

FEB 5 2004
Place On Calendar

HOUSE FILE 2174
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 605)
(SUCCESSOR TO HSB 113)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to establish an interior design examining board, to
2 provide for the registration of interior designers in order to
3 use the title of registered interior designer, and to provide
4 fees and penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2174

1 Section 1. NEW SECTION. 544C.1 DEFINITIONS.
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. "Board" means the interior design examining board
5 established pursuant to this chapter.
6 2. "Division" means the professional licensing and
7 regulation division of the department of commerce.
8 3. "Interior design" means the performance of professional
9 services that include:
10 a. Analyzing the client's needs, goals, and life safety
11 requirements for interior spaces.
12 b. Identification, verification, and analysis of
13 requirements for planning and design of interior spaces of a
14 building or structure.
15 c. Integrating requirements with knowledge of interior
16 design.
17 d. Formulating preliminary interior design concepts.
18 e. Preparing documents to illustrate interior materials,
19 finishes, space planning, reflected ceiling plans,
20 furnishings, fixtures, and equipment.
21 f. Developing and presenting final interior design
22 recommendations and specifications.
23 g. Preparing and filing with code enforcement officials
24 interior design construction documents for nonstructural
25 interior construction.
26 h. Obtaining building permits for nonstructural interior
27 construction.
28 i. Collaborating with closely allied design professionals
29 who are licensed practitioners offering professional services.
30 j. Preparing and administering interior design bids as a
31 client's agent.
32 k. Reviewing and evaluating the implementation and
33 completion of interior design projects as a representative of
34 and on behalf of the client.
35 4. "Nonstructural" means interior elements or components

1 that are not load bearing and do not require design
2 computations for a building's structure.

3 5. "Registered interior designer" means an interior
4 designer registered under this chapter who is a registered
5 design professional qualified by education, experience, and
6 examination to affect the function, safety, and quality of
7 interior spaces.

8 6. "Registrant" means an interior designer registered
9 under this chapter.

10 7. "Registration" means the certificate of registration
11 issued by the board to an interior designer under this
12 chapter.

13 8. "Space planning" means the analysis and design of
14 spatial requirements, including but not limited to space
15 layouts and final planning.

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17 DESIGN EXAMINING BOARD.

18 An interior design examining board is established within
19 the division. The board consists of seven members, five
20 members who are interior designers who possess registration
21 issued under this chapter, and who have been in the active
22 practice of interior design for not less than five years, the
23 last two of which shall have been in Iowa; and two members who
24 do not possess registration issued under this chapter and who
25 shall represent the general public. Members shall be
26 appointed by the governor subject to confirmation by the
27 senate.

28 Professional associations or societies composed of interior
29 designers may recommend the names of potential board members
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31 recommendations. A board member is not required to be a
32 member of any professional association or society composed of
33 registered interior designers.

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2 governor and shall require senate confirmation. Members shall
3 serve no more than three terms or nine years, whichever is
4 less.

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6 PARTICIPATION.

7 The public members of the board shall be allowed to
8 participate in administrative, clerical, or ministerial
9 functions incident to giving the examination required in
10 section 544C.5, but shall not determine the content of the
11 examination or determine the correctness of the answers.

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13 At a time to be determined by the board, the board shall
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15 exceed one year. The division shall provide staff assistance.

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17 The board shall enforce this chapter, shall establish
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19 training of applicants for registration, and, after public
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22 Examinations shall be given as often as deemed necessary, but
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25 affairs of the board. Action at a meeting shall not be taken
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27 the board. The board may adopt rules under chapter 17A,
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30 for examination, education, and practical training
31 requirements for registration, registration renewal,
32 professional conduct, discipline, and continuing education.
33 The administrator of the division shall hire and provide staff
34 to assist the board in its implementation of this chapter.

35 Sec. 6. NEW SECTION. 544C.6 RECORDS -- ROSTER.

1 The board shall keep a record, open to public inspection at
2 all reasonable times, of its proceedings relating to the
3 issuance, refusal, renewal, suspension, and revocation of
4 registration. This record shall also contain a roster
5 indicating the name, place of business and residence, and the
6 date and number of the registration of every registrant.

7 Sec. 7. NEW SECTION. 544C.7 EXPENSES -- COMPENSATION.

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

13 Sec. 8. NEW SECTION. 544C.8 QUALIFICATIONS FOR
14 REGISTRATION.

15 1. Each applicant for registration must meet the practical
16 training and education requirements relating to interior
17 design services adopted by rule by the board, and
18 satisfactorily have passed an examination in technical and
19 professional subjects relating to interior design services
20 prescribed by the board. Applications for registration shall
21 be on forms prescribed and furnished by the board.

22 The board may adopt as its rules relating to interior
23 design services criteria published by a national certification
24 body recognized by the board. The board shall adopt the
25 uniform standardized examination and grading procedures, and
26 the education and practical training requirements of the
27 national council for interior design qualification, or
28 equivalent procedures and requirements specified by the board.

29 2. The examination adopted by the board may be conducted
30 by representatives of the board. The identity of the
31 applicant taking the examination shall be concealed until
32 after the examination has been graded. The board shall adopt
33 rules regarding reexamination of applicants who failed to pass
34 the examination. An applicant who has failed the examination
35 may request in writing information from the board concerning

1 the applicant's examination grade and subject areas or
2 questions which the applicant failed to answer correctly,
3 except that if the board administers a uniform, standardized
4 examination, the board shall only be required to provide such
5 information concerning the applicant's examination results as
6 is available to the board.

