

Senate File 405 - Enrolled

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SENATE FILE 405

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AN ACT

ESTABLISHING AN INTERIOR DESIGN EXAMINING BOARD, PROVIDING
FOR THE REGISTRATION OF INTERIOR DESIGNERS, AND PROVIDING
FEES AND PENALTIES.

1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9

1 10 Section 1. Section 544A.16, subsection 7, Code 2005, is
1 11 amended by striking the subsection.

1 12 Sec. 2. NEW SECTION. 544C.1 DEFINITIONS.

1 13 As used in this chapter, unless the context otherwise
1 14 requires:

1 15 1. "Board" means the interior design examining board
1 16 established pursuant to this chapter.

1 17 2. "Division" means the professional licensing and
1 18 regulation division of the department of commerce.

1 19 3. "Interior design" means the design of interior spaces
1 20 including the preparation of documents relating to space
1 21 planning, finish materials, furnishings, fixtures, and
1 22 equipment, and the preparation of documents relating to
1 23 interior construction that does not affect the mechanical or
1 24 structural systems of a building. "Interior design" does not
1 25 include services that constitute the practice of architecture
1 26 or the practice of professional engineering.

1 27 4. "Registered interior designer" means a person
1 28 registered under this chapter.

1 29 Sec. 3. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR
1 30 DESIGN EXAMINING BOARD.

1 31 1. An interior design examining board is established
1 32 within the division. The board consists of seven members,
1 33 five members who are interior designers who are registered
1 34 under this chapter, and who have been in the active practice
1 35 of interior design for not less than five years, the last two
2 1 of which shall have been in Iowa; and two members who are not
2 2 registered under this chapter and who shall represent the
2 3 general public. Members shall be appointed by the governor
2 4 subject to confirmation by the senate.

2 5 2. Professional associations or societies composed of
2 6 interior designers may recommend the names of potential board
2 7 members to the governor, but the governor is not bound by the
2 8 recommendations. A board member is not required to be a
2 9 member of any professional association or society composed of
2 10 registered interior designers.

2 11 3. Appointments shall be for three-year terms and shall
2 12 commence and end as provided in section 69.19. Vacancies
2 13 shall be filled for the unexpired term by appointment of the
2 14 governor and shall require senate confirmation. Members shall
2 15 serve no more than three terms or nine years, whichever is
2 16 less.

2 17 Sec. 4. NEW SECTION. 544C.3 DUTIES OF THE BOARD.

2 18 The duties of the board shall include, but are not limited
2 19 to, all of the following:

2 20 1. Administering and enforcing this chapter.

2 21 2. Establishing requirements for the examination,
2 22 education, and practical training of applicants for
2 23 registration.

2 24 3. Holding meetings each year for the purpose of
2 25 transacting business pertaining to the affairs of the board.
2 26 Action at a meeting shall not be taken without the affirmative
2 27 votes of a majority of members of the board.

2 28 4. Adopting rules under chapter 17A necessary for the
2 29 proper performance of its duties. The rules shall include
2 30 provisions addressing conflicts of interest and full
2 31 disclosure, including sources of compensation.

2 32 5. Establishing fees for registration as a registered
2 33 interior designer, renewal of registration, reinstatement of
2 34 registration, and for other activities of the board pertaining
2 35 to its duties. The fees shall be sufficient to defray the
3 1 costs of administering this chapter, and shall be deposited in
3 2 the general fund of the state.

3 3 6. Maintaining records, which are open to public
3 4 inspection at all reasonable times, of its proceedings
3 5 relating to the issuance, refusal, renewal, suspension, and

3 6 revocation of registration. The records shall also contain a
3 7 roster indicating the name, place of business and residence,
3 8 and the date and registration number of every registrant.

3 9 The administrator of the division shall provide staff to
3 10 assist the board in the implementation of this chapter.

3 11 Sec. 5. NEW SECTION. 544C.4 EXPENSES == COMPENSATION.

