

## **BILL ANALYSIS**

C.S.H.B. 1692

By: Driver

Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under Chapter 1053, Occupations Code, a person must register with the Texas Department of Architectural Examiners and meet eligibility requirements in order to use the title interior designer. However, state law does not prohibit a person who does not meet eligibility requirements for registration from performing interior design services.

CSHB 1692 defines the practice of interior design; requires a person to be registered as an interior designer in order to perform interior design services; sets eligibility requirements that include education, experience, and examination; provides a grandfather clause; requires the use of a seal; provides for reciprocity with other states; and provides penalties for violations of this chapter.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Architectural Examiners in SECTION 4 (Section 1053.051, Occupations Code) of this bill.

### **ANALYSIS**

Amends Chapter 1053.001, Occupations Code by amending Subdivision (3) and by adding Subdivision (4) - (6) to redefine "interior designers," and adds new definitions for "space planning," "reflected ceiling plan," and "responsible supervisory control."

Amends Subchapter A, Chapter 1053, Occupations Code by adding Sections 1053.0011 and 1053.0012 by 1053.0011(a) specifying the professional services that define "interior design," and (b) note that the term does not include certain mechanical and structural system construction listed in the substitute. 1053.0012(a) defines "nonstructural" or "nonseismic" (b) common nonstructural elements or components include ceiling and partition systems that are not part of the structural integrity of the building.

Amends Section 1053.002, Occupations Code by adding (a) that an architect in Texas should not refer to him or herself as "registered interior designer" unless registered under this chapter, or (b) does not prohibit an employee of a retail establishment from consulting on interior decoration or furnishings. Deletes language regarding an interior designer or architect performing an interior design service under control, instruction or supervision of an interior designer or architect.

(3) Does not restrict persons who provide decorative services or assistance in the selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted fixtures, and loose furnishings.

Amends Section 1053.051, Occupations Code by adding Subsections (c) and (d) which requires the board to administer and enforce provisions of this chapter and adopt regulations to carry it out.

Amends Sections 1053.151 by (a) laying out specifications of who may engage in the practice of interior design or hold themselves out to be an interior designer. Deletes current language about who may

represent him or herself as an interior designer. Requires a registered interior designer who is responsible for work performed at a location to exercise responsible supervisory control over non-registered persons who provide interior design services at the same location.

Amends Sections 1053.152(b), Occupations Code by specifying certain qualifications an interior designer must attain before being eligible for a certificate of registration. Including passing an examination of the National Council for Interior Design Qualification or a similar national organization; hold a professional degree in interior design conferred by a design program accredited by the Foundation for Interior Design Education Research; and have two years experience.

Amends Subchapter D, Chapter 1053, Occupations Code, to “grandfather” registrants who apply for registration and remit the application and fees not later than two years after a certain date. Applicant must also meet specific requirements in this section. Section expires August 31, 2005.

Amends Section 1053.160 by creating a new heading: SEAL. (a) Specifies that each registered interior designer must obtain a seal of a design established by the board. Seal must contain registrant’s name, registration number, the words “Registered Interior Designer,” the words “State of Texas,” and the date the registrant’s certification of registration expires. (b) – (d) specify how and when the seal may be used.

Amends Section 1053.161 so that the board may waive registration requirements for an out-of-state applicant if they have met more stringent requirements of another state, as determined by the board. Board may waive registration requirements for an applicant who holds a current certificate number issued by the National Council for Interior Design Qualification.

Amends Section 1053.201 by adding a new heading: RENEWAL REQUIRED. (a) A certificate of registration is valid for one year. (c) Requires a registrant who has not passed a nationally recognized organization’s exam, to (1) pass the building and barrier-free code section of a national recognized organization; or, (2) complete 15 hours of board-approved continuing education relating to building and barrier-free codes and regulations.

Amends Section 1053.351 to strengthen criminal penalties for persons holding him or herself out to be an interior designer in violation of this chapter, or rule violation. Criminal penalties would be a misdemeanor punishable by a fine of \$250 to \$5,000 each day of violation is a separate offense.

Amends Chapter 1053, Occupations Code by adding Subchapter I by naming then describing the PRACTICE BY INTERIOR DESIGNER. Section 1053.401 states that “Supervision by Interior Designer” where each interior design office must have a designer responsible for work performed at that location. And Section 1053.402 states the “duties to client,” where scope of work and method of compensation must be determined prior to entering into contract. Section 1053.403 requires interior designers to notify each client of the name and address of the board. Section 1053.404 requires interior designers to comply with all applicable building codes, fire codes, local regulations, and other safety requirements adopted by the board, or another regulatory entity that can prohibit someone from practicing for (1) failure to practice within the bounds, or (2) present a danger to the public.

Repeals Sections 1053.001(2) and 1053.158 of the Occupations Code.

Requires the board to issue a certificate of registration to a person who applies for registration as an interior designer, pays the fee before the second anniversary of the effective date if the person provides proof they have passed an examination of a nationally recognized organization.

Section 1053.351, Occupations Code applies only to the punishment for an offense committed on or after this effective date. If any part of this offense is committed before the effective date an offense is committed before the effective date and is governed by the law in effect on the date the offense was committed and the former law is continued for that purpose.

The board is required to adopt rules to administer this section not later than December 1, 2003.

## **EFFECTIVE DATE**

September 1, 2003. The Act applies only to an application for an initial or renewal interior designer certificate of registration that is filed with the board on or after January 1, 2004. An application filed before January 1, 2004, is governed by law in effect immediately before the date of this Act, and the former is continued for that purpose.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

Substitute deletes the short title from Section 1 of the original. In Section 1, the substitute adds a new provision that supervisory control does not mean continuous and uninterrupted supervision. In Sections 1, 2, 3, 4, 5, 6, 9, 10, and 12 changes are made to clarify the original intent and for drafting style. Provisions are moved from sections of the original to sections of the substitute as follows: from Section 2 to Section 1; from Section 5 to Section 7; from section 6 to section 14; from Section 8 to Section 6; from Section 7 to Section 6; from Section 8 to Sections 6 and 7; from Section 9 to Section 15; from Section 10 to Section 9; from Section 6 to Section 14; from Section 16 to Section 18; from Section 9 to Section 16; from Section 16 to Section 18. Section 4 of the substitute deletes the requirement in Section 4 of the original that one member of the board be an interior designer. In Section 8, adds “or a similar national organization by the board.” Original requires biannual renewal; substitute changes to annual renewal. Original requires 16 hours of continuing education for each biannual registration period; substitute leaves all decisions regarding continuing education up to the board. Original provides for \$1,000/day maximum fine in Section 14; substitute changes to \$5,000/day maximum fine in Section 13. Section 16 of the original provided for immediate effect; Section 19 of the substitute makes the effective date September 1, 2003. Substitute adds new Section 17 which applies to punishment for offense committed on or after the effective date. Provision from Section 16 providing date by which board must adopt rules is moved to new Section 18 of the substitute.