

MAR 1 1 2005
WAYS AND MEANS

HOUSE FILE 714
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 163)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing an interior design examining board, providing
2 for the registration of interior designers, and providing fees
3 and penalties.

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

HF 714

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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" means the design of interior spaces
9 in conformity with public health, safety, and welfare
10 requirements, including the preparation of documents relating
11 to space planning, finish materials, furnishings, fixtures,
12 and equipment; and the preparation of documents relating to
13 interior construction that does not directly affect the
14 mechanical or structural systems of a building.

15 4. "Registered interior designer" means a person
16 registered under this chapter who is a registered design
17 professional qualified by education, experience, and
18 examination to affect the function, safety, and quality of
19 interior spaces.

20 Sec. 2. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR
21 DESIGN EXAMINING BOARD.

22 1. An interior design examining board is established
23 within the division. The board consists of seven members,
24 five members who are interior designers who are registered
25 under this chapter, and who have been in the active practice
26 of interior design for not less than five years, the last two
27 of which shall have been in Iowa; and two members who are not
28 registered under this chapter and who shall represent the
29 general public. Members shall be appointed by the governor
30 subject to confirmation by the senate.

31 2. Professional associations or societies composed of
32 interior designers may recommend the names of potential board
33 members to the governor, but the governor is not bound by the
34 recommendations. A board member is not required to be a
35 member of any professional association or society composed of

1 registered interior designers.

2 3. Appointments shall be for three-year terms and shall
3 commence and end as provided in section 69.19. Vacancies
4 shall be filled for the unexpired term by appointment of the
5 governor and shall require senate confirmation. Members shall
6 serve no more than three terms or nine years, whichever is
7 less.

8 Sec. 3. NEW SECTION. 544C.3 DUTIES OF THE BOARD.

9 The duties of the board shall include, but are not limited
10 to, all of the following:

11 1. Administering and enforcing this chapter.

12 2. Establishing requirements for the examination,
13 education, and practical training of applicants for
14 registration.

15 3. Holding meetings each year for the purpose of
16 transacting business pertaining to the affairs of the board.
17 Action at a meeting shall not be taken without the affirmative
18 votes of a majority of members of the board.

19 4. Adopting rules under chapter 17A necessary for the
20 proper performance of its duties.

21 5. Establishing fees for registration as a registered
22 interior designer, renewal of registration, reinstatement of
23 registration, and for other activities of the board pertaining
24 to its duties. The fees shall be sufficient to defray the
25 costs of administering this chapter, and shall be deposited in
26 the general fund of the state.

27 6. Maintaining records, which are open to public
28 inspection at all reasonable times, of its proceedings
29 relating to the issuance, refusal, renewal, suspension, and
30 revocation of registration. The records shall also contain a
31 roster indicating the name, place of business and residence,
32 and the date and registration number of every registrant.

33 The administrator of the division shall provide staff to
34 assist the board in the implementation of this chapter.

35 Sec. 4. NEW SECTION. 544C.4 EXPENSES -- COMPENSATION.

1 The members of the board are entitled to be reimbursed for
2 the actual expenses incurred in the performance of their
3 duties within the limits of the funds appropriated to the
4 board. Each member of the board may also be eligible to
5 receive compensation as provided in section 7E.6.

6 Sec. 5. NEW SECTION. 544C.5 QUALIFICATIONS FOR
7 REGISTRATION.

8 Each applicant for registration must meet the interior
9 design education and practical training requirements adopted
10 by rule by the board, and have passed an examination
11 prescribed by the board that is task-oriented, focused on
12 public safety, and validated by a recognized testing agency,
13 as provided in subsection 1. The division shall register an
14 individual who submits an application to the board on the form
15 and in the manner prescribed by the board as a registered
16 interior designer if the individual satisfies the following
17 requirements:

18 1. Submits written proof that the individual has
19 successfully passed the national council for interior design
20 qualification examination, or its equivalent.

21 2. Has completed a four-year course and obtained a
22 professional degree in interior design or an equivalent
23 education and practical training requirement determined by the
24 board, and has completed practical training in interior design
25 that incorporates qualitative as well as quantitative criteria
26 of a nature satisfactory to the board.

27 3. Submits the required registration fee to the board.

28 Sec. 6. NEW SECTION. 544C.6 RECIPROCAL REGISTRATION.

29 The board may also grant registration by reciprocity. An
30 applicant applying to the board for registration by
31 reciprocity shall furnish satisfactory evidence that the
32 applicant meets both of the following requirements:

33 1. Holds a valid registration or license issued by another
34 registration authority recognized by the board, where the
35 qualifications for registration or licensure were

1 substantially equivalent to those prescribed in this state on
2 the date of original registration or licensure with the other
3 registration authority.

