

House Study Bill 729 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MOHR)

A BILL FOR

1 An Act relating to registered interior design and providing
2 penalties.

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

1 Section 1. Section 544C.1, Code 2022, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 1A. "*Building equipment*" means any
4 mechanical plumbing, electrical, or structural components,
5 including a conveyance, designed for or located in a building
6 or structure.

7 NEW SUBSECTION. 2A. "*Conveyance*" means an elevator,
8 dumbwaiter, vertical reciprocating conveyor, escalator, or
9 other motorized vertical transportation system.

10 NEW SUBSECTION. 2B. "*Direct supervision and responsible*
11 *charge*" means a registered interior designer's personal
12 supervisory control of work of which the registered interior
13 designer has detailed professional knowledge. In respect
14 to preparing interior technical submissions, "*direct*
15 *supervision and responsible charge*" means that the registered
16 interior designer has the exercising, directing, guiding,
17 and restraining power over the preparation of the interior
18 technical submission, and exercises professional judgment in
19 all matters embodied in the interior technical submission.
20 "*Direct supervision and responsible charge*" does not mean
21 reviewing the interior technical submission prepared by another
22 person unless the reviewer actually exercises supervision and
23 control and is in responsible charge of the interior technical
24 submission.

25 NEW SUBSECTION. 2C. "*Interior alteration or construction*
26 *project*" means a project for an interior space or area within
27 a proposed or existing building or structure, including
28 construction, modification, renovation, rehabilitation, or
29 historic preservation, that involves changing or altering any
30 of the following:

31 a. The design function or layout of rooms.

32 b. The state of permanent fixtures or equipment.

33 NEW SUBSECTION. 3A. "*Interior nonstructural element*" means
34 an interior design element that does not require structural
35 bracing and that is not load-bearing according to adopted code.

1 NEW SUBSECTION. 3B. *“Interior technical submission”* means
2 a design, drawing, specification, study, or other technical
3 report or calculation that establishes the scope of an interior
4 alteration or construction project including a description of
5 standards.

6 Sec. 2. Section 544C.1, subsection 3, Code 2022, is amended
7 to read as follows:

8 3. a. ~~“Interior design”~~ *“Registered interior design”*
9 means the design of interior spaces as a part of an interior
10 alteration or construction project including the preparation
11 of ~~documents~~ interior technical submissions relating to
12 space planning, finish materials, furnishings, fixtures,
13 and equipment, and the preparation of documents relating to
14 interior construction that does not affect the ~~mechanical or~~
15 ~~structural~~ engineered systems of a building. ~~“Interior design”~~
16 ~~does not include services that constitute the practice of~~
17 ~~architecture or the practice of professional engineering.~~
18 “Registered interior design” includes all of the following:

19 (1) Programming, planning, pre-design analysis, and
20 conceptual design of interior nonstructural elements, including
21 but not limited to the selection of materials, furniture,
22 fixtures, and equipment, but not building equipment.

23 (2) Alteration or construction of interior nonstructural
24 elements and any interior technical submissions related to such
25 alteration or construction.

26 (3) Preparation of a physical plan of space within a
27 proposed or existing building or structure including all of the
28 following:

29 (a) Determinations of circulation systems or patterns.

30 (b) Determinations of the location of exit requirements
31 based on occupancy loads.

32 (c) Assessment and analysis of interior safety factors to
33 comply with building codes related to interior nonstructural
34 elements.

35 (4) Application of building codes, fire codes, and

1 accessibility standards, including but not limited to the
2 federal Americans with Disabilities Act of 1990, as applicable
3 to interior technical submissions for interior nonstructural
4 elements.

5 (5) Rendering of designs, plans, drawings, specifications,
6 contract documents, or other interior technical submissions and
7 administration of interior nonstructural element construction
8 and contracts relating to nonstructural elements in interior
9 alteration or construction of a proposed or existing building
10 or structure.

11 *b. "Registered interior design"* does not include any of the
12 following:

13 (1) Services that constitute the practice of professional
14 engineering or professional architecture, except as otherwise
15 provided in this chapter.

16 (2) The making of changes or additions to any of the
17 following:

18 (a) The structural system of a building, including changing
19 the building's live or dead load on the structural system.

20 (b) The building envelope, including exterior walls,
21 exterior wall coverings, exterior wall openings, exterior
22 windows and doors, architectural trim, balconies and similar
23 projections, bay and oriel windows, roof assemblies and rooftop
24 structures, and glass and glazing for exterior use in both
25 vertical and sloped applications in buildings and structures.

26 (c) The mechanical, plumbing, heating, air conditioning,
27 ventilation, electrical, vertical transportation, fire
28 sprinkler, or fire alarm systems.