3 12 The members of the board are entitled to be reimbursed for
3 13 the actual expenses incurred in the performance of their
3 14 duties within the limits of the funds appropriated to the
3 15 board. Each member of the board may also be eligible to
3 16 receive compensation as provided in section 7E.6.

3 17 Sec. 6. NEW SECTION. 544C.5 QUALIFICATIONS FOR
3 18 REGISTRATION.

3 19 Each applicant for registration must meet the interior
3 20 design education and practical training requirements adopted
3 21 by rule by the board, and have passed an examination
3 22 prescribed by the board that is task-oriented, focused on
3 23 public safety, and validated by a recognized testing agency.
3 24 The division shall register an individual who submits an
3 25 application to the board on the form and in the manner
3 26 prescribed by the board as a registered interior designer if
3 27 the individual satisfies the following requirements:

3 28 1. Submits written proof that the individual has
3 29 successfully passed the national council for interior design
3 30 qualification examination, or its equivalent.

3 31 2. Has completed any of the following:

3 32 a. Four years of interior design education plus two years
3 33 of full-time work experience in interior design.

3 34 b. Three years of interior design education plus three
3 35 years of full-time work experience in interior design.

4 1 c. Two years of interior design education plus four years
4 2 of full-time work experience in interior design.

4 3 3. Submits the required registration fee to the board.

4 4 Sec. 7. NEW SECTION. 544C.6 RECIPROCAL REGISTRATION.

4 5 The board may also grant registration by reciprocity. An
4 6 applicant applying to the board for registration by
4 7 reciprocity shall furnish satisfactory evidence that the
4 8 applicant meets both of the following requirements:

4 9 1. Holds a valid registration or license issued by another
4 10 registration authority recognized by the board, where the
4 11 qualifications for registration or licensure were
4 12 substantially equivalent to those prescribed in this state on
4 13 the date of original registration or licensure with the other
4 14 registration authority.

4 15 2. Holds a current certificate number issued by the
4 16 national council for interior design qualification.

4 17 Sec. 8. NEW SECTION. 544C.7 REGISTRATION ISSUANCE.

4 18 When an applicant has complied with the qualifications for
4 19 registration in section 544C.5 or 544C.6 to the satisfaction
4 20 of a majority of the members of the board and has paid the
4 21 fees prescribed by the board, the board shall enroll the
4 22 applicant's name and address in the roster of registered
4 23 interior designers and issue to the applicant a registration
4 24 certificate, signed by the officers of the board. The
4 25 certificate shall entitle the applicant to use the title
4 26 "registered interior designer" in this state.

4 27 Sec. 9. NEW SECTION. 544C.8 CONTINUING EDUCATION.

4 28 A registered interior designer shall, at the time of
4 29 application for renewal of a certificate of registration,
4 30 submit proof of completion of continuing education
4 31 requirements established by rules adopted by the board.

4 32 Sec. 10. NEW SECTION. 544C.9 REVOCATION, SUSPENSION, AND
4 33 NONISSUANCE OF REGISTRATION.

4 34 1. The board may revoke, suspend, or refuse to issue or
4 35 renew the registration of any person upon a finding of any of
5 1 the following:

5 2 a. Fraud in obtaining or renewing a certificate of
5 3 registration.

5 4 b. Professional incompetency.

5 5 c. Knowingly making misleading, deceptive, untrue, or
5 6 fraudulent representations in the practice of the registrant's
5 7 profession or engaging in unethical conduct or practice
5 8 harmful or detrimental to the public. Proof of actual injury
5 9 need not be established.

5 10 d. Conviction of a felony related to the profession or
5 11 occupation of the registrant. A copy of the record of
5 12 conviction or plea of guilty shall be conclusive evidence of
5 13 the conviction.

5 14 e. Unlawful use of the title of "registered interior
5 15 designer".

5 16 f. Willful or repeated violations of the provisions of

5 17 this chapter or a rule adopted under this chapter.
5 18 2. Any person may appeal a finding of the board within
5 19 thirty days of the date of notification of action. Upon
5 20 appeal, the board shall schedule a hearing in accordance with
5 21 chapter 17A.

