

House Study Bill 238 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON SORENSEN)

A BILL FOR

1 An Act relating to the practice of interior design, providing
2 penalties, and including effective date provisions.

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

1 Section 1. Section 544C.1, subsections 3 and 4, Code 2021,
2 are amended to read as follows:

3 3. a. "Interior design" means the design of interior spaces
4 as a part of an interior alteration or construction project
5 including the preparation of documents interior technical
6 submissions relating to space planning, finish materials,
7 furnishings, fixtures, and equipment, and the preparation of
8 documents relating to interior construction that does not
9 affect the mechanical or structural systems of a building.

10 ~~"Interior design" does not include services that constitute~~
11 ~~the practice of architecture or the practice of professional~~
12 ~~engineering. "Interior design" includes all of the following:~~

13 (1) Programming, planning, pre-design analysis, and
14 conceptual design of interior nonstructural elements, including
15 but not limited to the selection of materials, furniture,
16 fixtures, and equipment, but not building equipment.

17 (2) Alteration or construction of interior nonstructural
18 elements and any interior technical submissions related to such
19 alteration or construction.

20 (3) Preparation of a physical plan of space within a
21 proposed or existing building or structure including all of the
22 following:

23 (a) Determinations of circulation systems or patterns.

24 (b) Determinations of the location of exit requirements
25 based on occupancy loads.

26 (c) Assessment and analysis of interior safety factors to
27 comply with building codes related to interior nonstructural
28 elements.

29 (4) Review, analysis, evaluation, and interpretation of
30 building codes, fire codes, and accessibility standards,
31 including but not limited to the federal Americans with
32 Disabilities Act of 1990, as applicable to interior technical
33 submissions for interior nonstructural elements.

34 (5) Rendering of designs, plans, drawings, specifications,
35 contract documents, or other interior technical submissions and

1 administration of interior nonstructural element construction
2 and contracts relating to nonstructural elements in interior
3 alteration or construction of a proposed or existing building
4 or structure.

5 b. "Interior design" does not include any of the following:

6 (1) Services that constitute the practice of professional
7 engineering.

8 (2) The making of changes or additions to any of the
9 following:

10 (a) Foundations, beams, trusses, columns, or other primary
11 structural framing members, or seismic systems.

12 (b) Structural concrete slabs.

13 (c) Openings in floor slabs, roofs, exterior walls
14 including exterior cladding, waterproofing, insulating systems,
15 and exterior decorative elements or load-bearing and shear
16 walls.

17 (d) Exterior penetrations, such as windows and doors.

18 (e) Heating, ventilating, or air conditioning equipment or
19 distribution systems, building management systems, high-voltage
20 or medium-voltage electrical distribution systems, standby or
21 emergency power or distribution systems, plumbing or plumbing
22 monitoring systems, or related building systems.

23 4. "Registered interior designer" means a person registered
24 under ~~this chapter~~ who is listed on the interior designer
25 registry operated by the board.

26 Sec. 2. Section 544C.1, Code 2021, is amended by adding the
27 following new subsections:

28 NEW SUBSECTION. 1A. "Building equipment" means any
29 mechanical plumbing, electrical, or structural components,
30 including a conveyance, designed for or located in a building
31 or structure.

32 NEW SUBSECTION. 2A. "Conveyance" means an elevator,
33 dumbwaiter, vertical reciprocating conveyor, escalator, or
34 other motorized vertical transportation system.

35 NEW SUBSECTION. 2B. "Direct supervision and responsible

1 *charge*” means a registered interior designer’s personal
2 supervisory control of work of which the registered interior
3 designer has detailed professional knowledge. In respect
4 to preparing interior technical submissions, “*direct*
5 *supervision and responsible charge*” means that the registered
6 interior designer has the exercising, directing, guiding,
7 and restraining power over the preparation of the interior
8 technical submission, and exercises professional judgment in
9 all matters embodied in the interior technical submission.
10 “*Direct supervision and responsible charge*” does not mean
11 reviewing the interior technical submission prepared by another
12 person unless the reviewer actually exercises supervision and
13 control and is in responsible charge of the interior technical
14 submission.

15 NEW SUBSECTION. 2C. “*Interior alteration or construction*
16 *project*” means a project for an interior space or area within
17 a proposed or existing building or structure, including
18 construction, modification, renovation, rehabilitation, or
19 historic preservation, that involves changing or altering any
20 of the following:

- 21 a. The design function or layout of rooms.
- 22 b. The state of permanent fixtures or equipment.

23 NEW SUBSECTION. 3A. “*Interior nonstructural element*” means
24 an interior design element that does not require structural
25 bracing and that is not a load-bearing element of a structure
26 that is essential to structural integrity.

27 NEW SUBSECTION. 3B. “*Interior technical submission*” means
28 a design, drawing, specification, study, or other technical
29 report or calculation that establishes the scope of an interior
30 design project including a description of standards.

