

BILL ANALYSIS

C.S.H.B. 1649
By: Luna
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current statute, a person must register with the Texas Board of Architectural Examiners and meet eligibility requirements in order to use the title “interior designer”. Current law does not prohibit a person who does not meet the eligibility requirements from performing such services. All occupations under the direction of the Board of Architectural Examiners, except interior designers, are currently under a practice act.

C.S.H.B. 1649 aims to legally define the scope of practice to ensure that consumers will be able to differentiate the responsibilities and services of each of the design professionals and informed consumers can choose the appropriate design professional to meet their needs.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Architectural Examiners in SECTION 12 (Chapter 1053, Occupations Code) of this bill.

ANALYSIS

C.S.H.B. 1649 requires an interior designer, to be eligible to renew a certificate of registration, to have passed the examination of the National Council for Interior Design Qualification (NCIDQ) or a similar national organization recognized by the board, except as provided by Subsection (b).

C.S.H.B. 1649 provides that this section does not apply to interior designers who have practiced for at least 20 years before September 1, 1991; or three years under the supervision of an architect or interior designer and passed the examination required for registration as an architect.

C.S.H.B. 1649 provides exceptions for interior designers licensed in another state or country. Architects are exempted from this act unless they choose to use the term “registered interior designer”. Provides that this chapter does not prohibit a retail establishment from providing consultations on interior decoration in a retail or prospective sale or restrict activities of a person providing decoration services on materials not subject to regulation. Also states that this chapter does not prevent or restrict a person registered or licensed in Texas from engaging in the practice or occupation for which they are registered or licensed.

C.S.H.B. 1649 prohibits a person, other than a registered interior designer, to engage, offer, or attempt to engage in the practice of interior design for direct or indirect compensation or use the title or term “Registered Interior Designer” unless all interior design services are provided by the person are rendered or supervised by a person registered under this chapter.

C.S.H.B. 1649 requires an applicant for a certificate of registration to pass the NCIDQ or a similar national organization recognized by the board, hold a degree in interior design, and complete the Interior Design Experience Program or have two years of experience as determined by the board.

C.S.H.B. 1649 requires, rather than authorizes, the board to adopt the exam of NCIDQ or of a similar national organization recognized by the board.

C.S.H.B. 1649 authorizes the board to waive registration requirements to certain out-of-state applicants.

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C.S.H.B. 1649 requires each interior design office to have an interior designer who is responsible for design work performed at that location and defines the responsibilities of an interior designer who supervises a nonregistered person. Requires an interior designer to define the scope, nature and method of compensation to a client. Requires an interior designer to practice in compliance with all building codes, fire codes, and local regulations, as well as other safety requirements adopted by the board or another regulatory entity implemented to prohibit practice by persons who fail to practice within the bounds of minimum competency requirements; or otherwise present a danger to the public.

C.S.H.B. 1649 provides that a person who knowingly violates this section or a rule adopted under this chapter, rather than Section 1053.151 or a standard of conduct adopted, commits an offense punishable by a fine of not less than \$250 or more than \$5,000.

C.S.H.B. 1649 repeals Section 1053.158, Occupations Code.

C.S.H.B. 1649 requires the Texas Board of Architectural Examiners to issue a certificate of registration for an interior designer applicants who has passed all necessary requirements.

C.S.H.B. 1649 requires the Texas Board of Architectural Examiners to adopt rules as amended by the Act, no later than February 1, 2006.

EFFECTIVE DATE

September 1, 2005, except Section 1051.3515, Occupations Code, takes effect September 1, 2011.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1649 removes the language in the original that would have changed the composition of the Texas Board of Architectural Examiners. Makes conforming changes.

C.S.H.B. 1649 modifies the original by requiring passage of the NCIDQ (or similar) exam to renew a interior designer certificate of registration and “grandfathering” in registrants who have engaged in the practice of interior design for at least 20 years before September 1, 1991.

C.S.H.B. 1649 removes the option of taking 15 hours of continuing education classes in lieu of the exam or passing one section of the NCIDQ or a comparable section of a similar board recognized exam.

C.S.H.B. 1649 adds language providing that this chapter does not prevent or restrict a person registered or licensed in Texas to engage in a practice or occupation from engaging in that practice or occupation.

C.S.H.B. 1649 adds language to clarify that the act only applies to persons engaging in interior design for direct or indirect compensation.

C.S.H.B. 1649 adds that the effective date for Section 1051.3515 (b), Occupations Code, is September 1, 2011.

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