

# Senate Study Bill 1102

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON ZIEMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, 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:  
6 TLSB 1771SC 80  
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1 1 Section 1. NEW SECTION. 544C.1 DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Board" means the interior design examining board  
1 5 established pursuant to this chapter.  
1 6 2. "Division" means the professional licensing and  
1 7 regulation division of the department of commerce.  
1 8 3. "Interior design" means the performance of professional  
1 9 services that include:  
1 10 a. Analyzing the client's needs, goals, and life safety  
1 11 requirements for interior spaces.  
1 12 b. Identification, verification, and analysis of  
1 13 requirements for planning and design of interior spaces of a  
1 14 building or structure.  
1 15 c. Integrating requirements with knowledge of interior  
1 16 design.  
1 17 d. Formulating preliminary interior design concepts.  
1 18 e. Preparing documents to illustrate interior materials,  
1 19 finishes, space planning, reflected ceiling plans,  
1 20 furnishings, fixtures, and equipment.  
1 21 f. Developing and presenting final interior design  
1 22 recommendations and specifications.  
1 23 g. Preparing and filing with code enforcement officials  
1 24 interior design construction documents for nonstructural  
1 25 interior construction.  
1 26 h. Obtaining building permits for nonstructural interior  
1 27 construction.  
1 28 i. Collaborating with closely allied design professionals  
1 29 who are licensed practitioners offering professional services.  
1 30 j. Preparing and administering interior design bids as a  
1 31 client's agent.  
1 32 k. Reviewing and evaluating the implementation and  
1 33 completion of interior design projects as a representative of  
1 34 and on behalf of the client.  
1 35 4. "Nonstructural" means interior elements or components  
2 1 that are not load bearing and do not require design  
2 2 computations for a building's structure.  
2 3 5. "Registered interior designer" means an interior  
2 4 designer registered under this chapter who is a registered  
2 5 design professional qualified by education, experience, and  
2 6 examination to affect the function, safety, and quality of  
2 7 interior spaces.  
2 8 6. "Registrant" means an interior designer registered  
2 9 under this chapter.  
2 10 7. "Registration" means the certificate of registration  
2 11 issued by the board to an interior designer under this  
2 12 chapter.  
2 13 8. "Space planning" means the analysis and design of  
2 14 spatial requirements, including but not limited to space  
2 15 layouts and final planning.  
2 16 Sec. 2. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR  
2 17 DESIGN EXAMINING BOARD.  
2 18 An interior design examining board is established within  
2 19 the division. The board consists of seven members, five  
2 20 members who are interior designers who possess registration

2 21 issued under this chapter, and who have been in the active  
2 22 practice of interior design for not less than five years, the  
2 23 last two of which shall have been in Iowa; and two members who  
2 24 do not possess registration issued under this chapter and who  
2 25 shall represent the general public. Members shall be  
2 26 appointed by the governor subject to confirmation by the  
2 27 senate.

2 28 Professional associations or societies composed of interior  
2 29 designers may recommend the names of potential board members  
2 30 to the governor but the governor is not bound by the  
2 31 recommendations. A board member is not required to be a  
2 32 member of any professional association or society composed of  
2 33 registered interior designers.

2 34 Appointments shall be for three-year terms and shall  
2 35 commence and end as provided in section 69.19. Vacancies  
3 1 shall be filled for the unexpired term by appointment of the  
3 2 governor and shall require senate confirmation. Members shall  
3 3 serve no more than three terms or nine years, whichever is  
3 4 less.

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

3 7 The public members of the board shall be allowed to  
3 8 participate in administrative, clerical, or ministerial  
3 9 functions incident to giving the examination required in  
3 10 section 544C.5, but shall not determine the content of the  
3 11 examination or determine the correctness of the answers.

3 12 Sec. 4. NEW SECTION. 544C.4 OFFICERS.

3 13 At a time to be determined by the board, the board shall  
3 14 elect from its membership officers to serve for a term not to  
3 15 exceed one year. The division shall provide staff assistance.

3 16 Sec. 5. NEW SECTION. 544C.5 DUTIES.

3 17 The board shall enforce this chapter, shall establish  
3 18 requirements for the examination, education, and practical  
3 19 training of applicants for registration, and, after public  
3 20 notice, shall conduct or authorize representatives of the  
3 21 board to conduct examinations of applicants for registration.  
3 22 Examinations shall be given as often as deemed necessary, but  
3 23 not less than annually. The board shall hold meetings each  
3 24 year for the purpose of transacting business pertaining to the  
3 25 affairs of the board. Action at a meeting shall not be taken  
3 26 without the affirmative votes of a majority of the members of  
3 27 the board. The board may adopt rules under chapter 17A,  
3 28 necessary for the proper performance of its duties. The rules  
3 29 may include, but are not limited to, standards and criteria  
3 30 for examination, education, and practical training  
3 31 requirements for registration, registration renewal,  
3 32 professional conduct, discipline, and continuing education.  
3 33 The administrator of the division shall hire and provide staff  
3 34 to assist the board in its implementation of this chapter.