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

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

17 b. Holds a current certificate number issued by the
18 national council for interior design qualification.

19 Sec. 9. NEW SECTION. 544C.9 APPLICANT -- CIVIL RIGHTS --
20 MORAL CHARACTER.

21 An applicant is not ineligible for registration because of
22 age, citizenship, sex, race, religion, marital status, or
23 national origin, although the application form may require
24 citizenship information. Character references may be
25 required.

26 The board may consider the following when investigating an
27 applicant's moral character:

28 1. An applicant's conviction for commission of a felony,
29 but only if the felony relates directly to the practice of
30 interior design.

31 2. An applicant's misstatement, omission, or
32 misrepresentation of a material fact in connection with the
33 applicant's application for registration in this state or
34 another jurisdiction.

35 3. An applicant's violation of a rule of conduct of a

1 jurisdiction in which the applicant has previously engaged in
2 the practice of interior design, provided that the rule of
3 conduct violated is substantially equivalent to a then-
4 existing or current rule of conduct required of registered
5 interior designers in this state.

6 If the applicant's background includes any of the
7 foregoing, the board may register the applicant on the basis
8 of suitable evidence of reform.

9 Sec. 10. NEW SECTION. 544C.10 REGISTRATION ISSUANCE.

10 When the applicant has complied with the qualifications for
11 registration in sections 544C.8 and 544C.9 to the satisfaction
12 of a majority of the members of the board and has paid the
13 fees prescribed by the board pursuant to section 544C.12, the
14 secretary of the board shall enroll the applicant's name and
15 address in the roster of registered interior designers and
16 issue to the applicant a registration, signed by the officers
17 of the board. The certificate shall entitle the applicant to
18 use the title "registered interior designer" in this state.

19 Sec. 11. NEW SECTION. 544C.11 RENEWALS.

20 Registrations expire in multiyear intervals as determined
21 by the board. Registered interior designers shall renew their
22 registration and pay a renewal fee in the manner prescribed by
23 the board. The board shall prescribe the conditions and
24 reasonable penalties for renewal after a registration's
25 expiration date.

26 Sec. 12. NEW SECTION. 544C.12 FEES.

27 The board shall set the fees for registration as a
28 registered interior designer, for renewal of registration, for
29 reinstatement of registration, and for other activities of the
30 board pertaining to its duties. The fee for registration and
31 for renewal of registration shall be based upon the
32 administrative costs of sustaining the board which shall
33 include, but are not limited to, the costs for all of the
34 following:

35 1. Per diem, expenses, and travel for board members.

1 2. Office facilities, supplies, and equipment.

2 3. Staff assistance.

3 All fees shall be deposited in the general fund of the
4 state.

5 Sec. 13. NEW SECTION. 544C.13 REVOCATION OR SUSPENSION.

6 A registration may be revoked or suspended when a
7 registrant is found guilty of the following acts or offenses:

8 1. Fraud in procuring a certificate of registration.

9 2. Professional incompetency.

10 3. Knowingly making misleading, deceptive, untrue, or
11 fraudulent representations in the practice of the registrant's
12 profession or engaging in unethical conduct or practice
13 harmful or detrimental to the public. Proof of actual injury
14 need not be established.

15 4. Habitual intoxication or addiction to the use of drugs.

16 5. Conviction of a felony related to the profession or
17 occupation of the registrant. A copy of the record of
18 conviction or plea of guilty shall be conclusive evidence of
19 the conviction.

20 6. Fraud in representations as to skill or ability.

21 7. Use of untruthful or improbable statements in
22 advertisements.

23 8. Unlawful use of the title of registered interior
24 designer.

25 9. Willful or repeated violations of the provisions of
26 this chapter.

27 10. Willful or repeated violations of one or more rules of
28 conduct adopted by the board.

29 The board may revoke or suspend any registration after
30 thirty days' notice with grant of hearing to the holder if
31 satisfactory proof is presented to the board.

32 Proceedings for the revocation or suspension of a
33 registration shall be initiated by filing written charges
34 against the accused with the board. Upon the filing of
35 charges, the board may request the department of inspections

1 and appeals to conduct an investigation into the charges. The
2 department of inspections and appeals shall report its
3 findings to the board, and a time and place for the hearing of
4 the charges shall be fixed by the board if the board
5 determines that a hearing is warranted. A copy of the
6 charges, together with a notice of the time and place fixed
7 for the hearing, shall be served on the accused at least
8 thirty days before the date fixed for the hearing. If
9 personal service or service through counsel cannot be
10 effected, service may be by publication. At the hearing, the
11 accused has the right to appear personally or be represented
12 by counsel, to produce evidence and witnesses in defense, and
13 to cross-examine witnesses. The board may subpoena witnesses,
14 administer oaths to witnesses, and employ counsel. The board
15 shall make a written report of its findings, which is
16 conclusive, and may suspend or revoke the registration. The
17 board may restore the registration to any person whose
18 registration has been revoked. Application for the
19 restoration of a certificate of registration shall be made in
20 such manner, form, and content as the board may prescribe.

21 Sec. 14. NEW SECTION. 544C.14 UNLAWFUL USE OF TITLE OF
22 REGISTERED INTERIOR DESIGNER -- VIOLATIONS -- PENALTY --
23 CONSENT AGREEMENT.

