

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1060 Session of
2013

INTRODUCED BY WARD, SOLOBAY, BRUBAKER, FONTANA, BREWSTER,
YUDICHAK, LEACH AND COSTA, JULY 11, 2013

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JULY 11, 2013

AN ACT

Providing for the registration of interior designers; and
imposing powers and duties on the Bureau of Consumer
Protection.

TABLE OF CONTENTS

- Section 1. Short title.
- Section 2. Definitions.
- Section 3. Qualifications of registered interior designers.
- Section 4. Initial application procedures.
- Section 5. Application fees.
- Section 6. Proof of registration.
- Section 7. Biennial renewal.
- Section 8. Public information.
- Section 9. Prohibited acts.
- Section 10. Unfair Trade Practices and Consumer Protection Law.
- Section 11. Regulations.
- Section 12. Preemption of local registration.
- Section 13. Exemptions.
- Section 14. Construction.

Section 15. Effective date.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Interior Designer Registration Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Bureau." The Bureau of Consumer Protection.

"Certificate." A certificate of registration as a registered interior designer, issued by the Bureau of Consumer Protection, which contains a registration number assigned by the Bureau of Consumer Protection.

"Code-regulated interior design services." Interior design services that are regulated by applicable building codes and performed by a registered interior designer.

"Contract document." A document that forms part of the legal contract for services between various parties, including detailed instructions to the contractor, tender forms, interior construction documents and specifications.

"Interior construction document." Plans, detailed drawings, specifications and schedules that define the work to be constructed as required by law for building permitting. The plan, detailed specifications and schedules may include, but are not limited to:

(1) Allocations of space, elevations, sections, details and specifications to illustrate partition layouts.

- (2) Switching and communication locations.
- (3) Reflected ceiling plans and lighting layouts, details and designs.
- (4) Materials and finishes.
- (5) Furniture layouts.
- (6) Graphic instructions and related drawings supplied by an associated consultant and to be used for the construction of the project.

"Interior design services." The selection, placement and assistance of nonstructural elements within the interior space of a building or structure, and the rendering of or the offering to render designs, consultations, studies, planning, drawings, contract documents, interior construction documents or other technical submissions and the administration of interior construction and contracts relating to nonloadbearing interior construction of a building or structure.

"National Council for Interior Design Qualification." An independent, nonprofit organization of state and provincial credentialing bodies which develops and administers an examination with the purpose of establishing minimum standards of competence for the professional practice of interior design relative to building codes and industry standards.

"Nonloadbearing interior construction." An interior element or component that does not require design computations for a building's structure and does not support a vertical load of a structure other than its own weight, but that may support loads attached to it such as cabinetry or shelving.

"Reflected ceiling plan." A drawing illustrating a ceiling design that appears projected downward including light fixtures,

materials, height designations and changes and ceiling fixtures that may include placement or location of exit signage, smoke detectors and other elements as required by the design.

"Registered interior designer." An individual meeting the qualification requirements of this act who undertakes, offers to undertake or agrees to perform code-regulated interior design services independent of the seal and signature of a licensed architect or professional engineer.

"Specifications." A detailed, written description of construction, workmanship and materials for work to be undertaken.

"Technical submittals." Designs, drawings, specifications, studies and other technical reports prepared and reviewed in the course of the professional practice of interior design.

Section 3. Qualifications of registered interior designers.

(a) General rule.--No individual shall hold himself out as a registered interior designer, nor shall an individual perform any code-regulated interior design service without first registering with the bureau as provided for in this act.

(b) Exception.--Licensed architects and professional engineers currently permitted to practice interior design services are not required to register with the bureau under this act.

(c) Registration qualifications.--To qualify as a registered interior designer, an applicant shall:

(1) Be of good moral character.

(2) Possess the following education and training:

(i) At least six years of education, training or work experience consisting of either of the following:

(A) A bachelor's degree from an accredited college or university with a major in interior design or a related field with 96 semester credits or 144 quarter credits completed and a minimum of two years (3,800 hours) of work experience in providing interior design services with a total of 1,760 hours earned after all education is completed.

(B) An associate's or bachelor's degree from a nonaccredited college or university with a major in interior design including not less than 120 semester credits or 180 quarter credits, of which not less than 60 semester credits or 90 quarter credits are interior design course work and four or more years (7,600 hours) of work experience in providing interior design services, with a total of 1,760 hours earned after all education is completed.

