

2016 Board of Architectural and Engineering Examiners Legislative Update

The Tennessee General Assembly has recently made changes to statutes which may impact you as a holder of a license with the Board. These new changes set out in the following Public Chapters specifically amend the Tennessee Code Annotated as set forth below.

Public Chapter No. [610](#) extends the Board of Examiners for Architects and Engineers until June 30, 2020, and establishes a minimum attendance requirement for board members to fifty (50%) percent of actually held meetings. This law became effective on March 22, 2016. A copy of the new law is available for review on the website of the Tennessee Secretary of State here: <http://share.tn.gov/sos/acts/109/pub/pc0610.pdf>.

Public Chapter [838](#), makes several clean-up amendments to the laws of the Division of Regulatory Boards. This bill specifically amends Tennessee Code Annotated section 62-2-304, by the addition of section (b), which allows the Board to accept reciprocity for a registered architect if they hold an NCARB certification when the requirements of their home jurisdiction are not equivalent. This law became effective July 1, 2016. A copy of the new law available for review on the website of the Tennessee Secretary of State here: <http://share.tn.gov/sos/acts/109/pub/pc0838.pdf>.

Public Chapter No. [1053](#), known as the "Right to Earn a Living Act," requires that on or before December 31, 2016, each state licensing authority (state board, commission, council or committee) submit all existing or pending regulations to the chairs of the Government Operations Committees and that the committees perform a study of all submitted regulations and, at their discretion, conduct a hearing regarding any such regulation. During the review of the entry regulations, the committees shall consider whether an entry regulation is not required by state or federal law, is unnecessary to protect the public health, safety or welfare, has the purpose or effect of unnecessarily inhibiting competition or arbitrarily denying entry into the profession, if such regulation could be accomplished by less restrictive means or if the regulation is outside the scope of the licensing authority's statutory authority. If a regulation meets one of those factors, the committees may disapprove of the regulation and request that the authority amend or repeal it. If the licensing agency does not initiate compliance with the committees' request within ninety (90) days or does not comply within a reasonable amount of time, the committees may then vote to request that the General Assembly suspend all or part of the agency's rulemaking authority. Beginning January 1, 2018, each licensing authority must submit all new entry regulations to the committees prior to a "Sunset" hearing being held. This Act took effect upon passage, April 28, 2016. A copy of the new law is available for review on the website of the Tennessee Secretary of State here: <http://share.tn.gov/sos/acts/109/pub/pc1053.pdf>.

If you have any questions or concerns about these new laws, please contact us by email at reg.boards@tn.gov.