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

33 2. A person who violates this section is guilty of a
34 simple misdemeanor. The board, in its discretion and in lieu
35 of prosecuting a first offense described in this section, may

1 enter into a consent agreement with a violator, or with a
2 person guilty of aiding or abetting a violator, which
3 acknowledges the violation and the violator's agreement to
4 refrain from any further violations.

5 Sec. 15. NEW SECTION. 544C.15 INJUNCTION.

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

10 Sec. 16. NEW SECTION. 544C.16 SCOPE OF CHAPTER.

11 This chapter does not apply to the following:

12 1. A person licensed to practice architecture pursuant to
13 the laws of this state who is exclusively engaged in the
14 practice of the person's profession and who does not represent
15 that the person is a "registered interior designer".

16 2. A person licensed as a professional engineer pursuant
17 to the laws of this state who is exclusively engaged in the
18 practice of the person's profession and who does not represent
19 that the person is a "registered interior designer".

20 3. A person providing consultation services regarding
21 interior decoration or furnishings and who does not represent
22 that the person is a "registered interior designer".

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

35 Sec. 17. NEW SECTION. 544C.17 DISCLOSURE OF CONFIDENTIAL

1 INFORMATION -- PENALTY.

2 A member of the board shall not disclose information
3 relating to the following:

4 1. Criminal history or prior misconduct of the applicant.

5 2. Information relating to the contents of the
6 examination.

7 3. Information relating to the examination results other
8 than the final score except for information about the results
9 of an examination which is given to the applicant who took the
10 examination.

11 A member of the board who willfully communicates or seeks
12 to communicate such information is guilty of a simple
13 misdemeanor.

14 Sec. 18. NEW SECTION. 544C.18 REGISTRATION NUMBER.

15 A registered interior designer may affix the Iowa
16 registration number and signature to interior design
17 construction documents if required by any state or local
18 building department for the purpose of obtaining a building
19 permit.

20 Sec. 19. NEW SECTION. 544C.19 TRANSITION PROVISIONS.

21 For a period of two years from the effective date of this
22 Act, the board may issue a certificate as a registered
23 interior designer to a person who does not meet the
24 examination requirements specified in section 544C.8, if the
25 person submits evidence to the board demonstrating both of the
26 following:

27 1. Ten years of experience as an interior designer, or
28 eight years of experience as an interior designer and two
29 years of interior design education that is acceptable to the
30 board.

31 2. Successful completion of the examination conducted with
32 regard to life safety codes and barrier-free requirements
33 prepared by the national council for interior design
34 qualification.

35 Sec. 20. INITIAL BOARD. The initial members of the

1 interior design examining board shall be appointed to the
2 following terms:

3 1. Two interior designer members shall be appointed for a
4 term of three years.

5 2. Two interior designer members and one public member
6 shall be appointed for a term of two years.

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

9 4. The initial interior designer members need not meet the
10 requirements for registration, but shall have previously
11 passed the examination by the national council for interior
12 design qualification, and shall have been in active practice
13 for not less than five years, the last two of which shall have
14 been in Iowa.

15

EXPLANATION

16 This bill creates a new Code chapter 544C which provides
17 for the registration of interior designers in order to use the
18 title of registered interior designer. It establishes a
19 seven-member interior design examining board consisting of
20 five members who are registered interior designers, and two
21 members who represent the general public. The board is
22 directed to adopt rules for the examination of applicants,
23 standards for criteria for registration, registration renewal,
24 professional conduct, discipline, and continuing education.

25 Each applicant must meet practical training and education
26 requirements adopted by the board and pass an examination.
27 The board shall adopt the uniform standardized examination and
28 grading procedures, and the education and practical training
29 requirements, of the national council for interior design
30 qualification.

31 Interior designer members of the initial board must have
32 passed the examination administered by the national council
33 for interior design qualification and meet requirements
34 relating to the period of time during which the interior
35 designer has practiced.

1 Criminal penalties are provided for violation of the bill's
2 title and confidentiality provisions.

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HOUSE FILE 2174

H-8023

1 Amend House File 2174 as follows:
2 1. Page 4, line 28, by inserting after the word
3 "board." the following: "The procedures and
4 requirements adopted or specified shall include, at a
5 minimum, a four-year professional degree in interior
6 design or an equivalent designation determined by the
7 board; a structure internship incorporating
8 qualitative as well as quantitative criteria; and an
9 examination that is task-oriented, focused on public
10 safety, and validated by recognized testing agencies."

By STRUYK of Pottawattamie

H-8023 FILED FEBRUARY 16, 2004

HOUSE FILE 2174

H-8033

1 Amend the amendment, H-8023, to House File 2174 as
2 follows:
3 1. Page 1, line 6, by striking the word
4 "designation" and inserting the following: "education
5 and practical training requirement".

By STRUYK of Pottawattamie
GREINER of Washington

H-8033 FILED FEBRUARY 17, 2004

**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

HF 2174 (Successor to HF 605) - Interior Design Title Act (LSB 6333 HV)
Analyst: Ron Robinson (Phone: (515) 281-6256) (ron.robinson@legis.state.ia.us)
Fiscal Note Version — New
Requested by Representative Ed Fallon

Description

House File 2174 establishes an Interior Design Examining Board to register interior designers and to authorize the use of the title of Registered Interior Designer. The Board is established as a seven-member board consisting of five Registered Interior Designers and two members of the general public. The Bill establishes registration fees based upon the costs to sustain the Board.

