1	State of Arkansas	A Bill	
2	91st General Assembly	A DIII	CENTATE DILL 540
3	Regular Session, 2017		SENATE BILL 540
4	Devi Cometan T. Common		
5	By: Senator T. Garner		
6 7		For An Act To Be Entitled	
8	ለክ ለርጥ ጥ	O REPEAL REGISTRATION REQUIREMENTS FOR	
9		DESIGNERS; TO REPEAL THE ARKANSAS	
10		IAL INTERIOR DESIGNERS TITLE REGISTRATION	ON
11		AMEND THE POWERS AND DUTIES OF THE STATE	
12	·	REGISTERED RESIDENTIAL INTERIOR DESIGNE	
13		OTHER PURPOSES.	,
14			
15			
16		Subtitle	
17	TO	REPEAL REGISTRATION REQUIREMENTS FOR	
18	INI	ERIOR DESIGNERS; TO REPEAL THE	
19	ARK	ANSAS RESIDENTIAL INTERIOR DESIGNERS	
20	TIT	LE REGISTRATION ACT; AND TO AMEND THE	
21	POW	ERS OF THE STATE BOARD OF REGISTERED	
22	RES	IDENTIAL INTERIOR DESIGNERS.	
23			
24			
25	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKANS	SAS:
26			
27	SECTION 1. Ar	kansas Code Title 17, Chapter 35, Subcha	apter, l is
28	repealed.		
29		Subchapter 1	
30	_	Interior Designers - Title Registratio	
31			
32	17-35-101. Sho		
33	•	r and §§ 17-35-301 - 17-35-304 may be ci	lted as the
34	~Arkansas Interior D	esigners Title Registration Act".	
35 36	17_35_102 Pur	nasa	

1 The purpose of this subchapter and §§ 17-35-301 - 17-35-304 is to 2 register and regulate persons known as registered interior designers, in the public interest, and to prohibit the use of the title of "registered interior 3 4 designer" by persons who are not registered. 5 6 17-35-103. Definitions. (a) As used in this subchapter, § 17-15-201 et seq., and §§ 17-35-301 7 8 - 17-35-304, "registered interior designer" means a person registered under 9 this subchapter, § 17-15-201 et seq., and §§ 17-35-301 - 17-35-304. 10 (b)(1) A registered interior designer is a design professional who is 11 qualified by education, experience, and examination as authorized by an 12 authority. 13 (2) In general, a registered interior designer performs services 14 including preparation of working drawings and documents relative to non-load-15 bearing interior construction, materials, finishes, space planning, 16 furnishings, fixtures, and equipment. 17 (c) Except as provided herein, interior design services do not include 18 services that constitute the practice of architecture as defined in the 19 Arkansas Architectural Act, § 17-15-101 et seq., or the practice of 20 engineering as defined in the Arkansas Engineering Act, § 17-30-101 et seq. 21 22 17-35-104. Exemptions - Use of the title. (a) This subchapter, § 17-15-201 et seq., and §§ 17-35-301 - 17-35-304 23 24 do not apply to persons holding themselves out as "interior decorators" or offering "interior decorating services" such as selection or assistance in 25 26 selecting surface materials, window treatments, wall coverings, paint, floor 27 coverings, surface-mounted lighting, or loose furnishings not subject to 28 regulation under applicable building codes. (b) This subchapter and §§ 17-35-301 - 17-35-304 do not apply to 29 30 architects licensed by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers provided that the architects do not refer 31 32 to themselves as "registered interior designers" unless registered under this subchapter and §§ 17-35-301 - 17-35-304. 33 (c) This subchapter, § 17-15-201 et seq., and §§ 17-35-301 - 17-35-304 34 35 do not prevent any person from rendering interior design services, provided 36 such a person does not use the title of "registered interior designer" unless

