

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs
2420 Del Paso Road, Sequoia Room
Sacramento, California 95834
Monday, April 27, 2015
2:00 p.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, April 27, 2015 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret or make specific Section 5550 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

Amend Title 16 CCR Section 120 – Re-Examination

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Section 5550 authorizes the Board to establish qualifications required to become eligible for examination.

Existing regulations specify the re-examination procedures for candidates who must retake divisions of the Architect Registration Examination (ARE). Currently, successfully completed divisions are conditionally credited for five years, and candidates who fail a division may not retake that division until six months after the date of the examination.

The National Council of Architectural Registration Boards (NCARB) allows extensions to the duration of ARE conditional credit if a candidate submits an extension request and supporting documentation. NCARB also has modified the retest policy of the ARE by allowing candidates to retake a failed division of the ARE within 60 days of an attempt, up to three times within a running year (which commences on the date of the first attempt).

The proposed regulatory amendment would modify section 120 by allowing candidates to have their conditional examination credit extended if granted by NCARB, clarifying existing provisions regarding candidates who fail to appear for an examination, as well as amending the retest policy for taking a failed division.

B. Policy Statement Overview/Anticipated Benefits of Proposal

This proposal would align the Board's regulations with the national standard thereby alleviating any confusion as to what ARE divisions a candidate has been credited. It also clarifies existing provisions regarding the procedures to be followed when a candidate fails to appear for an examination or fails a division. Additionally, candidates will be able to retake failed divisions of the ARE more frequently, potentially decreasing their time to become licensed.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DOCUMENT INCORPORATED BY REFERENCE

National Council of Architectural Registration Boards' Architect Registration Examination Guidelines, July 2014 Edition

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:
N/A

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses as it only affects architect applicants.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

This proposal would align the Board's regulations with the national standard thereby alleviating any confusion as to what ARE divisions a candidate has been credited. It also clarifies existing provisions regarding the procedures to be followed when a candidate fails to appear for an examination or fails a division. Additionally, candidates will be able to retake failed divisions of the ARE more frequently, potentially decreasing their time to become licensed.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Timothy Rodda
Address:	2420 Del Paso Road, Suite 105 Sacramento, CA 95834
Telephone No.:	(916) 575-7217
Fax No.:	(916) 575-7283
E-Mail Address:	timothy.rodde@dca.ca.gov

The backup contact person is:

Name:	Marccus Reinhardt
Address:	2420 Del Paso Road, Suite 105 Sacramento, CA 95834
Telephone No.:	(916) 575-7212
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Website Access: Materials regarding this proposal can be found at www.cab.ca.gov.