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2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/17/11
A Bill

SENATE BILL 313

5 By: Senator Madison
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 17 OF THE
9 ARKANSAS CODE OF 1987 CONCERNING THE REGULATION OF
10 PROFESSIONS, OCCUPATIONS, AND BUSINESSES; AND FOR
11 OTHER PURPOSES.
12
13

14 **Subtitle**

15 TO MAKE VARIOUS CORRECTIONS TO TITLE 17
16 OF THE ARKANSAS CODE OF 1987 CONCERNING
17 THE REGULATION OF PROFESSIONS,
18 OCCUPATIONS, AND BUSINESSES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 17-15-312 is amended to properly subdivide
24 and make a minor change to conform to style to read as follows:

25 17-15-312. Practice by architect not registered in Arkansas.

26 (a) This chapter ~~shall~~ does not ~~be construed to~~ prevent:

27 (1) A nonresident who holds the certification issued by the
28 National Council of Architectural Registration Boards from offering to render
29 the professional services involved in the practice of architecture, if for
30 every project the person is involved in, he or she notifies the Arkansas
31 State Board of Architects, Landscape Architects, and Interior Designers in
32 writing that he or she:

33 (A) Holds a National Council of Architectural Registration
34 Boards certificate and is not currently registered in Arkansas but will be
35 present in Arkansas for the purposes of offering to render architectural
36 services for a single project;



1 (B) Will deliver a copy of the notice referred to in
2 subdivision (a)(1)(A) of this section to every potential client to whom the
3 applicant offers to render architectural services; and

4 (C) Promises to apply to the Arkansas State Board of
5 Architects, Landscape Architects, and Interior Designers within thirty (30)
6 days for registration if selected as the architect for the project;

7 (2) A person, who holds the certification issued by the National
8 Council of Architectural Registration Boards but who is not currently
9 registered in Arkansas, from seeking an architectural commission by
10 participating in a single architectural design competition for a project in
11 Arkansas, if for every project the person is involved in, the person notifies
12 the Arkansas State Board of Architects, Landscape Architects, and Interior
13 Designers in writing that:

14 (A) The person holds a National Council of Architectural
15 Registration Boards certificate and is not currently registered in the
16 jurisdiction but will be present in Arkansas for the purpose of participating
17 in an architectural design competition;

18 (B) The person will deliver a copy of the notice referred
19 to in subdivision (a)(2)(A) of this section to every person conducting an
20 architectural design competition in which the applicant participates; and

21 (C) The person promises to apply to the Arkansas State
22 Board of Architects, Landscape Architects, and Interior Designers within
23 thirty (30) days after being selected as the architect for the project; and

24 (3)(A) A person who is not currently registered in this state
25 but who is currently registered in another jurisdiction from providing
26 uncompensated professional services at the scene of an emergency at the
27 request of a public officer, public safety officer, or municipal or county
28 building inspector acting in an official capacity.

29 (B) "Emergency" means earthquake, eruption, flood, storm,
30 hurricane, or other catastrophe that has been designated as a major disaster
31 or emergency by the President of the United States or the Governor of
32 Arkansas.

33 ~~(4)~~ (b) An individual who possesses a professional degree in
34 architecture and is enrolled in the Intern Development Program of the
35 National Council of Architectural Registration Boards or under the
36 jurisdiction of the Arkansas State Board of Architects, Landscape Architects,

1 and Interior Designers may use the title "Architectural Intern" or "Intern
2 Architect" to identify himself or herself.

3
4 SECTION 2. Arkansas Code § 17-26-104(b), concerning unlawful
5 practices, is amended to make a technical correction, to read as follows:

6 (b)(1) Being found guilty of a criminal penalty is ~~a Class D~~
7 ~~misdemeanor~~ an unclassified misdemeanor and is punishable by a fine in any
8 sum not less than twenty-five dollars (\$25.00) nor more than five hundred
9 dollars (\$500) or by imprisonment in the county jail for a period of not more
10 than ninety (90) days, or by both fine and imprisonment.

11 (2) After being found guilty of ~~a Class D misdemeanor~~ an
12 unclassified misdemeanor under this section, a subsequent charge under this
13 section is a Class C misdemeanor.

14 (3) All prosecuting attorneys of the state and all political
15 subdivisions of the state shall enforce this chapter and prosecute any person
16 or entity violating it.

17
18 SECTION 3. Arkansas Code § 17-35-101 is amended to read as follows:
19 17-35-101. Short title.

