

By: Driver, et al.

H.B. No. 1692

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of interior designers; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1053.001, Occupations Code, is amended by amending Subdivision (3) and by adding Subdivisions (4)-(6) to read as follows:

(3) "Interior designer" means a person who is registered under this chapter to engage in the practice of interior design. The term includes a "Registered Interior Designer."

(4) "Space planning" means the analysis and design of spatial and occupancy requirements, including space layouts and final planning.

(5) "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if it were projected downward, and may include lighting and other elements.

(6) "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.

SECTION 2. Subchapter A, Chapter 1053, Occupations Code, is amended by adding Sections 1053.0011 and 1053.0012 to read as

1 follows:

2 Sec. 1053.0011. DEFINITION OF "INTERIOR DESIGN." (a) In
3 this chapter, "interior design" means the performance of
4 professional services for a fee or other compensation, directly or
5 indirectly, to another person, or to a partnership, corporation, or
6 other legal entity, that include:

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

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

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

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

18 (5) integrating findings with knowledge of interior
19 design;

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

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

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

27 (9) preparing and administering bids and contract

1 documents as the client's agent; and

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

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

7 (1) plumbing systems;
8 (2) heating, air-conditioning, and ventilation
9 systems;

10 (3) electrical systems;
11 (4) vertical transportation systems;
12 (5) fire-rated vertical shafts in multistory
13 structures;

14 (6) fire-related protection of structural elements;
15 (7) smoke evacuation and compartmentalization;
16 (8) emergency sprinkler systems; and
17 (9) emergency alarm systems.

18 Sec. 1053.0012. DEFINITION OF "NONSTRUCTURAL" OR
19 "NONSEISMIC"; DESCRIPTION. (a) In this chapter, "nonstructural"
20 or "nonseismic" means an interior element or component that is not
21 load-bearing or does not assist in the seismic design of a structure
22 and does not require computations for a building's structure. The
23 term does not include the structural frame system supporting a
24 building.

25 (b) Common nonstructural elements or components include
26 ceiling and partition systems that employ normal and typical
27 bracing conventions and are not part of the structural integrity of

1 the building.

2 SECTION 3. Section 1053.002, Occupations Code, is amended
3 to read as follows:

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

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

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

12 (b) This chapter does not:

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

16 (A) on the premises of the retail establishment;
17 or

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

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

27 (3) restrict the activities of a person who provides

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

5 SECTION 4. Section 1053.051, Occupations Code, is amended
6 by adding Subsections (c) and (d) to read as follows:

7 (c) The board by rule shall establish:

8 (1) the qualifications for initial and renewal
9 certificates of registration under this chapter; and

10 (2) standards of conduct for interior designers.

11 (d) The board shall administer and enforce this chapter.

12 SECTION 5. The heading to Subchapter D, Chapter 1053,
13 Occupations Code, is amended to read as follows:

14 SUBCHAPTER D. REGISTRATION [~~REQUIREMENTS~~]

15 SECTION 6. Section 1053.151, Occupations Code, is amended
16 to read as follows:

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

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

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

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

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

3 SECTION 7. Section 1053.152(b), Occupations Code, is
4 amended to read as follows:

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

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

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

12 (3) pay the required fees;

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

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

19 SECTION 8. Section 1053.154(b), Occupations Code, is
20 amended to read as follows:

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

26 SECTION 9. Section 1053.160, Occupations Code, is amended
27 to read as follows:

1 Sec. 1053.160. ~~[USE OF INTERIOR DESIGNER'S]~~ SEAL. (a) On
2 registration, each ~~[An]~~ interior designer shall obtain a ~~[is~~
3 ~~entitled to use any]~~ seal, of a design adopted by the board, that
4 bears:

5 (1) the interior designer's name and registration
6 number;

7 (2) the words "Registered Interior Designer";

8 (3) the words "State of Texas"; and

9 (4) the expiration date of the certificate of
10 registration.

11 (b) The interior designer shall stamp or impress the seal on
12 each drawing or specification issued by the interior designer for
13 use in this state. Construction documents that bear the seal shall
14 be accepted for filing by the appropriate jurisdiction or local
15 building department.

16 (c) A person may not use or attempt to use the seal of an
17 interior designer, a similar seal, or a replica of the seal unless
18 the use is by or through an interior designer.

19 (d) An interior designer may not permit a person who is not
20 registered under this chapter to use the interior designer's seal
21 without the interior designer's personal supervision.

22 SECTION 10. Section 1053.161, Occupations Code, is amended
23 to read as follows:

24 Sec. 1053.161. RECIPROCITY. The board may waive any
25 registration requirement for an applicant who:

26 (1) is licensed or registered to practice interior
27 design by another state that has licensing or registration

1 requirements at least as stringent as ~~[substantially equivalent to]~~
2 the requirements of this state;

3 (2) is in good standing with the state that issued the
4 license or registration; ~~[and]~~

5 (3) submits an application and pays an administrative
6 fee to the board; and

7 (4) holds a current certificate issued by the National
8 Council for Interior Design Qualification or a similar credential
9 recognized by the board.

10 SECTION 11. The heading to Section 1053.201, Occupations
11 Code, is amended to read as follows:

12 Sec. 1053.201. ~~[ANNUAL]~~ RENEWAL REQUIRED.

13 SECTION 12. Section 1053.201, Occupations Code, is amended
14 by amending Subsection (a) and by adding Subsection (c) to read as
15 follows:

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

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

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

1 board; or

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

7 SECTION 13. Section 1053.351, Occupations Code, is amended
8 to read as follows:

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

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

16 SECTION 14. Chapter 1053, Occupations Code, is amended by
17 adding Subchapter I to read as follows:

18 SUBCHAPTER I. PRACTICE BY INTERIOR DESIGNER

19 Sec. 1053.401. SUPERVISION BY INTERIOR DESIGNER. Each
20 interior design office must have an interior designer who is
21 responsible for interior design work performed at that location.
22 The interior designer shall provide responsible supervisory
23 control over each nonregistered person working at that location in
24 the practice of interior design.

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

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

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

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

11 (2) otherwise present a danger to the public.

12 SECTION 15. Sections 1053.001(2) and 1053.158, Occupations
13 Code, are repealed.

14 SECTION 16. The Texas Board of Architectural Examiners
15 shall issue a certificate of registration as an interior designer
16 to a person who applies for registration as an interior designer
17 with the board and pays the required fees before the second
18 anniversary of the effective date of this Act if the person presents
19 evidence satisfactory to the board that the person has passed the
20 examination of the National Council for Interior Design
21 Qualification or a similar national organization recognized by the
22 board.

23 SECTION 17. (a) The change in law made by this Act to
24 Section 1053.351, Occupations Code, applies only to the punishment
25 for an offense committed on or after the effective date of this Act.
26 For purposes of this section, an offense is committed before the
27 effective date of this Act if any element of the offense occurs

1 before the effective date.

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

6 SECTION 18. The Texas Board of Architectural Examiners
7 shall adopt rules as required by Chapter 1053, Occupations Code, as
8 amended by this Act, not later than December 1, 2003.

9 SECTION 19. This Act takes effect September 1, 2003, and
10 applies only to an application for an initial or renewal interior
11 designer certificate of registration that is filed with the Texas
12 Board of Architectural Examiners on or after January 1, 2004. An
13 application filed before January 1, 2004, is governed by the law in
14 effect immediately before the effective date of this Act, and the
15 former law is continued in effect for that purpose.