

By: Thompson, Goolsby

H.B. No. 1985

Substitute the following for H.B. No. 1985:

By: Isett

C.S.H.B. No. 1985

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

7 (1-a) "Architectural interior construction" means a  
8 building project that involves only the inside elements of a  
9 building and that requires the practice of architecture in order to  
10 be completed.

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

13 Sec. 1051.3515. RENEWAL OF INTERIOR DESIGNER CERTIFICATE OF  
14 REGISTRATION. To be eligible to renew a certificate of  
15 registration, an interior designer who has not passed the  
16 examination of the National Council for Interior Design  
17 Qualification or a similar national organization recognized by the  
18 board must:

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

24 (A) pass section one of that examination or pass

1 a comparable section of an examination of a similar national  
2 organization recognized by the board; or

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

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

7 SECTION 3. Section 1053.002, Occupations Code, is amended  
8 by amending Subsection (a) and adding Subsections (c) and (d) to  
9 read as follows:

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

12 (1) a person who ~~[+~~  
13 ~~[(A) does not use the title "interior designer"~~  
14 ~~and does not use the term "interior design" to describe a service~~  
15 ~~the person offers or performs; and~~

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

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

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

22 (2) a person who is registered to practice  
23 architecture in this state; or

24 (3) an individual who is a member of a state or  
25 national organization whose members are building designers and that  
26 requires its members to complete at least eight hours of continuing  
27 education each year on topics relating to building design, code

1 compliance, and building materials in order to maintain  
2 certification as a professional building designer.

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

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

8 (A) on the premises of the retail establishment;

9 or

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

12 (2) restrict the activities of a person who does not  
13 represent that the person is an interior designer and 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 if the  
17 selected items:

18 (A) are for a building that is not intended for  
19 public accommodation, as defined by 42 U.S.C. Section 12181; and

20 (B) are not subject to regulation under the fire  
21 code governing the location where the items will be used; or

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

25 (A) the Texas Board of Architectural Examiners;

26 (B) the Texas Department of Licensing and  
27 Regulation;

1                   (C) the Texas Board of Professional Engineers;

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

3                   or

4                   (E) the Texas Residential Construction  
5                   Commission.

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

10                  SECTION 4. Section 1053.151, Occupations Code, is amended  
11                  to read as follows:

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

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

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

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

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

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

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

6 (3) pay the required fees;

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

11 (5) have completed the Interior Design Experience  
12 Program administered by the National Council for Interior Design  
13 Qualification or a substantially equivalent program as determined  
14 by the board.

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

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

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

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

27 (1) is licensed or registered to practice interior

1 design by another state that has licensing or registration  
2 requirements at least as stringent as the requirements of this  
3 state;

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

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

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

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

13 SUBCHAPTER E. PRACTICE BY INTERIOR DESIGNER

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

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

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

25 Sec. 1053.203. COMPLIANCE WITH CERTAIN REQUIREMENTS. Each  
26 interior designer shall practice in compliance with all applicable  
27 building codes, fire codes, local regulations, and other safety

1 requirements adopted by the board or another regulatory entity  
2 implemented to prohibit practice by persons who:

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

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

6 SECTION 9. Section 1053.351, Occupations Code, is amended  
7 to read as follows:

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

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

15 SECTION 10. Section 1053.158, Occupations Code, is  
16 repealed.

17 SECTION 11. The Texas Board of Architectural Examiners  
18 shall issue a certificate of registration as an interior designer  
19 to a person who applies for registration as an interior designer  
20 with the board and pays the required fees before the second  
21 anniversary of the effective date of this Act if the person presents  
22 evidence satisfactory to the board that the person has passed the  
23 examination of the National Council for Interior Design  
24 Qualification or a similar national organization recognized by the  
25 board.

26 SECTION 12. (a) The change in law made by this Act to  
27 Section 1053.351, Occupations Code, applies only to the punishment

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

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

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

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

20 SECTION 15. (a) Except as provided by Subsection (b) of  
21 this section, this Act takes effect September 1, 2007.

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