4 2. Holds a current certificate number issued by the
5 national council for interior design qualification.

6 Sec. 7. NEW SECTION. 544C.7 REGISTRATION ISSUANCE.

7 When an applicant has complied with the qualifications for
8 registration in section 544C.5 or 544C.6 to the satisfaction
9 of a majority of the members of the board and has paid the
10 fees prescribed by the board, the board shall enroll the
11 applicant's name and address in the roster of registered
12 interior designers and issue to the applicant a registration
13 certificate, signed by the officers of the board. The
14 certificate shall entitle the applicant to use the title
15 "registered interior designer" in this state.

16 Sec. 8. NEW SECTION. 544C.8 CONTINUING EDUCATION.

17 A registered interior designer shall, at the time of
18 application for renewal of a certificate of registration,
19 submit proof of completion of continuing education
20 requirements established by rules adopted by the board.

21 Sec. 9. NEW SECTION. 544C.9 REVOCATION, SUSPENSION, AND
22 NONISSUANCE OF REGISTRATION.

23 1. The board may revoke, suspend, or refuse to issue or
24 renew the registration of any person upon a finding of any of
25 the following:

26 a. Fraud in obtaining or renewing a certificate of
27 registration.

28 b. Professional incompetency.

29 c. Knowingly making misleading, deceptive, untrue, or
30 fraudulent representations in the practice of the registrant's
31 profession or engaging in unethical conduct or practice
32 harmful or detrimental to the public. Proof of actual injury
33 need not be established.

34 d. Conviction of a felony related to the profession or
35 occupation of the registrant. A copy of the record of

1 conviction or plea of guilty shall be conclusive evidence of
2 the conviction.

3 e. Unlawful use of the title of "registered interior
4 designer".

5 f. Willful or repeated violations of the provisions of
6 this chapter or a rule adopted under this chapter.

7 2. Any person may appeal a finding of the board within
8 thirty days of the date of notification of action. Upon
9 appeal, the board shall schedule a hearing in accordance with
10 chapter 17A.

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

14 1. It is unlawful for a person to use the title, or aid or
15 abet a person in using the title, of "registered interior
16 designer" or any title or device indicating that the person is
17 a registered interior designer unless the person has been
18 issued a certificate of registration as provided in this
19 chapter. This section does not prohibit the provision of
20 interior design services, or the use of the terms "interior
21 design" or "interior designer", by an architect or by a person
22 who is not registered as an interior designer.

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 under this section, may enter
26 into a consent agreement with a violator, or with a person
27 guilty of aiding or abetting a violator, which acknowledges
28 the violation and the violator's agreement to refrain from any
29 further violations.

30 Sec. 11. NEW SECTION. 544C.11 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. 12. NEW SECTION. 544C.12 SCOPE OF CHAPTER.

1 This chapter does not apply to the following:

2 1. A person licensed to practice architecture pursuant to
3 the laws of this state who is exclusively engaged in the
4 practice of the person's profession and who does not represent
5 that the person is a registered interior designer.

6 2. A person licensed as a professional engineer pursuant
7 to the laws of this state who is exclusively engaged in the
8 practice of the person's profession and who does not represent
9 that the person is a registered interior designer.

10 3. A person who performs the following services: selling,
11 selecting, or assisting in selecting personal property used in
12 connection with furnishings of interior spaces or fixtures
13 such as, but not limited to, furnishings, decorative
14 accessories, furniture, paint, wall coverings, window
15 treatments, floor coverings, cabinets, countertops, surface-
16 mounted lighting, or decorative materials for a retail sale;
17 or installing or coordinating installations as a part of the
18 prospective retail sale, or providing computer-aided or other
19 drawings for the purpose of retail sale if the drawings are
20 used for material listed for retail sale; and who does not
21 represent that the person is a registered interior designer.

22 Sec. 13. NEW SECTION. 544C.13 REGISTRATION NUMBER.

23 A registered interior designer may affix their Iowa
24 registration number and signature to interior design
25 construction documents if required by any state or local
26 building department for the purpose of obtaining a building
27 permit.

28 Sec. 14. NEW SECTION. 544C.14 TRANSITION PROVISIONS.

29 For a period of two years from the effective date of this
30 Act, the board may issue a certificate as a registered
31 interior designer to a person who does not meet the
32 examination requirements specified in section 544C.5, if the
33 person submits evidence to the board demonstrating both of the
34 following:

35 1. Ten years of experience as an interior designer, or

1 eight years of experience as an interior designer and two
2 years of interior design education that is acceptable to the
3 board.

4 2. Successful completion of the examination conducted with
5 regard to life safety codes and barrier-free requirements
6 prepared by the national council for interior design
7 qualification.

8 Sec. 15. INITIAL BOARD. The initial members of the
9 interior design examining board shall be appointed to the
10 following terms:

11 1. Two interior designer members shall be appointed for a
12 term of three years.

