

By: Senator(s) Gollott

To: Business and Financial
Institutions

SENATE BILL NO. 3032

1 AN ACT TO ENACT THE REGISTRATION OF INTERIOR DESIGNERS ACT;
 2 TO SET FORTH DEFINITIONS; TO CREATE THE STATE BOARD OF INTERIOR
 3 DESIGNERS; TO PROVIDE THAT THE REGISTRATION OF INTERIOR DESIGNERS
 4 SHALL BE UNDER MISSISSIPPI STATE BOARD OF INTERIOR DESIGNERS; TO
 5 REQUIRE THAT ANY PERSON SEEKING TO PRACTICE THE PROFESSION OF
 6 INTERIOR DESIGN SHALL BE REGISTERED UNDER THIS ACT; TO SET FORTH
 7 THE MINIMUM QUALIFICATIONS FOR APPLICANTS FOR REGISTRATION; TO
 8 GRANDFATHER IN THOSE INTERIOR DESIGNERS WHO APPLY FOR REGISTRATION
 9 WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THE ACT; TO AUTHORIZE
 10 THE BOARD TO SET FEES FOR REGISTRATION AND RENEWAL THEREOF; TO
 11 PROVIDE EXEMPTIONS FROM THE PROVISIONS OF THE ACT; TO SET FORTH
 12 PROCEDURES FOR DISCIPLINARY PROCEEDINGS; TO SET FORTH PROHIBITIONS
 13 UNDER THE ACT AND PRESCRIBE PENALTIES FOR SAME; AND FOR RELATED
 14 PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** (1) This act shall be known as the "Registration
 17 of Interior Designers Act."

18 (2) The purpose of this legislation is to safeguard public
 19 health and life safety, to promote the public welfare by improving
 20 the quality of human environmental design, and to limit the
 21 practice of interior design to those persons having specific
 22 design education, experience and examination as defined in this
 23 act.

24 **SECTION 2.** The following words and phrases shall have the
 25 meanings set forth in this section, unless the context clearly
 26 requires otherwise:

27 (a) "Registered interior designer" means a person
 28 registered under this act who is qualified by education,
 29 experience and examination to affect the function, safety and
 30 quality of interior spaces and who renders or offers to render
 31 interior design services.

32 (b) "Interior design" means designs, consultations,
 33 studies, drawings, specifications, and the administration of

34 design construction contracts relating to nonstructural interior
35 elements of a building or structure. The term includes, but is
36 not limited to, space planning, finishes, furnishings, and the
37 design for fabrication of nonstructural or nonseismic elements
38 within and surrounding interior spaces of a building or space.
39 Specifically excluded from the term is the design of or
40 responsibility for architectural and engineering work, except for
41 specifications for fixtures and their location within interior
42 spaces; and the construction of structural, mechanical, plumbing,
43 heating, air conditioning, ventilation, electrical or vertical
44 transportation systems, fire-rated vertical shafts in multistory
45 structures, fire-related protection of structural elements, smoke
46 evacuation and compartmentalization, sprinkler systems, and
47 emergency alarm systems.

48 (c) "Board" means the Mississippi State Board of
49 Interior Designers created under this act.

50 (d) "License" means a certificate granted by the board
51 authorizing the holder thereof to practice interior design as a
52 design professional.

53 (e) "Diversified and appropriate interior design
54 experience" means the practice of those skills and tasks as
55 contemplated by the definition of "interior design."

56 (f) "Nonstructural or nonseismic" means interior
57 elements or components that are not load-bearing or do not assist
58 in the seismic design and do not require design computations for a
59 building's structure. Common nonstructural elements or components
60 include, but are not limited to, ceiling and partition systems.
61 These elements employ normal and typical bracing conventions and
62 are not part of the structural integrity of the building.

63 (g) "Responsible supervisory control" is the direct
64 responsibility of a registered interior designer of the work and
65 the decision-making process, i.e., to review, enforce and control
66 compliance with all design criteria and life safety requirements.

67 Each location designated for the practice of interior design must
68 have at that location a registered interior designer who has
69 regulatory responsibility for the interior design work at that
70 location.

