

By: Luna, Woolley

H.B. No. 1649

Substitute the following for H.B. No. 1649:

By: Chisum

C.S.H.B. No. 1649

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of interior designers; providing
3 penalties.

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

5 SECTION 1. Subchapter G, Chapter 1051, Occupations Code, is
6 amended by adding Section 1051.3515 to read as follows:

7 Sec. 1051.3515. RENEWAL OF INTERIOR DESIGNER CERTIFICATE OF
8 REGISTRATION. (a) Except as provided by Subsection (b), to be
9 eligible to renew a certificate of registration, an interior
10 designer must have passed the examination of the National Council
11 for Interior Design Qualification or a similar national
12 organization recognized by the board.

13 (b) This section does not apply to an interior designer who
14 has engaged in the practice of interior design for at least:

15 (1) 20 years before September 1, 1991; or

16 (2) three years under the supervision of an architect
17 or interior designer and has passed the examination required for
18 registration as an architect.

19 SECTION 2. Section 1053.002, Occupations Code, is amended
20 by amending Subsection (a) and adding Subsection (c) to read as
21 follows:

22 (a) This chapter does not apply to:

23 (1) a person who [+

24 [~~(A) does not use the title "interior designer"~~

1 ~~and does not use the term "interior design" to describe a service~~
2 ~~the person offers or performs; and~~

3 ~~[(B)]~~ is an interior designer licensed or
4 registered in another state or country who:

5 (A) [(i)] does not open or maintain a business in
6 this state; and

7 (B) [(ii)] complies with the requirements of
8 Subsection (b); or

9 (2) an architect, if the architect does not use the
10 term "Registered Interior Designer" unless also registered under
11 this chapter [~~a person who is registered to practice architecture~~
12 ~~in this state~~].

13 (c) This chapter does not:

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

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

19 (B) in furtherance of a retail sale or
20 prospective retail sale;

21 (2) restrict the activities of a person who provides
22 decorative services or assistance in the selection of surface
23 materials, window coverings, wall coverings, paint, floor
24 coverings, surface-mounted fixtures, or loose furnishings not
25 subject to regulation; or

26 (3) prevent or restrict a person licensed or
27 registered in this state to engage in a practice or occupation from

1 engaging in that practice or occupation.

2 SECTION 3. Section 1053.151, Occupations Code, is amended
3 to read as follows:

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

6 (1) engage in the practice of interior design for
7 direct or indirect compensation, or offer or attempt to engage in
8 the practice of interior design for direct or indirect
9 compensation; or

10 (2) represent that the person is engaged in the
11 practice of interior design or, unless all interior design services
12 provided by the person are rendered or supervised by a person
13 registered under this chapter, represent:

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

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

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

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

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

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

27 (3) pay the required fees;

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

5 (5) have completed the Interior Design Experience
6 Program administered by the National Council for Interior Design
7 Qualification or have two years of diversified experience as
8 determined by the board.

9 SECTION 5. Section 1053.154(b), Occupations Code, is
10 amended to read as follows:

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

16 SECTION 6. Subchapter D, Chapter 1053, Occupations Code, is
17 amended by adding Section 1053.161 to read as follows:

18 Sec. 1053.161. WAIVER OF REGISTRATION REQUIREMENTS FOR
19 CERTAIN OUT-OF-STATE APPLICANTS. The board may waive any
20 registration requirement for an applicant who:

21 (1) is licensed or registered to practice interior
22 design by another state that has licensing or registration
23 requirements at least as stringent as the requirements of this
24 state;

25 (2) is in good standing with the state that issued the
26 license or registration;

27 (3) submits an application and pays an administrative

1 fee to the board; and

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

5 SECTION 7. Chapter 1053, Occupations Code, is amended by
6 adding Subchapter E to read as follows:

7 SUBCHAPTER E. PRACTICE BY INTERIOR DESIGNER

8 Sec. 1053.201. RESPONSIBILITY AND SUPERVISION BY INTERIOR
9 DESIGNER. (a) Each interior design office must have an interior
10 designer who is responsible for interior design work performed at
11 that location.

12 (b) The responsible interior designer under Subsection (a)
13 shall supervise each nonregistered person working in the interior
14 design office in the practice of interior design. The interior
15 designer is responsible for supervising the work and
16 decision-making process in the office, including review and
17 enforcement of, and ensuring compliance with, all design criteria
18 and life safety requirements. The supervision is not required to be
19 continuous and uninterrupted.

20 Sec. 1053.202. DUTIES TO CLIENT. Before entering into a
21 contract with a client, an interior designer must clearly determine
22 the scope and nature of the project and the method of compensation.

23 Sec. 1053.203. COMPLIANCE WITH CERTAIN REQUIREMENTS. Each
24 interior designer shall practice in compliance with all applicable
25 building codes, fire codes, local regulations, and other safety
26 requirements adopted by the board or another regulatory entity
27 implemented to prohibit practice by persons who:

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

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

4 SECTION 8. Section 1053.351, Occupations Code, is amended
5 to read as follows:

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

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

13 SECTION 9. Section 1053.158, Occupations Code, is repealed.

14 SECTION 10. 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 11. (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 12. 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 February 1, 2006.

9 SECTION 13. This Act, except for Section 1 of this Act,
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 March 1, 2006. An
13 application filed before March 1, 2006, 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.

16 SECTION 14. (a) Except as provided by Subsection (b) of
17 this section, this Act takes effect September 1, 2005.

18 (b) Section 1051.3515, Occupations Code, as added by this
19 Act, takes effect September 1, 2011.