

By: Senator(s) Dearing

To: Business and Financial
Institutions

SENATE BILL NO. 3033

1 AN ACT TO ENACT THE REGISTRATION OF INTERIOR DESIGNERS ACT;
 2 TO SET FORTH DEFINITIONS; TO PROVIDE THAT THE REGISTRATION OF
 3 INTERIOR DESIGNERS SHALL BE UNDER MISSISSIPPI STATE BOARD OF
 4 ARCHITECTURE, ACTING THROUGH AN ADVISORY COMMITTEE APPOINTED BY
 5 THE GOVERNOR; TO REQUIRE THAT ANY PERSON SEEKING TO PRACTICE THE
 6 PROFESSION OF INTERIOR DESIGN SHALL BE REGISTERED UNDER THIS ACT;
 7 TO SET FORTH THE MINIMUM QUALIFICATIONS FOR APPLICANTS FOR
 8 REGISTRATION; TO GRANDFATHER IN THOSE INTERIOR DESIGNERS WHO APPLY
 9 FOR REGISTRATION WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THE
 10 ACT; TO AUTHORIZE THE BOARD TO SET FEES FOR REGISTRATION AND
 11 RENEWAL THEREOF; TO PROVIDE EXEMPTIONS FROM THE PROVISIONS OF THE
 12 ACT; TO SET FORTH PROCEDURES FOR DISCIPLINARY PROCEEDINGS; TO SET
 13 FORTH PROHIBITIONS UNDER THE ACT AND PRESCRIBE PENALTIES FOR SAME;
 14 AND FOR RELATED 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 Architecture as defined in Chapter 1, Title 73, Mississippi Code
50 of 1972.

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

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

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

64 (g) "Responsible supervisory control" is the direct
65 responsibility of a registered interior designer of the work and
66 the decision-making process, i.e., to review, enforce and control

67 compliance with all design criteria and life safety requirements.
68 Each location designated for the practice of interior design must
69 have at that location a registered interior designer who has
70 regulatory responsibility for the interior design work at that
71 location.

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

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

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

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

94 (4) Registration shall be renewed biannually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

166 within three (3) years after the effective date of this act
167 regardless of whether the person meets the requirement of Section
168 5 of this act, provided that the applicant:

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

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

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

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

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

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

208 (2) The committee shall review, approve or disapprove, and
209 make recommendations with regard to all applications for
210 certification as a registered interior designer. At the direction
211 of the board, the committee shall also review and investigate any
212 charges brought against a registered interior designer and make
213 findings of fact and recommendations to the board concerning any
214 disciplinary action which the committee deems necessary and
215 proper.

216 (3) Each member of the committee shall be entitled to
217 receive a per diem in such amounts as shall be set by the board,
218 but not to exceed the amount provided for in Section 25-3-69, and
219 shall be reimbursed for expenses under the provisions of Section
220 25-3-41 that are incurred in the actual performances of duties.

221 (4) Before entering upon the discharge of his duties, each
222 member of the committee shall take an oath of office and file it
223 with the Secretary of State. The committee shall elect at the
224 first meeting of every calendar year from among its members, a
225 chairman and a secretary to hold office for one (1) year.

226 **SECTION 8.** (1) The board shall require that every
227 registered interior designer pay a biennial registration renewal
228 fee in an amount set by the board. The renewal fee shall be due
229 and payable on the first day of January of each year in which the
230 fee is required to be paid and shall become delinquent after the
231 thirty-first day of January of such year. If the renewal fee is

232 not paid before it becomes delinquent, a penalty fee shall be
233 assessed in an amount per month as set by the board.

234 (2) If the renewal fee and penalty are not paid before the
235 first day of June in the year in which they become due, the
236 registered interior designer's certificate of registration shall
237 be suspended. Except as provided in Section 15 (20) of this act,
238 the certificate may be reinstated upon the payment of the renewal
239 fee, the penalty fees and a reinstatement fee as set by the board,
240 and such other proof of the registered interior designer's
241 qualifications as may be required in the discretion of the board.

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

245 **SECTION 9.** Each registered interior designer shall obtain a
246 seal as prescribed by the board. Any interior design construction
247 documents, which may include drawings, plans, specifications, or
248 reports prepared or issued by the registered interior designer and
249 being filed for public record with any jurisdiction or local
250 building department for the purposes of obtaining a building
251 permit shall bear the signature and seal of the registered
252 interior designer who prepared or approved the document and the
253 date on which they were sealed. The seal shall be evidence of the
254 authenticity of the document. Interior design construction
255 documents bearing the seal of a registered interior designer shall
256 be accepted for filing by the appropriate jurisdiction.