Assumptions

1. The Professional Licensing Division of the Department of Commerce would utilize one employee to start the registration process.
2. Approximately 125 individuals would register.
3. The Board would establish registration fees so that revenue going to the State General Fund would cover the costs of sustaining the Board's operations.
4. Historically, fees for professional licenses have included at least 15.0% additional costs to provide for the indirect cost of services provided to the Division by State Government.
5. The biannual fee for a Registered Interior Designer would be approximately \$1,160.
6. One-half of the registrants would obtain a two-year license and one-half would obtain a one-year license, at one-half the cost of a two-year license, the first year.

Fiscal Impact

The estimated fiscal impact of HF 2174 would be as follows:

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
Revenue:			
One-Half Registrants	\$ 37,000	\$ 73,000	\$ 0
One-Half Registrants	73,000	0	73,000
Total Revenue	<u>\$ 110,000</u>	<u>\$ 73,000</u>	<u>\$ 73,000</u>
Expenditures:			
Salaries	\$ 55,000	\$ 55,000	\$ 55,000
Support	9,000	9,000	9,000
Capital Outlay	4,000	0	0
Total Expenditures	<u>\$ 68,000</u>	<u>\$ 64,000</u>	<u>\$ 64,000</u>
General Fund Net Impact	<u>\$ 42,000</u>	<u>\$ 9,000</u>	<u>\$ 9,000</u>

Source

Professional Licensing Division of the Department of Commerce

Dennis C Prouty

February 16, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 605)
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(As Amended and Passed by the House February 19, 2004)

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House Amendments _____

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26 the education and practical training requirements of the
27 national council for interior design qualification, or
28 equivalent procedures and requirements specified by the board.
29 The procedures and requirements adopted or specified shall
30 include, at a minimum, a four-year professional degree in
31 interior design or an equivalent education and practical
32 training requirement determined by the board; a structure
33 internship incorporating qualitative as well as quantitative
34 criteria; and an examination that is task-oriented, focused on
35 public safety, and validated by recognized testing agencies.

1 2. The examination adopted by the board may be conducted
2 by representatives of the board. The identity of the
3 applicant taking the examination shall be concealed until
4 after the examination has been graded. The board shall adopt
5 rules regarding reexamination of applicants who failed to pass
6 the examination. An applicant who has failed the examination
7 may request in writing information from the board concerning
8 the applicant's examination grade and subject areas or
9 questions which the applicant failed to answer correctly,
10 except that if the board administers a uniform, standardized
11 examination, the board shall only be required to provide such
12 information concerning the applicant's examination results as
13 is available to the board.

14 3. The board may also grant registration by reciprocity.
15 An applicant applying to the board for registration by
16 reciprocity shall furnish satisfactory evidence that the
17 applicant meets both of the following requirements:

18 a. Holds a valid registration or license issued by another
19 registration authority recognized by the board, where the
20 qualifications for registration or licensure were
21 substantially equivalent to those prescribed in this state on
22 the date of original registration or licensure with the other
23 registration authority.

24 b. Holds a current certificate number issued by the
25 national council for interior design qualification.

26 Sec. 9. NEW SECTION. 544C.9 APPLICANT -- CIVIL RIGHTS --
27 MORAL CHARACTER.

28 An applicant is not ineligible for registration because of
29 age, citizenship, sex, race, religion, marital status, or
30 national origin, although the application form may require
31 citizenship information. Character references may be
32 required.

33 The board may consider the following when investigating an
34 applicant's moral character:

35 1. An applicant's conviction for commission of a felony,

1 but only if the felony relates directly to the practice of
2 interior design.

3 2. An applicant's misstatement, omission, or
4 misrepresentation of a material fact in connection with the
5 applicant's application for registration in this state or
6 another jurisdiction.

7 3. An applicant's violation of a rule of conduct of a
8 jurisdiction in which the applicant has previously engaged in
9 the practice of interior design, provided that the rule of
10 conduct violated is substantially equivalent to a then-
11 existing or current rule of conduct required of registered
12 interior designers in this state.

13 If the applicant's background includes any of the
14 foregoing, the board may register the applicant on the basis
15 of suitable evidence of reform.

16 Sec. 10. NEW SECTION. 544C.10 REGISTRATION ISSUANCE.

17 When the applicant has complied with the qualifications for
18 registration in sections 544C.8 and 544C.9 to the satisfaction
19 of a majority of the members of the board and has paid the
20 fees prescribed by the board pursuant to section 544C.12, the
21 secretary of the board shall enroll the applicant's name and
22 address in the roster of registered interior designers and
23 issue to the applicant a registration, signed by the officers
24 of the board. The certificate shall entitle the applicant to
25 use the title "registered interior designer" in this state.

26 Sec. 11. NEW SECTION. 544C.11 RENEWALS.

27 Registrations expire in multiyear intervals as determined
28 by the board. Registered interior designers shall renew their
29 registration and pay a renewal fee in the manner prescribed by
30 the board. The board shall prescribe the conditions and
31 reasonable penalties for renewal after a registration's
32 expiration date.

33 Sec. 12. NEW SECTION. 544C.12 FEES.

34 The board shall set the fees for registration as a
35 registered interior designer, for renewal of registration, for

1 reinstatement of registration, and for other activities of the
2 board pertaining to its duties. The fee for registration and
3 for renewal of registration shall be based upon the
4 administrative costs of sustaining the board which shall
5 include, but are not limited to, the costs for all of the
6 following:

- 7 1. Per diem, expenses, and travel for board members.
- 8 2. Office facilities, supplies, and equipment.
- 9 3. Staff assistance.