5 22 Sec. 11. NEW SECTION. 544C.10 UNLAWFUL USE OF TITLE OF
5 23 "REGISTERED INTERIOR DESIGNER" == VIOLATIONS == PENALTY ==
5 24 CONSENT AGREEMENT.

5 25 1. It is unlawful for a person to use the title, or aid or
5 26 abet a person in using the title, of "registered interior
5 27 designer" or any title or device indicating that the person is
5 28 a registered interior designer unless the person has been
5 29 issued a certificate of registration as provided in this
5 30 chapter. This section does not prohibit the provision of
5 31 interior design services, or the use of the terms "interior
5 32 design" or "interior designer", by an architect or by a person
5 33 who is not registered as an interior designer.

5 34 2. A person who violates this section is guilty of a
5 35 simple misdemeanor. The board, in its discretion and in lieu
6 1 of prosecuting a first offense under this section, may enter
6 2 into a consent agreement with a violator, or with a person
6 3 guilty of aiding or abetting a violator, which acknowledges
6 4 the violation and the violator's agreement to refrain from any
6 5 further violations.

6 6 Sec. 12. NEW SECTION. 544C.11 INJUNCTION.

6 7 In addition to any other remedies, and on the petition of
6 8 the board, any person violating this chapter may be restrained
6 9 and permanently enjoined from committing or continuing the
6 10 violations.

6 11 Sec. 13. NEW SECTION. 544C.12 SCOPE OF CHAPTER.

6 12 This chapter does not apply to the following:

6 13 1. A person licensed to practice architecture pursuant to
6 14 the laws of this state.

6 15 2. A person licensed as a professional engineer pursuant
6 16 to the laws of this state.

6 17 3. A person who performs the following services: selling,
6 18 selecting, or assisting in selecting personal property used in
6 19 connection with furnishings of interior spaces or fixtures
6 20 such as, but not limited to, furnishings, decorative
6 21 accessories, furniture, paint, wall coverings, window
6 22 treatments, floor coverings, cabinets, countertops, surface=
6 23 mounted lighting, or decorative materials for a retail sale;
6 24 or installing or coordinating installations as a part of the
6 25 prospective retail sale, or providing computer-aided or other
6 26 drawings for the purpose of retail sale if the drawings are
6 27 used for material listed for retail sale; and who does not
6 28 represent that the person is a registered interior designer.

6 29 Sec. 14. NEW SECTION. 544C.14 TRANSITION PROVISIONS.

6 30 For a period of two years from the effective date of this
6 31 Act, the board may issue a certificate as a registered
6 32 interior designer to a person residing in Iowa who does not
6 33 meet the examination requirements specified in section 544C.5,
6 34 if the person submits evidence to the board demonstrating both
6 35 of the following:

7 1 1. A minimum of two years of interior design education and
7 2 a combined total of six years of interior design education and
7 3 experience that is acceptable to the board.

7 4 2. Successful completion of section 1 of the national
7 5 council for interior design qualification examination relating
7 6 to life safety codes and barrier-free requirements.

7 7 Sec. 15. INITIAL BOARD. The initial members of the
7 8 interior design examining board shall be appointed to the
7 9 following terms:

7 10 1. Two interior designer members shall be appointed for a
7 11 term of three years.

7 12 2. Two interior designer members and one public member
7 13 shall be appointed for a term of two years.

7 14 3. One interior designer member and one public member
7 15 shall be appointed for a term of one year.

7 16 4. The initial interior designer members need not meet the
7 17 requirements for registration, but shall have previously
7 18 passed the examination by the national council for interior
7 19 design qualification, and shall have been in active practice
7 20 for not less than five years, the last two of which shall have
7 21 been in Iowa.

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JOHN P. KIBBIE
President of the Senate

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CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 405, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2005

THOMAS J. VILSACK
Governor