31 Sec. 3. Section 544C.7, Code 2021, is amended to read as
32 follows:

33 **544C.7 Registration issuance.**

34 1. When an applicant has complied with the qualifications
35 for registration in [section 544C.5](#) or [544C.6](#) to the

1 satisfaction of a majority of the members of the board and
2 has paid the fees prescribed by the board, the board shall
3 enroll the applicant's name and address in the roster of
4 registered interior designers and issue to the applicant a
5 registration certificate, signed by the officers of the board.
6 The certificate shall entitle the applicant to use the title
7 "registered interior designer" in this state.

8 2. Notwithstanding sections 544C.5 and 544C.6, the board
9 shall enroll an applicant's name and address in the roster of
10 registered interior designers and issue to the applicant a
11 registration certificate, signed by the officers of the board,
12 if the applicant holds a license in good standing to practice
13 architecture pursuant to the laws of this state and has paid
14 the fees prescribed by the board. The certificate shall
15 entitle the applicant to use the title "registered interior
16 designer" in this state.

17 Sec. 4. NEW SECTION. 544C.7A Registration renewal.

18 A registration issued pursuant to this chapter shall expire
19 after such time as determined by the board by rule. The board
20 shall adopt rules for the renewal of registrations, including
21 the manner of renewal and required fees, and penalties and
22 conditions for renewal of an expired registration.

23 Sec. 5. Section 544C.12, Code 2021, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 4. An unregistered person acting under the
26 instruction, control, or supervision of a registered interior
27 designer, or a person executing the plans of a registered
28 interior designer, provided that such an unregistered person
29 shall not be in charge of interior technical submissions.

30 Sec. 6. NEW SECTION. 544C.14 Registered interior designers
31 — stamp and seal.

32 1. A registered interior designer shall have a seal with
33 which to identify all interior technical submissions issued by
34 the registered interior designer for use in this state. The
35 seal shall be of a design, content, and size prescribed by the

1 board. A registered interior designer shall only sign and seal
2 an interior technical submission within the scope of interior
3 design.

4 2. Interior technical submissions prepared by a registered
5 interior designer, or under a registered interior designer's
6 direct supervision and responsible charge, shall be stamped
7 with the impression of the registered interior designer's seal.
8 The board shall designate by rule the location, frequency, and
9 other requirements for use of the seal. A registered interior
10 designer shall not impress the registered interior designer's
11 seal on an interior technical submission if the registered
12 interior designer was not the author of the interior technical
13 submission or if interior technical submission was not prepared
14 under the registered interior designer's direct supervision and
15 responsible charge.

16 3. A registered interior designer may sign and seal an
17 interior technical submission covering the scope of the
18 interior design and shall have the authority to submit such
19 interior technical submission to a state or local governmental
20 entity for the purpose of obtaining any requisite permit for an
21 interior alteration or construction project.

22 4. The placement of the registered interior designer's
23 signature and seal shall indicate the document or part thereof
24 for which the seal applies. The seal and date may be affixed
25 electronically. The registered interior designer may provide,
26 at the sole discretion of the registered interior designer,
27 an original signature in the handwriting of the registered
28 interior designer, a scanned copy of the document bearing an
29 original signature, or a computer-generated signature.

30 5. A registered interior designer shall not affix, or permit
31 to be affixed, the registration number, seal, or signature of
32 the registered interior designer to any interior technical
33 submission that the registered interior designer is not
34 competent to perform.

35 6. A registered interior designer shall not sign and seal

1 an interior technical submission that was not prepared by the
2 registered interior designer or under the direct supervision
3 and responsible charge of the registered interior designer.

4 Sec. 7. NEW SECTION. 544C.15 Registered interior designer
5 stamp and seal — conflicts of interest — penalties.

6 1. A person shall not intentionally do any of the following:

7 a. Affix the signature or seal of a registered interior
8 designer to any interior technical submission without the
9 permission of the registered interior designer.

10 b. Use or attempt to use the interior design registration or
11 seal of another except as provided in section 544C.14.

12 c. Impersonate a registered interior designer.

13 d. Obtain or attempt to obtain registration from the board
14 by fraud.

15 e. Make any willfully false oath or affirmation to the
16 board.

17 2. A person who intentionally violates a provision of
18 subsection 1 is guilty of a simple misdemeanor.

19 3. A registered interior designer shall avoid conflicts of
20 interest.

21 a. If an unavoidable conflict of interests arises, a
22 registered interior designer shall do all of the following:

23 (1) Immediately inform the client or employer of all
24 circumstances that may interfere with or impair the obligation
25 of the registered interior designer to provide professional
26 services.

27 (2) Notify the client or employer and withdraw from
28 employment at any time when it is not possible to faithfully
29 discharge the responsibilities and duties owed to the client
30 or employer.

31 b. If an unavoidable conflict of interest arises, a
32 registered interior designer shall not do any of the following:

33 (1) Agree to perform professional interior design services
34 for a client or employer if the registered interior designer
35 has a significant financial or other interest that would impair

1 or interfere with the responsibility of the registered interior
2 designer to faithfully discharge professional interior design
3 services on behalf of the client or employer.

4 (2) Accept payment from any party other than a client or
5 employer for a particular project and not have any direct or
6 indirect financial interest in a service or phase of a service
7 to be provided as part of a project unless the client or
8 employer approves of the conflict.

