

FILED APR 12 2005

SENATE FILE 405  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 334)  
(SUCCESSOR TO SSB 1247)

Passed Senate, Date 4-21-05 Passed House, Date \_\_\_\_\_  
Vote: Ayes 49 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved 5-4-05

**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:

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SF 405

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. "Interior  
15 design" does not include services that constitute the practice  
16 of architecture or the practice of professional engineering.

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

22 Sec. 2. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR  
23 DESIGN EXAMINING BOARD.

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

33 2. Professional associations or societies composed of  
34 interior designers may recommend the names of potential board  
35 members to the governor, but the governor is not bound by the

1 recommendations. A board member is not required to be a  
2 member of any professional association or society composed of  
3 registered interior designers.

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

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

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

13 1. Administering and enforcing this chapter.

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

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

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

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

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

35 The administrator of the division shall provide staff to

1 assist the board in the implementation of this chapter.

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

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

8 Sec. 5. NEW SECTION. 544C.5 QUALIFICATIONS FOR  
9 REGISTRATION.

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

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

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

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

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

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

34 1. Holds a valid registration or license issued by another  
35 registration authority recognized by the board, where the

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

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

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

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

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

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

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

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

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

29 b. Professional incompetency.

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

35 d. Conviction of a felony related to the profession or

1 occupation of the registrant. A copy of the record of  
2 conviction or plea of guilty shall be conclusive evidence of  
3 the conviction.

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

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

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

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

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

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

31 Sec. 11. NEW SECTION. 544C.11 INJUNCTION.

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

1     **Sec. 12. NEW SECTION. 544C.12 SCOPE OF CHAPTER.**

2     This chapter does not apply to the following:

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

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

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

23     **Sec. 13. NEW SECTION. 544C.13 REGISTRATION NUMBER.**

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

29     **Sec. 14. NEW SECTION. 544C.14 TRANSITION PROVISIONS.**

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

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

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

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

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

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

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

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

24 EXPLANATION

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

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

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

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

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

33 The bill provides that the new Code chapter shall not apply  
34 to a licensed architect, professional engineer, or individuals  
35 performing specified furnishing or retail sales services who

1 do not use the title or represent that they are a registered  
2 interior designer.

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

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

SF 405 (Successor to SSB 1247) - Interior Design Title Act (LSB 1677 SZ)  
Analyst: Ron Robinson (Phone: (515) 281-6256) (ron.robinson@legis.state.ia.us)  
Fiscal Note Version - NEW

**Description**

Senate File 405 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. 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 SF 405 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>
<b>Revenue:</b>			
One-Half Registrants	\$ 43,000	\$ 0	\$ 43,000
One-Half Registrants	21,500	43,000	0
<b>Total Revenue</b>	<u>\$ 64,500</u>	<u>\$ 43,000</u>	<u>\$ 43,000</u>
<b>Expenditures:</b>			
Salaries	\$ 41,250	\$ 27,500	\$ 27,500
Support	9,000	9,000	9,000
Capital Outlay	4,000		
<b>Total Expenditures</b>	<u>\$ 54,250</u>	<u>\$ 36,500</u>	<u>\$ 36,500</u>
<b>General Fund Net Impact</b>	<u>\$ 10,250</u>	<u>\$ 6,500</u>	<u>\$ 6,500</u>
<b>FTE Positions</b>	<u>0.75</u>	<u>0.50</u>	<u>0.50</u>

**Source**

Professional Licensing Division of the Department of Commerce

/s/ Holly M. Lyons

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April 20, 2005

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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**S-3156**

1 Amend Senate File 405 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 544A.16, subsection 7, Code  
5 2005, is amended by striking the subsection."

6 2. Page 1, by striking lines 9 through 14 and  
7 inserting the following: "including the preparation  
8 of documents relating to space planning, finish  
9 materials, furnishings, fixtures, and equipment, and  
10 the preparation of documents relating to interior  
11 construction that does not affect the mechanical or  
12 structural systems of a building. "Interior".

13 3. Page 1, by striking lines 18 through 21 and  
14 inserting the following: "registered under this  
15 chapter."

16 4. Page 2, line 22, by inserting after the word  
17 "duties." the following: "The rules shall include  
18 provisions addressing conflicts of interest and full  
19 disclosure, including sources of compensation."

