

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL 1497

4 **By: Representatives Jones, Thicksten, Molinaro, Cash, Hogue, Owens, Townsend,**
5 **Wren, and Stalnaker**

For An Act To Be Entitled

9 "THE ARKANSAS INTERIOR DESIGNERS TITLE REGISTRATION ACT."

Subtitle

12 "THE ARKANSAS INTERIOR DESIGNERS TITLE REGISTRATION ACT."

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16 SECTION 1. Short Title. This act may be cited as the Arkansas Interior
17 Designers Title Registration Act.

19 SECTION 2. Purpose. The purpose of this act is to register and
20 regulate persons known as registered interior designers, in the public
21 interest, and to prohibit the use of the title "Registered Interior Designer"
22 by persons who are not registered.

24 SECTION 3. Definitions. In this act:

25 (a) "Board" means the State Board of Interior Design.

26 (b) "Registered Interior Designer" means a person registered under this
27 act. The Registered Interior Designer is a design professional who is
28 qualified by education, experience and examination as authorized by an
29 authority. In general, a registered interior designer performs services
30 including preparation of working drawings and documents relative to non-load
31 bearing interior construction, materials, finishes, space planning,
32 furnishings, fixtures, and equipment. Except as provided herein, interior
33 design services do not include services that constitute the practice of
34 architecture as defined in Arkansas Architectural Act; Arkansas Code Annotated
35 17-14-101 or the practice of engineering as defined in Arkansas Engineering

1 Act; Arkansas Code Annotated 17-27-101.

2

3 SECTION 4. State Board of Registered Interior Designers.

4 (a) There is created the Board of Registered Interior Designers. The
5 board shall consist of seven (7) members. Of the seven (7) members of the
6 board, five (5) shall be registered interior designers (one (1) may be a
7 professional full-time design educator, registered or unregistered); one (1)
8 shall be an architect licensed by the State Board of Architects who provides
9 design services; and one (1) shall be a consumer. In lieu of registration,
10 the initial interior design members (other than the design educator) must have
11 been offering interior design services for at least six (6) years, be
12 otherwise eligible to be registered, and become registered within one (1) year
13 of the effective date of this act.

14 (b) The initial members of the board shall be appointed by the Governor
15 for such staggered terms as will result in one member_s term of office
16 expiring after one year; two member_s terms of office expiring after two
17 years; one member_s term of office expiring after three years; two member_s
18 terms of office expiring after four years; and one member_s term of office
19 expiring after five years. Thereafter, members shall be appointed for terms
20 of five years in such a manner that the terms of not more than two members
21 expire in one year. Vacancies shall be filled by appointment by the Governor
22 for the unexpired term. No board member shall serve consecutive terms.

23 (c) A majority of the members on the board shall constitute a quorum.
24 Decisions of the board shall be made by a majority vote of a quorum.

25 (d) The board shall hold a meeting within thirty (30) days after its
26 members are first appointed, and thereafter shall hold at least two (2)
27 regular meetings each year and such other meetings as deemed necessary.

28 (e) The board shall elect annually from its members: a chairman and
29 vice chairman to hold office for one (1) year and an executive secretary who
30 may or may not be a member of the board. The executive secretary shall hold
31 such office at the pleasure of the board and may receive a salary determined
32 by the board.

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34 SECTION 5. Powers and Duties of the Board. The board:

35 (a) shall administer, coordinate and enforce the provisions of this

1 act;

2 (b) may investigate allegations of misconduct and suspend registrations
3 concerning the provisions of this act;

4 (c) shall adopt regulations in the manner prescribed by the
5 Administrative Procedure Act to carry out the purposes and policies of this
6 act, including regulations relating to professional conduct, standards of
7 performance and professional examination and registration, registration
8 renewal requirements, application, renewal and late fees, suspension and
9 revocation of registrations, and the establishment of a code of ethics for
10 persons registered under this act;

11 (d) shall set fees for registration, registration renewals,
12 examinations, and all other administrative expenses;

13 (e) may require a registrant, as a condition of the renewal of his/her
14 registration, to satisfy continuing education requirements;

15 (f) shall maintain an official roster showing the name, address and
16 registration number of each interior designer registered under this act;

17 (g) shall require registrants to display their registration number on
18 all business and advertising instruments, including business cards, stationery
19 and contracts;

20 (h) may adopt a common seal for use of registered interior designers;

21 (i) shall conduct hearings and keep records and minutes necessary to
22 carry out its functions;

23 (j) may, to the extent monies are appropriated therefor, employ an
24 executive secretary and other employees and fix their compensation; and

25 (k) shall do all things reasonable and necessary to carry out the
26 purposes of this act.

