

Amend CSSB 1952 (HOUSE COMMITTEE PRINTING) by adding the following new SECTIONS _____ on page 7, line 18 and renumbering accordingly:

SECTION _____. Amend Section 1051.001, Occupations Code to read as follows:

(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 non-seismic interior construction;

(2) obtaining building permits for nonstructural or non-seismic 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 "interior design" does not include an act, service or work within the scope of the practice of

architecture as defined by Chapter 1051 of the Occupations Code or an act, service or work within the scope of the practice of engineering as defined by Chapter 1001 of the Occupations Code. The term also does not include the performance of services relating to:

(1) structural, mechanical, plumbing, heating, air conditioning, ventilation, electrical, or vertical transportation systems;

(2) construction of stairwells; and

(3) construction that affects life-safety systems including, but not limited to:

(a) performance of mechanical systems;

(b) fire safety protection;

(c) fire-rated vertical shafts and multi-story structures;

(d) smoke evacuation and compartmentalization;

(e) emergency sprinkler and alarm systems; and

(f) emergency ingress and egress systems.

SECTION _____. 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, or works under the control, instruction or supervision of a registered architect, 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.

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

SUBCHAPTER D. REGISTRATION [~~REQUIREMENTS~~]

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]~~ that the person may offer or perform an "interior design" service.

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 or architecture 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.

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]~~.

SECTION _____. Section 1053.160, Occupations Code by adding a new Subsection (e) as follows:

(e) Construction documents that bear the seal of a registered interior designer who holds a certificate from the National Council for Interior Design Qualification shall be accepted for filing by the appropriate jurisdiction or local building department.

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 December 1, 2005, 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 an examination of a similar national organization

recognized by the board, must have:

(1) passed 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~~ and

(2) completed, 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.~~ the Texas Accessibility Standards and building codes approved for adoption in Texas.

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.

SECTION _____. Chapter 1053, Occupations Code, is amended by adding 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 or architect who is responsible for interior design work performed at that location. The interior designer or architect 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 or architect 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. (a) Before entering into a contract with a client, an interior designer must clearly determine

and disclose the scope and nature of the project and the method of compensation.

(b) 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.

SECTION _____. Section 1053.158, Occupations Code, is repealed.

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.