3 35 Sec. 6. NEW SECTION. 544C.6 RECORDS == ROSTER.

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

4 7 Sec. 7. NEW SECTION. 544C.7 EXPENSES == COMPENSATION.

4 8 The members of the board are entitled to be reimbursed for  
4 9 the actual expenses incurred in the performance of their  
4 10 duties within the limits of the funds appropriated to the  
4 11 board. Each member of the board may also be eligible to  
4 12 receive compensation as provided in section 7E.6.

4 13 Sec. 8. NEW SECTION. 544C.8 QUALIFICATIONS FOR  
4 14 REGISTRATION.

4 15 1. Each applicant for registration must meet the practical  
4 16 training and education requirements relating to interior  
4 17 design services adopted by rule by the board, and  
4 18 satisfactorily have passed an examination in technical and  
4 19 professional subjects relating to interior design services  
4 20 prescribed by the board. Applications for registration shall  
4 21 be on forms prescribed and furnished by the board.

4 22 The board may adopt as its rules relating to interior  
4 23 design services criteria published by a national certification  
4 24 body recognized by the board. The board shall adopt the  
4 25 uniform standardized examination and grading procedures, and  
4 26 the education and practical training requirements of the  
4 27 national council for interior design qualification, or  
4 28 equivalent procedures and requirements specified by the board.

4 29 2. The examination adopted by the board may be conducted  
4 30 by representatives of the board. The identity of the  
4 31 applicant taking the examination shall be concealed until

4 32 after the examination has been graded. The board shall adopt  
4 33 rules regarding reexamination of applicants who failed to pass  
4 34 the examination. An applicant who has failed the examination  
4 35 may request in writing information from the board concerning  
5 1 the applicant's examination grade and subject areas or  
5 2 questions which the applicant failed to answer correctly,  
5 3 except that if the board administers a uniform, standardized  
5 4 examination, the board shall only be required to provide such  
5 5 information concerning the applicant's examination results as  
5 6 is available to the board.

5 7 3. The board may also grant registration by reciprocity.  
5 8 An applicant applying to the board for registration by  
5 9 reciprocity shall furnish satisfactory evidence that the  
5 10 applicant meets both of the following requirements:

5 11 a. Holds a valid registration or license issued by another  
5 12 registration authority recognized by the board, where the  
5 13 qualifications for registration or licensure were  
5 14 substantially equivalent to those prescribed in this state on  
5 15 the date of original registration or licensure with the other  
5 16 registration authority.

5 17 b. Holds a current certificate number issued by the  
5 18 national council for interior design qualification.

5 19 Sec. 9. NEW SECTION. 544C.9 APPLICANT == CIVIL RIGHTS ==  
5 20 MORAL CHARACTER.

5 21 An applicant is not ineligible for registration because of  
5 22 age, citizenship, sex, race, religion, marital status, or  
5 23 national origin, although the application form may require  
5 24 citizenship information. Character references may be  
5 25 required.

5 26 The board may consider the following when investigating an  
5 27 applicant's moral character:

5 28 1. An applicant's conviction for commission of a felony,  
5 29 but only if the felony relates directly to the practice of  
5 30 interior design.

5 31 2. An applicant's misstatement, omission, or  
5 32 misrepresentation of a material fact in connection with the  
5 33 applicant's application for registration in this state or  
5 34 another jurisdiction.

5 35 3. An applicant's violation of a rule of conduct of a  
6 1 jurisdiction in which the applicant has previously engaged in  
6 2 the practice of interior design, provided that the rule of  
6 3 conduct violated is substantially equivalent to a then=  
6 4 existing or current rule of conduct required of registered  
6 5 interior designers in this state.

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

6 9 Sec. 10. NEW SECTION. 544C.10 REGISTRATION ISSUANCE.

6 10 When the applicant has complied with the qualifications for  
6 11 registration in sections 544C.8 and 544C.9 to the satisfaction  
6 12 of a majority of the members of the board and has paid the  
6 13 fees prescribed by the board pursuant to section 544C.12, the  
6 14 secretary of the board shall enroll the applicant's name and  
6 15 address in the roster of registered interior designers and  
6 16 issue to the applicant a registration, signed by the officers  
6 17 of the board. The certificate shall entitle the applicant to  
6 18 use the title "registered interior designer" in this state.