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28 SECTION 6. Penalties. Effective January 1, 1994, it shall be a Class A
29 misdemeanor for any person to:

30 (a) use the title Registered Interior Designer, unless registered under
31 this act;

32 (b) present as his own the registration of another;

33 (c) give false or forged evidence to the board or any member thereof in
34 obtaining a registration;

35 (d) falsely impersonate any other practitioner, of like or different

1 name;

2 (e) use or attempt to use a registration that has been revoked; or

3 (f) otherwise violate any of the provisions of this act.

4

5 SECTION 7. Compensation and Expenses.

6 (a) Board members shall serve without compensation but may, to the

7 extent monies are appropriated therefor, be entitled to reimbursement for

8 expenses as determined by the board under the standard state travel

9 regulations.

10 (b) The board shall fix the compensation of its employees by resolution

11 adopted at a regular meeting of the board.

12

13 SECTION 8. Requirements for Registration.

14 (1) Each applicant for registration shall provide substantial evidence

15 to the board that the applicant has taken and passed the National Council for

16 Interior Design Qualification (NCIDQ) examination or its predecessor exams

17 produced by American Institute of Interior Designers (AID) and by the National

18 Society of Interior Designers (NSID); and

19 (2) is a graduate of a five-year interior design program from an

20 accredited institution and has completed at least one year of diversified and

21 appropriate interior design experience; or

22 (3) is a graduate of a four-year interior design program or a masters

23 degree program in interior design from an accredited institution and has

24 completed at least two years of diversified and appropriate interior design

25 experience; or

26 (4) has completed at least three (3) years of an interior design

27 curriculum from an accredited institution and has completed three (3) years of

28 diversified and appropriate interior design experience; or

29 (5) is a graduate of a two-year interior design program from an

30 accredited institution and has completed four years of diversified and

31 appropriate interior design experience; or

32 (6) is a licensed architect certified by the Arkansas State Board of

33 Architects;

34 (7) all interior design programs must be accredited by the Foundation

35 for Interior Design Education Research (FIDER) or be an interior design

1 program of an institution accredited by the North Central Association of
2 Colleges and Schools, or a program determined by the board to be substantially
3 equivalent to such accredited program.

4 (8) Four (4) years from date of passage, paragraphs (4) and (5) of this
5 section shall become null and void.

6 (9) Six (6) years from date of passage, completion of a monitored
7 internship development program may be required as part or all of the
8 diversified interior design experience requirement.

9

10 SECTION 9. Registration of Interior Designers.

11 (a) It is unlawful for any person who, after January 1, 1994, is not
12 registered under this act as an interior designer to advertise as a Registered
13 Interior Designer, to use the title "Registered Interior Designer" or any
14 other words, letters, figures or other devices for the purpose of implying,
15 directly or indirectly that the person is registered under this act.

16 (b) It is unlawful for any company, partnership, association,
17 corporation, or other similar organization, after January 1, 1994, to
18 advertise that it is in the position to provide the services of a registered
19 interior designer unless the persons providing such services are in the
20 responsible charge of a registered interior designer.

21 (c) An applicant for registration as an interior designer shall
22 establish to the satisfaction of the board that the applicant:

23 (1) is at least twenty-one years of age;

24 (2) has not been convicted of an offense that bears directly on the
25 fitness of the applicant to be registered;

26 (3) has passed or supplied proof of passage of the examination required
27 by this act; and

28 (4) meets any other requirements established by the board.

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30 SECTION 10. Existing Interior Designers. Any person who applies for
31 registration and remits the application and initial registration fees no later
32 than December 31, 1994 shall be registered by the board without taking any
33 further written examination, provided that:

34 (a) The applicant has previously passed the examination administered by
35 the National Council for Interior Design Qualifications or either of its

1 predecessors, the American Institute of Interior Design (AID) and the National
2 Society of Interior Design (NSID); or

3 (b) The applicant has satisfactory evidence of having used or been
4 identified by the title "interior designer" and has a combination of interior
5 design education and diversified and appropriate interior design experience
6 totaling at least two (2) years; and provides proof of passage of the 1990 or
7 later Building and Barrier Free Codes section of the NCIDQ (National Council
8 of Interior Design Qualification) or other codes examination adopted by the
9 board, no later than December 31, 1995.