10 All fees shall be deposited in the general fund of the
11 state.

12 Sec. 13. NEW SECTION. 544C.13 REVOCATION OR SUSPENSION.

13 A registration may be revoked or suspended when a
14 registrant is found guilty of the following acts or offenses:

- 15 1. Fraud in procuring a certificate of registration.
- 16 2. Professional incompetency.
- 17 3. Knowingly making misleading, deceptive, untrue, or
18 fraudulent representations in the practice of the registrant's
19 profession or engaging in unethical conduct or practice
20 harmful or detrimental to the public. Proof of actual injury
21 need not be established.
- 22 4. Habitual intoxication or addiction to the use of drugs.
- 23 5. Conviction of a felony related to the profession or
24 occupation of the registrant. A copy of the record of
25 conviction or plea of guilty shall be conclusive evidence of
26 the conviction.
- 27 6. Fraud in representations as to skill or ability.
- 28 7. Use of untruthful or improbable statements in
29 advertisements.
- 30 8. Unlawful use of the title of registered interior
31 designer.
- 32 9. Willful or repeated violations of the provisions of
33 this chapter.
- 34 10. Willful or repeated violations of one or more rules of
35 conduct adopted by the board.

1 The board may revoke or suspend any registration after
2 thirty days' notice with grant of hearing to the holder if
3 satisfactory proof is presented to the board.

4 Proceedings for the revocation or suspension of a
5 registration shall be initiated by filing written charges
6 against the accused with the board. Upon the filing of
7 charges, the board may request the department of inspections
8 and appeals to conduct an investigation into the charges. The
9 department of inspections and appeals shall report its
10 findings to the board, and a time and place for the hearing of
11 the charges shall be fixed by the board if the board
12 determines that a hearing is warranted. A copy of the
13 charges, together with a notice of the time and place fixed
14 for the hearing, shall be served on the accused at least
15 thirty days before the date fixed for the hearing. If
16 personal service or service through counsel cannot be
17 effected, service may be by publication. At the hearing, the
18 accused has the right to appear personally or be represented
19 by counsel, to produce evidence and witnesses in defense, and
20 to cross-examine witnesses. The board may subpoena witnesses,
21 administer oaths to witnesses, and employ counsel. The board
22 shall make a written report of its findings, which is
23 conclusive, and may suspend or revoke the registration. The
24 board may restore the registration to any person whose
25 registration has been revoked. Application for the
26 restoration of a certificate of registration shall be made in
27 such manner, form, and content as the board may prescribe.

28 Sec. 14. NEW SECTION. 544C.14 UNLAWFUL USE OF TITLE OF
29 REGISTERED INTERIOR DESIGNER -- VIOLATIONS -- PENALTY --
30 CONSENT AGREEMENT.

31 1. It is unlawful for a person to use the title, or aid or
32 abet a person to use the title, of registered interior
33 designer or any title or device indicating that the person is
34 a registered interior designer unless the person has been
35 issued a certificate of registration as provided in this

1 chapter. This section does not prohibit the provision of
2 interior design services, or the use of the terms "interior
3 design" or "interior designer", by an architect or by a person
4 who is not registered as an interior designer.

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

12 Sec. 15. NEW SECTION. 544C.15 INJUNCTION.

13 In addition to any other remedies, and on the petition of
14 the board, any person violating this chapter may be restrained
15 and permanently enjoined from committing or continuing the
16 violations.

17 Sec. 16. NEW SECTION. 544C.16 SCOPE OF CHAPTER.

18 This chapter does not apply to the following:

19 1. A person licensed to practice architecture pursuant to
20 the laws of this state who is exclusively engaged in the
21 practice of the person's profession and who does not represent
22 that the person is a "registered interior designer".

23 2. A person licensed as a professional engineer pursuant
24 to the laws of this state who is exclusively engaged in the
25 practice of the person's profession and who does not represent
26 that the person is a "registered interior designer".

27 3. A person providing consultation services regarding
28 interior decoration or furnishings and who does not represent
29 that the person is a "registered interior designer".

30 4. A person who performs the following services: selling,
31 selecting, or assisting in selecting personal property used in
32 connection with furnishings of interior spaces or fixtures
33 such as, but not limited to, furnishings, decorative
34 accessories, furniture, paint, wall coverings, window
35 treatments, floor coverings, cabinets, countertops, surface-

1 mounted lighting, or decorative materials for a retail sale;
2 or installing or coordinating installations as a part of the
3 prospective retail sale, or providing computer-aided or other
4 drawings for the purpose of retail sale if the drawings are
5 used for material listed for retail sale; and who does not
6 represent that the person is a "registered interior designer".

7 Sec. 17. NEW SECTION. 544C.17 DISCLOSURE OF CONFIDENTIAL
8 INFORMATION -- PENALTY.

9 A member of the board shall not disclose information
10 relating to the following:

11 1. Criminal history or prior misconduct of the applicant.

12 2. Information relating to the contents of the
13 examination.

14 3. Information relating to the examination results other
15 than the final score except for information about the results
16 of an examination which is given to the applicant who took the
17 examination.

18 A member of the board who willfully communicates or seeks
19 to communicate such information is guilty of a simple
20 misdemeanor.

21 Sec. 18. NEW SECTION. 544C.18 REGISTRATION NUMBER.

22 A registered interior designer may affix the Iowa
23 registration number and signature to interior design
24 construction documents if required by any state or local
25 building department for the purpose of obtaining a building
26 permit.

