

Amend CSSB 283 as follows:

(1) On page 2, strike lines 3 15 and substitute the following:

(3) "Interior design" means the:

(A) performance of professional services, for a fee or other compensation, directly or indirectly, to another person, or to a partnership, corporation, or other legal entity, that include:

(1) preparing and filing interior design construction documents with code enforcement officials for nonstructural or nonseismic interior construction;

(2) obtaining building permits for nonstructural or nonseismic interior construction;

(3) preparing documents to illustrate materials, finishes, space planning, reflected ceiling plans, furnishings, fixtures, and equipment;

(4) analyzing a client's needs, goals, and life safety requirements while protecting the public health, safety, and welfare;

(5) integrating findings with knowledge of interior design;

(6) formulating preliminary design concepts that are appropriate, functional, and aesthetic;

(7) developing and presenting final design recommendations through appropriate presentation media;

(8) collaborating with closely allied design professionals who are licensed practitioners offering professional services as required for regulatory approval;

(9) preparing and administering bids and contract documents as the client's agent; and

(10) reviewing and evaluating the implementation of projects while in progress and on completion as a representative of, and on behalf of, the client.

(B) The term does not include construction of certain structural and mechanical systems, including:

(1) plumbing systems;

(2) heating, air-conditioning, and ventilation

systems;

(3) electrical systems;

(4) vertical transportation systems;

(5) fire-rated vertical shafts in multistory

structures;

(6) fire-related protection of structural elements;

(7) smoke evacuation and compartmentalization;

(8) emergency sprinkler systems; and

(9) emergency alarm systems.

(2) On page 49, line 4, strike SECTION 5.01 and substitute the following:

SECTION 5.01. Section 1053.002, Occupations Code, is amended to read as follows:

Sec. 1053.002. APPLICATION. (a) This chapter does not apply to a person who:

(1) does not use the title "interior designer" and does not use the term "interior design" to describe a service the person offers or performs; or

(2) is registered to practice architecture in this state, if the architect does not use the term "Registered Interior Designer" unless also registered under this chapter.

(b) This chapter does not:

(1) prohibit an employee of a retail establishment from providing consultations regarding interior decoration or furnishings:

(A) on the premises of the retail establishment;

or

(B) in furtherance of a retail sale or prospective retail sale [~~an interior designer or architect from performing an interior design service under the control, instruction, or supervision of the interior designer or architect~~]; [~~or~~]

(2) restrict the practice or activities of or the provision of a service by a person engaged in a profession or occupation for which the person is licensed or registered in this state under any other law; or

(3) restrict the activities of a person who provides

decorative services or assistance in the selection of surface materials, window coverings, wall coverings, paint, floor coverings, surface-mounted fixtures, and loose furnishings not subject to regulation.

(3) Amend ARTICLE 5 by adding the following SECTION ___ and renumbering subsequent SECTIONS accordingly.

SECTION ____. The heading to Subchapter D, Chapter 1053, Occupations Code, is amended to read as follows:

SUBCHAPTER D. REGISTRATION [~~REQUIREMENTS~~]

(4) Amend ARTICLE 5 by adding the following SECTION ___ and renumbering subsequent SECTIONS accordingly.

SECTION ____. Section 1053.151, Occupations Code, is amended to read as follows:

Sec. 1053.151. REGISTRATION REQUIRED. A person other than an interior designer may not:

(1) engage in the practice of interior design or offer or attempt to engage in the practice of interior design unless the person is registered under this chapter; or

(2) hold the person out as engaged in the practice of interior design or, unless all interior design services provided by the person are rendered by or under the responsible supervisory control of a person registered under this chapter, represent:

(A) that the person is an "interior designer" by using that title or the term "Registered Interior Designer"; or

(B) [~~(2) represent,~~] by using the term "interior design," a service the person offers or performs.

(5) Amend ARTICLE 5 by adding the following SECTION ___ and renumbering subsequent sections accordingly.

SECTION ____. Section 1053.152(b), Occupations Code, is amended to read as follows:

(b) To be eligible for a certificate of registration, an applicant must:

(1) meet the qualifications established by the board under Subsection (a);

(2) pass the [~~registration~~] examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board; [~~and~~]

(3) pay the required fees;

(4) hold a professional degree in interior design conferred by a design program accredited by the Foundation for Interior Design Education Research or a substantially equivalent program, as determined by the board; and

(5) have two years of diversified experience as determined by the board

(6) Amend ARTICLE 5 by adding the following SECTION ___ and renumbering subsequent sections accordingly.