10 (c) A person shall be deemed to have used or been identified by the
11 title "interior designer" within the meaning of this section if such person
12 demonstrated to the satisfaction of the board that such person was, either on
13 his own account, which means self-employed, or in the course of regular
14 employment, rendering or offering to render to another person interior design
15 services as defined in Section 3(b) of this act.

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17 SECTION 11. Reciprocal Registration. The board shall waive
18 examination requirements for an individual who provides proof of passage of
19 the National Council for Interior Design Qualification examination or either
20 of its predecessors, the American Institute of Interior Design (AID) or the
21 National Society of Interior Design (NSID); and who is registered, licensed,
22 or certified as an interior designer in another state, the District of
23 Columbia, or a foreign country providing that jurisdiction_s requirements for
24 registration are substantially equivalent to those required for registration
25 in this state.

26

27 SECTION 12. Seal of Interior Designer.

28 (a) Each registered interior designer shall obtain a seal as prescribed
29 by the board. Any drawing, plan, specification, or report prepared or issued
30 by the registered interior designer and being filed for public record shall
31 bear the signature and seal of the interior designer who prepared or approved
32 the document and the date on which they were sealed. The signature, date,
33 seal shall be evidence of the authenticity of the document.

34 (b) No registered interior designer shall affix or permit to be
35 affixed, his seal or signature to any plan, specification, drawing, or other

1 document which depicts work which he is not competent or certified to perform.

2 (c) The interior designers_ contract documents shall contain a
3 statement that the document is not an architectural or engineering drawing,
4 specification, or design and is not to be used for construction of any load-
5 bearing columns, load-bearing framing, or load-bearing walls or structures or
6 issuance of any building permit, except as otherwise provided by law.

7 (d) Documents as defined above are not to be construed as those that
8 are required to be filed in state or local building departments or
9 municipalities except as otherwise provided by law.

10 (e) No registered interior designer shall affix his signature or seal
11 to any plan, specifications, or other document which was not prepared by him
12 or under his responsible supervising control or by another interior designer
13 and reviewed, approved or modified and adopted by him as his own work
14 according to the rules adopted by the board.

15 (f) Studies, drawings, specifications, and other related documents
16 prepared by a registered interior designer in providing interior design
17 services shall be of a sufficiently high standard to clearly and accurately
18 indicate all essential parts of the work to which they refer.

19 (g) The shape and design of the seal will be different than the seals
20 of the architects, engineers, or landscape architects.

21 (h) When the registration of a registered interior designer has been
22 revoked or suspended by the board, the registered interior designer shall
23 surrender his seal to the chairman of the board within thirty calendar days
24 after the revocation or suspension has become effective. His seal shall be
25 returned upon expiration of the suspension period.

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27 SECTION 13. Exemptions - Use of the Title.

28 (a) This act shall not apply to persons holding themselves out as
29 "interior decorators" or offering "interior decorating services", such as
30 selection or assistance in selecting surface materials, window treatments,
31 wallcoverings, paint, floor coverings, surface mounted lighting or loose
32 furnishings not subject to regulation under applicable building codes.

33 (b) Nothing contained in this act shall prevent any person from
34 rendering interior design services, provided such person does not use the
35 title "Registered Interior Designer" unless registered under this act. This

1 act shall not apply to architects licensed by the State Board of Architects
2 providing that such architects not refer to themselves as "registered interior
3 designers" unless registered by this act.

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5 SECTION 14. Registration Renewal.

6 (a) Every registered interior designer shall annually renew his or her
7 registration, submit proof of completion of continuing education units as
8 required by the board, and pay the renewal fee established by the board. It
9 is unlawful for any interior designer who fails to renew his or her
10 registration to continue to use the title "Registered Interior Designer".

11 (b) Every registration shall expire annually on a day designated by the
12 board.

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14 SECTION 15. All monies collected by the board under this act shall be
15 deposited into a financial institution in this state designated by the board.
16 No general revenues of this state shall be appropriated to the board.

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18 SECTION 16. All provisions of this act of a general and permanent
19 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
20 Code Revision Commission shall incorporate the same in the Code.

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22 SECTION 17. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 18. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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/s/Myra Jones, et al

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