257 **SECTION 10.** Any interior designer residing outside this
258 state may obtain a certificate to practice in the State of
259 Mississippi by complying with Section 5 of this act. The board
260 shall have the further right to exercise its discretion as to
261 whether a nonresident interior designer shall be issued a
262 certification of registration notwithstanding that the nonresident
263 interior designer may be otherwise qualified under this act.

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

266 **SECTION 12.** Each registered interior designer shall be
267 required to meet the continuing education requirements as set
268 forth by the board.

269 **SECTION 13.** The board shall set forth and regulate the
270 conduct and professional ethics of those registered under this
271 act.

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

273 (a) Licensed architects or engineers registered under
274 applicable state laws, provided that such architects or engineers
275 shall not refer to themselves as registered interior designers
276 unless registered as such under this act.

277 (b) Any employees of a retail establishment regarding
278 interior decoration or furnishings on the premises of the retail
279 establishment or in the furtherance of a retail sale or
280 prospective retail sale, provided that such persons shall not
281 refer to themselves as registered interior designers unless
282 registered as such under this act.

283 (c) Any persons who provide decorative services or
284 assistance in selection of surface materials, window treatments,
285 wall coverings, paint, floor coverings, surface-mounted fixtures,
286 and loose furnishings, provided that such persons shall not refer
287 to themselves as registered interior designers unless registered
288 as such under this act.

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

293 **SECTION 15.** (1) Except as otherwise provided in Section
294 15(20) of this act, the board shall have the power to revoke,
295 suspend or annul the registration of a registered interior

296 designer or reprimand, censure or otherwise discipline a
297 registered interior designer.

298 (2) The board, upon satisfactory proof and in accordance
299 with the provisions of this act, may take disciplinary action
300 against any registered interior designer for any of the following
301 reasons:

302 (a) Violating any of the provisions of this act, or the
303 rules, regulations or standards of ethics or conduct duly adopted
304 and promulgated by the board pertaining to the practice of
305 interior design.

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

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

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

314 (e) Practicing or offering to practice interior design
315 under an expired registration or while under suspension or
316 revocation of a registration unless the suspension or revocation
317 is abated through probation.

318 (f) Practicing interior design under an assumed or
319 fictitious name.

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

321 (h) Willfully misleading or defrauding any person
322 employing him or her as a registered interior designer by any
323 artifice or false statement.

324 (i) Having any undisclosed financial or personal
325 interest which compromises his or her obligation to a specific
326 client.

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

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

329 (1) Noncompliance with a child support order.

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

335 (4) The board shall investigate all charges filed with it
336 and, upon finding reasonable cause to believe that the charges are
337 not frivolous, unfounded or filed in bad faith, may, in its
338 discretion, cause a hearing to be held, at a time and place fixed
339 by the board, regarding the charges and may compel the accused by
340 subpoena to appear before the board to respond to said charges.

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

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

360 (7) All witnesses who shall be subpoenaed and who shall
361 appear in any proceedings before the board shall receive the same

362 fee and mileage as allowed by law in judicial civil proceedings
363 and all such fees shall be taxed as part of the costs of the case.

364 (8) In any proceedings before the board in which any witness
365 shall fail or refuse to attend upon subpoena issued by the board,
366 shall refuse to testify or shall refuse to produce any books and
367 papers, the production of which is called for by the subpoena, the
368 attendance of such witness and the giving of his testimony and the
369 production of the books and papers, shall be enforced by any court
370 of competent jurisdiction of this state in the manner provided for
371 the enforcement of attendance and testimony of witnesses in civil
372 cases in the courts of this state.

373 (9) The accused shall have the right to be present at the
374 hearing in person, by counsel or other representative, or both.
375 The accused shall have the right to present evidence and to
376 examine and cross-examine all witnesses. The board may continue
377 or recess the hearing as may be necessary.