6 19 Sec. 11. NEW SECTION. 544C.11 RENEWALS.

6 20 Registrations expire in multiyear intervals as determined  
6 21 by the board. Registered interior designers shall renew their  
6 22 registration and pay a renewal fee in the manner prescribed by  
6 23 the board. The board shall prescribe the conditions and  
6 24 reasonable penalties for renewal after a registration's  
6 25 expiration date.

6 26 Sec. 12. NEW SECTION. 544C.12 FEES.

6 27 The board shall set the fees for registration as a  
6 28 registered interior designer, for renewal of registration, for  
6 29 reinstatement of registration, and for other activities of the  
6 30 board pertaining to its duties. The fee for registration and  
6 31 for renewal of registration shall be based upon the  
6 32 administrative costs of sustaining the board which shall  
6 33 include, but are not limited to, the costs for all of the  
6 34 following:

6 35 1. Per diem, expenses, and travel for board members.

7 1 2. Office facilities, supplies, and equipment.

7 2 3. Staff assistance.

7 3 All fees shall be deposited in the general fund of the  
7 4 state.

7 5 Sec. 13. NEW SECTION. 544C.13 REVOCATION OR SUSPENSION.

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

- 7 8 1. Fraud in procuring a certificate of registration.  
7 9 2. Professional incompetency.  
7 10 3. Knowingly making misleading, deceptive, untrue, or  
7 11 fraudulent representations in the practice of the registrant's  
7 12 profession or engaging in unethical conduct or practice  
7 13 harmful or detrimental to the public. Proof of actual injury  
7 14 need not be established.  
7 15 4. Habitual intoxication or addiction to the use of drugs.  
7 16 5. Conviction of a felony related to the profession or  
7 17 occupation of the registrant. A copy of the record of  
7 18 conviction or plea of guilty shall be conclusive evidence of  
7 19 the conviction.  
7 20 6. Fraud in representations as to skill or ability.  
7 21 7. Use of untruthful or improbable statements in  
7 22 advertisements.  
7 23 8. Unlawful use of the title of registered interior  
7 24 designer.  
7 25 9. Willful or repeated violations of the provisions of  
7 26 this chapter.  
7 27 10. Willful or repeated violations of one or more rules of  
7 28 conduct adopted by the board.

7 29 The board may revoke or suspend any registration after  
7 30 thirty days' notice with grant of hearing to the holder if  
7 31 satisfactory proof is presented to the board.

7 32 Proceedings for the revocation or suspension of a  
7 33 registration shall be initiated by filing written charges  
7 34 against the accused with the board. Upon the filing of  
7 35 charges, the board may request the department of inspections  
8 1 and appeals to conduct an investigation into the charges. The  
8 2 department of inspections and appeals shall report its  
8 3 findings to the board, and a time and place for the hearing of  
8 4 the charges shall be fixed by the board if the board  
8 5 determines that a hearing is warranted. A copy of the  
8 6 charges, together with a notice of the time and place fixed  
8 7 for the hearing, shall be served on the accused at least  
8 8 thirty days before the date fixed for the hearing. If  
8 9 personal service or service through counsel cannot be  
8 10 effected, service may be by publication. At the hearing, the  
8 11 accused has the right to appear personally or be represented  
8 12 by counsel, to produce evidence and witnesses in defense, and  
8 13 to cross-examine witnesses. The board may subpoena witnesses,  
8 14 administer oaths to witnesses, and employ counsel. The board  
8 15 shall make a written report of its findings, which is  
8 16 conclusive, and may suspend or revoke the registration. The  
8 17 board may restore the registration to any person whose  
8 18 registration has been revoked. Application for the  
8 19 restoration of a certificate of registration shall be made in  
8 20 such manner, form, and content as the board may prescribe.

8 21 Sec. 14. NEW SECTION. 544C.14 UNLAWFUL USE OF TITLE OF  
8 22 REGISTERED INTERIOR DESIGNER == VIOLATIONS == PENALTY ==  
8 23 CONSENT AGREEMENT.

8 24 1. It is unlawful for a person to use the title, or aid or  
8 25 abet a person to use the title, of registered interior  
8 26 designer or any title or device indicating that the person is  
8 27 a registered interior designer unless the person has been  
8 28 issued a certificate of registration as provided in this  
8 29 chapter. This section does not prohibit the provision of  
8 30 interior design services, or the use of the terms "interior  
8 31 design" or "interior designer", by an architect or by a person  
8 32 who is not registered as an interior designer.

8 33 2. A person who violates this section is guilty of a  
8 34 simple misdemeanor. The board, in its discretion and in lieu  
8 35 of prosecuting a first offense described in this section, may  
9 1 enter into a consent agreement with a violator, or with a  
9 2 person guilty of aiding or abetting a violator, which  
9 3 acknowledges the violation and the violator's agreement to  
9 4 refrain from any further violations.