27 Sec. 19. NEW SECTION. 544C.19 TRANSITION PROVISIONS.

28 For a period of two years from the effective date of this
29 Act, the board may issue a certificate as a registered
30 interior designer to a person who does not meet the
31 examination requirements specified in section 544C.8, if the
32 person submits evidence to the board demonstrating both of the
33 following:

34 1. Ten years of experience as an interior designer, or
35 eight years of experience as an interior designer and two

1 years of interior design education that is acceptable to the
2 board.

3 2. Successful completion of the examination conducted with
4 regard to life safety codes and barrier-free requirements
5 prepared by the national council for interior design
6 qualification.

7 Sec. 20. INITIAL BOARD. The initial members of the
8 interior design examining board shall be appointed to the
9 following terms:

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

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

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

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

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Chair: Greiner
Jones
Petersen

Succeeded By
SF 0605

HSB113
STATE GOVERNMENT

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to establish an interior design examining board, to
2 provide for the registration of interior designers in order to
3 use the title of registered interior designer, and to provide
4 fees and penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 544C.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Board" means the interior design examining board
5 established pursuant to this chapter.

6 2. "Division" means the professional licensing and
7 regulation division of the department of commerce.

8 3. "Interior design" means the performance of professional
9 services that include:

10 a. Analyzing the client's needs, goals, and life safety
11 requirements for interior spaces.

12 b. Identification, verification, and analysis of
13 requirements for planning and design of interior spaces of a
14 building or structure.

15 c. Integrating requirements with knowledge of interior
16 design.

17 d. Formulating preliminary interior design concepts.

18 e. Preparing documents to illustrate interior materials,
19 finishes, space planning, reflected ceiling plans,
20 furnishings, fixtures, and equipment.

21 f. Developing and presenting final interior design
22 recommendations and specifications.

23 g. Preparing and filing with code enforcement officials
24 interior design construction documents for nonstructural
25 interior construction.

26 h. Obtaining building permits for nonstructural interior
27 construction.

28 i. Collaborating with closely allied design professionals
29 who are licensed practitioners offering professional services.

30 j. Preparing and administering interior design bids as a
31 client's agent.

32 k. Reviewing and evaluating the implementation and
33 completion of interior design projects as a representative of
34 and on behalf of the client.

35 4. "Nonstructural" means interior elements or components

1 that are not load bearing and do not require design
2 computations for a building's structure.

3 5. "Registered interior designer" means an interior
4 designer registered under this chapter who is a registered
5 design professional qualified by education, experience, and
6 examination to affect the function, safety, and quality of
7 interior spaces.

8 6. "Registrant" means an interior designer registered
9 under this chapter.

10 7. "Registration" means the certificate of registration
11 issued by the board to an interior designer under this
12 chapter.

13 8. "Space planning" means the analysis and design of
14 spatial requirements, including but not limited to space
15 layouts and final planning.

16 Sec. 2. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR
17 DESIGN EXAMINING BOARD.

18 An interior design examining board is established within
19 the division. The board consists of seven members, five
20 members who are interior designers who possess registration
21 issued under this chapter, and who have been in the active
22 practice of interior design for not less than five years, the
23 last two of which shall have been in Iowa; and two members who
24 do not possess registration issued under this chapter and who
25 shall represent the general public. Members shall be
26 appointed by the governor subject to confirmation by the
27 senate.

28 Professional associations or societies composed of interior
29 designers may recommend the names of potential board members
30 to the governor but the governor is not bound by the
31 recommendations. A board member is not required to be a
32 member of any professional association or society composed of
33 registered interior designers.

34 Appointments shall be for three-year terms and shall
35 commence and end as provided in section 69.19. Vacancies

1 shall be filled for the unexpired term by appointment of the
2 governor and shall require senate confirmation. Members shall
3 serve no more than three terms or nine years, whichever is
4 less.

5 Sec. 3. NEW SECTION. 544C.3 PUBLIC MEMBERS'
6 PARTICIPATION.

7 The public members of the board shall be allowed to
8 participate in administrative, clerical, or ministerial
9 functions incident to giving the examination required in
10 section 544C.5, but shall not determine the content of the
11 examination or determine the correctness of the answers.

12 Sec. 4. NEW SECTION. 544C.4 OFFICERS.

13 At a time to be determined by the board, the board shall
14 elect from its membership officers to serve for a term not to
15 exceed one year. The division shall provide staff assistance.

16 Sec. 5. NEW SECTION. 544C.5 DUTIES.

17 The board shall enforce this chapter, shall establish
18 requirements for the examination, education, and practical
19 training of applicants for registration, and, after public
20 notice, shall conduct or authorize representatives of the
21 board to conduct examinations of applicants for registration.
22 Examinations shall be given as often as deemed necessary, but
23 not less than annually. The board shall hold meetings each
24 year for the purpose of transacting business pertaining to the
25 affairs of the board. Action at a meeting shall not be taken
26 without the affirmative votes of a majority of the members of
27 the board. The board may adopt rules under chapter 17A,
28 necessary for the proper performance of its duties. The rules
29 may include, but are not limited to, standards and criteria
30 for examination, education, and practical training
31 requirements for registration, registration renewal,
32 professional conduct, discipline, and continuing education.
33 The administrator of the division shall hire and provide staff
34 to assist the board in its implementation of this chapter.

35 Sec. 6. NEW SECTION. 544C.6 RECORDS -- ROSTER.

1 The board shall keep a record, open to public inspection at
2 all reasonable times, of its proceedings relating to the
3 issuance, refusal, renewal, suspension, and revocation of
4 registration. This record shall also contain a roster
5 indicating the name, place of business and residence, and the
6 date and number of the registration of every registrant.