71 **SECTION 3.** No person shall practice interior design in this
72 state or use the title "registered interior designer" or any
73 variation thereof on any sign, title, card or device to indicate
74 that such person is practicing interior design or is a "registered
75 interior designer," unless the person has secured from the board a
76 license to practice as a registered interior designer in the
77 manner and in compliance with the provisions of this act. Every
78 holder of a current registration shall display it in a conspicuous
79 place in his principal office or place of employment.

80 **SECTION 4.** (1) A "registered interior designer" is a person
81 registered to practice interior design in this state as provided
82 in this act.

83 (2) Only individuals registered under this act may render
84 interior design services. No person shall be identified as a
85 "registered interior designer" or any variation thereof who is not
86 registered by this state.

87 (3) Registration requires compliance with the requirements
88 of applicable building codes, fire codes and local regulations and
89 defines minimum requirements for safe practice. It is also the
90 intent of these laws to prohibit any person who is not registered
91 or who falls below minimum competency or who otherwise presents a
92 danger to the public from practicing in this state.

93 (4) Registration shall be renewed biannually.

94 **SECTION 5.** (1) The board shall receive applications for
95 registration as a registered interior designer on forms prescribed
96 and furnished by the board. Upon receipt of an application, the
97 board may approve same, providing the applicant meets the
98 following requirements:

99 (a) The applicant must have a degree in interior design
100 from a program approved and accredited by the Council for Interior
101 Design or holds a bachelor's degree in interior design from an
102 approved college or university approved by the board. There will
103 be a five-year grace period beginning on July 1, 2007, during
104 which time applicants who hold a bachelor's degree in interior
105 design from a college or university need not register under this
106 act.

107 (b) (i) The applicant must have been enrolled for a
108 minimum of two (2) years in, and have completed all requirements
109 of a practical work internship development program that will be
110 prepared, adopted and approved by the board and must have received
111 from the board a certification that the applicant has met or
112 exceeded the work internship requirements. The work internship
113 development program shall include, but not be limited to, the
114 following subjects:

- 115 1. Design and construction documents;
- 116 2. Construction administration;
- 117 3. Office management; and
- 118 4. Related special activities.

119 (ii) If the applicant can provide sufficient and
120 satisfactory evidence that he or she is unable to obtain the work
121 internship development program certification, the board may accept
122 in lieu thereof certification by the applicant that he or she has
123 completed not less than three (3) continuous years of being
124 engaged in the practice of interior design under the supervision
125 of a licensed architect or registered interior designer. Such
126 certification shall be on such terms, conditions and requirements
127 as the board may establish.

128 (c) The applicant must have passed any specific
129 national examination designated by the board.

130 (d) (i) The applicant must exhibit to the board his
131 good standing in the profession and his moral character. Any of

132 the following acts shall preclude an applicant's eligibility as a
133 candidate for registration:

134 1. Conviction by any court for commission of
135 any felony or any crime involving moral turpitude.

136 2. Conviction by any court of a misdemeanor
137 involving fraud, deceit or misrepresentation.

138 3. Misstatement of misrepresentation of fact
139 by the applicant in connection with the applicant's application
140 for registration in this state or another jurisdiction.

141 4. Violation of any of the rules of conduct
142 required of applicants or interior designers as adopted by board;

143 5. Practicing interior design, or
144 representing one's self as capable of practicing interior design,
145 in this state in violation of this act.

146 (ii) The board may admit an applicant otherwise
147 precluded from consideration because of the prohibitions imposed
148 in this paragraph if the board determines that the applicant has
149 shown clear and convincing evidence of rehabilitation and reform.
150 Such decision is in the sole discretion of the board and upon such
151 terms, conditions and evidence as the board may require.

152 (e) An applicant who has passed the specific national
153 examination designated by the board before January 1, 2007, shall
154 be eligible to apply for registration as a registered interior
155 designer without completing the work internship requirements set
156 forth in paragraph (b) of this subsection.

157 (2) The board shall adopt rules and regulations for the
158 eligibility, examination and registration of applicants desiring
159 to practice interior design in accordance with this section and
160 may amend, modify or repeal such rules and regulations.

161 (3) The board may require that the applicant appear before
162 the board for a personal interview.