29 (d) Means of egress systems, except for the exit access
30 component.

31 (e) Construction that materially affects life safety
32 systems pertaining to fire safety of structural elements or the
33 fire protection of structural elements, smoke evacuation and
34 compartmentalization systems, or fire-rated vertical shafts in
35 multi-story structures.

1 (f) Changes of building use to occupancies not already
2 allowed by the current building.

3 (g) The construction classification of the building or
4 structure according to the international building code.

5 Sec. 3. Section 544C.2, subsection 1, Code 2022, is amended
6 to read as follows:

7 1. An interior design examining board is established within
8 the bureau. The board consists of seven members: five members
9 who are interior designers who are registered under this
10 chapter and who have been in the active practice of registered
11 interior design for not less than five years, the last two of
12 which shall have been in Iowa; and two members who are not
13 registered under **this chapter** and who shall represent the
14 general public. Members shall be appointed by the governor
15 subject to confirmation by the senate.

16 Sec. 4. Section 544C.5, subsection 2, paragraphs a, b, and
17 c, Code 2022, are amended to read as follows:

18 a. Four years of interior design education plus two years of
19 full-time work experience in registered interior design.

20 b. Three years of interior design education plus three years
21 of full-time work experience in registered interior design.

22 c. Two years of interior design education plus four years of
23 full-time work experience in registered interior design.

24 Sec. 5. Section 544C.12, Code 2022, is amended by adding the
25 following new subsections:

26 NEW SUBSECTION. 4. A person engaged in an activity
27 traditionally performed by an interior designer, including
28 a professional service limited to the planning, design,
29 and implementation of kitchen and bathroom spaces or the
30 specification of products for kitchen and bathroom areas, in a
31 noncommercial setting.

32 NEW SUBSECTION. 5. A person not registered under this
33 chapter acting under the instruction, control, or supervision
34 of a registered interior designer, or a person executing
35 the plans of a registered interior designer, provided that

1 such a person shall not be in charge of interior technical
2 submissions.

3 Sec. 6. NEW SECTION. **544C.14 Registered interior designers**
4 **— stamp and seal.**

5 1. A registered interior designer shall have a seal with
6 which to identify all interior technical submissions issued by
7 the registered interior designer for use in this state. The
8 seal shall be of a design, content, and size prescribed by the
9 board. A registered interior designer shall only sign and seal
10 an interior technical submission within the scope of registered
11 interior design.

12 2. Interior technical submissions prepared by a registered
13 interior designer, or under a registered interior designer's
14 direct supervision and responsible charge, shall be stamped
15 with the impression of the registered interior designer's seal.
16 A registered interior designer shall not impress the registered
17 interior designer's seal on an interior technical submission
18 if the registered interior designer was not the author of
19 the interior technical submission or if interior technical
20 submission was not prepared under the registered interior
21 designer's direct supervision and responsible charge.

22 3. A registered interior designer may sign and seal an
23 interior technical submission covering the scope of the
24 registered interior design and shall have the authority to
25 submit such interior technical submission to a state or local
26 governmental entity for the purpose of obtaining any requisite
27 permit for an interior alteration or construction project.

28 4. The placement of the registered interior designer's
29 signature and seal shall indicate the document or part thereof
30 for which the seal applies. The seal and date may be affixed
31 electronically. The registered interior designer may provide,
32 at the sole discretion of the registered interior designer,
33 an original signature in the handwriting of the registered
34 interior designer, a scanned copy of the document bearing an
35 original signature, or a computer-generated signature.

1 5. A registered interior designer shall not affix, or permit
2 to be affixed, the registration number, seal, or signature of
3 the registered interior designer to any interior technical
4 submission that the registered interior designer is not
5 competent to perform.

6 6. A registered interior designer shall not sign and seal
7 an interior technical submission that was not prepared by the
8 registered interior designer or under the direct supervision
9 and responsible charge of the registered interior designer.

10 Sec. 7. NEW SECTION. **544C.15 Registered interior designer**
11 **stamp and seal — conflicts of interest — penalties.**

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

13 a. Affix the signature or seal of a registered interior
14 designer to any interior technical submission without the
15 permission of the registered interior designer.

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

18 c. Impersonate a registered interior designer.

19 d. Obtain or attempt to obtain registration from the board
20 by fraud.

21 e. Make any willfully false oath or affirmation to the
22 board.

23 f. As a registered interior designer, accept compensation
24 from a client in connection with a registered interior design
25 project, except as payment for the provision of registered
26 interior design services, which would reasonably appear to
27 compromise the registered interior designer's professional
28 judgment in serving the best interests of the client or public.