20 5. Page 3, by striking lines 22 through 27 and  
21 inserting the following:

22 "2. Has completed any of the following:

23 a. Four years of interior design education plus  
24 two years of full-time work experience in interior  
25 design.

26 b. Three years of interior design education plus  
27 three years of full-time work experience in interior  
28 design.

29 c. Two years of interior design education plus  
30 four years of full-time work experience in interior  
31 design."

32 6. Page 6, by striking lines 3 through 10 and  
33 inserting the following:

34 "1. A person licensed to practice architecture  
35 pursuant to the laws of this state.

36 2. A person licensed as a professional engineer  
37 pursuant to the laws of this state."

38 7. Page 6, by striking lines 23 through 28.

39 8. By striking page 6, line 32 through page 7,  
40 line 8 and inserting the following: "interior  
41 designer to a person residing in Iowa who does not  
42 meet the examination requirements specified in section  
43 544C.5, if the person submits evidence to the board  
44 demonstrating both of the following:

45 1. A minimum of two years of interior design  
46 education and a combined total of six years of  
47 interior design education and experience that is  
48 acceptable to the board.

49 2. Successful completion of section 1 of the  
50 national council for interior design qualification

**S-3156**

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**S-3156**

Page 2

1 examination relating to life safety codes and barrier-  
2 free requirements."

3 9. By renumbering as necessary.

By PAT WARD

SENATE FILE 405  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 334)  
(SUCCESSOR TO SSB 1247)

(AS AMENDED AND PASSED BY THE SENATE APRIL 21, 2005)

- ~~\_\_\_\_\_~~ - New Language by the Senate  
\* - Language Stricken by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date 4-28-05  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 97 Nays 1  
Approved \_\_\_\_\_

A BILL FOR

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S.F. 405

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14 interior construction that does not affect the mechanical or  
15 structural systems of a building. "Interior design" does not  
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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.

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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

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6 serve no more than three terms or nine years, whichever is  
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18 votes of a majority of members of the board.

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21 provisions addressing conflicts of interest and full  
22 disclosure, including sources of compensation.

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28 the general fund of the state.

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30 inspection at all reasonable times, of its proceedings  
31 relating to the issuance, refusal, renewal, suspension, and  
32 revocation of registration. The records shall also contain a  
33 roster indicating the name, place of business and residence,  
34 and the date and registration number of every registrant.

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15 The division shall register an individual who submits an  
16 application to the board on the form and in the manner  
17 prescribed by the board as a registered interior designer if  
18 the individual satisfies the following requirements:

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

22 2. Has completed any of the following:

23 a. Four years of interior design education plus two years  
24 of full-time work experience in interior design.

25 b. Three years of interior design education plus three  
26 years of full-time work experience in interior design.

27 c. Two years of interior design education plus four years  
28 of full-time work experience in interior design.

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

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31 The board may also grant registration by reciprocity. An  
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35 1. Holds a valid registration or license issued by another

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4 the date of original registration or licensure with the other  
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14 interior designers and issue to the applicant a registration  
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16 certificate shall entitle the applicant to use the title  
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24 NONISSUANCE OF REGISTRATION.

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

28 a. Fraud in obtaining or renewing a certificate of  
29 registration.

30 b. Professional incompetency.

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

1 d. Conviction of a felony related to the profession or  
2 occupation of the registrant. A copy of the record of  
3 conviction or plea of guilty shall be conclusive evidence of  
4 the conviction.

5 e. Unlawful use of the title of "registered interior  
6 designer".

7 f. Willful or repeated violations of the provisions of  
8 this chapter or a rule adopted under this chapter.

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

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

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

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

32 Sec. 12. NEW SECTION. 544C.11 INJUNCTION.

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

1 violations.

2 Sec. 13. NEW SECTION. 544C.12 SCOPE OF CHAPTER.

3 This chapter does not apply to the following:

4 1. A person licensed to practice architecture pursuant to  
5 the laws of this state.

6 2. A person licensed as a professional engineer pursuant  
7 to the laws of this state.

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

\*20 Sec. 14. NEW SECTION. 544C.14 TRANSITION PROVISIONS.