163 **SECTION 6.** The board shall register any person who applies
164 for registration and remits the application and initial fees

165 within three (3) years after the effective date of this act
166 regardless of whether the person meets the requirement of Section
167 5 of this act, provided that the applicant:

168 (a) (i) Possesses ten (10) years of continuous
169 experience within the past fourteen (14) years as an interior
170 designer and holds an interior design degree; and

171 (ii) Has completed twenty-four (24) hours of
172 board-approved continuing education classes relating to building
173 and barrier-free codes, and health, safety and welfare concerns,
174 which shall be in addition to any other continuing education the
175 board may require for registered interior designer; or

176 (b) (i) Possesses fifteen (15) years of continuous
177 experience within the past eighteen (18) years as an interior
178 designer or a combination of experience and education which totals
179 fifteen (15) years; and

180 (ii) Has completed thirty-two (32) hours of
181 board-approved continuing education classes relating to building
182 and barrier-free codes, and health, safety and welfare concerns,
183 which shall be in addition to any other continuing education the
184 board may require for registered interior designers.

185 **SECTION 7.** (1) There is hereby created the State Board of
186 Interior Designers. The board shall consist of five (5) members
187 appointed by the Governor. Three (3) members shall be from the
188 Mississippi Districts of the American Society of Interior
189 Designers and two (2) members shall be from the Delta Regional
190 Chapter of International Interior Design Association. At least
191 three (3) times the number of persons to be appointed shall be
192 nominated from each group. The five (5) initial appointments to
193 the committee shall be for terms of one (1), two (2), three (3),
194 four (4) and five (5) years, with the term of each initial
195 appointee to be in the discretion of the Governor. Each person
196 who is initially appointed to the committee shall meet the
197 qualifications set forth in Section 5 of this act. Appointments

198 made after the initial appointments shall be for terms of five (5)
199 years and shall be limited to those nominated persons who are also
200 registered interior designers. Each member of the committee shall
201 hold office until the appointment and qualification of his
202 successor. Vacancies occurring before the expiration of the term
203 shall be filled by appointment in like manner for the unexpired
204 term. The Governor may remove any of the members of the advisory
205 committee for inefficiency, neglect of duty or dishonorable
206 conduct.

207 (2) Each member of the committee shall be entitled to
208 receive a per diem in such amounts as shall be set by the board,
209 but not to exceed the amount provided for in Section 25-3-69, and
210 shall be reimbursed for expenses under the provisions of Section
211 25-3-41 that are incurred in the actual performances of duties.

212 (3) Before entering upon the discharge of his duties, each
213 member of the committee shall take an oath of office and file it
214 with the Secretary of State. The committee shall elect at the
215 first meeting of every calendar year from among its members, a
216 chairman and a secretary to hold office for one (1) year.

217 **SECTION 8.** (1) The board shall require that every
218 registered interior designer pay a biennial registration renewal
219 fee in an amount set by the board. The renewal fee shall be due
220 and payable on the first day of January of each year in which the
221 fee is required to be paid and shall become delinquent after the
222 thirty-first day of January of such year. If the renewal fee is
223 not paid before it becomes delinquent, a penalty fee shall be
224 assessed in an amount per month as set by the board.

225 (2) If the renewal fee and penalty are not paid before the
226 first day of June in the year in which they become due, the
227 registered interior designer's certificate of registration shall
228 be suspended. Except as provided in Section 15 (20) of this act,
229 the certificate may be reinstated upon the payment of the renewal
230 fee, the penalty fees and a reinstatement fee as set by the board,

231 and such other proof of the registered interior designer's
232 qualifications as may be required in the discretion of the board.

233 (3) The board shall send a receipt and certificate of
234 registration to each registered interior designer promptly upon
235 payment of the renewal fee.

236 **SECTION 9.** Each registered interior designer shall obtain a
237 seal as prescribed by the board. Any interior design construction
238 documents, which may include drawings, plans, specifications, or
239 reports prepared or issued by the registered interior designer and
240 being filed for public record with any jurisdiction or local
241 building department for the purposes of obtaining a building
242 permit shall bear the signature and seal of the registered
243 interior designer who prepared or approved the document and the
244 date on which they were sealed. The seal shall be evidence of the
245 authenticity of the document. Interior design construction
246 documents bearing the seal of a registered interior designer shall
247 be accepted for filing by the appropriate jurisdiction.

