

JAN 24 2002  
STATE GOVERNMENT

HOUSE FILE 2110  
BY CORMACK, JOCHUM, and FOEGE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

• A BILL FOR

1 An Act to establish an interior design examining board, to  
2 provide for the registration of interior designers in order to  
3 use the title of registered interior designer, and to provide  
4 fees and penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2110

1 Section 1. NEW SECTION. 544C.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "Board" means the interior design examining board  
5 established pursuant to this chapter.

6 2. "Division" means the professional licensing and  
7 regulation division of the department of commerce.

8 3. "Interior design construction documents" means designs,  
9 drawings, plans, specifications, reports, or other documents  
10 prepared by an interior designer which establish the scope of  
11 the interior build-out to be constructed, and the standard of  
12 quality for materials, workmanship, equipment, and  
13 construction systems and methods, and which are not  
14 architectural or engineering documents.

15 4. "Interior design services" include all of the  
16 following:

17 a. Identification, verification, and analysis of  
18 requirements for planning and design of interior spaces of a  
19 building or structure.

20 b. Integrating requirements with knowledge of interior  
21 design.

22 c. Formulating preliminary interior design concepts.

23 d. Developing and presenting final interior design  
24 recommendations.

25 e. Preparing and filing interior design construction  
26 documents.

27 f. Collaborating with closely allied design professionals  
28 who are licensed practitioners offering professional services.

29 g. Preparing and administering interior design bids as a  
30 client's agent.

31 h. Reviewing and evaluating the implementation and  
32 completion of interior design projects as a representative of  
33 and on behalf of the client.

34 5. "Registered interior designer" means an interior  
35 designer who has been registered under this chapter.

1 6. "Registrant" means an interior designer registered  
2 under this chapter.

3 7. "Registration" means the certificate of registration  
4 issued by the board to an interior designer under this  
5 chapter.

6 Sec. 2. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR  
7 DESIGN EXAMINING BOARD.

8 An interior design examining board is established within  
9 the division. The board consists of seven members, five  
10 members who are interior designers who possess registration  
11 issued under this chapter, and who have been in the active  
12 practice of interior design for not less than five years, the  
13 last two of which shall have been in Iowa; and two members who  
14 do not possess registration issued under this chapter and who  
15 shall represent the general public. Members shall be  
16 appointed by the governor subject to confirmation by the  
17 senate.

18 Professional associations or societies composed of interior  
19 designers may recommend the names of potential board members  
20 to the governor but the governor is not bound by the  
21 recommendations. A board member is not required to be a  
22 member of any professional association or society composed of  
23 registered interior designers.

24 Appointments shall be for three-year terms and shall  
25 commence and end as provided in section 69.19. Vacancies  
26 shall be filled for the unexpired term by appointment of the  
27 governor and shall require senate confirmation. Members shall  
28 serve no more than three terms or nine years, whichever is  
29 less.

30 Sec. 3. NEW SECTION. 544C.3 PUBLIC MEMBERS'  
31 PARTICIPATION.

32 The public members of the board shall be allowed to  
33 participate in administrative, clerical, or ministerial  
34 functions incident to giving the examination required in  
35 section 544C.5, but shall not determine the content of the

1 examination or determine the correctness of the answers.

2 Sec. 4. NEW SECTION. 544C.4 OFFICERS.

3 At a time to be determined by the board, the board shall  
4 elect from its membership officers to serve for a term not to  
5 exceed one year. The division shall provide staff assistance.

6 Sec. 5. NEW SECTION. 544C.5 DUTIES.

7 The board shall enforce this chapter, shall establish  
8 requirements for the examination of applicants for  
9 registration, and, after public notice, shall conduct or  
10 authorize representatives of the board to conduct examinations  
11 of applicants for registration. Examinations shall be given  
12 as often as deemed necessary, but not less than annually. The  
13 board shall hold meetings each year for the purpose of  
14 transacting business pertaining to the affairs of the board.  
15 Action at a meeting shall not be taken without the affirmative  
16 votes of a majority of the members of the board. The board  
17 may adopt rules under chapter 17A, necessary for the proper  
18 performance of its duties. The rules may include, but are not  
19 limited to, standards and criteria for examination and  
20 registration, registration renewal, professional conduct,  
21 discipline, and continuing education. The administrator of  
22 the division shall hire and provide staff to assist the board  
23 in its implementation of this chapter.