7 Sec. 7. NEW SECTION. 544C.7 EXPENSES -- COMPENSATION.

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

13 Sec. 8. NEW SECTION. 544C.8 QUALIFICATIONS FOR
14 REGISTRATION.

15 1. Each applicant for registration must meet the practical
16 training and education requirements relating to interior
17 design services adopted by rule by the board, and
18 satisfactorily have passed an examination in technical and
19 professional subjects relating to interior design services
20 prescribed by the board. Applications for registration shall
21 be on forms prescribed and furnished by the board.

22 The board may adopt as its rules relating to interior
23 design services criteria published by a national certification
24 body recognized by the board. The board shall adopt the
25 uniform standardized examination and grading procedures, and
26 the education and practical training requirements of the
27 national council for interior design qualification, or
28 equivalent procedures and requirements specified by the board.

29 2. The examination adopted by the board may be conducted
30 by representatives of the board. The identity of the
31 applicant taking the examination shall be concealed until
32 after the examination has been graded. The board shall adopt
33 rules regarding reexamination of applicants who failed to pass
34 the examination. An applicant who has failed the examination
35 may request in writing information from the board concerning

1 the applicant's examination grade and subject areas or
2 questions which the applicant failed to answer correctly,
3 except that if the board administers a uniform, standardized
4 examination, the board shall only be required to provide such
5 information concerning the applicant's examination results as
6 is available to the board.

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

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

17 b. Holds a current certificate number issued by the
18 national council for interior design qualification.

19 Sec. 9. NEW SECTION. 544C.9 APPLICANT -- CIVIL RIGHTS --
20 MORAL CHARACTER.

21 An applicant is not ineligible for registration because of
22 age, citizenship, sex, race, religion, marital status, or
23 national origin, although the application form may require
24 citizenship information. Character references may be
25 required.

26 The board may consider the following when investigating an
27 applicant's moral character:

28 1. An applicant's conviction for commission of a felony,
29 but only if the felony relates directly to the practice of
30 interior design.

31 2. An applicant's misstatement, omission, or
32 misrepresentation of a material fact in connection with the
33 applicant's application for registration in this state or
34 another jurisdiction.

35 3. An applicant's violation of a rule of conduct of a

1 jurisdiction in which the applicant has previously engaged in
2 the practice of interior design, provided that the rule of
3 conduct violated is substantially equivalent to a then-
4 existing or current rule of conduct required of registered
5 interior designers in this state.

6 If the applicant's background includes any of the
7 foregoing, the board may register the applicant on the basis
8 of suitable evidence of reform.

9 Sec. 10. NEW SECTION. 544C.10 REGISTRATION ISSUANCE.

10 When the applicant has complied with the qualifications for
11 registration in sections 544C.8 and 544C.9 to the satisfaction
12 of a majority of the members of the board and has paid the
13 fees prescribed by the board pursuant to section 544C.12, the
14 secretary of the board shall enroll the applicant's name and
15 address in the roster of registered interior designers and
16 issue to the applicant a registration, signed by the officers
17 of the board. The certificate shall entitle the applicant to
18 use the title "registered interior designer" in this state.

19 Sec. 11. NEW SECTION. 544C.11 RENEWALS.

20 Registrations expire in multiyear intervals as determined
21 by the board. Registered interior designers shall renew their
22 registration and pay a renewal fee in the manner prescribed by
23 the board. The board shall prescribe the conditions and
24 reasonable penalties for renewal after a registration's
25 expiration date.

26 Sec. 12. NEW SECTION. 544C.12 FEES.

27 The board shall set the fees for registration as a
28 registered interior designer, for renewal of registration, for
29 reinstatement of registration, and for other activities of the
30 board pertaining to its duties. The fee for registration and
31 for renewal of registration shall be based upon the
32 administrative costs of sustaining the board which shall
33 include, but are not limited to, the costs for all of the
34 following:

35 1. Per diem, expenses, and travel for board members.

1 2. Office facilities, supplies, and equipment.

2 3. Staff assistance.

3 All fees shall be deposited in the general fund of the
4 state.

5 Sec. 13. NEW SECTION. 544C.13 REVOCATION OR SUSPENSION.

6 A registration may be revoked or suspended when a
7 registrant is found guilty of the following acts or offenses:

8 1. Fraud in procuring a certificate of registration.

9 2. Professional incompetency.

10 3. Knowingly making misleading, deceptive, untrue, or
11 fraudulent representations in the practice of the registrant's
12 profession or engaging in unethical conduct or practice
13 harmful or detrimental to the public. Proof of actual injury
14 need not be established.

15 4. Habitual intoxication or addiction to the use of drugs.

16 5. Conviction of a felony related to the profession or
17 occupation of the registrant. A copy of the record of
18 conviction or plea of guilty shall be conclusive evidence of
19 the conviction.

20 6. Fraud in representations as to skill or ability.

21 7. Use of untruthful or improbable statements in
22 advertisements.

23 8. Unlawful use of the title of registered interior
24 designer.

25 9. Willful or repeated violations of the provisions of
26 this chapter.

27 10. Willful or repeated violations of one or more rules of
28 conduct adopted by the board.

29 The board may revoke or suspend any registration after
30 thirty days' notice with grant of hearing to the holder if
31 satisfactory proof is presented to the board.