1	registered under this subchapter, § 17-15-201 et seq., and §§ 17-35-301 - 17-
2	35-304.
3	
4	17-35-105. Penalties.
5	It shall be a Class A misdemeanor for a person to:
6	(1) Use the title of "registered interior designer", unless
7	registered under this subchapter, § 17-15-201 et seq., and §§ 17-35-301 - 17-
8	35-304;
9	(2) Present as his or her own the registration of another;
10	(3) Give false or forged evidence to the Arkansas State Board of
11	Architects, Landscape Architects, and Interior Designers or any member
12	thereof in obtaining a registration;
13	(4) Falsely impersonate any other practitioner of like or
14	different name;
15	(5) Use or attempt to use a registration that has been revoked;
16	or
17	(6) Otherwise violate any of the provisions of this subchapter,
18	§ 17-15-201 et seq., and §§ 17-35-301 - 17-35-304.
19	
20	SECTION 2. Arkansas Code Title 17, Chapter 35, Subchapter, 3 is
21	repealed.
22	Subchapter 3
23	— Requirements
24	
25	17-35-301. Registration of interior designers.
26	(a) It is unlawful for a person who is not registered under this
27	subchapter, § 17-15-201 et seq., and § 17-35-101 et seq., as an interior
28	designer to advertise as a registered interior designer or to use the title
29	of "registered interior designer" or any other words, letters, figures, or
30	other devices for the purpose of implying, directly or indirectly, that the
31	person is registered under this subchapter, § 17-15-201 et seq., and § 17-35-
32	101 et seq.
33	(b) It is unlawful for a company, partnership, association,
34	corporation, or other similar organization, after January 1, 1994, to
35	advertise that it is in a position to provide the services of a registered
26	interior degianer unless the nergons providing the services are in the

1	responsible charge of a registered interior designer.
2	(c) An applicant for registration as a registered interior designer
3	shall establish to the satisfaction of the Arkansas State Board of
4	Architects, Landscape Architects, and Interior Designers that the applicant:
5	(1) Is at least twenty-one (21) years of age;
6	(2) Has not been convicted of an offense that bears directly on
7	the fitness of the applicant to be registered;
8	(3) Has passed or supplied proof of passage of the examination
9	required by this subchapter, § 17-15-201 et seq., and § 17-35-101 et seq.;
10	and
11	(4) Meets any other requirements established by the board.
12	
13	17-35-302. Requirements for registration.
14	(a) Each applicant for registration shall provide substantial evidence
15	to the Arkansas State Board of Architects, Landscape Architects, and Interior
16	Designers that the applicant:
17	(1)(A) Has passed the examination prepared and administered by
18	the National Council for Interior Design Qualification or its successor in
19	interest.
20	(B) The applicant shall provide a verification from the
21	National Council for Interior Design Qualification or its successor in
22	interest as proof that he or she passed the examination; and
23	(2) Is a:
24	(A) Graduate of a five-year interior design program from
25	an accredited institution and has completed at least one (1) year of
26	diversified and appropriate interior design experience;
27	(B) Graduate of a four-year interior design program or a
28	master's degree program in interior design from an accredited institution and
29	has completed at least two (2) years of diversified and appropriate interior
30	design experience; or
31	- (C) Licensed architect certified by the board.
32	(b) Each interior design program must be accredited by the National
33	Council for Interior Design Accreditation or its successor in interest or be
34	an interior design program of an institution accredited by the North Central
35	Association of Colleges and Schools, or a program determined by the board to
36	be substantially equivalent to such accredited programs.

