

Amend CSSB 924 by adding the appropriately numbered sections to read as follows and renumber the subsequent sections appropriately:

SECTION _____. Section 1051.001, Occupations Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Architectural interior construction" means a building project that involves only the inside elements of a building and that requires the practice of architecture in order to be completed.

SECTION _____. Subchapter G, Chapter 1051, Occupations Code, is amended by adding Section 1051.315 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 board must:

(1) complete, in addition to the continuing education requirements required for renewal of the certificate of registration under Section 1051.356, 15 hours of board-approved continuing education classes relating to building and barrier-free codes and regulations and:

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

(B) demonstrate 20 years of board-approved interior design experience; or

(2) have passed the examination required for registration as an architect.

SECTION _____. Section 1053.002, Occupations Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) Except as provided by Subsection (d), this ~~[This]~~ chapter does not apply to:

(1) a person who [+

~~[(A) does not use the title "interior designer" and does not use the term "interior design" to describe a service~~

~~the person offers or performs, and~~

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

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

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

(2) a person who is registered to practice architecture in this state, or

(3) an individual who is a member of a state or national organization whose members are building designers and that requires its members to complete at least eight hours of continuing education each year on topics relating to building design, code compliance, and building materials in order to maintain certification as a professional building designer.

(c) Except as provided by Subsection (d), this chapter does not:

(1) prohibit an employee of a retail establishment from providing consultations regarding interior decoration or furnishings for a single-family or dual-family dwelling:

(A) on the premises of the retail establishment;

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

(2) restrict the activities of a person who provides decorative services or assistance in the selection of surface materials, window coverings, wall covering, paint, floor coverings, surface-mounted fixtures, or loose furnishings not subject to regulation under the fire code governing the location where the items will be used, provided that the person does not represent that the person is an interior designer; or

(3) prevent or restrict a person from engaging in a practice or occupation for which the person is licensed or registered in this state to engage by:

(A) the Texas Board of Architectural Examiners;

(B) the Texas Department of Licensing and Regulation;

(C) the Texas Board of Professional Engineers;

(D) the Texas State Board of Plumbing Examiners;
or

(E) the Texas Residential Construction Commission.

(d) A person may not represent that the person is an interior designer by using any form of the title "interior designer" unless the person is registered under this chapter or Chapter 1051.

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

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

(1) engage in the practice of interior design for direct or indirect compensation or offer or attempt to engage in the practice of interior design for direct or indirect compensation [~~represent that the person is an "interior designer" by using that title~~]; or

(2) represent that the person is engaged in the practice of interior design, unless all interior design services provided by the person are rendered or supervised by a person registered under this chapter or Chapter 1051 [~~, by using the term "interior design," a service the person offers or performs~~].

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

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

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

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

(3) pay the required fees;

(4) hold a professional degree in interior design conferred by a design program accredited by the Council for Interior Design Accreditation or by a substantially equivalent accreditation program, as determined by the board; and

(5) have completed the Interior Design Experience Program administered by the National Council for Interior Design

Qualification or a substantially equivalent program as determined by the board.

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

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

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

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

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

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

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

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

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

SUBCHAPTER E. PRACTICE BY INTERIOR DESIGNER

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

(b) The responsible interior designer under Subsection (a) shall supervise each nonregistered person working in the interior design office in the practice of interior design. The supervision is not required to be continuous and uninterrupted.

Sec. 1053.202. DUTIES TO CLIENT. Before entering into a

contract with a client, an interior designer must clearly determine the scope and nature of the project and the method of compensation.

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

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

(2) otherwise present a danger to the public.

SECTION _____. Section 1053.351, Occupations Code, is amended to read as follows:

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

(b) An offense under this section is a Class C misdemeanor.

SECTION _____. Section 1053.158, Occupations Code, is repealed.

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

SECTION 12. (a) The change in law made by this Act to Section 1053.351, Occupations Code, applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

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

purpose.

SECTION 13. The Texas Board of Architectural Examiners shall adopt rules as required by Chapter 1053, Occupations Code, as amended by this Act, not later than February 1, 2008.

SECTION 14. This Act, except for Section 1051.3515, Occupations Code, as added by this Act, applies only to an application for an initial or renewal interior designer certificate of registration that is filed with the Texas Board of Architectural Examiners on or after March 1, 2008. An application filed before March 1, 2008, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.