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

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

17 4. The initial interior designer members need not meet the
18 requirements for registration, but shall have previously
19 passed the examination by the national council for interior
20 design qualification, and shall have been in active practice
21 for not less than five years, the last two of which shall have
22 been in Iowa.

23 EXPLANATION

24 This bill creates a new Code chapter 544C that provides for
25 the registration of interior designers in order to use the
26 title of registered interior designer. The bill provides for
27 the establishment of a seven-member interior design examining
28 board consisting of five members who are registered interior
29 designers and two members who represent the general public.
30 The bill provides, among other duties, that the board shall
31 administer the new Code chapter, establish requirements for
32 the examination, education, and practical training of
33 applicants for registration, and establish fees for
34 registration as a registered interior designer, renewal of
35 registration, reinstatement of registration, and for other

1 activities of the board pertaining to its duties in an amount
2 sufficient to defray the costs of administering the Code
3 chapter. The bill provides that the fees shall be deposited
4 in the general fund of the state.

5 The bill provides that each applicant for registration must
6 meet the interior design education and practical training
7 requirements adopted by rule by the board, and have passed an
8 examination prescribed by the board that is task-oriented,
9 focused on public safety, and validated by a recognized
10 testing agency. The bill provides that to be registered, an
11 applicant shall submit written proof of having passed the
12 national council for interior design qualification
13 examination, or its equivalent, and have completed a four-year
14 course and obtained a professional degree in interior design
15 or an equivalent education and practical training requirement
16 determined by the board and have completed practical training
17 in interior design that incorporates qualitative as well as
18 quantitative criteria of a nature satisfactory to the board.

19 The bill provides that the board may also grant
20 registration by reciprocity under specified circumstances, and
21 also specifies circumstances under which the board may revoke,
22 suspend, or refuse to issue or renew a registration.

23 The bill additionally provides that it is unlawful for a
24 person to use the title of registered interior designer unless
25 the person has been issued a certificate of registration
26 pursuant to the new Code chapter, but provides that a person
27 who is an architect or otherwise not registered may provide
28 interior design services, or use the terms "interior design"
29 or "interior designer". The bill provides penalties for
30 violation of these provisions, and other provisions of the
31 Code chapter.

32 The bill provides that the new Code chapter shall not apply
33 to a licensed architect, professional engineer, or individuals
34 performing specified furnishing or retail sales services who
35 do not use the title or represent that they are a registered

1 interior designer.

2 The bill provides transition provisions for a period of two
3 years from the bill's effective date for persons not meeting
4 the specified examination requirements of the new Code
5 chapter.

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**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

HF 714 (Successor to HSB 163) - Interior Design Title Act (LSB 1677 HV)
Analyst: Ron Robinson (Phone: (515) 281-6256) (ron.robinson@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 714 establishes an Interior Design Examining Board to register interior designers and to authorize the use of the title of Registered Interior Designer. The Board is established as a seven-member board consisting of five Registered Interior Designers and two members of the general public. The Bill establishes registration fees based upon the costs to sustain the Board.

Assumptions

1. The Professional Licensing Division of the Department of Commerce would utilize one employee to start the registration process.
2. Approximately 125 individuals would register.
3. The Board would establish registration fees so that revenue going to the State General Fund would cover the costs of sustaining the Board's operations.
4. Historically, fees for professional licenses have included at least 15.0% additional costs to provide for the indirect cost of services provided to the Division by State Government.
5. The biannual fee for a Registered Interior Designer would be approximately \$1,160.
6. One-half of the registrants would obtain a two-year license and one-half would obtain a one-year license, at one-half the cost of a two-year license, the first year.

Fiscal Impact

The estimated fiscal impact of HF 714 would be as follows:

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
Revenue:			
One-Half Registrants	\$ 73,000	\$ 0	\$ 73,000
One-Half Registrants	37,000	73,000	0
Total Revenue	<u>\$ 110,000</u>	<u>\$ 73,000</u>	<u>\$ 73,000</u>
Expenditures:			
Salaries	\$ 55,000	\$ 55,000	\$ 55,000
Support	9,000	9,000	9,000
Capital Outlay	4,000		
Total Expenditures	<u>\$ 68,000</u>	<u>\$ 64,000</u>	<u>\$ 64,000</u>
General Fund Net Impact	<u>\$ 42,000</u>	<u>\$ 9,000</u>	<u>\$ 9,000</u>

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Fiscal Note Version - REVISED

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Assumptions

1. Between 125 and 250 individuals would register.
2. The Board would establish registration fees so that revenue going to the State General Fund would cover the costs of sustaining the Board's operations.
3. Historically, fees for professional licenses have included at least 15.0% additional costs to provide for the indirect cost of services provided to the Division by State Government.
4. One-half of the registrants would obtain a two-year license and one-half would obtain a one-year license, at one-half the cost of a two-year license, the first year.