1	(c) The board may accept satisfactory evidence of registration as an	
2	interior designer in another jurisdiction if the jurisdiction's requirements	
3	for registration are equal to or greater than those required for registration	
4	in this state at the date of application.	
5	(d) Every registration shall expire annually on a day designated by	
6	the board.	
7		
8	17-35-303. Registration renewal.	
9	(a) Every registered interior designer shall annually renew his or her	
10	registration, submit proof of completion of continuing education units as	
11	required by the Arkansas State Board of Architects, Landscape Architects, and	
12	Interior Designers, and pay the renewal fee established by the board.	
13	(b) It is unlawful for an interior designer who fails to renew his or	
14	her registration to continue to use the title of "registered interior	
15	designer".	
16		
17	17-35-304. Seal of interior designer.	
18	(a)(1) Each registered interior designer shall obtain a seal as	
19	prescribed by the Arkansas State Board of Architects, Landscape Architects,	
20	and Interior Designers.	
21	(2)(A) A document issued by the registered interior designer and	
22	being filed for public record shall bear the signature and seal of the	
23	interior designer who prepared or approved the document and the date on which	
24	it was sealed.	
25	(B) The signature, date, and seal shall be evidence of the	
26	authenticity of the document.	
27	(b) No registered interior designer shall affix, or permit to be	
28	affixed, his or her seal or signature to any plan, specification, drawing, or	
29	other document that depicts work that he or she is not competent or certified	
30	to perform.	
31	(c) The registered interior designer's contract documents shall	
32	contain a statement that the document is not an architectural or engineering	
33	drawing, specification, or design and is not to be used for construction of	
34	any load-bearing columns, load-bearing framing, or load-bearing walls or	
35	structures or for the issuance of any building permit, except as otherwise	
36	provided by law.	

1	(d) Pocuments as defined in this section are not to be construed as
2	those that are required to be filed in state or local building departments or
3	municipalities, except as otherwise provided by law.
4	(e) No registered interior designer shall affix his or her signature
5	or seal to any plan, specifications, or other document that was not prepared
6	by him or her or under his or her responsible supervising control or by
7	another interior designer and reviewed, approved, or modified and adopted by
8	him or her as his or her own work according to the rules adopted by the
9	board.
10	(f) Studies, drawings, specifications, and other related documents
11	prepared by a registered interior designer in providing interior design
12	services shall be of a sufficiently high standard to clearly and accurately
13	indicate all essential parts of the work to which they refer.
14	(g) The shape and design of the seal will be different from the seals
15	of architects, engineers, or landscape architects.
16	(h)(l) When the registration of a registered interior designer has
17	expired or been revoked or suspended by the board, the registered interior
18	designer shall surrender his or her seal to the Chair of the Arkansas State
19	Board of Architects, Landscape Architects, and Interior Designers within
20	thirty (30) calendar days after the revocation or suspension has become
21	effective.
22	(2) The seal shall be returned upon expiration of the suspension
23	period.
24	
25	17-35-305. Grounds for revocation.
26	The Arkansas State Board of Architects, Landscape Architects, and
27	Interior Designers may deny, suspend, or revoke the registration of a
28	registered interior designer upon proof that:
29	(1) The holder of the registration is practicing in violation of
30	§ 17-15-201 et seq., this chapter, or the proper rules of the board;
31	(2) The registration has been obtained by fraud or
32	misrepresentation or the person named therein has obtained it by fraud or
33	misrepresentation;
34	(3) Money other than the regular fees provided for has been paid
35	for the registration;
36	(4) The holder of the registration is falsely impersonating a

_	practitioner of former practitioner of a line of different name of 15	
2	practicing under an assumed or fictitious name;	
3	(5) The holder of the registration has been guilty of a felony;	
4	(6) The holder of the registration has been guilty of fraud or	
5	deceit or of gross negligence or misconduct in the practice of interior	
6	design;	
7	(7) The holder of the registration affixed, or permitted to be	
8	affixed, his or her seal or name to any plans, specifications, drawings, or	
9	related documents that were not prepared by the holder or under his or her	
10	responsible supervisory control;	
11	(8) The holder of the registration has been adjudged mentally	
12	incapable by a court of competent jurisdiction;	
13	(9) The holder of the registration has committed gross	
14	unprofessional conduct; or	
15	(10) The holder of the registration has:	
16	(A) Had a professional license or registration suspended	
17	or revoked;	
18	(B) Had imposed other disciplinary action by a regulatory	
19	body of another state for any cause other than failure to pay applicable	
20	fees; or	
21	(C) Surrendered or did not renew a professional license or	
22	registration after the initiation of any investigation or proceeding by such	
23	a body.	
24		
25	SECTION 3. Arkansas Code Title 17, Chapter 35, Subchapter, 6 is	
26	repealed.	
27	Subchapter 6	
28	- Arkansas Residential Interior Designers Title Registration Act	
29		
30	17-35-601. Title.	
31	Sections 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-35-801 -	
32	17-35-803 may be cited as the "Arkansas Residential Interior Designers Title	
33	Registration Act".	
34		
35	17-35-602. Purpose.	
36	The purpose of §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-	