248 **SECTION 10.** Any interior designer residing outside this
249 state may obtain a certificate to practice in the State of
250 Mississippi by complying with Section 5 of this act. The board
251 shall have the further right to exercise its discretion as to
252 whether a nonresident interior designer shall be issued a
253 certification of registration notwithstanding that the nonresident
254 interior designer may be otherwise qualified under this act.

255 **SECTION 11.** The board shall not issue a temporary
256 certificate of registration to practice interior design.

257 **SECTION 12.** Each registered interior designer shall be
258 required to meet the continuing education requirements as set
259 forth by the board.

260 **SECTION 13.** The board shall set forth and regulate the
261 conduct and professional ethics of those registered under this
262 act.

263 **SECTION 14.** (1) This act shall not apply to:

264 (a) Licensed architects or engineers registered under
265 applicable state laws, provided that such architects or engineers
266 shall not refer to themselves as registered interior designers
267 unless registered as such under this act.

268 (b) Any employees of a retail establishment regarding
269 interior decoration or furnishings on the premises of the retail
270 establishment or in the furtherance of a retail sale or
271 prospective retail sale, provided that such persons shall not
272 refer to themselves as registered interior designers unless
273 registered as such under this act.

274 (c) Any persons who provide decorative services or
275 assistance in selection of surface materials, window treatments,
276 wall coverings, paint, floor coverings, surface-mounted fixtures,
277 and loose furnishings, provided that such persons shall not refer
278 to themselves as registered interior designers unless registered
279 as such under this act.

280 (2) The term "interior designer" may be used as long as
281 there is no reference to the terms "certified," "licensed" or
282 "registered" in the same document, advertisement or publication
283 that contains the term "interior designer."

284 **SECTION 15.** (1) Except as otherwise provided in Section
285 15(20) of this act, the board shall have the power to revoke,
286 suspend or annul the registration of a registered interior
287 designer or reprimand, censure or otherwise discipline a
288 registered interior designer.

289 (2) The board, upon satisfactory proof and in accordance
290 with the provisions of this act, may take disciplinary action
291 against any registered interior designer for any of the following
292 reasons:

293 (a) Violating any of the provisions of this act, or the
294 rules, regulations or standards of ethics or conduct duly adopted
295 and promulgated by the board pertaining to the practice of
296 interior design.

297 (b) Committing fraud, deceit or misrepresentation in
298 obtaining a certificate of registration.

299 (c) Committing gross negligence, malpractice,
300 incompetence or misconduct in the practice of interior design.

301 (d) Committing any professional misconduct, as defined
302 by the board through bylaws, rules and regulations and standards
303 of conduct and ethics, provided that professional misconduct shall
304 not include bidding on contracts for a price.

305 (e) Practicing or offering to practice interior design
306 under an expired registration or while under suspension or
307 revocation of a registration unless the suspension or revocation
308 is abated through probation.

309 (f) Practicing interior design under an assumed or
310 fictitious name.

311 (g) Being convicted by any court of a felony.

312 (h) Willfully misleading or defrauding any person
313 employing him or her as a registered interior designer by any
314 artifice or false statement.

315 (i) Having any undisclosed financial or personal
316 interest which compromises his or her obligation to a specific
317 client.

318 (j) Obtaining a certificate by fraud or deceit.

319 (k) Violating any of the provisions of this act.

320 (l) Noncompliance with a child support order.

321 (3) Any person may prefer charges against any other person
322 for committing any of the acts set forth in subsection (2) of this
323 section. Such charges need not be sworn to, may be made upon
324 actual knowledge, or upon information and belief, and shall be
325 filed with the board.

326 (4) The board shall investigate all charges filed with it
327 and, upon finding reasonable cause to believe that the charges are
328 not frivolous, unfounded or filed in bad faith, may, in its
329 discretion, cause a hearing to be held, at a time and place fixed

330 by the board, regarding the charges and may compel the accused by
331 subpoena to appear before the board to respond to said charges.