24 Sec. 6. NEW SECTION. 544C.6 RECORDS -- ROSTER.

25 The board shall keep a record, open to public inspection at  
26 all reasonable times, of its proceedings relating to the  
27 issuance, refusal, renewal, suspension, and revocation of  
28 registration. This record shall also contain a roster  
29 indicating the name, place of business and residence, and the  
30 date and number of the registration of every registrant.

31 Sec. 7. NEW SECTION. 544C.7 EXPENSES -- COMPENSATION.

32 The members of the board are entitled to be reimbursed for  
33 the actual expenses incurred in the performance of their  
34 duties within the limits of the funds appropriated to the  
35 board. Each member of the board may also be eligible to

1 receive compensation as provided in section 7E.6.

2 Sec. 8. NEW SECTION. 544C.8 QUALIFICATIONS FOR  
3 REGISTRATION.

4 1. Each applicant for registration must meet the practical  
5 training and education requirements relating to interior  
6 design services adopted by rule by the board, and  
7 satisfactorily have passed an examination in technical and  
8 professional subjects relating to interior design services  
9 prescribed by the board. Applications for registration shall  
10 be on forms prescribed and furnished by the board.

11 The board may adopt as its rules relating to interior  
12 design services criteria published by a national certification  
13 body recognized by the board. The board may provide  
14 registration for interior designers accredited by a national  
15 accreditation body recognized by the board. The board may  
16 adopt the uniform standardized examination and grading  
17 procedures of the national council for interior design  
18 qualification.

19 2. The examination adopted by the board may be conducted  
20 by representatives of the board. The identity of the  
21 applicant taking the examination shall be concealed until  
22 after the examination has been graded. The board shall adopt  
23 rules regarding reexamination of applicants who failed to pass  
24 the examination. An applicant who has failed the examination  
25 may request in writing information from the board concerning  
26 the applicant's examination grade and subject areas or  
27 questions which the applicant failed to answer correctly,  
28 except that if the board administers a uniform, standardized  
29 examination, the board shall only be required to provide such  
30 information concerning the applicant's examination results as  
31 is available to the board.

32 3. The board may also grant registration by reciprocity.  
33 An applicant applying to the board for registration by  
34 reciprocity shall furnish satisfactory evidence that the  
35 applicant meets both of the following requirements:

1 a. Holds a valid registration issued by another  
2 registration authority recognized by the board, where the  
3 qualifications for registration were substantially equivalent  
4 to those prescribed in this state on the date of original  
5 registration with the other registration authority.

6 b. Holds a current certificate number issued by the  
7 national council for interior design qualification.

8 Sec. 9. NEW SECTION. 544C.9 APPLICANT -- CIVIL RIGHTS --  
9 MORAL CHARACTER.

10 An applicant is not ineligible for registration because of  
11 age, citizenship, sex, race, religion, marital status, or  
12 national origin, although the application form may require  
13 citizenship information. Character references may be  
14 required.

15 The board may consider the following when investigating an  
16 applicant's moral character:

17 1. An applicant's conviction for commission of a felony,  
18 but only if the felony relates directly to the practice of  
19 interior design.

20 2. An applicant's misstatement, omission, or  
21 misrepresentation of a material fact in connection with the  
22 applicant's application for registration in this state or  
23 another jurisdiction.

24 3. An applicant's violation of a rule of conduct of a  
25 jurisdiction in which the applicant has previously engaged in  
26 the practice of interior design, provided that the rule of  
27 conduct violated is substantially equivalent to a then-  
28 existing or current rule of conduct required of registered  
29 interior designers in this state.