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

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

387 (a) Issue a public or private reprimand;

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

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

395 (12) An administrative fine assessed and levied under this
396 section shall be paid to the board upon the expiration of the
397 period allowed for appeal of such penalties under this section, or
398 may be paid sooner if the guilty party elects. Money collected by
399 the board under this section shall be deposited into a special
400 fund, which is created in the State Treasury. Monies in the
401 special fund shall be disbursed by the Department of Finance and
402 Administration, in the discretion of the State Board of
403 Architecture, to offset the expenses of administering the
404 provisions of the "Registration of Interior Designers Act."
405 Unexpended amounts remaining in the special fund at the end of a
406 fiscal year shall not lapse into the State General Fund, and any
407 interest earned on amounts in the special fund shall be deposited
408 to the credit of the special fund.

409 (13) When payment of an administrative fine assessed and
410 levied by the board under this section is not paid when due, the
411 board shall have the power to institute and maintain proceedings
412 in its name for enforcement of payment in the chancery court of
413 the county of the residence of the guilty party and if the guilty
414 party be a nonresident of the State of Mississippi, such
415 proceedings shall be in the Chancery Court of the First Judicial
416 District of Hinds County, Mississippi.

417 (14) When the board has taken a disciplinary action under
418 this section, the board may, in its discretion, stay such action
419 and place the guilty party on probation for a period not to exceed
420 one (1) year, upon the condition that the guilty party shall not
421 further violate either the law of the State of Mississippi
422 pertaining to the practice of interior design or the rules and
423 regulations, or standards of conduct and ethics promulgated by the
424 board.

425 (15) The board, in its discretion, may assess and tax any
426 part of all costs of any disciplinary proceedings conducted under

427 this section against the accused, if the accused is found guilty
428 of the charges.

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

433 (17) The board, for sufficient cause, may reissue a revoked
434 registration whenever a majority of the board members vote to do
435 so, but in no event shall a revoked registration be issued within
436 two (2) years of the revocation. A new license of registration
437 required to replace a revoked, lost, mutilated or destroyed
438 license may be issued, subject to the rules of the board, for a
439 charge not to exceed Twenty-five Dollars (\$25.00).

440 (18) The board may direct the advisory committee to review
441 and investigate any charges brought against any registered
442 interior designer under this chapter and to hold the hearings
443 provided for in this section and to make findings of that fact and
444 recommendations to the board concerning the disposition of such
445 charges.

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

450 (20) If a person who holds a certificate of registration
451 under this act is subject to a court order to pay child support,
452 his certificate of registration shall be suspended. The
453 procedures pertaining to, including the reinstatement and payment
454 of any fees therefor, of a registration that has been suspended
455 for noncompliance with a child support order shall be governed by
456 the provisions of Section 93-11-151 et seq., Mississippi Code of
457 1972. If there is any conflict between any provision of this act
458 and any provisions of Sections 93-11-157 or 93-11-163, the
459 provisions of the latter shall control.

460 SECTION 16. (1) It shall be a misdemeanor for any person
461 to:

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

464 (b) Present as his own the certificate of registration
465 of another.

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

468 (d) Falsely impersonate any other practitioner of like
469 or different name.

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

472 (f) Otherwise violate any of the provisions of this
473 act.

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

479 (3) If any person violates any of the provisions of this
480 act, the secretary of the board, upon direction of a majority of
481 the board, acting through an attorney employed by the board, shall
482 apply in any chancery court of competent jurisdiction for an
483 injunction of temporary restraining order pursuant to the
484 Mississippi Rules of Civil Procedure enjoining such violation or
485 for an order enforcing compliance with the provisions of this act.
486 If at such hearing, it is established that such person has
487 violated or is violating this act the court, in addition to
488 enjoining such violation or enforcing compliance with this act,
489 may award all costs and expenses, including reasonable attorney's
490 fees, to the board. In the case of a violation of an order issued
491 under this subsection (3), the court may punish the offender for
492 contempt of court and shall fine such offender a sum of not less

493 than Two Hundred Fifty Dollars (\$250.00) per offense. Each day of
494 such violation shall constitute a distinct and separate offense.

495 **SECTION 17.** All courts of competent jurisdiction within the
496 State of Mississippi are hereby empowered to hear, try and
497 determine violations of the act without indictment and to impose
498 in full the punishment of fines and imprisonment herein
499 prescribed. All violations of this act, when reported to the
500 board and duly substantiated by affidavits or other satisfactory
501 evidence, shall be investigated by it, and if the report is found
502 to be true and the evidence substantiated, the board shall report
503 such violations to the Attorney General and request prompt
504 prosecution.

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