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House Bill 4262 (Substitute H-1 as passed by the House)
House Bill 4311 (Substitute H-3 as passed by the House)
House Bill 4312 (Substitute H-1 as passed by the House)
Sponsor: Representative Bill Huizenga (H.B. 4262)
Representative Andrew Meisner (H.B. 4311 & 4312)
House Committee: Commerce
Senate Committee: Economic Development, Small Business and Regulatory Reform

Date Completed: 5-10-06

CONTENT

House Bill 4262 (H-1) would amend the Single State Construction Code Act to require that construction documents be prepared by or under the supervision of a licensed architect or professional engineer when required by law; and permit an interior designer to prepare interior design documents.

House Bill 4311 (H-3) would add Article 28 to the Occupational Code to do the following:

- Provide for the registration of interior designers.
- Create the Board of Interior Design.
- Establish education, experience, and examination criteria for registration.
- Establish continuing education requirements for registration renewal.
- Extend administrative sanctions to certain violations.

The bill also would delete a provision stating that the Code does not apply to a person engaging in or practicing interior design.

House Bill 4312 (H-1) would amend the State License Fee Act to establish a \$50 application processing fee and a \$70 per-year registration fee for a person registered or seeking registration as an interior designer.

House Bills 4262 (H-1) and 4312 (H-1) are tie-barred to House Bill 4311, which is tie-barred to the other two bills.

A more detailed description of House Bills 4262 (H-1) and 4311 (H-3) follows.

House Bill 4262 (H-1)

The bill provides that, when required by law, the construction documents for new construction, alteration, repair, expansion, addition, or modification for buildings or structures would have to be prepared by or under the supervision of a registered design professional licensed under Article 20 of the Occupational Code (which provides for the licensure of architects, professional engineers, and land surveyors). The documents would have to include the name and address of the architect or professional engineer and bear the person's original signature, seal, or stamp, and the date.

The bill also specifies that interior design documents could be prepared by an interior designer. Documents signed by an interior designer would have to bear the person's seal.

The bill would define "registered design professional" as an individual licensed under Article 20 or Article 28 of the Occupational Code. "Interior design documents" would mean documents reflecting interior designer services. "Interior designer" and "interior designer services" would mean those terms

as defined in Section 2801 of the Code (which House Bill 4311 (H-3) would add).

House Bill 4311 (H-3)

Use of Titles; Definitions

The bill would prohibit a person from using a term or title "registered interior designer" or "interior designer", or another term or title connoting registration under proposed Article 28, unless registered under the article. The bill states, however, that Article 28 would not prohibit an individual certified or otherwise qualified or approved by a private organization from using a term or title copyrighted or otherwise protected under law by the certifying organization, as long as the use did not connote registration under Article 28.

The bill would permit a person who was not registered under Article 28 to provide or offer to provide interior design services as long as he or she did not use the term "registered interior designer" or "interior designer", or another term or title connoting registration under Article 28.

The bill would define "interior designer" as a person performing interior design services. "Interior design services" would mean services in connection with the design of interior spaces, including the preparation of design documents, relative to finishes, systems furniture, furnishings, fixtures, equipment, lighting, outlets and switching, and non-load-bearing interior partitions that do not materially affect the building mechanical, structural, electrical, or fire safety systems.

"Materially affect" would mean activity that meets either or both of the following:

- Has a substantial and negative impact on the health, safety, and welfare of the occupants of the interior space after installation of the fixtures, systems furniture, furnishings, fixtures, equipment, lighting, and interior building partitions based upon placement or material composition.
- Is incompatible with the applicable building code or fire safety code to such a degree that more than a minor modification of the interior design documents is needed to correct that incompatibility.

Board of Interior Design

The bill would create the Board of Interior Design. The terms and qualifications of Board members would be as prescribed in Section 303 of the Occupational Code. (Under that section, board members' terms are four years and a person may not be appointed to or serve more than two consecutive terms. The Governor may appoint, as the initial members of a board who are required to be licensed or registered, individuals who meet either or both of the following:

- Are certified or otherwise approved by a national organization that certifies or otherwise approves individuals in the occupation to be licensed or registered by the board.
- Have actively practiced the occupation licensed or registered by the board and/or taught in an educational institution that prepares applicants for licensure or registration in that occupation, for at least the two years preceding the appointment.)