30 If the applicant's background includes any of the  
31 foregoing, the board may register the applicant on the basis  
32 of suitable evidence of reform.

33 Sec. 10. NEW SECTION. 544C.10 REGISTRATION ISSUANCE.

34 When the applicant has complied with the qualifications for  
35 registration in sections 544C.8 and 544C.9 to the satisfaction

1 of a majority of the members of the board and has paid the  
2 fees prescribed by the board pursuant to section 544C.12, the  
3 secretary of the board shall enroll the applicant's name and  
4 address in the roster of registered interior designers and  
5 issue to the applicant a registration, signed by the officers  
6 of the board. The certificate shall entitle the applicant to  
7 use the title "registered interior designer" in this state.

8 Sec. 11. NEW SECTION. 544C.11 RENEWALS.

9 Registrations expire in multiyear intervals as determined  
10 by the board. Registered interior designers shall renew their  
11 registration and pay a renewal fee in the manner prescribed by  
12 the board. The board shall prescribe the conditions and  
13 reasonable penalties for renewal after a registration's  
14 expiration date.

15 Sec. 12. NEW SECTION. 544C.12 FEES.

16 The board shall set the fees for registration as a  
17 registered interior designer, for renewal of registration, for  
18 reinstatement of registration, and for other activities of the  
19 board pertaining to its duties. The fee for registration and  
20 for renewal of registration shall be based upon the  
21 administrative costs of sustaining the board which shall  
22 include, but are not limited to, the costs for all of the  
23 following:

- 24 1. Per diem, expenses, and travel for board members.
- 25 2. Office facilities, supplies, and equipment.
- 26 3. Staff assistance.

27 All fees shall be deposited in the general fund of the  
28 state.

29 Sec. 13. NEW SECTION. 544C.13 REVOCATION OR SUSPENSION.

30 A registration may be revoked or suspended when a  
31 registrant is found guilty of the following acts or offenses:

- 32 1. Fraud in procuring a certificate of registration.
- 33 2. Professional incompetency.
- 34 3. Knowingly making misleading, deceptive, untrue, or  
35 fraudulent representations in the practice of the registrant's

1 profession or engaging in unethical conduct or practice  
2 harmful or detrimental to the public. Proof of actual injury  
3 need not be established.

4 4. Habitual intoxication or addiction to the use of drugs.

5 5. Conviction of a felony related to the profession or  
6 occupation of the registrant. A copy of the record of  
7 conviction or plea of guilty shall be conclusive evidence of  
8 the conviction.

9 6. Fraud in representations as to skill or ability.

10 7. Use of untruthful or improbable statements in  
11 advertisements.

12 8. Unlawful use of the title of registered interior  
13 designer.

14 9. Willful or repeated violations of the provisions of  
15 this chapter.

16 10. Willful or repeated violations of one or more rules of  
17 conduct adopted by the board.

18 The board may revoke or suspend any registration after  
19 thirty days' notice with grant of hearing to the holder if  
20 satisfactory proof is presented to the board.

21 Proceedings for the revocation or suspension of a  
22 registration shall be initiated by filing written charges  
23 against the accused with the board. Upon the filing of  
24 charges, the board may request the department of inspections  
25 and appeals to conduct an investigation into the charges. The  
26 department of inspections and appeals shall report its  
27 findings to the board, and a time and place for the hearing of  
28 the charges shall be fixed by the board if the board  
29 determines that a hearing is warranted. A copy of the  
30 charges, together with a notice of the time and place fixed  
31 for the hearing, shall be served on the accused at least  
32 thirty days before the date fixed for the hearing. If  
33 personal service or service through counsel cannot be  
34 effected, service may be by publication. At the hearing, the  
35 accused has the right to appear personally or be represented

1 by counsel, to produce evidence and witnesses in defense, and  
2 to cross-examine witnesses. The board may subpoena witnesses,  
3 administer oaths to witnesses, and employ counsel. The board  
4 shall make a written report of its findings, which is  
5 conclusive, and may suspend or revoke the registration. The  
6 board may restore the registration to any person whose  
7 registration has been revoked. Application for the  
8 restoration of a certificate of registration shall be made in  
9 such manner, form, and content as the board may prescribe.