21 For a period of two years from the effective date of this  
22 Act, the board may issue a certificate as a registered  
23 interior designer to a person residing in Iowa who does not  
24 meet the examination requirements specified in section 544C.5,  
25 if the person submits evidence to the board demonstrating both  
26 of the following:

27 1. A minimum of two years of interior design education and  
28 a combined total of six years of interior design education and  
29 experience that is acceptable to the board.

30 2. Successful completion of section 1 of the national  
31 council for interior design qualification examination relating  
32 to life safety codes and barrier-free requirements.

33 Sec. 15. INITIAL BOARD. The initial members of the  
34 interior design examining board shall be appointed to the  
35 following terms:

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

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

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

7 4. The initial interior designer members need not meet the  
8 requirements for registration, but shall have previously  
9 passed the examination by the national council for interior  
10 design qualification, and shall have been in active practice  
11 for not less than five years, the last two of which shall have  
12 been in Iowa.

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Black co-chair  
Tinsman  
Kibbie

SSB# 1247

State Government

SENATE FILE

SF/HF 405

BY (PROPOSED COMMITTEE ON

STATE GOVERNMENT BILL BY

CO-CHAIRPERSONS HORN and MCKIBBEN)

Passed Senate, Date \_\_\_\_\_ Passed House, 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:

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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. "Interior  
15 design" does not include services that constitute the practice  
16 of architecture or the practice of professional engineering.

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

22 Sec. 2. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR  
23 DESIGN EXAMINING BOARD.

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

33 2. Professional associations or societies composed of  
34 interior designers may recommend the names of potential board  
35 members to the governor, but the governor is not bound by the

1 recommendations. A board member is not required to be a  
2 member of any professional association or society composed of  
3 registered interior designers.

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

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

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

13 1. Administering and enforcing this chapter.

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

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

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

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

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

35 The administrator of the division shall provide staff to

1 assist the board in the implementation of this chapter.

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

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

8 Sec. 5. NEW SECTION. 544C.5 QUALIFICATIONS FOR  
9 REGISTRATION.

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

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

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

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

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

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

34 1. Holds a valid registration or license issued by another  
35 registration authority recognized by the board, where the

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

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

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

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

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

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

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

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

- 27 a. Fraud in obtaining or renewing a certificate of  
28 registration.
- 29 b. Professional incompetency.
- 30 c. Knowingly making misleading, deceptive, untrue, or  
31 fraudulent representations in the practice of the registrant's  
32 profession or engaging in unethical conduct or practice  
33 harmful or detrimental to the public. Proof of actual injury  
34 need not be established.
- 35 d. Conviction of a felony related to the profession or

1 occupation of the registrant. A copy of the record of  
2 conviction or plea of guilty shall be conclusive evidence of  
3 the conviction.

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

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

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

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

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

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

31 Sec. 11. NEW SECTION. 544C.11 INJUNCTION.

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

1     Sec. 12. NEW SECTION. 544C.12 SCOPE OF CHAPTER.

2     This chapter does not apply to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

#### EXPLANATION

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

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

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

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

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

33 The bill provides that the new Code chapter shall not apply  
34 to a licensed architect, professional engineer, or individuals  
35 performing specified furnishing or retail sales services who

1 do not use the title or represent that they are a registered  
2 interior designer.

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

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SENATE FILE 405

AN ACT

ESTABLISHING AN INTERIOR DESIGN EXAMINING BOARD, PROVIDING FOR THE REGISTRATION OF INTERIOR DESIGNERS, AND PROVIDING FEES AND PENALTIES.

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

Section 1. Section 544A.16, subsection 7, Code 2005, is amended by striking the subsection.

Sec. 2. NEW SECTION. 544C.1 DEFINITIONS.

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

1. "Board" means the interior design examining board established pursuant to this chapter.
2. "Division" means the professional licensing and regulation division of the department of commerce.
3. "Interior design" means the design of interior spaces including the preparation of documents relating to space planning, finish materials, furnishings, fixtures, and equipment, and the preparation of documents relating to interior construction that does not affect the mechanical or structural systems of a building. "Interior design" does not include services that constitute the practice of architecture or the practice of professional engineering.

4. "Registered interior designer" means a person registered under this chapter.

Sec. 3. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR DESIGN EXAMINING BOARD.

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

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

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

Sec. 4. NEW SECTION. 544C.3 DUTIES OF THE BOARD.

