-86-203. Renewal Cycle - Procedures.**

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to certified registrants under Title 58, Chapter 86 is established by rule in Section R156-1-308a.

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

**R156-86-204. Continuing Education for Commercial Interior Designers.**

In accordance with Section 58-86-204, continuing education shall be:

(1) limited to continuing education courses offered by IDCEC; and

(2) designated by IDCEC as "Health, Safety, Welfare" courses.

**R156-86-301. Unprofessional Conduct.**

"Unprofessional conduct" includes failing to conform to the generally accepted and recognized standards of the profession including those established in the December 2013 edition of the "ASID Code of Ethics and

Professional Conduct", which is hereby incorporated by reference.

KEY: licensing, commercial interior designers

Date of Enactment or Last Substantive Amendment:

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-86-101