

By: Thompson

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. 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. To be eligible to renew a certificate of  
9 registration, an interior designer who has not passed the  
10 examination of the National Council for Interior Design  
11 Qualification or a similar national organization recognized by the  
12 board must:

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

16 (2) complete, in addition to the continuing education  
17 requirements required for renewal of the certificate of  
18 registration under Section 1051.356, 15 hours of board-approved  
19 continuing education classes relating to building and barrier-free  
20 codes and regulations; or

21 (3) have engaged in the practice of interior design  
22 for at least three years under the supervision of an architect or  
23 interior designer and passed the examination required for  
24 registration as an architect.

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

4 (a) This chapter does not apply to:

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

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

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

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

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

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

19 (c) This chapter does not:

20 (1) prohibit an employee of a retail establishment  
21 from providing consultations regarding interior decoration or  
22 furnishings:

23 (A) on the premises of the retail establishment;  
24 or

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

27 (2) restrict the activities of a person who provides

1 decorative services or assistance in the selection of surface  
2 materials, window coverings, wall coverings, paint, floor  
3 coverings, surface-mounted fixtures, or loose furnishings not  
4 subject to regulation under the fire code governing the location  
5 where the items will be used, provided that the person does not  
6 represent that the person is an interior designer; or

7 (3) prevent or restrict a person licensed or  
8 registered in this state to engage in a practice or occupation from  
9 engaging in that practice or occupation.

10 SECTION 3. 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; or

17 (2) represent that the person is engaged in the  
18 practice of interior design or, unless all interior design services  
19 provided by the person are rendered or supervised by a person  
20 registered under this chapter, represent:

21 (A) that the person is an "interior designer" by  
22 using any form of that title or of the term "Registered Interior  
23 Designer"; or

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

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

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

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

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

8 (3) pay the required fees;

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

13 (5) have completed the Interior Design Experience  
14 Program administered by the National Council for Interior Design  
15 Qualification or have two years of diversified experience as  
16 determined by the board.

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

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

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

26 Sec. 1053.161. WAIVER OF REGISTRATION REQUIREMENTS FOR  
27 CERTAIN OUT-OF-STATE APPLICANTS. The board may waive any

1 registration requirement for an applicant who:

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

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

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

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

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

15 SUBCHAPTER E. PRACTICE BY INTERIOR DESIGNER

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

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

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

27 Sec. 1053.203. COMPLIANCE WITH CERTAIN REQUIREMENTS. Each

1 interior designer shall practice in compliance with all applicable  
2 building codes, fire codes, local regulations, and other safety  
3 requirements adopted by the board or another regulatory entity  
4 implemented to prohibit practice by persons who:

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

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

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

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

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

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

18 SECTION 10. The Texas Board of Architectural Examiners  
19 shall issue a certificate of registration as an interior designer  
20 to a person who applies for registration as an interior designer  
21 with the board and pays the required fees before the second  
22 anniversary of the effective date of this Act if the person presents  
23 evidence satisfactory to the board that the person has passed the  
24 examination of the National Council for Interior Design  
25 Qualification or a similar national organization recognized by the  
26 board.

27 SECTION 11. (a) The change in law made by this Act to

1 Section 1053.351, Occupations Code, applies only to the punishment  
2 for an offense committed on or after the effective date of this Act.  
3 For purposes of this section, an offense is committed before the  
4 effective date of this Act if any element of the offense occurs  
5 before the effective date.

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

10 SECTION 12. The Texas Board of Architectural Examiners  
11 shall adopt rules as required by Chapter 1053, Occupations Code, as  
12 amended by this Act, not later than February 1, 2008.

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

20 SECTION 14. (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.