9 5 Sec. 15. NEW SECTION. 544C.15 INJUNCTION.

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

9 10 Sec. 16. NEW SECTION. 544C.16 SCOPE OF CHAPTER.

9 11 This chapter does not apply to the following:

9 12 1. A person licensed to practice architecture pursuant to  
9 13 the laws of this state who is exclusively engaged in the  
9 14 practice of the person's profession and who does not represent  
9 15 that the person is a "registered interior designer".

9 16 2. A person licensed as a professional engineer pursuant  
9 17 to the laws of this state who is exclusively engaged in the  
9 18 practice of the person's profession and who does not represent

9 19 that the person is a "registered interior designer".  
9 20 3. A person providing consultation services regarding  
9 21 interior decoration or furnishings and who does not represent  
9 22 that the person is a "registered interior designer".  
9 23 Sec. 17. NEW SECTION. 544C.17 DISCLOSURE OF CONFIDENTIAL  
9 24 INFORMATION == PENALTY.  
9 25 A member of the board shall not disclose information  
9 26 relating to the following:  
9 27 1. Criminal history or prior misconduct of the applicant.  
9 28 2. Information relating to the contents of the  
9 29 examination.  
9 30 3. Information relating to the examination results other  
9 31 than the final score except for information about the results  
9 32 of an examination which is given to the applicant who took the  
9 33 examination.  
9 34 A member of the board who willfully communicates or seeks  
9 35 to communicate such information, and any person who willfully  
10 1 requests, obtains, or seeks to obtain such information, is  
10 2 guilty of a simple misdemeanor.  
10 3 Sec. 18. NEW SECTION. 544C.18 REGISTRATION NUMBER.  
10 4 A registered interior designer may affix the Iowa  
10 5 registration number and signature to interior design  
10 6 construction documents if required by any state or local  
10 7 building department for the purpose of obtaining a building  
10 8 permit.  
10 9 Sec. 19. NEW SECTION. 544C.19 TRANSITION PROVISIONS.  
10 10 For a period of two years from the effective date of this  
10 11 Act, the board may issue a certificate as a registered  
10 12 interior designer to a person who does not meet the  
10 13 examination requirements specified in section 544C.8, if the  
10 14 person submits evidence to the board demonstrating both of the  
10 15 following:  
10 16 1. Ten years of experience as an interior designer, or  
10 17 eight years of experience as an interior designer and two  
10 18 years of interior design education that is acceptable to the  
10 19 board.  
10 20 2. Successful completion of the examination conducted with  
10 21 regard to life safety codes and barrier-free requirements  
10 22 prepared by the national council for interior design  
10 23 qualification.  
10 24 Sec. 20. INITIAL BOARD. The initial members of the  
10 25 interior design examining board shall be appointed to the  
10 26 following terms:  
10 27 1. Two interior designer members shall be appointed for a  
10 28 term of three years.  
10 29 2. Two interior designer members and one public member  
10 30 shall be appointed for a term of two years.  
10 31 3. One interior designer member and one public member  
10 32 shall be appointed for a term of one year.  
10 33 4. The initial interior designer members need not meet the  
10 34 requirements for registration, but shall have previously  
10 35 passed the examination by the national council for interior  
11 1 design qualification, and shall have been in active practice  
11 2 for not less than five years, the last two of which shall have  
11 3 been in Iowa.

#### 11 4 EXPLANATION

11 5 This bill creates a new Code chapter 544C which provides  
11 6 for the registration of interior designers in order to use the  
11 7 title of registered interior designer. It establishes a  
11 8 seven-member interior design examining board consisting of  
11 9 five members who are registered interior designers, and two  
11 10 members who represent the general public. The board is  
11 11 directed to adopt rules for the examination of applicants,  
11 12 standards for criteria for registration, registration renewal,  
11 13 professional conduct, discipline, and continuing education.  
11 14 Each applicant must meet practical training and education  
11 15 requirements adopted by the board and pass an examination.  
11 16 The board shall adopt the uniform standardized examination and  
11 17 grading procedures, and the education and practical training  
11 18 requirements, of the national council for interior design  
11 19 qualification.  
11 20 Interior designer members of the initial board must have  
11 21 passed the examination administered by the national council  
11 22 for interior design qualification and meet requirements  
11 23 relating to the period of time during which the interior  
11 24 designer has practiced.  
11 25 Criminal penalties are provided for violation of the bill's  
11 26 title and confidentiality provisions.  
11 27 LSB 1771SC 80  
11 28 rn/sh/8