

House Study Bill 163

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
BY CHAIRPERSON ELGIN)

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

A BILL FOR

1 An Act establishing an interior design examining board, providing
2 for the registration of interior designers, and providing fees
3 and penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1677YC 81
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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 design of interior spaces
1 9 in conformity with public health, safety, and welfare
1 10 requirements, including the preparation of documents relating
1 11 to space planning, finish materials, furnishings, fixtures,
1 12 and equipment; and the preparation of documents relating to
1 13 interior construction that does not directly affect the
1 14 mechanical or structural systems of a building.
1 15 4. "Registered interior designer" means a person
1 16 registered under this chapter who is a registered design
1 17 professional qualified by education, experience, and
1 18 examination to affect the function, safety, and quality of
1 19 interior spaces.
1 20 Sec. 2. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR
1 21 DESIGN EXAMINING BOARD.
1 22 1. An interior design examining board is established
1 23 within the division. The board consists of seven members,
1 24 five members who are interior designers who are registered
1 25 under this chapter, and who have been in the active practice
1 26 of interior design for not less than five years, the last two
1 27 of which shall have been in Iowa; and two members who are not
1 28 registered under this chapter and who shall represent the
1 29 general public. Members shall be appointed by the governor
1 30 subject to confirmation by the senate.
1 31 2. Professional associations or societies composed of
1 32 interior designers may recommend the names of potential board
1 33 members to the governor, but the governor is not bound by the
1 34 recommendations. A board member is not required to be a
1 35 member of any professional association or society composed of
2 1 registered interior designers.
2 2 3. Appointments shall be for three-year terms and shall
2 3 commence and end as provided in section 69.19. Vacancies
2 4 shall be filled for the unexpired term by appointment of the
2 5 governor and shall require senate confirmation. Members shall
2 6 serve no more than three terms or nine years, whichever is
2 7 less.
2 8 Sec. 3. NEW SECTION. 544C.3 DUTIES OF THE BOARD.
2 9 The duties of the board shall include, but are not limited
2 10 to, all of the following:
2 11 1. Administering and enforcing this chapter.
2 12 2. Establishing requirements for the examination,
2 13 education, and practical training of applicants for
2 14 registration.
2 15 3. Holding meetings each year for the purpose of
2 16 transacting business pertaining to the affairs of the board.
2 17 Action at a meeting shall not be taken without the affirmative

2 18 votes of a majority of members of the board.

2 19 4. Adopting rules under chapter 17A necessary for the
2 20 proper performance of its duties.

2 21 5. Establishing fees for registration as a registered
2 22 interior designer, renewal of registration, reinstatement of
2 23 registration, and for other activities of the board pertaining
2 24 to its duties. The fees shall be sufficient to defray the
2 25 costs of administering this chapter, and shall be deposited in
2 26 the general fund of the state.

2 27 6. Maintaining records, which are open to public
2 28 inspection at all reasonable times, of its proceedings
2 29 relating to the issuance, refusal, renewal, suspension, and
2 30 revocation of registration. The records shall also contain a
2 31 roster indicating the name, place of business and residence,
2 32 and the date and registration number of every registrant.

2 33 The administrator of the division shall provide staff to
2 34 assist the board in the implementation of this chapter.

2 35 Sec. 4. NEW SECTION. 544C.4 EXPENSES == COMPENSATION.

3 1 The members of the board are entitled to be reimbursed for
3 2 the actual expenses incurred in the performance of their
3 3 duties within the limits of the funds appropriated to the
3 4 board. Each member of the board may also be eligible to
3 5 receive compensation as provided in section 7E.6.

3 6 Sec. 5. NEW SECTION. 544C.5 QUALIFICATIONS FOR
3 7 REGISTRATION.

3 8 Each applicant for registration must meet the interior
3 9 design education and practical training requirements adopted
3 10 by rule by the board, and have passed an examination
3 11 prescribed by the board that is task-oriented, focused on
3 12 public safety, and validated by a recognized testing agency,
3 13 as provided in subsection 1. The division shall register an
3 14 individual who submits an application to the board on the form
3 15 and in the manner prescribed by the board as a registered
3 16 interior designer if the individual satisfies the following
3 17 requirements:

3 18 1. Submits written proof that the individual has
3 19 successfully passed the national council for interior design
3 20 qualification examination, or its equivalent.

3 21 2. Has completed a four-year course and obtained a
3 22 professional degree in interior design or an equivalent
3 23 education and practical training requirement determined by the
3 24 board, and has completed practical training in interior design
3 25 that incorporates qualitative as well as quantitative criteria
3 26 of a nature satisfactory to the board.

3 27 3. Submits the required registration fee to the board.

3 28 Sec. 6. NEW SECTION. 544C.6 RECIPROCAL REGISTRATION.