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    35-801 - 17-35-803 is to register and regulate persons known as registered
 2
    residential interior designers, in the public interest, and to prohibit the
 3
    use of the title of "registered residential interior designer" by persons who
 4
    are not registered.
 5
 6
          17-35-603. Definitions.
 7
          As used in §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-35-
    801 - 17-35-803:
8
9
                 (1) "Board" means the State Board of Registered Residential
10
    Interior Designers; and
11
                 (2)(A) "Registered residential interior designer" means a person
12
    registered under §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-35-
    801 - 17 - 35 - 803.
13
14
                       (B)(i) The registered residential interior designer is a
15
    design professional who is qualified by education, experience, and
16
     examination as authorized by an authority.
17
                             (ii) In general, a registered residential interior
18
    designer performs services including preparation of working drawings and
19
    documents relative to nonload-bearing interior construction, materials,
20
    finishes, space planning, furnishings, fixtures, and equipment.
21
                       (C) Except as provided herein, residential interior design
22
    services do not include services that constitute the practice of architecture
23
    as defined in the Arkansas Architectural Act, § 17-15-101 et seq., or the
    practice of engineering as defined in the Arkansas Engineering Act, § 17-30-
24
25
    101 et seq.
26
27
          17-35-604. Exemptions - Use of the title.
          (a) Sections 17-35-601 17-35-606, 17-35-701, 17-35-702, and 17-35-
28
29
    801 - 17-35-803 shall not apply to persons holding themselves out as
30
    "interior decorators" or offering "interior decorating services", such as
31
    selection or assistance in selecting surface materials, window treatments,
32
    wall coverings, paint, floor coverings, surface mounted lighting, or loose
33
    furnishings not subject to regulation under applicable building codes.
          (b) Sections 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-35-
34
35
    801 - 17-35-803 shall not apply to architects licensed by the Arkansas State
36
    Board of Architects, Landscape Architects, and Interior Designers, provided
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1
    that such architects do not refer to themselves as "registered residential
 2
    interior designers" unless registered under §§ 17-35-601 - 17-35-606, 17-35-
    701, 17-35-702, and 17-35-801 - 17-35-803.
 3
 4
           (c) Nothing contained in §§ 17-35-601 17-35-606, 17-35-701, 17-35-
 5
    702, and 17-35-801 - 17-35-803 shall prevent any person from rendering
6
    residential interior design services, provided such a person does not use the
    title of "registered residential interior designer" unless registered under
 7
    §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-35-801 - 17-35-803.
8
9
          17-35-605. Penalties.
10
11
           Effective January 1, 1994, it shall be a Class A misdemeanor for any
12
    person to:
13
                (1) Use the title of "registered residential interior designer",
14
    unless registered under §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and
15
    <del>17-35-801 - 17-35-803</del>;
16
                (2) Present as his or her own the registration of another;
17
                (3) Give false or forged evidence to the State Board of
18
    Registered Residential Interior Designers or any member thereof in obtaining
19
    a registration;
20
                 (4) Falsely impersonate any other practitioner of like or
21
    different name;
22
                 (5) Use or attempt to use a registration that has been revoked;
23
    or
                (6) Otherwise violate any of the provisions of §§ 17-35-601 -
24
    17-35-606, 17-35-701, 17-35-702, and 17-35-801 17-35-803.
25
26
27
           17-35-606. Funds.
           (a) All moneys collected by the State Board of Registered Residential
28
    Interior Designers under §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and
29
    17-35-801 - 17-35-803 shall be deposited into a financial institution in this
30
31
    state designated by the board.
32
           (b) No general revenues of this state shall be appropriated to the
33
    board.
34
           SECTION 4. Arkansas Code Title 17, Chapter 35, Subchapter 7 is amended
35
36
    to read as follows:
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1	Subchapter 7
2	- State Board of Registered Residential Interior Designers
3	
4	17-35-701. Creation.
5	(a) There is created the State Board of Registered Residential
6	Interior Designers.
7	(b)(1) The board shall consist of seven (7) members. Of the seven (7)
8	members of the board:
9	(A) Five (5) shall be registered residential interior
10	designers, one (1) of whom may be a professional full-time design educator $_{\overline{{f au}}}$
11	registered or unregistered;
12	(B) One (1) shall be an architect licensed by the Arkansas
13	State Board of Architects, Landscape Architects, and Interior Designers who
14	provides design services; and
15	(C) One (1) shall be a consumer.
16	(2) Members shall be appointed for terms of five (5) years.
17	(3) Vacancies shall be filled by appointment by the Governor for
18	the unexpired term.
19	(4) No State Board of Registered Residential Interior Designers
20	member shall serve consecutive terms.
21	(c)(1) A majority of the members on the State Board of Registered
22	Residential Interior Designers shall constitute a quorum.
23	(2) Decisions of the State Board of Registered Residential
24	Interior Designers shall be made by a majority vote of a quorum.
25	(d) The State Board of Registered Residential Interior Designers shall
26	hold at least two (2) regular meetings each year and such other meetings as
27	are deemed necessary.
28	(e)(1) The State Board of Registered Residential Interior Designers
29	shall elect annually from its members a chair and vice chair to hold office
30	for one (1) year and an executive secretary who may or may not be a member of
31	the board.
32	(2) The executive secretary shall hold the office at the
33	pleasure of the board and may receive a salary determined by the board.
34	(f)(1) State Board of Registered Residential Interior Designers
35	members shall serve without compensation but may receive expense
36	reimbursement in accordance with § 25-16-901 et seq.