332 (5) No disciplinary action may be taken under this act until
333 the accused has been furnished with both a statement of the
334 charges against him and notice of the time and place of the
335 hearing, which shall be personally served on the accused or mailed
336 by registered or certified mail, return receipt requested, to the
337 last known business or residence address of the accused not less
338 than thirty (30) days before the date fixed for the hearing.

339 (6) At any hearing held under the provisions of this
340 section, the board shall have the power to subpoena witnesses and
341 compel their attendance and require the production of any books,
342 paper or documents. The hearing shall be conducted before the
343 full board with the president of the board serving as the
344 presiding officer. Counsel for the board shall present all
345 evidence relating to the charges. All evidence shall be presented
346 under oath, which may be administered by any member of the board,
347 and thereafter the proceedings may, if necessary, be transcribed
348 in full by a court reporter and filed as part of the record in the
349 case. Copies of the transcription may be provided to any party to
350 the proceedings at a cost to be fixed by the board.

351 (7) All witnesses who shall be subpoenaed and who shall
352 appear in any proceedings before the board shall receive the same
353 fee and mileage as allowed by law in judicial civil proceedings
354 and all such fees shall be taxed as part of the costs of the case.

355 (8) In any proceedings before the board in which any witness
356 shall fail or refuse to attend upon subpoena issued by the board,
357 shall refuse to testify or shall refuse to produce any books and
358 papers, the production of which is called for by the subpoena, the
359 attendance of such witness and the giving of his testimony and the
360 production of the books and papers, shall be enforced by any court
361 of competent jurisdiction of this state in the manner provided for

362 the enforcement of attendance and testimony of witnesses in civil
363 cases in the courts of this state.

364 (9) The accused shall have the right to be present at the
365 hearing in person, by counsel or other representative, or both.
366 The accused shall have the right to present evidence and to
367 examine and cross-examine all witnesses. The board may continue
368 or recess the hearing as may be necessary.

369 (10) At the conclusion of the hearing, the board may either
370 decide the issue at the time or take the case under advisement for
371 further deliberation. The board shall render its decision not
372 more than forty-five (45) days after the close of the hearing, and
373 shall forward to the last known business or residence address of
374 the accused by certified or registered mail, return receipt
375 requested, a written statement of the decision of the board.

376 (11) If a majority of the board finds the accused guilty of
377 the charges filed, the board may:

378 (a) Issue a public or private reprimand;

379 (b) Suspend or revoke the registration of the accused,
380 if the accused is a registrant;

381 (c) In lieu of or in addition to such reprimand,
382 suspension or revocation, assess and levy upon the guilty party an
383 administrative fine of not less than One Hundred Dollars (\$100.00)
384 nor more than Five Thousand Dollars (\$5,000.00) for each
385 violation.

386 (12) An administrative fine assessed and levied under this
387 section shall be paid to the board upon the expiration of the
388 period allowed for appeal of such penalties under this section, or
389 may be paid sooner if the guilty party elects. Money collected by
390 the board under this section shall be deposited into a special
391 fund, which is created in the State Treasury. Monies in the
392 special fund shall be disbursed by the Department of Finance and
393 Administration, in the discretion of the State Board of Interior
394 Designers, to offset the expenses of administering the provisions

395 of the "Registration of Interior Designers Act." Unexpended
396 amounts remaining in the special fund at the end of a fiscal year
397 shall not lapse into the State General Fund, and any interest
398 earned on amounts in the special fund shall be deposited to the
399 credit of the special fund.

400 (13) When payment of an administrative fine assessed and
401 levied by the board under this section is not paid when due, the
402 board shall have the power to institute and maintain proceedings
403 in its name for enforcement of payment in the chancery court of
404 the county of the residence of the guilty party and if the guilty
405 party be a nonresident of the State of Mississippi, such
406 proceedings shall be in the Chancery Court of the First Judicial
407 District of Hinds County, Mississippi.

408 (14) When the board has taken a disciplinary action under
409 this section, the board may, in its discretion, stay such action
410 and place the guilty party on probation for a period not to exceed
411 one (1) year, upon the condition that the guilty party shall not
412 further violate either the law of the State of Mississippi
413 pertaining to the practice of interior design or the rules and
414 regulations, or standards of conduct and ethics promulgated by the
415 board.