3 29 The board may also grant registration by reciprocity. An
3 30 applicant applying to the board for registration by
3 31 reciprocity shall furnish satisfactory evidence that the
3 32 applicant meets both of the following requirements:

3 33 1. Holds a valid registration or license issued by another
3 34 registration authority recognized by the board, where the
3 35 qualifications for registration or licensure were

4 1 substantially equivalent to those prescribed in this state on
4 2 the date of original registration or licensure with the other
4 3 registration authority.

4 4 2. Holds a current certificate number issued by the
4 5 national council for interior design qualification.

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

4 7 When an applicant has complied with the qualifications for
4 8 registration in section 544C.5 or 544C.6 to the satisfaction
4 9 of a majority of the members of the board and has paid the
4 10 fees prescribed by the board, the board shall enroll the
4 11 applicant's name and address in the roster of registered
4 12 interior designers and issue to the applicant a registration
4 13 certificate, signed by the officers of the board. The
4 14 certificate shall entitle the applicant to use the title
4 15 "registered interior designer" in this state.

4 16 Sec. 8. NEW SECTION. 544C.8 CONTINUING EDUCATION.

4 17 A registered interior designer shall, at the time of
4 18 application for renewal of a certificate of registration,
4 19 submit proof of completion of continuing education
4 20 requirements established by rules adopted by the board.

4 21 Sec. 9. NEW SECTION. 544C.9 REVOCATION, SUSPENSION, AND
4 22 NONISSUANCE OF REGISTRATION.

4 23 1. The board may revoke, suspend, or refuse to issue or
4 24 renew the registration of any person upon a finding of any of
4 25 the following:

4 26 a. Fraud in obtaining or renewing a certificate of
4 27 registration.

4 28 b. Professional incompetency.

4 29 c. Knowingly making misleading, deceptive, untrue, or
4 30 fraudulent representations in the practice of the registrant's
4 31 profession or engaging in unethical conduct or practice
4 32 harmful or detrimental to the public. Proof of actual injury
4 33 need not be established.

4 34 d. Conviction of a felony related to the profession or
4 35 occupation of the registrant. A copy of the record of
5 1 conviction or plea of guilty shall be conclusive evidence of
5 2 the conviction.

5 3 e. Unlawful use of the title of "registered interior
5 4 designer".

5 5 f. Willful or repeated violations of the provisions of
5 6 this chapter or a rule adopted under this chapter.

5 7 2. Any person may appeal a finding of the board within
5 8 thirty days of the date of notification of action. Upon
5 9 appeal, the board shall schedule a hearing in accordance with
5 10 chapter 17A.

5 11 Sec. 10. NEW SECTION. 544C.10 UNLAWFUL USE OF TITLE OF
5 12 "REGISTERED INTERIOR DESIGNER" == VIOLATIONS == PENALTY ==
5 13 CONSENT AGREEMENT.

5 14 1. It is unlawful for a person to use the title, or aid or
5 15 abet a person in using the title, of "registered interior
5 16 designer" or any title or device indicating that the person is
5 17 a registered interior designer unless the person has been
5 18 issued a certificate of registration as provided in this
5 19 chapter. This section does not prohibit the provision of
5 20 interior design services, or the use of the terms "interior
5 21 design" or "interior designer", by an architect or by a person
5 22 who is not registered as an interior designer.

5 23 2. A person who violates this section is guilty of a
5 24 simple misdemeanor. The board, in its discretion and in lieu
5 25 of prosecuting a first offense under this section, may enter
5 26 into a consent agreement with a violator, or with a person
5 27 guilty of aiding or abetting a violator, which acknowledges
5 28 the violation and the violator's agreement to refrain from any
5 29 further violations.

5 30 Sec. 11. NEW SECTION. 544C.11 INJUNCTION.

5 31 In addition to any other remedies, and on the petition of
5 32 the board, any person violating this chapter may be restrained
5 33 and permanently enjoined from committing or continuing the
5 34 violations.

5 35 Sec. 12. NEW SECTION. 544C.12 SCOPE OF CHAPTER.

6 1 This chapter does not apply to the following:

6 2 1. A person licensed to practice architecture pursuant to
6 3 the laws of this state who is exclusively engaged in the
6 4 practice of the person's profession and who does not represent
6 5 that the person is a registered interior designer.

6 6 2. A person licensed as a professional engineer pursuant
6 7 to the laws of this state who is exclusively engaged in the
6 8 practice of the person's profession and who does not represent
6 9 that the person is a registered interior designer.

