

**PROPOSED REGULATION OF THE
STATE BOARD OF ARCHITECTURE, INTERIOR
DESIGN AND RESIDENTIAL DESIGN**

LCB File No. R073-17

May 22, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1, 2, 5 and 7-10, NRS 623.140; §3, NRS 623.035 and 623.140; §4, NRS 623.140 and 623.190; §6, NRS 623.140 and 623.250.

A REGULATION relating to professions; revising provisions concerning certain persons exempt from the provisions of law relating to architects, interior designers and residential designers; authorizing an applicant for registration as a residential designer to obtain work experience outside this State in certain circumstances; revising provisions relating to proof of continuing education that is required to be completed by architects, interior designers and residential designers and audits performed by the State Board of Architecture, Interior Design and Residential Design to ensure compliance with such requirements; revising provisions concerning the signing, stamping or sealing of a document containing the work of others; revising provisions relating to plans and documents submitted to a public authority; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Architecture, Interior Design and Residential Design to adopt necessary and proper regulations relating to the practices of architecture, interior design and residential design in this State. (NRS 623.140)

Existing law exempts certain persons from the provisions of law relating to architects, interior designers and residential designers, including a contractor who is licensed in this State and provides his or her own drawings for his or her own construction activities. (NRS 623.035) Existing regulations provide that the Board interprets the phrase “his or her own drawings” to include only drawings prepared by a contractor or an employee of the contractor. (NAC 623.0195) **Section 3** of this regulation specifies that such an employee must be an employee

whose compensation for federal income tax purposes is reported, or required to be reported, on Form W-2.

Existing regulations require an applicant for registration with the Board as a residential designer to complete certain education and training before applying for registration. An applicant is authorized to acquire credit for such education and training by obtaining certain work experience: (1) as an employee of, or under the direct supervision of, certain professionals who are registered or licensed in this State; (2) as a general building contractor with a certain subclassification who is licensed in this State; or (3) in an organization that provides drafting services to certain professionals who are registered in this State. (NAC 623.505) **Section 4** of this regulation authorizes an applicant to obtain such work experience outside this State in certain circumstances.

Existing regulations generally require a person who has been issued a certificate of registration by the Board to complete continuing education units and submit to the Board on an annual basis proof of the continuing education units claimed by the registrant for that calendar year. (NAC 623.630, 623.644) **Section 6** of this regulation requires a registrant to submit to the Board on an annual basis a certification that he or she has completed the continuing education units claimed for that calendar year. **Section 5** of this regulation requires the staff of the Board to: (1) perform random audits of registrants and audits that are based on complaints or charges against registrants; and (2) provide written notice of an audit to a registrant. **Section 7** of this regulation makes conforming changes.

Section 8 of this regulation revises provisions concerning a registrant signing, stamping or sealing a document containing the work of others. **Section 9** of this regulation revises provisions relating to plans and documents submitted to a public authority and defines the term “plans submitted to a public authority.” **Section 1** of this regulation defines the term “public authority.” **Section 10** of this regulation updates the Internet address of the Board.

Section 1. Chapter 623 of NAC is hereby amended by adding thereto a new section to read as follows:

“Public authority” includes, without limitation, any agency that is funded in whole or in part by federal, state, county, city or other public money, including, without limitation, a planning department, building department, zoning department or the Tahoe Regional Planning Agency.

Sec. 2. NAC 623.010 is hereby amended to read as follows:

623.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 623.011 to 623.018, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 623.0195 is hereby amended to read as follows:

623.0195 For the purposes of paragraph (d) of subsection 1 of NRS ~~623.330,~~ *623.035*, the Board interprets the phrase “his or her own drawings” to include only drawings prepared by a contractor or an employee of the contractor ~~+~~ *whose compensation for federal income tax purposes is reported, or required to be reported, on Form W-2.*

Sec. 4. NAC 623.505 is hereby amended to read as follows:

623.505 An applicant for registration as a residential designer must have a combination of at least 5 years of education and training with at least 1 year in education, or the equivalent, and at least 1 year in training. An applicant for registration as a residential designer may acquire credit for education and training only pursuant to the following table:

TABLE OF EQUIVALENTS:

EDUCATION			TRAINING	
First		Maximum	Credit	Maximum
2	Succeeding	Years	Allowed	Credit
Years	Years	Allowed	(Percent)	Allowed
DESCRIPTION OF EXPERIENCE (Percent)				

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION			TRAINING	
	First	Succeeding	Maximum	Credit	Maximum
(Percent)	Years	Years	Years	Allowed	Credit
			Allowed	(Percent)	Allowed
1. For a bachelor's degree in architecture or credits from a program accredited by the National Architectural Accrediting Board, {the.} or for a master's degree in architecture from a school of architecture accredited by that Board.	100	100	4 years		
2. For the first professional degree in architecture or credits toward that degree under a program which has not been accredited by the National Architectural Accrediting Board. {the.}	75	100	4 years		

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION			TRAINING	
	First		Maximum	Credit	Maximum
	2	Succeeding	Years	Allowed	Credit
	Years	Years	Allowed	(Percent)	Allowed
	(Percent)				

3. For a bachelor's degree or credits toward that degree in architectural engineering or architectural technology or in civil, mechanical or electrical engineering under a program which has been accredited by the Engineers' Council for Professional Development, the Accreditation Board for Engineering and Technology or ABET, Inc., or for a bachelor's degree in interior design or interior architecture under a program accredited by the Council for Interior Design Accreditation.

50 75 3 years

4. For an associate's or bachelor's degree with an emphasis in residential design as approved by the Board.

100 100 2 years

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING	
	First	Maximum	Credit	Maximum
(Percent)	Years	Years	(Percent)	Allowed
5. For any other bachelor's degree.	2	Succeeding	Years	Credit
	Years	Years	Allowed	Allowed
6. For experience as an employee under the direct supervision of a residential designer or an architect who is registered <i>in this State</i> pursuant to this chapter and chapter 623 of NRS § <i>or who is registered in another jurisdiction pursuant to requirements that the Board determines are substantially equivalent to the requirements for registration in this State.</i>	50		1 year	4 years

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING	
	First	Maximum	Credit	Maximum
	2	Succeeding	Years	Credit
	Years	Years	Allowed	Allowed
	(Percent)		(Percent)	

7. For employment directly related to residential design under the direct supervision of a landscape architect who is registered *in this State* pursuant to chapter 623A of NRS ~~H~~ *or who is registered in another jurisdiction pursuant to requirements that the Board determines are substantially equivalent to the requirements for registration in this State.*

50 1 year

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING	
	First	Maximum	Credit	Maximum
	2	Succeeding	Years	Credit
	Years	Years	Allowed	Allowed
	(Percent)		(Percent)	

8. For employment directly related to residential design under the direct supervision of a licensed professional engineer who is registered *in this State* pursuant to chapter 625 of NRS ~~or who is registered in another jurisdiction pursuant to requirements that the Board determines are substantially equivalent to the requirements for registration in this State.~~

50 2 years

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING	
	First	Maximum	Credit	Maximum
	2	Succeeding	Years	Credit
	Years	Years	Allowed	Allowed
	(Percent)		(Percent)	Allowed
9. For employment directly related to residential design under the direct supervision of a registered interior designer who is registered <i>in this State</i> pursuant to this chapter and chapter 623 of NRS H <i>or who is registered in another jurisdiction pursuant to requirements that the Board determines are substantially equivalent to the requirements for registration in this State.</i>			50	1 year

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING	
	First	Maximum	Credit	Maximum
	2	Succeeding	Years	Credit
	Years	Years	Allowed	Allowed
	(Percent)		(Percent)	

10. For employment directly related to residential design as an employee of a contractor who is licensed *in this State* pursuant to chapter 624 of NRS ~~or~~ *or who is licensed in another jurisdiction pursuant to requirements that the Board determines are substantially equivalent to the requirements for licensure in this State.*

50 2 years

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING	
	First	Maximum	Credit	Maximum
	2	Succeeding	Years	Credit
	Years	Years	Allowed	Allowed
	(Percent)		(Percent)	

11. For experience as a licensed general building contractor, with a ~~subclassification~~ *classification* AB or *subclassification* B-2, who is licensed *in this State* pursuant to chapter 624 of NRS ~~or who is licensed in another jurisdiction pursuant to requirements that the Board determines are substantially equivalent to the requirements for licensure in this State.~~ The amount of credit allowed will be determined by the Board, based on the quality of experience obtained for projects that have been designed and constructed.