416 (15) The board, in its discretion, may assess and tax any
417 part of all costs of any disciplinary proceedings conducted under
418 this section against the accused, if the accused is found guilty
419 of the charges.

420 (16) The power and authority of the board to assess and levy
421 the administrative fines provided for in this section shall not be
422 affected or diminished by any other proceedings, civil or
423 criminal, concerning the same violation or violations.

424 (17) The board, for sufficient cause, may reissue a revoked
425 registration whenever a majority of the board members vote to do
426 so, but in no event shall a revoked registration be issued within
427 two (2) years of the revocation. A new license of registration

428 required to replace a revoked, lost, mutilated or destroyed
429 license may be issued, subject to the rules of the board, for a
430 charge not to exceed Twenty-five Dollars (\$25.00).

431 (18) The board may direct the advisory committee to review
432 and investigate any charges brought against any registered
433 interior designer under this chapter and to hold the hearings
434 provided for in this section and to make findings of that fact and
435 recommendations to the board concerning the disposition of such
436 charges.

437 (19) Nothing herein contained shall preclude the board or
438 advisory committee from initiating proceedings in any case. The
439 advisory committee shall furnish legal advice and assistance to
440 the board whenever such service is requested.

441 (20) If a person who holds a certificate of registration
442 under this act is subject to a court order to pay child support,
443 his certificate of registration shall be suspended. The
444 procedures pertaining to, including the reinstatement and payment
445 of any fees therefor, of a registration that has been suspended
446 for noncompliance with a child support order shall be governed by
447 the provisions of Section 93-11-151 et seq., Mississippi Code of
448 1972. If there is any conflict between any provision of this act
449 and any provisions of Sections 93-11-157 or 93-11-163, the
450 provisions of the latter shall control.

451 **SECTION 16.** (1) It shall be a misdemeanor for any person
452 to:

453 (a) Present himself as a registered interior designer
454 unless duly certified and registered under this act.

455 (b) Present as his own the certificate of registration
456 of another.

457 (c) Give false or forged evidence to the board or a
458 member thereof in obtaining a certificate of registration.

459 (d) Falsely impersonate any other practitioner of like
460 or different name.

461 (e) Use or attempt to use a certificate of registration
462 that has been revoked.

463 (f) Otherwise violate any of the provisions of this
464 act.

465 (2) Any person who is convicted of a misdemeanor as
466 described in subsection (1) shall be punished by a fine of not
467 less than Five Hundred Dollars (\$500.00) and not more than One
468 Thousand Dollars (\$1,000.00) or imprisonment for not more than one
469 (1) year in the county jail, or both.

470 (3) If any person violates any of the provisions of this
471 act, the secretary of the board, upon direction of a majority of
472 the board, acting through an attorney employed by the board, shall
473 apply in any chancery court of competent jurisdiction for an
474 injunction of temporary restraining order pursuant to the
475 Mississippi Rules of Civil Procedure enjoining such violation or
476 for an order enforcing compliance with the provisions of this act.
477 If at such hearing, it is established that such person has
478 violated or is violating this act the court, in addition to
479 enjoining such violation or enforcing compliance with this act,
480 may award all costs and expenses, including reasonable attorney's
481 fees, to the board. In the case of a violation of an order issued
482 under this subsection (3), the court may punish the offender for
483 contempt of court and shall fine such offender a sum of not less
484 than Two Hundred Fifty Dollars (\$250.00) per offense. Each day of
485 such violation shall constitute a distinct and separate offense.

486 **SECTION 17.** All courts of competent jurisdiction within the
487 State of Mississippi are hereby empowered to hear, try and
488 determine violations of the act without indictment and to impose
489 in full the punishment of fines and imprisonment herein
490 prescribed. All violations of this act, when reported to the
491 board and duly substantiated by affidavits or other satisfactory
492 evidence, shall be investigated by it, and if the report is found
493 to be true and the evidence substantiated, the board shall report

494 such violations to the Attorney General and request prompt
495 prosecution.

496 **SECTION 18.** This act shall take effect and be in force from
497 and after July 1, 2007.