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

31 3. A registered interior designer shall avoid conflicts of
32 interest.

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

35 (1) Immediately inform the client or employer of all

1 circumstances that may interfere with or impair the obligation
2 of the registered interior designer to provide professional
3 services.

4 (2) Notify the client or employer and withdraw from
5 employment at any time when it is not possible to faithfully
6 discharge the responsibilities and duties owed to the client
7 or employer.

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

10 (1) Agree to perform professional registered interior
11 design services for a client or employer if the registered
12 interior designer has a significant financial or other interest
13 that would impair or interfere with the responsibility of
14 the registered interior designer to faithfully discharge
15 professional interior design services on behalf of the client
16 or employer.

17 (2) Accept payment from any party other than a client or
18 employer for a particular project and not have any direct or
19 indirect financial interest in a service or phase of a service
20 to be provided as part of a project unless the client or
21 employer approves of the conflict.

22 (3) Solicit or accept anything of value from material or
23 equipment suppliers in return for specifying or endorsing a
24 product.

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

27 (5) Perform services for a client or employer while a
28 full-time employee of another employer without notifying all
29 parties concerned.

30 4. This section shall not limit the professional
31 responsibility of a registered interior designer to an owner of
32 a project when the registered interior designer is employed by
33 a person under contract to engage in interior design practice
34 for that project.

35 Sec. 8. NEW SECTION. 544C.16 Submission of interior

1 **technical submissions.**

2 1. A registered interior designer may sign and seal an
3 interior technical submission that is required for an interior
4 alteration or construction project and that shall be kept as a
5 public record.

6 2. If a political subdivision of the state requires a
7 seal or stamp on an interior technical submission that is
8 submitted for an interior alteration or construction project,
9 the political subdivision shall accept an interior technical
10 submission impressed with the seal or stamp of a registered
11 interior designer consistent with the provisions of section
12 544C.14.

13 Sec. 9. REPEAL. Section 544C.13, Code 2022, is repealed.

14 EXPLANATION

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

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

18 The bill changes the defined term "interior design" to
19 "registered interior design" and includes specific practices
20 that do and do not constitute the practice of registered
21 interior design. The bill makes conforming Code changes.

22 The bill exempts from regulation under Code chapter
23 544C (registered interior designers) persons engaged in an
24 activity traditionally performed by an interior designer in a
25 noncommercial setting and persons acting under the instruction,
26 control, or supervision of a registered interior designer,
27 provided that person is not in charge of interior technical
28 submissions, defined in the bill.

29 The bill requires a registered interior designer to have a
30 seal with which to identify all interior technical submissions
31 issued by the registered interior designer for use in this
32 state. A registered interior designer shall only sign and
33 seal an interior technical submission within the scope of
34 registered interior design and which was prepared by the
35 registered interior designer or under the direct supervision

1 and responsible charge of the interior designer, defined
2 in the bill. The bill gives registered interior designers
3 the authority to submit interior technical submissions to
4 governmental entities for the purposes of obtaining a permit
5 for an interior alteration or construction project, defined in
6 the bill. The bill prohibits a registered interior designer
7 from signing and sealing any interior technical submission that
8 the registered interior designer is not competent to perform.

9 The bill also prohibits a person from intentionally affixing
10 the signature or seal of a registered interior designer
11 without the permission of the registered interior designer,
12 using or attempting to use the interior design registration
13 or seal of another except as otherwise allowed, impersonating
14 a registered interior designer, obtaining or attempting to
15 obtain a registration by fraud, making a willfully false oath
16 or affirmation to the interior design examining board, or, as
17 a registered interior designer, accepting compensation that
18 would reasonably appear to compromise the registered interior
19 designer's professional judgment. A person who violates this
20 provision of the bill is guilty of a simple misdemeanor. A
21 simple misdemeanor is punishable by confinement for no more
22 than 30 days and a fine of at least \$105 but not more than \$855.

23 The bill requires a registered interior designer to avoid
24 conflicts of interest. If an unavoidable conflict of interest
25 arises, the bill requires a registered interior designer to
26 immediately inform the client or employer, and to withdraw if
27 it is not possible to faithfully discharge the responsibilities
28 and duties owed to the client or employer. The bill prohibits
29 a registered interior designer from taking certain actions when
30 an unavoidable conflict of interest arises.

31 The bill allows a registered interior designer to sign and
32 seal an interior technical submission that is required for an
33 interior alteration or construction project and that shall
34 be kept as a public record. The bill requires a political
35 subdivision of the state to accept an interior technical

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1 submission impressed with the seal or stamp of a registered
2 interior designer.

3 The bill repeals transition provisions in the Code that are
4 no longer in effect.