(3) Pass all examinations that are required for certification by the National Council for Interior Design Qualification or its successor.

(4) Submit a bureau-approved application and any fees as prescribed by the bureau by regulation.

(5) Keep and make available all client logs for audit purposes of the experience requirement.

Section 4. Initial application procedures.

The following shall apply:

(1) An individual shall apply to the bureau in writing on a form provided by the bureau or electronically via the secure registration web page on the bureau's Internet website developed as required by the act of October 17, 2008

(P.L.1645, No.132), known as the Home Improvement Consumer Protection Act. The bureau may make the modifications to the registration web page and database which are necessary to facilitate online registration of interior designers. The application shall include the following information:

(i) The name of the applicant.

(ii) The date of birth of the applicant.

(iii) The applicant's home address and home telephone number.

(iv) The applicant's driver's license number, a copy of an identification card issued by the state in which the individual resides or another form of identification as permitted by the bureau.

(v) The applicant's business or employer's name, Federal employment identification number, address and telephone number, if applicable.

(vi) The applicant's Social Security number.

(vii) All prior business names and addresses of interior design businesses operated by the applicant.

(viii) A complete description of the nature of the interior design business of the applicant.

(ix) Proof of successful completion of registration requirements.

(x) A statement whether:

(A) The applicant has ever been convicted of a criminal offense related to fraud, theft, a crime of deception or a crime involving fraudulent business practices, as well as a statement whether the applicant has ever filed a petition in bankruptcy or,

within the last ten years, received a final civil judgment entered against the applicant or businesses in which the applicant held an interest that was related to interior design services provided by the individual.

(B) The applicant's registration or a similar certificate or license issued by any other state or political subdivision has ever been revoked or suspended pursuant to an order issued by a court of competent jurisdiction and, if so, the current status of the registration or similar certificate or license. The statement required by this clause shall include the same information with respect to any other business in which the person making application has ever had an interest.

(xi) Proof of general liability insurance in an amount not less than \$50,000. For the purpose of this subparagraph, proof of insurance may include information attested to by an applicant that the applicant is self-insured. The bureau shall develop forms for this purpose and make them available to applicants. The bureau may determine the sufficiency of the self-insurance and the manner in which it is maintained in compliance with this act.

(2) Any registered interior designer in this Commonwealth who is registered or licensed as an interior designer in any other state or political subdivision shall report that information to the bureau on the initial registration and biennial registration application. Any

disciplinary action taken in such other jurisdiction shall be reported to the bureau on the initial registration application or, if such action occurred subsequent to submission of an initial application, on the biennial registration application or within 90 days of final disposition, whichever is sooner. Multiple registrations or licensures shall be noted by the bureau on the registered interior designer's registration, and such state or political subdivision shall be notified by the bureau of any disciplinary actions taken in this Commonwealth against such registered interior designer.

Section 5. Application fees.

(a) Amount.--Each application or renewal application shall be accompanied by a fee of \$50. After completion of the application and payment of the fee, the bureau shall issue the registered interior designer a certificate of registration identifying the name of the individual, name and address of the business and a registration number.

(b) Term of certificate.--A certificate of registration issued pursuant to this section shall be valid for two years and may be renewed biennially with the bureau pursuant to the renewal requirements under section 7.

(c) Account.--The following shall apply:

(1) All fees collected under this act shall be deposited into the Home Improvement Account established by the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, which shall be an interest-bearing account.

(2) The funds in the account and any interest earned on

the funds may be appropriated to the Attorney General for administering and enforcing the provisions of this act and to protect consumers with respect to registered interior design services through consumer education and other means.

Section 6. Proof of registration.

(a) Code-regulated interior design services.--A registered interior designer practicing code-regulated interior design services within this Commonwealth shall affix a copy of the interior designer's certificate on an interior construction document certifying compliance with applicable current building codes, ordinances, laws and regulations defining the work to be constructed for approval of a construction permit by a building official or fire marshal. Documents may be combined with documents prepared under the seal and signature of other licensed, certified or registered professionals licensed under the laws of this Commonwealth performing services within their authorized scope of practice. Documents may also include the technical submittals coordinated by the registered interior designer as required by contract documents.

(b) Advertisements.--A registered interior designer shall include the registration number in all advertisements distributed within this Commonwealth.

(c) Applicability.--This section shall apply to all advertisements, contracts, estimates and proposals created by a registered interior designer after the effective date of this act.