9 (3) Solicit or accept anything of value from material or
10 equipment suppliers in return for specifying or endorsing a
11 product.

12 (4) Violate the confidences of a client or employer except
13 as otherwise required by law.

14 (5) Perform services for a client or employer while a
15 full-time employee of another employer without notifying all
16 parties concerned.

17 4. This section shall not limit the professional
18 responsibility of a registered interior designer to an owner of
19 a project when the registered interior designer is employed by
20 a person under contract to engage in interior design practice
21 for that project.

22 **Sec. 8. NEW SECTION. 544C.16 Submission of interior**
23 **technical submissions.**

24 1. A registered interior designer may sign and seal an
25 interior technical submission that is required for an interior
26 alteration or construction project and that shall be kept as
27 public record.

28 2. If a political subdivision of the state requires a
29 seal or stamp on an interior technical submission that is
30 submitted for an interior alteration or construction project,
31 the political subdivision shall accept an interior technical
32 submission impressed with the seal or stamp of a registered
33 interior designer consistent with the provisions of section
34 544C.14.

35 **Sec. 9. NEW SECTION. 544C.17 Limitations.**

1 This chapter does not do any of the following:

2 1. Prohibit a person from engaging in an activity
3 traditionally performed by an interior designer or interior
4 decorator, including a professional service limited to the
5 planning, design, and implementation of kitchen and bathroom
6 spaces or the specification of products for kitchen and
7 bathroom areas.

8 2. Prevent or restrict the practice, service, or activity
9 of a person acting within the scope of the person's licensed
10 profession or occupation.

11 Sec. 10. REPEAL. Section 544C.13, Code 2021, is repealed.

12 Sec. 11. EMERGENCY RULES. The interior design practice
13 examining board may adopt emergency rules under section 17A.4,
14 subsection 3, and section 17A.5, subsection 2, paragraph "b",
15 to implement the provisions of this Act and the rules shall
16 be effective immediately upon filing unless a later date is
17 specified in the rules. Any rules adopted in accordance with
18 this section shall also be published as a notice of intended
19 action as provided in section 17A.4.

20 Sec. 12. EFFECTIVE DATE. This Act, being deemed of
21 immediate importance, takes effect upon enactment.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to the practice of interior design in Iowa.

26 The bill defines "interior design" as including the
27 preparation of interior technical submissions, defined in the
28 bill as a design that establishes the scope of an interior
29 design project, and removes an exclusion from the term for
30 services that constitute the practice of architecture. The
31 bill also lists certain practices that constitute interior
32 design and certain practices that do not constitute interior
33 design. The bill includes definitions for certain terms
34 relating to the scope of interior design.

35 The bill requires the interior design examining board

1 (board) to issue a registration certificate to a person who
2 submits an application fee prescribed by the board and holds
3 a license in good standing to practice architecture in this
4 state. The bill requires the board to set by rule the time
5 after which interior design registrations expire and the
6 conditions of registration renewals.

7 The bill exempts from the provisions of Code chapter
8 544C (registered interior designers) an unregistered person
9 acting under the instruction, control, or supervision of
10 a registered interior designer, or a person executing the
11 plans of a registered interior designer, provided that such
12 an unregistered person is not placed in charge of interior
13 technical submission work.

14 The bill requires each registered interior designer to have
15 a seal with which to identify all technical submissions issued
16 by the registered interior designer for use in this state.
17 The registered interior designer may use a seal to sign and
18 seal interior technical submissions, or a portion thereof, but
19 only to the extent that such submissions cover interior design
20 practice that the registered interior designer is competent to
21 perform. Such signed and sealed interior technical submissions
22 shall be accepted by state or local government entities to
23 satisfy requirements for the issuance of a permit for an
24 interior alteration or construction project. A registered
25 interior designer shall not sign and seal an interior technical
26 submission that was not prepared by or under the direct
27 supervision and responsible charge of the registered interior
28 designer. The bill requires the board to adopt rules for the
29 form and use of seals used by registered interior designers.

30 A person who intentionally affixes the signature or seal
31 of a registered interior designer to an interior technical
32 submission without the permission of the registered interior
33 designer, uses or attempts to use the interior design
34 registration or seal of another, impersonates a registered
35 interior designer, obtains or attempts to obtain a registration

1 from the board by fraud, or makes any willfully false oath or
2 affirmation to the board is guilty of a simple misdemeanor. A
3 simple misdemeanor is punishable by confinement for no more
4 than 30 days or a fine of at least \$105 but not more than \$855
5 or by both.

6 The bill requires a registered interior designer to avoid
7 conflicts of interest. When a conflict of interest cannot be
8 avoided, the bill creates a mandatory series of procedures for
9 the registered interior designer to perform.

10 The bill specifies that Code chapter 544C does not prohibit
11 a person from engaging in an activity traditionally performed
12 by an interior designer or interior decorator or restrict the
13 activities of a person acting within the scope of the person's
14 licensed profession.

15 The bill repeals a Code section relating to transition
16 provisions for the registration of certain interior designers
17 that is no longer in effect by its own terms.

18 The bill gives the board emergency rulemaking authority to
19 implement the provisions of the bill.

20 The bill takes effect upon enactment.