As determined by
the Board 4 years

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING	
	First	Maximum	Credit	Maximum
	2	Succeeding	Years	Credit
	Years	Years	Allowed	Allowed
	(Percent)		(Percent)	

12. For experience in an organization that provides residential drafting services to architects or residential designers who are registered *in this State* pursuant to this chapter and chapter 623 of NRS ~~or~~ *or who are registered in another jurisdiction pursuant to requirements that the Board determines are substantially equivalent to the requirements for registration in this State.* The work experience must be documented on a form provided by the Board and verified by the architect or residential designer for whom the drafting services were provided.

50 1 year

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING	
	First	Maximum	Credit	Maximum
	2	Succeeding	Years	Credit
	Years	Years	Allowed	Allowed
	(Percent)		(Percent)	

13. For experience in an organization that provides drafting services to professional engineers who are registered *in this State* pursuant to chapter 625 of NRS ~~H~~ *or who are registered in another jurisdiction pursuant to requirements that the Board determines are substantially equivalent to the requirements for registration in this State.* The work experience must be documented on a form provided by the Board and verified by the professional engineer for whom the drafting services were provided.

25 1 year

➔ For the purposes of this section, 1 year of education is equivalent to the completion of at least 32 semester hours or 48 quarter hours and one-half year of education is equivalent to the completion of at least 16 semester hours or 24 quarter hours. The Board will only grant credit for

education in increments of 1 year or one-half year of education. The Board will round down to one-half year of education any amount of credit which is equal to or greater than one-half year of education but less than 1 year of education. The Board will not count as credit for the purposes of satisfying the requirements of this section any amount of credit which is less than one-half year of education.

Sec. 5. NAC 623.642 is hereby amended to read as follows:

623.642 1. The *staff of the* Board ~~{may}~~ *shall* perform random audits of registrants ~~{or}~~ *and* audits that are based on complaints or charges against registrants to ensure compliance with the requirements for continuing education ~~{}~~ *, including, without limitation, the truthfulness and completeness of any certification submitted pursuant to NAC 623.644.*

2. If the *staff of the* Board ~~{chooses}~~ *intends* to ~~{conduct}~~ *perform* an audit of a registrant, the *staff of the* Board ~~{will notify}~~ *shall provide written notice of the audit to* the registrant. ~~{of its decision to conduct an audit.}~~ The registrant shall provide ~~{to the Board detailed}~~ *any* information and documentation ~~{concerning the continuing education units claimed.}~~ *requested by the staff of the Board on or before the date specified in the written notice of audit provided to the registrant.* Falsification of documentation concerning continuing education is grounds for disciplinary action.

Sec. 6. NAC 623.644 is hereby amended to read as follows:

623.644 ~~{}~~ Each registrant shall, on or before December 31 of each calendar year, submit to the Board ~~{proof of}~~ *a certification that he or she has completed* the continuing education units claimed for that calendar year, together with the application for the renewal of registration.

~~{2.— If a registrant violates the provisions of subsection 1, the application for renewal must include the appropriate fee set forth in NAC 623.290 for the late renewal of a certificate of registration.}~~

Sec. 7. NAC 623.646 is hereby amended to read as follows:

623.646 Failure of a registrant to complete the requirements for continuing education or satisfy the annual requirement for ~~{reporting}~~ *certifying completion of* continuing education units to the Board is grounds for the nonrenewal of his or her certificate of registration.

Sec. 8. NAC 623.763 is hereby amended to read as follows:

623.763 1. Each registrant shall validate a stamp or seal either manually or electronically. The seal, signature and date must produce a clearly visible and legible image on any copy or reproduction of the document to which they are affixed.