32 Proceedings for the revocation or suspension of a
33 registration shall be initiated by filing written charges
34 against the accused with the board. Upon the filing of
35 charges, the board may request the department of inspections

1 and appeals to conduct an investigation into the charges. The
2 department of inspections and appeals shall report its
3 findings to the board, and a time and place for the hearing of
4 the charges shall be fixed by the board if the board
5 determines that a hearing is warranted. A copy of the
6 charges, together with a notice of the time and place fixed
7 for the hearing, shall be served on the accused at least
8 thirty days before the date fixed for the hearing. If
9 personal service or service through counsel cannot be
10 effected, service may be by publication. At the hearing, the
11 accused has the right to appear personally or be represented
12 by counsel, to produce evidence and witnesses in defense, and
13 to cross-examine witnesses. The board may subpoena witnesses,
14 administer oaths to witnesses, and employ counsel. The board
15 shall make a written report of its findings, which is
16 conclusive, and may suspend or revoke the registration. The
17 board may restore the registration to any person whose
18 registration has been revoked. Application for the
19 restoration of a certificate of registration shall be made in
20 such manner, form, and content as the board may prescribe.

21 Sec. 14. NEW SECTION. 544C.14 UNLAWFUL USE OF TITLE OF
22 REGISTERED INTERIOR DESIGNER -- VIOLATIONS -- PENALTY --
23 CONSENT AGREEMENT.

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

33 2. A person who violates this section is guilty of a
34 simple misdemeanor. The board, in its discretion and in lieu
35 of prosecuting a first offense described in this section, may

1 enter into a consent agreement with a violator, or with a
2 person guilty of aiding or abetting a violator, which
3 acknowledges the violation and the violator's agreement to
4 refrain from any further violations.

5 Sec. 15. NEW SECTION. 544C.15 INJUNCTION.

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

10 Sec. 16. NEW SECTION. 544C.16 SCOPE OF CHAPTER.

11 This chapter does not apply to the following:

12 1. A person licensed to practice architecture pursuant to
13 the laws of this state who is exclusively engaged in the
14 practice of the person's profession and who does not represent
15 that the person is a "registered interior designer".

16 2. A person licensed as a professional engineer pursuant
17 to the laws of this state who is exclusively engaged in the
18 practice of the person's profession and who does not represent
19 that the person is a "registered interior designer".

20 3. A person providing consultation services regarding
21 interior decoration or furnishings and who does not represent
22 that the person is a "registered interior designer".

23 Sec. 17. NEW SECTION. 544C.17 DISCLOSURE OF CONFIDENTIAL
24 INFORMATION -- PENALTY.

25 A member of the board shall not disclose information
26 relating to the following:

27 1. Criminal history or prior misconduct of the applicant.

28 2. Information relating to the contents of the
29 examination.

30 3. Information relating to the examination results other
31 than the final score except for information about the results
32 of an examination which is given to the applicant who took the
33 examination.

34 A member of the board who willfully communicates or seeks
35 to communicate such information, and any person who willfully

1 requests, obtains, or seeks to obtain such information, is
2 guilty of a simple misdemeanor.

3 Sec. 18. NEW SECTION. 544C.18 REGISTRATION NUMBER.

4 A registered interior designer may affix the Iowa
5 registration number and signature to interior design
6 construction documents if required by any state or local
7 building department for the purpose of obtaining a building
8 permit.

9 Sec. 19. NEW SECTION. 544C.19 TRANSITION PROVISIONS.

10 For a period of two years from the effective date of this
11 Act, the board may issue a certificate as a registered
12 interior designer to a person who does not meet the
13 examination requirements specified in section 544C.8, if the
14 person submits evidence to the board demonstrating both of the
15 following:

16 1. Ten years of experience as an interior designer, or
17 eight years of experience as an interior designer and two
18 years of interior design education that is acceptable to the
19 board.

20 2. Successful completion of the examination conducted with
21 regard to life safety codes and barrier-free requirements
22 prepared by the national council for interior design
23 qualification.

24 Sec. 20. INITIAL BOARD. The initial members of the
25 interior design examining board shall be appointed to the
26 following terms:

27 1. Two interior designer members shall be appointed for a
28 term of three years.

29 2. Two interior designer members and one public member
30 shall be appointed for a term of two years.

31 3. One interior designer member and one public member
32 shall be appointed for a term of one year.

33 4. The initial interior designer members need not meet the
34 requirements for registration, but shall have previously
35 passed the examination by the national council for interior

1 design qualification, and shall have been in active practice
2 for not less than five years, the last two of which shall have
3 been in Iowa.

4

EXPLANATION

5 This bill creates a new Code chapter 544C which provides
6 for the registration of interior designers in order to use the
7 title of registered interior designer. It establishes a
8 seven-member interior design examining board consisting of
9 five members who are registered interior designers, and two
10 members who represent the general public. The board is
11 directed to adopt rules for the examination of applicants,
12 standards for criteria for registration, registration renewal,
13 professional conduct, discipline, and continuing education.

14 Each applicant must meet practical training and education
15 requirements adopted by the board and pass an examination.
16 The board shall adopt the uniform standardized examination and
17 grading procedures, and the education and practical training
18 requirements, of the national council for interior design
19 qualification.

20 Interior designer members of the initial board must have
21 passed the examination administered by the national council
22 for interior design qualification and meet requirements
23 relating to the period of time during which the interior
24 designer has practiced.

25 Criminal penalties are provided for violation of the bill's
26 title and confidentiality provisions.

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