6 10 3. A person who performs the following services: selling,
6 11 selecting, or assisting in selecting personal property used in
6 12 connection with furnishings of interior spaces or fixtures
6 13 such as, but not limited to, furnishings, decorative
6 14 accessories, furniture, paint, wall coverings, window
6 15 treatments, floor coverings, cabinets, countertops, surface=
6 16 mounted lighting, or decorative materials for a retail sale;
6 17 or installing or coordinating installations as a part of the
6 18 prospective retail sale, or providing computer-aided or other
6 19 drawings for the purpose of retail sale if the drawings are
6 20 used for material listed for retail sale; and who does not
6 21 represent that the person is a registered interior designer.

6 22 Sec. 13. NEW SECTION. 544C.13 REGISTRATION NUMBER.

6 23 A registered interior designer may affix their Iowa
6 24 registration number and signature to interior design
6 25 construction documents if required by any state or local
6 26 building department for the purpose of obtaining a building
6 27 permit.

6 28 Sec. 14. NEW SECTION. 544C.14 TRANSITION PROVISIONS.

6 29 For a period of two years from the effective date of this
6 30 Act, the board may issue a certificate as a registered
6 31 interior designer to a person who does not meet the
6 32 examination requirements specified in section 544C.5, if the
6 33 person submits evidence to the board demonstrating both of the
6 34 following:

6 35 1. Ten years of experience as an interior designer, or
7 1 eight years of experience as an interior designer and two
7 2 years of interior design education that is acceptable to the
7 3 board.

7 4 2. Successful completion of the examination conducted with

7 5 regard to life safety codes and barrier-free requirements
7 6 prepared by the national council for interior design
7 7 qualification.
7 8 Sec. 15. INITIAL BOARD. The initial members of the
7 9 interior design examining board shall be appointed to the
7 10 following terms:
7 11 1. Two interior designer members shall be appointed for a
7 12 term of three years.
7 13 2. Two interior designer members and one public member
7 14 shall be appointed for a term of two years.
7 15 3. One interior designer member and one public member
7 16 shall be appointed for a term of one year.
7 17 4. The initial interior designer members need not meet the
7 18 requirements for registration, but shall have previously
7 19 passed the examination by the national council for interior
7 20 design qualification, and shall have been in active practice
7 21 for not less than five years, the last two of which shall have
7 22 been in Iowa.

7 23 EXPLANATION

7 24 This bill creates a new Code chapter 544C that provides for
7 25 the registration of interior designers in order to use the
7 26 title of registered interior designer. The bill provides for
7 27 the establishment of a seven-member interior design examining
7 28 board consisting of five members who are registered interior
7 29 designers and two members who represent the general public.
7 30 The bill provides, among other duties, that the board shall
7 31 administer the new Code chapter, establish requirements for
7 32 the examination, education, and practical training of
7 33 applicants for registration, and establish fees for
7 34 registration as a registered interior designer, renewal of
7 35 registration, reinstatement of registration, and for other
8 1 activities of the board pertaining to its duties in an amount
8 2 sufficient to defray the costs of administering the Code
8 3 chapter. The bill provides that the fees shall be deposited
8 4 in the general fund of the state.

8 5 The bill provides that each applicant for registration must
8 6 meet the interior design education and practical training
8 7 requirements adopted by rule by the board, and have passed an
8 8 examination prescribed by the board that is task-oriented,
8 9 focused on public safety, and validated by a recognized
8 10 testing agency. The bill provides that to be registered, an
8 11 applicant shall submit written proof of having passed the
8 12 national council for interior design qualification
8 13 examination, or its equivalent, and have completed a four-year
8 14 course and obtained a professional degree in interior design
8 15 or an equivalent education and practical training requirement
8 16 determined by the board and have completed practical training
8 17 in interior design that incorporates qualitative as well as
8 18 quantitative criteria of a nature satisfactory to the board.

8 19 The bill provides that the board may also grant
8 20 registration by reciprocity under specified circumstances, and
8 21 also specifies circumstances under which the board may revoke,
8 22 suspend, or refuse to issue or renew a registration.

8 23 The bill additionally provides that it is unlawful for a
8 24 person to use the title of registered interior designer unless
8 25 the person has been issued a certificate of registration
8 26 pursuant to the new Code chapter, but provides that a person
8 27 who is an architect or otherwise not registered may provide
8 28 interior design services, or use the terms "interior design"
8 29 or "interior designer". The bill provides penalties for
8 30 violation of these provisions, and other provisions of the
8 31 Code chapter.

8 32 The bill provides that the new Code chapter shall not apply
8 33 to a licensed architect, professional engineer, or individuals
8 34 performing specified furnishing or retail sales services who
8 35 do not use the title or represent that they are a registered
9 1 interior designer.

9 2 The bill provides transition provisions for a period of two
9 3 years from the bill's effective date for persons not meeting
9 4 the specified examination requirements of the new Code
9 5 chapter.