20 ~~Sections 17-35-101 – 17-35-105, This subchapter and §§ 17-35-301 – 17-~~
21 ~~35-304 may be cited as the "Arkansas Interior Designers Title Registration~~
22 ~~Act".~~

23
24 SECTION 4. Arkansas Code § 17-35-103(a) concerning definitions that
25 are used in this subchapter, is amended to add language to read as follows:

26 (a) As used in this subchapter, § 17-15-201 et seq., ~~this subchapter~~,
27 and §§ 17-35-301 – 17-35-304, "registered interior designer" means a person
28 registered under this subchapter, § 17-15-201 et seq., ~~this subchapter~~, and
29 §§ 17-35-301 – 17-35-304.

30
31 SECTION 5. Arkansas Code § 17-35-104 is amended to add and delete
32 language to read as follows:

33 17-35-104. Exemptions – Use of the title.

34 (a) This subchapter, ~~Section §~~ 17-15-201 et seq., ~~this subchapter~~, and
35 §§ 17-35-301 – 17-35-304 do not apply to persons holding themselves out as
36 "interior decorators" or offering "interior decorating services", such as

1 selection or assistance in selecting surface materials, window treatments,
2 wall coverings, paint, floor coverings, surface-mounted lighting, or loose
3 furnishings not subject to regulation under applicable building codes.

4 (b) This subchapter and §§ 17-35-301 – 17-35-304 do not apply to
5 architects licensed by the Arkansas State Board of Architects, Landscape
6 Architects, and Interior Designers provided that ~~such~~ the architects do not
7 refer to themselves as “registered interior designers” unless registered ~~by~~
8 under this subchapter and §§ 17-35-301 – 17-35-304.

9 (c) ~~Nothing contained in This subchapter, § 17-15-201 et seq., this~~
10 ~~subchapter,~~ and §§ 17-35-301 – 17-35-304 ~~shall~~ do not prevent any person from
11 rendering interior design services, provided such a person does not use the
12 title of “registered interior designer” unless registered under this
13 subchapter, § 17-15-201 et seq., ~~this subchapter~~ and §§ 17-35-301 – 17-35-
14 304.

15
16 SECTION 6. Arkansas Code § 17-35-105 is amended to add and delete
17 language to read as follows:

18 17-35-105. Penalties.

19 It shall be a Class A misdemeanor for a person to:

20 (1) Use the title of “registered interior designer”, unless
21 registered under this subchapter, § 17-15-201 et seq., ~~this subchapter,~~ and
22 §§ 17-35-301 – 17-35-304;

23 (2) Present as his or her own the registration of another;

24 (3) Give false or forged evidence to the Arkansas State Board of
25 Architects, Landscape Architects, and Interior Designers or any member
26 thereof in obtaining a registration;

27 (4) Falsely impersonate any other practitioner of like or
28 different name;

29 (5) Use or attempt to use a registration that has been revoked;

30 or

31 (6) Otherwise violate any of the provisions of this subchapter,
32 § 17-15-201 et seq., ~~this subchapter,~~ and §§ 17-35-301 – 17-35-304.

33
34 SECTION 7. Arkansas Code § 17-35-301 is amended to add and delete
35 language to read as follows:

36 17-35-301. Registration of interior designers.

1 (a) It is unlawful for a person who is not registered under this
2 subchapter, § 17-15-201 et seq., and § 17-35-101 et seq., and this
3 ~~subchapter~~ as an interior designer to advertise as a registered interior
4 designer or to use the title of “registered interior designer” or any other
5 words, letters, figures, or other devices for the purpose of implying,
6 directly or indirectly, that the person is registered under this subchapter,
7 § 17-15-201 et seq., and § 17-35-101 et seq. ~~and this subchapter.~~

8 (b) It is unlawful for a company, partnership, association,
9 corporation, or other similar organization, after January 1, 1994, to
10 advertise that it is in a position to provide the services of a registered
11 interior designer unless the persons providing the services are in the
12 responsible charge of a registered interior designer.