2. When a registrant signs, stamps or seals a document containing the work of others, the registrant represents that the entire document has been prepared by the registrant or prepared under the responsible control of the registrant . ~~{, unless the registrant includes a written statement adjacent to the signature, stamp or seal of the registrant identifying the portion of the document that was prepared by the registrant or prepared under the responsible control of the registrant.}~~

3. A registrant who signs, stamps or seals a document which was not prepared by the registrant but was prepared under the responsible control of the registrant is subject to disciplinary proceedings pursuant to chapter 623 of NRS for any errors in that document as if the document was prepared by the registrant.

4. For the purposes of NRS 623.185, plans, specifications, reports and any other documents which are issued by a registrant with the intent that they be considered as formal or final documents must be stamped with the seal of the registrant before they are ~~delivered~~ *submitted* to ~~for filed with~~ any public authority.

5. A registrant is not required to stamp the following documents:

- (a) An as-built plan, record plan or bid document;
- (b) A report that includes observations concerning the progress of the construction of a project; or
- (c) An estimate of the costs of a project.

Sec. 9. NAC 623.766 is hereby amended to read as follows:

623.766 1. Plans submitted to a public authority must include:

- (a) The name, address and telephone number of the *natural person or* firm that submits the plans;
- (b) The name and location of the project for which the plans are submitted;
- (c) The date the plans were issued ; ~~for printing;~~ and
- (d) ~~A statement that indicates~~ *An indication as to* whether the plans are preliminary or final.

2. Each ~~sheet~~ *document* submitted to a public authority must bear the date, the original or electronic seal and signature of the registrant who provided the responsible control under which the work indicated on the sheet was performed.

3. Each set of specifications submitted to a public authority must include a table of contents or cover sheet that:

(a) Indicates the professional discipline that is the source of each specification; and

(b) Contains the stamp of, and is signed and dated by, each registrant who provided the responsible control under which the work in that professional discipline was performed. The seal, signature and date may be in original or electronic format.

4. Each report, study, test result, certification or calculation that is submitted to a public authority must be stamped, signed and dated by the registrant who provided the responsible control under which that report, study, test result, certification or calculation was submitted. The seal, signature and date may be in original or electronic format.

5. As used in this section, “plans submitted to a public authority” include, without limitation, any document that is created by a registrant under the scope of the registrant’s license and that falls under the practice of any of the professional disciplines regulated by the Board pursuant to chapter 623 of NRS.

Sec. 10. NAC 623.900 is hereby amended to read as follows:

623.900 1. The most recently published edition of or update to the *Rules of Conduct*, or portion thereof as determined pursuant to subsection 2, published by the National Council of Architectural Registration Boards, is hereby adopted by reference as:

- (a) The code of ethics for architects; and
- (b) The code of ethics for residential designers with the following changes:
 - (1) The word “architect” is amended to read “residential designer”;
 - (2) The word “architects” is amended to read “residential designers”; and
 - (3) The word “architectural” is amended to read “residential design.”

2. The Executive Director will, on or before August 1 of each year, review the most recently published edition of or update to the *Rules of Conduct*. Each new edition of or update to the *Rules of Conduct* shall be deemed approved by the Executive Director for use in this State on August 1 of each year, unless a notice of disapproval of the edition or update, or portion thereof, is posted pursuant to this subsection by the immediately preceding October 1. If the Executive Director wishes to disapprove a new edition of or update to the *Rules of Conduct*, or portion thereof, he or she will:

(a) Post a notice of disapproval at the largest public library in each county, the State Library , ~~and~~ Archives ~~and~~ *Public Records*, the Grant Sawyer Office Building located at 555 East Washington Avenue, Las Vegas, Nevada, and all offices of the Board; and

(b) Send a notice to each person included on the mailing list that the Board is required to maintain pursuant to paragraph (e) of subsection 1 of NRS 233B.0603.

↪ If the Executive Director disapproves an edition of or update to the *Rules of Conduct*, or portion thereof, the edition or update, or applicable portion thereof, that was most recently adopted by reference or deemed approved pursuant to this section will continue in effect.

3. The ~~rules~~ *Rules* may be obtained, free of charge, from the Board's website at ~~http://nsbaidrd.state.nv.us~~ <http://nsbaidrd.org> or by contacting the:

State Board of Architecture, Interior Design and Residential Design
2080 East Flamingo Road, Suite 120
Las Vegas, Nevada 89119
(702) 486-7300