Fiscal Impact

The estimated fiscal impact of HF 714 would be as follows:

The Board would establish the biannual fee for a Registered Interior Designer of approximately \$344 if 250 people registered, and approximately \$688 if 125 registered.

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
Revenue:			
One-Half Registrants	\$ 43,000	\$ 0	\$ 43,000
One-Half Registrants	21,500	43,000	0
Total Revenue	<u>\$ 64,500</u>	<u>\$ 43,000</u>	<u>\$ 43,000</u>
Expenditures:			
Salaries	\$ 41,250	\$ 27,500	\$ 27,500
Support	9,000	9,000	9,000
Capital Outlay	4,000		
Total Expenditures	<u>\$ 54,250</u>	<u>\$ 36,500</u>	<u>\$ 36,500</u>
General Fund Net Impact	<u>\$ 10,250</u>	<u>\$ 6,500</u>	<u>\$ 6,500</u>
FTE Positions	<u>0.75</u>	<u>0.50</u>	<u>0.50</u>

Chair: Greiner
Jones
Quirk

0714 HSB 163
STATE GOVERNMENT

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
BY CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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26 building department for the purpose of obtaining a building
27 permit.

28 Sec. 14. NEW SECTION. 544C.14 TRANSITION PROVISIONS.

29 For a period of two years from the effective date of this
30 Act, the board may issue a certificate as a registered
31 interior designer to a person who does not meet the
32 examination requirements specified in section 544C.5, if the
33 person submits evidence to the board demonstrating both of the
34 following:

35 1. Ten years of experience as an interior designer, or

1 eight years of experience as an interior designer and two
2 years of interior design education that is acceptable to the
3 board.

4 2. Successful completion of the examination conducted with
5 regard to life safety codes and barrier-free requirements
6 prepared by the national council for interior design
7 qualification.

8 Sec. 15. INITIAL BOARD. The initial members of the
9 interior design examining board shall be appointed to the
10 following terms:

11 1. Two interior designer members shall be appointed for a
12 term of three years.

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

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

17 4. The initial interior designer members need not meet the
18 requirements for registration, but shall have previously
19 passed the examination by the national council for interior
20 design qualification, and shall have been in active practice
21 for not less than five years, the last two of which shall have
22 been in Iowa.

23

EXPLANATION

24 This bill creates a new Code chapter 544C that provides for
25 the registration of interior designers in order to use the
26 title of registered interior designer. The bill provides for
27 the establishment of a seven-member interior design examining
28 board consisting of five members who are registered interior
29 designers and two members who represent the general public.
30 The bill provides, among other duties, that the board shall
31 administer the new Code chapter, establish requirements for
32 the examination, education, and practical training of
33 applicants for registration, and establish fees for
34 registration as a registered interior designer, renewal of
35 registration, reinstatement of registration, and for other

1 activities of the board pertaining to its duties in an amount
2 sufficient to defray the costs of administering the Code
3 chapter. The bill provides that the fees shall be deposited
4 in the general fund of the state.

5 The bill provides that each applicant for registration must
6 meet the interior design education and practical training
7 requirements adopted by rule by the board, and have passed an
8 examination prescribed by the board that is task-oriented,
9 focused on public safety, and validated by a recognized
10 testing agency. The bill provides that to be registered, an
11 applicant shall submit written proof of having passed the
12 national council for interior design qualification
13 examination, or its equivalent, and have completed a four-year
14 course and obtained a professional degree in interior design
15 or an equivalent education and practical training requirement
16 determined by the board and have completed practical training
17 in interior design that incorporates qualitative as well as
18 quantitative criteria of a nature satisfactory to the board.

19 The bill provides that the board may also grant
20 registration by reciprocity under specified circumstances, and
21 also specifies circumstances under which the board may revoke,
22 suspend, or refuse to issue or renew a registration.

23 The bill additionally provides that it is unlawful for a
24 person to use the title of registered interior designer unless
25 the person has been issued a certificate of registration
26 pursuant to the new Code chapter, but provides that a person
27 who is an architect or otherwise not registered may provide
28 interior design services, or use the terms "interior design"
29 or "interior designer". The bill provides penalties for
30 violation of these provisions, and other provisions of the
31 Code chapter.

32 The bill provides that the new Code chapter shall not apply
33 to a licensed architect, professional engineer, or individuals
34 performing specified furnishing or retail sales services who
35 do not use the title or represent that they are a registered

1 interior designer.

2 The bill provides transition provisions for a period of two
3 years from the bill's effective date for persons not meeting
4 the specified examination requirements of the new Code
5 chapter.

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