SECTION ___. Section 1053.154(b), Occupations Code, is amended to read as follows:

(b) The examination must cover subjects established by and must be graded according to board rules. The board by rule shall ~~may~~ adopt the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board ~~[comparable examination]~~.

(7) On page 51, line 8, add a new Subsection(e) as follows:

(e) Construction documents that bear the seal shall be accepted for filing by the appropriate jurisdiction or local building department.

(8) Amend ARTICLE 5 by adding the following SECTION ___ and renumbering subsequent SECTIONS accordingly.

SECTION ___. Section 1053.201, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a certificate of registration issued under this chapter is valid for one year from the date of issuance. ~~[The board shall provide for the annual renewal of a certificate of registration.]~~

(c) Effective September 1, 2003, to be eligible to renew a certificate of registration, an interior designer who has not passed the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board, must

(1) pass the building and barrier-free code section of the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board; or

(2) complete, in addition to the continuing education requirements required for renewal of the certificate of registration under Section 1053.205, 15 hours of board-approved continuing education classes relating to building and barrier-free codes and regulations.

(9) Amend ARTICLE 5 by adding the following SECTION ___ and renumbering subsequent SECTIONS accordingly.

SECTION ___. Section 1053.351, Occupations Code, is amended to read as follows:

Sec. 1053.351. CRIMINAL PENALTY. (a) A person commits an offense if the person knowingly violates [~~Section 1053.151 or a standard of conduct adopted under~~] this chapter or a rule adopted under this chapter.

(b) An offense under this section is a [~~Class C~~] misdemeanor punishable by a fine of not less than \$250 or more than \$5,000. Each day of violation constitutes a separate offense.

(10) Amend ARTICLE 5 by adding a new SUBCHAPTER I to read as follows:

SUBCHAPTER I. PRACTICE BY INTERIOR DESIGNER

Sec. 1053.401. SUPERVISION BY INTERIOR DESIGNER. Each interior design office must have an interior designer who is responsible for interior design work performed at that location. The interior designer shall provide responsible supervisory control over each nonregistered person working at that location in the practice of interior design. Responsible Supervisory Control is the direct responsibility for supervision by an interior designer of the work and decision-making process, including the ability to review, enforce, and control compliance with all design criteria and life safety requirements. For purposes of this subdivision, supervision is not required to be continuous and uninterrupted.

Sec. 1053.402. DUTIES TO CLIENT. Before entering into a contract with a client, an interior designer must clearly determine the scope and nature of the project and the method of compensation.

Sec. 1053.403. DISCLOSURE OF BOARD INFORMATION. An interior designer shall notify each client of the name and address of the board.

Sec. 1053.404. COMPLIANCE WITH CERTAIN REQUIREMENTS. Each interior designer shall practice in compliance with all applicable building codes, fire codes, local regulations, and other safety requirements adopted by the board or another regulatory entity implemented to prohibit practice by persons who:

(1) fail to practice within the bounds of minimum competency requirements; or

(2) otherwise present a danger to the public.

(11) On page 53, line 20, between "1053.157" and 1053.161" insert "1053.158".

(12) On page 55, line 24, insert the following and renumber subsequent sections accordingly.

SECTION ____ . The Texas Board of Architectural Examiners shall issue a certificate of registration as an interior designer to a person who applies for registration as an interior designer with the board and pays the required fees before the second anniversary of the effective date of this Act if the person presents evidence satisfactory to the board that the person has passed the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board.

SECTION ____ (a) The change in law made by this Act to

Section 1053.351, Occupations Code, applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

SECTION ____ . The Texas Board of Architectural Examiners shall adopt rules as required by Chapter 1053, Occupations Code, as amended by this Act, not later than December 1, 2003.

SECTION ____ . The change in law made by this Act to Section 1053.201, Occupations Code, takes effect September 1, 2003, and applies only to an application for an initial or renewal interior

designer certificate of registration that is filed with the Texas Board of Architectural Examiners on or after January 1, 2004. An application filed before January 1, 2004, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.