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

1. Administering and enforcing this chapter.
2. Establishing requirements for the examination, education, and practical training of applicants for registration.
3. Holding meetings each year for the purpose of transacting business pertaining to the affairs of the board.

Action at a meeting shall not be taken without the affirmative votes of a majority of members of the board.

4. Adopting rules under chapter 17A necessary for the proper performance of its duties. The rules shall include provisions addressing conflicts of interest and full disclosure, including sources of compensation.

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

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

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

Sec. 5. NEW SECTION. 544C.4 EXPENSES -- COMPENSATION.

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

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

Each applicant for registration must meet the interior design education and practical training requirements adopted by rule by the board, and have passed an examination prescribed by the board that is task-oriented, focused on public safety, and validated by a recognized testing agency. The division shall register an individual who submits an

application to the board on the form and in the manner prescribed by the board as a registered interior designer if the individual satisfies the following requirements:

1. Submits written proof that the individual has successfully passed the national council for interior design qualification examination, or its equivalent.
2. Has completed any of the following:
  - a. Four years of interior design education plus two years of full-time work experience in interior design.
  - b. Three years of interior design education plus three years of full-time work experience in interior design.
  - c. Two years of interior design education plus four years of full-time work experience in interior design.
3. Submits the required registration fee to the board.

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

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

1. Holds a valid registration or license issued by another registration authority recognized by the board, where the qualifications for registration or licensure were substantially equivalent to those prescribed in this state on the date of original registration or licensure with the other registration authority.
2. Holds a current certificate number issued by the national council for interior design qualification.

Sec. 8. NEW SECTION. 544C.7 REGISTRATION ISSUANCE.

When an applicant has complied with the qualifications for registration in section 544C.5 or 544C.6 to the satisfaction of a majority of the members of the board and has paid the fees prescribed by the board, the board shall enroll the applicant's name and address in the roster of registered interior designers and issue to the applicant a registration

certificate, signed by the officers of the board. The certificate shall entitle the applicant to use the title "registered interior designer" in this state.

Sec. 9. NEW SECTION. 544C.8 CONTINUING EDUCATION.

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

Sec. 10. NEW SECTION. 544C.9 REVOCATION, SUSPENSION, AND NONISSUANCE OF REGISTRATION.

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

- a. Fraud in obtaining or renewing a certificate of registration.
- b. Professional incompetency.
- c. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the registrant's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
- d. Conviction of a felony related to the profession or occupation of the registrant. A copy of the record of conviction or plea of guilty shall be conclusive evidence of the conviction.
- e. Unlawful use of the title of "registered interior designer".
- f. Willful or repeated violations of the provisions of this chapter or a rule adopted under this chapter.

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

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

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

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

Sec. 12. NEW SECTION. 544C.11 INJUNCTION.

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

Sec. 13. NEW SECTION. 544C.12 SCOPE OF CHAPTER.

This chapter does not apply to the following:

1. A person licensed to practice architecture pursuant to the laws of this state.
2. A person licensed as a professional engineer pursuant to the laws of this state.
3. A person who performs the following services: selling, selecting, or assisting in selecting personal property used in connection with furnishings of interior spaces or fixtures such as, but not limited to, furnishings, decorative

accessories, furniture, paint, wall coverings, window treatments, floor coverings, cabinets, countertops, surface-mounted lighting, or decorative materials for a retail sale; or installing or coordinating installations as a part of the prospective retail sale, or providing computer-aided or other drawings for the purpose of retail sale if the drawings are used for material listed for retail sale; and who does not represent that the person is a registered interior designer.

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

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

1. A minimum of two years of interior design education and a combined total of six years of interior design education and experience that is acceptable to the board.

2. Successful completion of section 1 of the national council for interior design qualification examination relating to life safety codes and barrier-free requirements.

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

1. Two interior designer members shall be appointed for a term of three years.
2. Two interior designer members and one public member shall be appointed for a term of two years.
3. One interior designer member and one public member shall be appointed for a term of one year.
4. The initial interior designer members need not meet the requirements for registration, but shall have previously passed the examination by the national council for interior design qualification, and shall have been in active practice

for not less than five years, the last two of which shall have been in Iowa.

---

JOHN P. KIBBIE  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 405, Eighty-first General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 5/4, 2005

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THOMAS J. VILSACK  
Governor