

# Legislative Analysis

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## INTERIOR DESIGNER REGULATION

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**House Bill 4262**

**Sponsor: Rep. Bill Huizenga**

**House Bills 4311 and 4312**

**Sponsor: Rep. Andrew Meisner**

**Committee: Commerce**

**Complete to 6-20-05**

## A SUMMARY OF HOUSE BILL 4262 AS INTRODUCED 2-15-05

House Bill 4311 would amend the Occupational Code to add a new Article 28 to license interior designers and regulate interior design services. House Bill 4262 would amend the Stille-DeRossett-Hale Single State Construction Code Act by adding a new Section 10a addressing the issuance of permits to interior designers. Permits could be issued to interior designers only for activities described in interior design documents bearing the designer's seal. House Bill 4312 would amend the State Licensure Fee act by adding Section 19 to establish a \$50 application processing fee and a \$50 annual license fee for interior designers. House Bills 4262 and 4312 are tie-barred to House Bill 4311, which in turn is tie-barred to the other two bills. A detailed explanation of House Bill 4311 follows.

### House Bill 4311

Definitions. An "interior designer" would mean a person performing interior design services. "Interior design services" would mean services in connection with the design of interior spaces which include the preparation of design documents—finishes, systems furniture, furnishings, fixtures, equipment lighting and non-load-bearing interior partitions that do not materially affect the building mechanical, structural, electrical, or fire safety systems. "Materially affect" would mean either or both of the following: 1) activity that has a substantial and negative impact on the health, safety, and welfare of the occupants of the interior space after installation of finishes, etc; and 2) activity that is incompatible with the applicable building or fire codes to such a degree that more than a minor modification of the design documents is needed to correct the incompatibility.

Licensing Board. A board of interior design would be established by the Department of Labor and Economic Growth (DLEG). The terms of the board members and their qualifications would be prescribed by Section 303 of the code. The department, by adoption of rule and in consultation with the board, would establish standards of conduct for licensed interior designers. The section of the Occupational Code that created the current interior design advisory subcommittee would be repealed.

Application Process. An applicant for licensure would need to submit a complete application to the department on a form supplied by the department and pay the appropriate application and per-year license fee. For the first year that the licensing was in effect, the department would issue a license to an individual who submitted proof of six years of combined education and experience in providing interior design services, with at least two of those six years being practical experience. Applicants for licensure who were on the list compiled by the current advisory board of individuals qualified to perform interior design services would be eligible for a license if they applied within one year after the effective date of the act and paid the appropriate license fee.

Individuals not on the list would be required to complete the 2003 examination offered by the National Council for Interior Design qualification. The Board would be allowed to adopt an updated version of the National Council for Interior Design examination or another examination it considered to be equal to the most recent national council examination. The board would also prescribe the qualifications to take the examination.

Licensure. The department would issue a license to an individual for a term of three years only upon the approval of a properly submitted application. The department would be allowed to issue a license to an applicant from another jurisdiction, state, or country when it determined that the other jurisdiction, state, or country had similar requirements for licensure and would reciprocate to Michigan licensees.

Upon being licensed, the licensee would have to obtain a seal authorized by the board bearing the licensee's name and a legend indicating "licensed interior designer." A plan, report, or specification issued by a licensee shall be sealed when filed with a public authority.

Prohibitions. A person would not be permitted to use the term "licensed interior designer", "interior designer," or any other term meaning licensure unless that person was licensed under the act. However, the article would permit an individual certified or qualified by a private organization to use a term or title copyrighted or protected under law by the certifying organization as long as the use does not mean licensure.

Exemptions. The following persons would be exempt from licensure under this article:

- \*a person licensed under another regulated or licensed occupation or profession who is engaging in interior design services that are within the scope of practice of that person's occupation or profession as long as he or she does not represent himself or herself as an interior designer;

- \*an employee of a retail establishment providing interior design services on the premises of a retail establishment or during a retail sale, as long as he or she does not advertise, or represent himself or herself, as an interior designer;

- \*a person engaging in interior design services on property owned or leased by that person as long as he or she does not represent himself or herself as an interior designer;

\*a person engaging in interior design services without compensation on the property of another person as long as he or she does not represent himself or herself as an interior designer;

\*a person providing interior design services in a detached one- or two-family residence, if the residence does not exceed 3,500 square feet of floor area, as long as he or she does not represent himself or herself as an interior designer;

\*an individual engaging in interior design services without a license but under the supervision of 1 or more licensees solely for the purpose of obtaining experience for licensure.

Continuing Education. Any individual licensed under this act would be required to meet continuing education requirements to renew his or her license. The department, in consultation with the board, would transmit rules to require a licensee to furnish evidence verifying—for the three years immediately preceding application for renewal—that he or she attended continuing education courses or programs related to the practice of interior design that further educated the licensee. The department would have to ensure that all approved continuing education program courses included defined measurements of pre-knowledge and post-knowledge or skill improvement, or both.

The department would establish rules as to the total number of course or program clock hours—at a minimum of 45 clock hours—in any three-year license renewal cycle. A portion of those clock hours would have to be in ethics.

Penalties. A person would subject to the penalties in Article 6 of the code if he or she committed violations of the code or its rules, or if he or she did one or more of the following: presented or attempted to use the license or seal of another; used a term protected by this article without being licensed under the article; submitted to a public official in this state, or a political subdivision of this state, for approval, a permit or a plan, report, or specification for filing as a public record that did not bear a seal of a licensee as required by this article.

## **FISCAL IMPACT:**

The creation of a board of interior design is expected to cost the Department of Labor and Economic Growth \$50,000 annually, based on the cost of the existing boards within its Licensing Division.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.