Section 7. Biennial renewal.

(a) Biennial registration renewal.--For biennial renewal of a registration the following shall apply:

(1) In addition to the initial application requirements under section 4, a registered interior designer must provide certification of successful completion of a minimum of ten hours of continuing education biennially. Continuing education activities which satisfy the professional development requirements include, but are not limited to, the following:

(i) Completion of accredited college or university coursework in interior design or a related field.

(ii) Completion of continuing education courses offered or accepted by the United States Green Building Council, American Institute of Architects, International Interior Design Association, the American Society of Interior Designers or other accrediting agencies and institutions related to interior design.

(2) Certification of continuing education credit hours submitted by the registered interior designer shall be verified as being correct and true by the applicant. Falsification of credit hours shall result in immediate revocation of the registered interior designer's certification.

(3) A registered interior designer must file a completed bureau-approved renewal application and pay the appropriate fee.

Section 8. Public information.

(a) Public access to registration information.--The bureau shall maintain a toll-free telephone number from which a caller can obtain information as to whether an interior designer is registered with the bureau pursuant to this act, as well as

information that may be obtained on the bureau's Internet website.

(b) Confidentiality of personal information.--The bureau shall create a policy for the disclosure of personal information to the public. The bureau may not disclose to the public a registered interior designer's or applicant's Social Security number, driver's license number or any confidential information prohibited by law from being disclosed, provided that an interior designer's home address and home telephone number shall be disclosed only if it is also used as the interior designer's business address and business telephone number.

Section 9. Prohibited acts.

(a) General rule.--Nothing in this act shall prohibit an individual from providing interior design services and preparing interior construction documents under the seal and signature of a licensed architect or professional engineer, but the individual may not practice code-regulated interior design services or hold himself out to be a registered interior designer unless the individual meets the requirements of this act.

(b) Misrepresentation.--Any individual who is not registered by the bureau as a registered interior designer is prohibited from printing any written or printed circular, any business card, letterhead or sign, or otherwise assume the title of registered interior designer nor any other title, abbreviation, name or description, implying or calculated to lead to the belief that the individual is qualified as a registered interior designer. Any individual who misrepresents himself as a registered interior designer commits a felony of the third

degree.

(c) Construction.--The following shall apply:

(1) Nothing in this section shall prohibit an individual from engaging in the practice for which that individual is licensed or certified to practice or to act within the scope of that license or certification held in this Commonwealth.

(2) Nothing in this act or any other law or regulation of this Commonwealth shall prohibit a registered interior designer from being directly compensated for the preparation of interior construction documents.

(d) Regulation.--No political subdivision may in any manner regulate a registered interior designer. No building official, fire marshal or any other municipal employee authorized to issue construction permits may require a registered interior designer to submit an interior construction document or technical submittal pertaining to registered interior design practice under the seal and signature of a licensed architect or professional engineer. A registered interior designer may request the bureau to review any local ordinance or action taken by a building official, fire marshal or any other municipal employee authorized to issue construction permits that may be in violation of this section. The bureau may bring an action against the political subdivision in Commonwealth Court to invalidate the unauthorized local ordinance or enjoin the enforcement of the unauthorized local ordinance.

Section 10. Unfair Trade Practices and Consumer Protection Law.

A violation of any of the provisions of this act shall be deemed a violation of the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer

Protection Law. Nothing in this act shall preclude an owner from exercising any right provided under the Unfair Trade Practices and Consumer Protection Law.

Section 11. Regulations.

(a) General rule.--The bureau may adopt rules and regulations necessary to carry out the provisions of this act.

(b) Pennsylvania Building Code.--The Department of Labor and Industry shall adopt regulations within 90 days of the effective date of this act to bring 34 Pa. Code § 403.42a(c) (relating to permit applications) and any other relevant sections of the Pennsylvania Building Code into compliance with this act.

Section 12. Preemption of local registration.

Registration under this act shall preclude any requirement of payment of a fee or registration or licensing of any interior designer by any political subdivision. Political subdivisions shall be permitted to require building permits and local enforcement of the building code for that political subdivision, for which a reasonable fee may be charged.

Section 13. Exemptions.

This act shall not apply to any of the following persons or organizations:

(1) The Commonwealth, or any of its political subdivisions.

(2) The Federal Government.

Section 14. Construction.

This act shall supersede any conflicting provision in any other State law.

Section 15. Effective date.

This act shall take effect July 1, 2014.