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1
                 (2) The State Board of Registered Residential Interior Designers
 2
     shall fix the compensation of its employees by resolution adopted at a
 3
     regular meeting of the board.
 4
 5
           17-35-702. Powers and duties of the board.
 6
           (a) The State Board of Registered Residential Interior Designers:
                (1) Shall administer, coordinate, and enforce the provisions of
 7
     §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-35-801 - 17-35-803;
8
9
                 (2)(1) May investigate allegations of misconduct and suspend
     registrations concerning the provisions of §§ 17-35-601 - 17-35-606, 17-35-
10
11
     701, 17-35-702, and 17-35-801 - 17-35-803;
12
                 (3)(2) Shall adopt regulations rules in the manner prescribed by
13
     the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to carry out
14
     the purposes and policies of \S 17-35-601 - 17-35-606, 17-35-701, 17-35-702,
15
     and 17-35-801 - 17-35-803, including regulations rules relating to
16
     professional conduct, and standards of performance and professional
17
     examination and registration, registration renewal requirements, application,
18
     renewal, and late fees, suspension and revocation of registrations, and the
19
     establishment of a code of ethics for persons registered under §§ 17-35-601 -
20
     17-35-606, 17-35-701, 17-35-702, and 17-35-801 - 17-35-803;
21
                 (4) Shall set fees for registration, registration renewals,
22
     examinations, and all other administrative expenses;
23
                 (5) May require a registrant, as a condition of the renewal of
24
     his or her registration, to satisfy continuing education requirements;
25
                 (6) Shall maintain an official roster showing the name, address,
26
     and registration number of each interior designer registered under §§ 17-35-
     601 17-35-606, 17-35-701, 17-35-702, and 17-35-801 17-35-803;
27
28
                 (7) Shall require registrants to display their registration
29
     numbers on all business and advertising instruments, including business
30
     cards, stationery, and contracts;
31
                (8)(3) Shall conduct hearings and keep records and minutes
32
     necessary to carry out its functions; and
33
                 (9) (4) May, to the extent moneys are appropriated therefor,
34
     employ an executive secretary and other employees and fix their compensation+
35
     and.
36
                 (10) Shall do all things reasonable and necessary to carry out
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1	the purposes of §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-35-801
2	- 17-35-803.
3	
4	SECTION 5. Arkansas Code Title 17, Chapter 35, Subchapter, 8 is
5	repealed.
6	Subchapter 8
7	- Registration Requirements
8	
9	17-35-801. Registration of residential interior designers.
10	(a) It is unlawful for any person who, after January 1, 1994, is not
11	registered under §§ 17-35-601 17-35-606, 17-35-701, 17-35-702, and 17-35-
12	801 — 17-35-803 as a residential interior designer to advertise as a
13	registered residential interior designer, to use the title of "registered
14	residential interior designer" or any other words, letters, figures, or other
15	devices for the purpose of implying, directly or indirectly, that the person
16	is registered under §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-
17	35-801 - 17-35-803.
18	(b) It is unlawful for any company, partnership, association,
19	corporation, or other similar organization to advertise that it is in the
20	position to provide the services of a registered residential interior
21	designer unless the persons providing such services are in the responsible
22	charge of a registered residential interior designer.
23	(c) An applicant for registration as a residential interior designer
24	shall establish to the satisfaction of the State Board of Registered
25	Residential Interior Designers that the applicant:
26	(1) Is at least twenty-one (21) years of age;
27	(2) Has not been convicted of an offense that bears directly on
28	the fitness of the applicant to be registered;
29	(3) Has passed or supplied proof of passage of the examination
30	required by §§ 17-35-601 - 17-35-606, 17-35-701, 17-35-702, and 17-35-801 -
31	17-35-803; and
32	(4) Meets any other requirements established by the board.
33	
34	17-35-802. Requirements for registration.
35	(a) Each applicant for registration shall provide substantial evidence
36	to the State Roard of Registered Regidential Interior Designers that the