Registration Process & Criteria

An applicant for registration as an interior designer would have to submit a completed application to the Department of Labor and Economic Growth (DLEG) on a form supplied by the Department, and pay the appropriate application and per-year registration fee. Upon approval of a properly submitted application, DLEG would have to issue a registration to an individual for a three-year term.

Beginning on the bill's effective date and for one year after that date, DLEG would have to issue a registration to an individual who submitted, by affidavit, proof of six years of combined education and experience in providing interior design services, including at least two years of practical experience. A person on a list of qualified interior designers compiled by the advisory subcommittee on interior design under Section 601a (described below) would be eligible for registration if he or she applied within one year after the bill's effective date and paid the appropriate registration fee.

For applicants not applying for registration as described above, the bill would adopt by reference the complete 2003 examination

offered by the National Council for Interior Design Qualification (NCIDQ) and the education, experience, and other qualifications to sit for that exam. The Board of Interior Design, by rule, could adopt another version of that exam and the qualifications to sit for it, or another exam the Board considered the equivalent of the most recent NCIDQ examination and the education, experience, and other qualifications to sit for it.

Continuing Education; Registration Renewal

The bill would require DLEG, in consultation with the Board, to promulgate rules to require a registrant seeking renewal to furnish evidence that, during the three years before applying for renewal, he or she attended continuing education courses or programs related to the provision of interior design services and designed to further registrants' education.

In consultation with the Board, DLEG would have to establish by rule the total number of course or program clock hours at a minimum of 45 clock hours in any three-year registration renewal cycle. A portion of those hours would have to be in ethics.

The Department would have to ensure that all approved continuing education courses included defined measurements of preknowledge and postknowledge or skill improvements, or both, as a result of the continuing education program.

An individual registered under Article 28 would have to meet these continuing education requirements when renewing his or her registration, beginning the registration renewal cycle after the effective date of the rules.

Seal

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

Sanctions

A person who violated Article 28 or rules promulgated under it, or who did any of the

following, would be subject to the penalties set forth in Article 6:

- Presented or attempted to use, as the person's own, the registration or seal of another.
- Used a term protected by Article 28 without being registered under it.
- 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 registrant as required by Article 28.

(The penalties prescribed by Article 6 include the following: suspension or revocation of a license or registration; denial of a license or registration renewal; a maximum civil fine of \$10,000, payable to DLEG; censure; probation; and a requirement that restitution be made.)

Other Provisions

The bill would require DLEG to issue a registration to an individual from another jurisdiction, state, or country if the Board determined that the other jurisdiction, state, or country had substantially similar requirements for registration or licensure and allowed reciprocity to Michigan registrants.

In consultation with the Board and by adoption of a rule, DLEG would have to establish standards of conduct for registered interior designers.

Advisory Subcommittee Repeal

The bill would repeal Section 601a, which was added by Public Act 250 of 1998. The section created an advisory subcommittee on interior design to verify the qualifications of interior designers who had not passed an examination but sought qualification for the performance of interior design services on the basis of education and experience, and to recommend the qualifications of those interior designers. The subcommittee also was required to compile a list of qualified individuals and submit it to the Board of Architects for review.

Section 601a defines "interior designer" as an individual engaged in services described in Section 601(10) who meets one or more of the following:

- Beginning on the effective date of Public Act 250, has proof of passing the complete 1997 examination or other exam adopted by reference by the Department and offered by the NCIDQ.
- Was engaged, before the Act's effective date, in the activities described in Section 601(10) and has proof of passing any complete exam offered by the NCIDQ.
- Until one year after the subcommittee was established, demonstrated to it that he or she was engaged in the activities described in Section 601(10) and met the qualifications of education and experience that would confer eligibility to sit for the 1997 or other exam offered by the NCIDQ.

The subcommittee was required to cease to exist after it had reviewed the final application made under the last provision.

(Section 601(10) allows an interior designer to perform services in connection with the design of interior spaces including preparation of documents relative to finishes, systems furniture, furnishings, fixtures, equipment, and interior partitions that do not affect the building mechanical, structural, electrical, or fire safety system.)

MCL 125.1502a (H.B. 4262)
 339.303a et al. (H.B. 4311)
 Proposed MCL 338.2219 (H.B. 4312)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would increase restricted revenue to the Department of Labor and Economic Growth by an unknown amount from registration and application fee revenue. It is expected that the additional revenue would be sufficient to cover the expenses of regulation and the new board.

The bill would have no fiscal impact on local government.

Fiscal Analyst: Elizabeth Pratt
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.