

By: Carona

S.B. No. 339

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 1051.101(a), Occupations Code, is amended to read as follows:

(a) The Texas Board of Architectural Examiners consists of nine members appointed by the governor with the advice and consent of the senate as follows:

(1) three [~~four~~] architect members registered under this chapter;

(2) two [~~one~~] interior designer members [~~member~~] registered under Chapter 1053;

(3) one landscape architect member registered under Chapter 1052; and

(4) three members who represent the public, at least one of whom is a person with a physical disability.

SECTION 2. Subchapter G, Chapter 1051, Occupations Code, is amended by adding Section 1051.3515 to read as follows:

Sec. 1051.3515. RENEWAL OF INTERIOR DESIGNER CERTIFICATE OF REGISTRATION. 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 a similar national organization recognized by the

1 board must:

2 (1) pass section one of that examination or pass a  
3 comparable section of an examination of a similar national  
4 organization recognized by the board;

5 (2) complete, in addition to the continuing education  
6 requirements required for renewal of the certificate of  
7 registration under Section 1051.356, 15 hours of board-approved  
8 continuing education classes relating to building and barrier-free  
9 codes and regulations; or

10 (3) have engaged in the practice of interior design  
11 for at least three years under the supervision of an architect or  
12 interior designer and passed the examination required for  
13 registration as an architect.

14 SECTION 3. Section 1053.002, Occupations Code, is amended  
15 by amending Subsection (a) and adding Subsection (c) to read as  
16 follows:

17 (a) This chapter does not apply to:

18 (1) a person who~~+~~

19 [~~(A)~~ ~~does not use the title "interior designer"~~  
20 ~~and does not use the term "interior design" to describe a service~~  
21 ~~the person offers or performs; and~~

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

24 (A) [~~(i)~~] does not open or maintain a business in  
25 this state; and

26 (B) [~~(ii)~~] complies with the requirements of  
27 Subsection (b); or

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

5           (c) This chapter does not:

6           (1) prohibit an employee of a retail establishment  
7 from providing consultations regarding interior decoration or  
8 furnishings:

9                   (A) on the premises of the retail establishment;  
10 or

11                   (B) in furtherance of a retail sale or  
12 prospective retail sale; or

13           (2) restrict the activities of a person who provides  
14 decorative services or assistance in the selection of surface  
15 materials, window coverings, wall coverings, paint, floor  
16 coverings, surface-mounted fixtures, or loose furnishings not  
17 subject to regulation.

18           SECTION 4. Section 1053.151, Occupations Code, is amended  
19 to read as follows:

20           Sec. 1053.151. REGISTRATION REQUIRED. A person other than  
21 an interior designer may not:

22           (1) engage in the practice of interior design or offer  
23 or attempt to engage in the practice of interior design; or

24           (2) represent that the person is engaged in the  
25 practice of interior design or, unless all interior design  
26 services provided by the person are rendered or supervised by a  
27 person registered under this chapter, represent:

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

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

5           SECTION 5. Section 1053.152(b), Occupations Code, is  
6 amended to read as follows:

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

9           (1) meet the qualifications established by the board  
10 under Subsection (a);

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

14           (3) pay the required fees;

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

19           (5) have completed the Interior Design Experience  
20 Program administered by the National Council for Interior Design  
21 Qualification or have two years of diversified experience as  
22 determined by the board.

23           SECTION 6. Section 1053.154(b), Occupations Code, is  
24 amended to read as follows:

25           (b) The examination must cover subjects established by and  
26 must be graded according to board rules. The board by rule shall  
27 [~~may~~] adopt the examination of the National Council for Interior

1 Design Qualification or of a similar national organization  
2 recognized by the board [~~comparable examination~~].

3 SECTION 7. Subchapter D, Chapter 1053, Occupations Code, is  
4 amended by adding Section 1053.161 to read as follows:

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

8 (1) is licensed or registered to practice interior  
9 design by another state that has licensing or registration  
10 requirements at least as stringent as the requirements of this  
11 state;

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

14 (3) submits an application and pays an administrative  
15 fee to the board; and

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

19 SECTION 8. Chapter 1053, Occupations Code, is amended by  
20 adding Subchapter E to read as follows:

21 SUBCHAPTER E. PRACTICE BY INTERIOR DESIGNER

22 Sec. 1053.201. RESPONSIBILITY AND SUPERVISION BY INTERIOR  
23 DESIGNER. (a) Each interior design office must have an interior  
24 designer who is responsible for interior design work performed at  
25 that location.

26 (b) The responsible interior designer under Subsection (a)  
27 shall supervise each nonregistered person working in the interior

1 design office in the practice of interior design. The interior  
2 designer is responsible for supervising the work and  
3 decision-making process in the office, including review and  
4 enforcement of, and ensuring compliance with, all design criteria  
5 and life safety requirements. The supervision is not required to be  
6 continuous and uninterrupted.

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

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

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

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

18 SECTION 9. Section 1053.351, Occupations Code, is amended  
19 to read as follows:

20 Sec. 1053.351. CRIMINAL PENALTY. (a) A person commits an  
21 offense if the person knowingly violates [~~Section 1053.151 or a~~  
22 ~~standard of conduct adopted under~~] this chapter or a rule adopted  
23 under this chapter.

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

27 SECTION 10. Section 1053.158, Occupations Code, is

1 repealed.

2 SECTION 11. The Texas Board of Architectural Examiners  
3 shall issue a certificate of registration as an interior designer  
4 to a person who applies for registration as an interior designer  
5 with the board and pays the required fees before the second  
6 anniversary of the effective date of this Act if the person presents  
7 evidence satisfactory to the board that the person has passed the  
8 examination of the National Council for Interior Design  
9 Qualification or a similar national organization recognized by the  
10 board.

11 SECTION 12. (a) The changes in law made by this Act to  
12 Section 1051.101(a), Occupations Code, regarding the composition  
13 of the Texas Board of Architectural Examiners do not affect the  
14 entitlement of a member serving on the board immediately before the  
15 effective date of this Act to continue to function and serve as a  
16 member of the board for the remainder of the member's term.

17 (b) To comply with Section 1051.101(a), Occupations Code,  
18 as amended by this Act, the governor shall appoint one interior  
19 design member registered under Chapter 1053, Occupations Code, to  
20 fill one of the two architect members' terms that expires January  
21 31, 2009. If a vacancy in one of those members' terms occurs before  
22 that date, the governor shall appoint an interior design member  
23 registered under Chapter 1053, Occupations Code, to fill the  
24 unexpired term.

25 SECTION 13. (a) The change in law made by this Act to  
26 Section 1053.351, Occupations Code, applies only to the punishment  
27 for an offense committed on or after the effective date of this Act.

1 For purposes of this section, an offense is committed before the  
2 effective date of this Act if any element of the offense occurs  
3 before the effective date.

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

8 SECTION 14. The Texas Board of Architectural Examiners  
9 shall adopt rules as required by Chapter 1053, Occupations Code, as  
10 amended by this Act, not later than February 1, 2006.

11 SECTION 15. This Act applies only to an application for an  
12 initial or renewal interior designer certificate of registration  
13 that is filed with the Texas Board of Architectural Examiners on or  
14 after March 1, 2006. An application filed before March 1, 2006, is  
15 governed by the law in effect immediately before the effective date  
16 of this Act, and the former law is continued in effect for that  
17 purpose.

18 SECTION 16. This Act takes effect September 1, 2005.