1	applicant:
2	- (1) Has taken and passed the Council for Qualification of
3	Residential Interior Designers examination; and
4	(2)(A) Is a graduate of a five year interior design program from
5	an accredited institution and has completed at least one (1) year of
6	diversified and appropriate residential interior design experience;
7	(B) Is a graduate of a four-year interior design program
8	or a master's degree program in interior design from an accredited
9	institution and has completed at least two (2) years of diversified and
10	appropriate residential interior design experience; or
11	(C) Is a licensed architect certified by the Arkansas
12	State Board of Architects, Landscape Architects, and Interior Designers.
13	(b) Each interior design program must be an interior design program of
14	an institution accredited by the North Central Association of Colleges and
15	Schools, or a program determined by the State Board of Registered Residential
16	Interior Designers to be substantially equivalent to such an accredited
17	program.
18	(c) Six (6) years from the date of passage, completion of a
19	monitored internship development program may be required as part or all of
20	the residential interior design experience requirement.
21	(d) The State Board of Registered Residential Interior Designers shall
22	waive examination requirements for an individual who provides proof of
23	passage of the Council for Qualification of Residential Interior Designers
24	examination and who is registered, licensed, or certified as an interior
25	designer in another state, the District of Columbia, or a foreign country,
26	provided that that jurisdiction's requirements for registration are
27	substantially equivalent to those required for registration in this state.
28	(e) Every registration shall expire annually on a day designated by
29	the State Board of Registered Residential Interior Designers.
30	
31	17-35-803. Registration renewal.
32	(a) Every registered residential interior designer shall annually
33	renew his or her registration, submit proof of completion of continuing
34	education units as required by the State Board of Registered Residential
35	Interior Designers, and pay the renewal fee established by the board.

(b) It is unlawful for any residential interior designer who fails to

36

1	renew his or her registration to continue to use the title of "registered
2	residential interior designer".
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