10 Sec. 14. NEW SECTION. 544C.14 UNLAWFUL USE OF TITLE OF  
11 REGISTERED INTERIOR DESIGNER -- VIOLATIONS -- PENALTY --  
12 CONSENT AGREEMENT.

13 1. It is unlawful for a person to use the title, or aid or  
14 abet a person to use the title, of registered interior  
15 designer or any title or device indicating that the person is  
16 a registered interior designer unless the person is qualified  
17 by registration as provided in this chapter. This section  
18 does not prohibit the provision of interior design services by  
19 an architect or by a person who is not registered as an  
20 interior designer. A registered interior designer performing  
21 registered interior design services shall not be deemed to be  
22 engaged in the unlawful practice of architecture.

23 2. A person who violates this section is guilty of a  
24 simple misdemeanor. The board, in its discretion and in lieu  
25 of prosecuting a first offense described in this section, may  
26 enter into a consent agreement with a violator, or with a  
27 person guilty of aiding or abetting a violator, which  
28 acknowledges the violation and the violator's agreement to  
29 refrain from any further violations.

30 Sec. 15. NEW SECTION. 544C.15 INJUNCTION.

31 In addition to any other remedies, and on the petition of  
32 the board, any person violating this chapter may be restrained  
33 and permanently enjoined from committing or continuing the  
34 violations.

35 Sec. 16. NEW SECTION. 544C.16 DISCLOSURE OF CONFIDENTIAL

1 INFORMATION -- PENALTY.

2 A member of the board shall not disclose information  
3 relating to the following:

4 1. Criminal history or prior misconduct of the applicant.

5 2. Information relating to the contents of the  
6 examination.

7 3. Information relating to the examination results other  
8 than the final score except for information about the results  
9 of an examination which is given to the applicant who took the  
10 examination.

11 A member of the board who willfully communicates or seeks  
12 to communicate such information, and any person who willfully  
13 requests, obtains, or seeks to obtain such information, is  
14 guilty of a simple misdemeanor.

15 Sec. 17. NEW SECTION. 544C.17 REGISTRATION NUMBER.

16 A registered interior designer may affix the Iowa  
17 registration number and signature to interior design  
18 construction documents if required by any state or local  
19 building department for the purpose of obtaining a building  
20 permit.

21 Sec. 18. INITIAL BOARD. The initial members of the  
22 interior design examining board shall be appointed to the  
23 following terms:

24 1. Two interior designer members shall be appointed for a  
25 term of three years.

26 2. Two interior designer members and one public member  
27 shall be appointed for a term of two years.

28 3. One interior designer member and one public member  
29 shall be appointed for a term of one year.

30 4. The initial interior designer members need not meet the  
31 requirements for registration, but shall have previously  
32 passed the examination by the national council for interior  
33 design qualification, and shall have been in active practice  
34 for not less than five years, the last two of which shall have  
35 been in Iowa.

EXPLANATION

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This bill creates a new Code chapter 544C which provides for the registration of interior designers in order to use the title of registered interior designer. It establishes a seven-member interior design examining board consisting of five members who are registered interior designers, and two members who represent the general public. The board is directed to adopt rules for the examination of applicants, standards for criteria for registration, registration renewal, professional conduct, discipline, and continuing education.

Each applicant must meet practical training and education requirements adopted by the board and pass an examination. The board may provide registration for interior designers accredited by the national council for interior design qualification.

Interior designer members of the initial board must have passed the examination administered by the national council for interior design qualification and meet requirements relating to the period of time during which the interior designer has practiced.

Criminal penalties are provided for violation of the bill's title and confidentiality provisions.