13 (c) An applicant for registration as a registered interior designer
14 shall establish to the satisfaction of the Arkansas State Board of
15 Architects, Landscape Architects, and Interior Designers that the applicant:

16 (1) Is at least twenty-one (21) years of age;

17 (2) Has not been convicted of an offense that bears
18 directly on the fitness of the applicant to be registered;

19 (3) Has passed or supplied proof of passage of the
20 examination required by this subchapter, § 17-15-201 et seq., and § 17-35-
21 101 et seq., ~~and this subchapter~~; and

22 (4) Meets any other requirements established by the board.
23

24 SECTION 8. Arkansas Code § 17-35-302(a)(2), concerning requirements
25 for registration, is amended to be properly subdivided to read as follows:

26 (2)~~(A)~~ Is a:

27 (A) ~~graduate~~ Graduate of a five-year interior design
28 program from an accredited institution and has completed at least one (1)
29 year of diversified and appropriate interior design experience;

30 (B) ~~Is a graduate~~ Graduate of a four-year interior design
31 program or a master’s degree program in interior design from an accredited
32 institution and has completed at least two (2) years of diversified and
33 appropriate interior design experience; or

34 (C) ~~Is a licensed~~ Licensed architect certified by the
35 board.
36

1 SECTION 9. Arkansas Code § 17-54-103(b)(1)(B) concerning,
2 qualifications criteria for mold investigation, is amended to add language
3 for grammatical purposes to read as follows:

4 (B) Certification as a Certified Microbial Consultant by
5 the American Indoor Air Quality Council or as a Certified Indoor
6 Environmental Consultant; or
7

8 SECTION 10. Arkansas Code § 17-92-412(a)(1), concerning nursing home
9 consultant permits, is amended to add and delete language for clarification
10 to read as follows:

11 (1) The Arkansas State Board of Pharmacy shall provide ~~by~~
12 ~~regulation~~ for the issuance of nursing home consultant permits by regulation.
13

14 SECTION 11. Arkansas Code § 17-93-203(b)(2), concerning the disposition
15 of funds, is amended for clarification to read as follows:

16 (2) ~~No compensation~~ Compensation or expenses incurred under
17 this chapter shall not be a charge against the general funds of this state.
18

19 SECTION 12. Arkansas Code § 17-102-102(2) concerning the definition of
20 acupuncturist is amended to delete obsolete language impliedly repealed by a
21 2009 act to read as follows:

22 (2) "Acupuncturist" means a person licensed under this chapter
23 ~~as a doctor of healing arts~~ to practice acupuncture and related techniques in
24 this state and includes the terms licensed acupuncturist, certified
25 acupuncturist, acupuncture practitioner, and Oriental acupuncture
26 practitioner;
27

28 SECTION 13. Arkansas Code § 17-103-104 is amended to add and delete
29 language for clarification to read as follows:

30 17-103-104. Exemptions.

31 (a) ~~Nothing in this~~ This chapter shall not be construed to prevent
32 members of the clergy, Christian Science practitioners, and licensed
33 professionals such as physicians, nurses, psychologists, counselors, and
34 attorneys from doing work within the standards and ethics of their respective
35 professions, provided that they do not hold themselves out to the public by
36 any title or description of services as being social workers as defined under

1 this chapter.

2 (b) ~~Nothing in this~~ This chapter shall not be construed to limit or
3 prohibit the employment by licensed hospitals in this state of persons who
4 perform services commonly within the definition of social work or practices
5 performed by social workers, so long as the services are performed within the
6 course of and scope of their employment as employees of the hospitals. Nor
7 shall this chapter require any regular employee of a licensed hospital in
8 this state to be licensed as a licensed social worker, a licensed master
9 social worker, or a licensed certified social worker as a condition of
10 employment by or performance of services as a social worker while employed in
11 a licensed hospital in this state.

12 (c) ~~Nothing in this~~ This chapter shall not be construed as limiting
13 the activities and services of a graduate or undergraduate student for the
14 practice of social work from an accredited educational institution.

15 (d)(1) ~~Nothing in this~~ This chapter shall not be construed to require
16 any person to be licensed as a licensed social worker who is engaged in the
17 practice of a specialty as an employee of any agency or department of the
18 state in the following job classifications but only if engaged in that
19 practice as an employee of such an agency or department:

- 20 (A) Family service worker;
21 (B) Social service worker; and
22 (C) Adult protective services worker.

23 (2) It is the intent of the General Assembly to restrict
24 licensure to those individuals who are represented to be social workers. It
25 is not the intent of the General Assembly to license persons such as state
26 employees in the job classifications of social service workers and family
27 service workers.

28
29 SECTION 14. DO NOT CODIFY. The enactment and adoption of this act
30 shall not repeal, expressly or impliedly, the acts passed at the regular
31 session of the Eighty-Eighth General Assembly. All such acts shall have the
32 full force and effect and, so far as those acts intentionally vary from or
33 conflict with any provision contained in this act, those acts shall have the
34 effect of subsequent acts and as amending or repealing the appropriate parts
35 of the Arkansas Code of 1987.

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/s/Madison