

LC00517

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- INTERIOR DESIGNERS

Introduced By: Senators Tassoni, Polisena, Lanzi, and Ruggerio

Date Introduced: January 13, 2004

Referred To: Senate Financial, Technology, Regulatory

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "Businesses and Professions" is hereby
2 amended by adding thereto the following chapter:

CHAPTER 5-75

INTERIOR DESIGNERS

5 **5-75-1. Definitions.** – As used in this chapter:

6 (1) "Board" means the board of design professionals.

7 (2) "Interior Designer" means a person qualified by education, experience and
8 examination who: (i) identifies, researches and creatively solves problems pertaining to the
9 function and quality of the interior environment; and (ii) performs services relative to interior
10 spaces, including programming, design analysis, space planning and aesthetics, using specialized
11 knowledge of nonload bearing interior construction, building systems and components, building
12 codes, equipment, materials and furnishings; and (iii) prepares plans and specifications for
13 nonload bearing interior construction, materials, finishes, space planning, reflected ceiling plans,
14 furnishing, fixtures and equipment relative to the design of interior spaces in order to enhance and
15 protect the health, safety and welfare of the public.

16 **5-75-2. Use of title.** – No person shall use the title "registered interior designer" or
17 display or use any words, letters, figures, title, advertisement or other device to indicate that he or
18 she is a registered interior designer unless he or she: (i) has obtained a certificate of registration
19 as provided in this chapter; or (ii) has used or has been identified by the title "interior designer"

1 for at least ten (10) years preceding October 1, 2004.

2 This chapter shall not apply to licensed architects registered under applicable state laws
3 providing that such architects not refer to themselves as “registered [licensed or certified] interior
4 designers” unless registered [licensed or certified] by this chapter.

5 **5-75-3. Board -- Creation -- Composition.** – (a) There is established a state board of
6 design professionals which shall consist of five (5) members. Three (3) members of the board
7 shall have been engaged in the practice of interior designing, as defined by this chapter, for not
8 less than seven (7) years prior to his or her appointment. Two (2) members of the board shall be
9 chosen from the general public.

10 (b) Three (3) members of the board shall be appointed by the governor, one (1) member
11 of the board shall be appointed by the President of the Senate and one (1) member of the board
12 shall be appointed by the Speaker to serve for a term of five (5) years and until a successor is
13 appointed and qualified.

14 (c) Vacancies occurring in the membership of the board shall be filled by the person who
15 made the appointment for the unexpired portion of the term. A member appointed for a full-term
16 shall not be eligible for more than two (2) consecutive terms.

17 **5-75-4. Board – Authority, powers, and duties.** – (a) The duty of the board of design
18 professionals is to administer those provisions of this chapter that relate to the regulation and
19 registration of design professionals.

20 (b) The board shall establish any rules and regulations for the conduct of its own
21 proceedings, for examination of applicants, for registration of design professionals, for continuing
22 education requirements, for conducting disciplinary proceedings to include investigating
23 complaints to the board and for governing the practice of design professionals as it deems
24 appropriate.

25 (c) The board has the power to suspend, refuse to renew, or revoke certificates of
26 registration in accordance with the provisions of this chapter.

27 (d) The board shall be authorized in the name of the state to apply for relief by injunction
28 in the established manner provided in case of civil procedure, without bond, to enforce the
29 provisions of this chapter.

30 (e) The board shall adopt and have an official seal which is affixed to each certificate
31 issued.

32 (f) The board shall be empowered to collect any fees and charges prescribed in this
33 chapter and to apply the fees and charges to the cost of fulfilling the requirements and
34 responsibilities of this chapter.

1 (g) The board shall maintain an official roster of registered interior designers and adopt
2 requirements for monitored internship.

3 (h) The board shall adopt a code of ethics and standards for professional conduct of all
4 registered interior designers.

5 **5-75-5. Application for certificate of registration -- Fee.** – (a) Any person seeking a
6 certificate of registration as an interior designer shall apply to the board in writing, on a form
7 provided by the board of design professionals. Such application shall include the applicant's
8 name, residence address, business address and such other information as the board may, by
9 regulation, require.

10 (b) Each application for a certificate of registration shall be accompanied by a fee set by
11 the board of one hundred fifty dollars (\$150), provided, however, that any architect licensed in
12 this state shall be exempt from such fee.

13 **5-75-6. Qualifications for certificate -- Reciprocity.** – (a) Except as provided in
14 subsection (b) of this section, no person shall be issued a certificate of registration as an interior
15 designer unless such person submits satisfactory proof that such person has passed: (1) the
16 uniform national examination established by the National Council for Interior Design
17 Qualifications; or (2) any other examination with standards or requirements equal to or greater
18 than those established by such council, provided the requirements of this subsection shall not
19 apply to an architect licensed in this state.

20 (b) The board may issue a certificate of registration as an interior designer, without
21 examination, to any person who is currently registered or licensed in another state having
22 registration or licensing standards or requirements equal to or greater than the standards or
23 requirements established in this chapter.

24 **5-75-7. Issuance of certificate of registration. Suspension, revocation, refusal to**
25 **renew. Notice and hearing.** – (a) Upon receipt of a completed application and fee, the board
26 shall: (1) issue and deliver to the applicant a certificate of registration as an interior designer; or
27 (2) refuse to issue such certificate. The board may suspend, revoke or refuse to issue or renew
28 any certificate issued under sections 575-1 through 575-12 for any of the reasons stated in
29 section 5-75-9.

30 (b) Upon refusal to issue a certificate, the board shall notify the applicant of the denial
31 and of the applicant's right to request a hearing within ten (10) days from the date of receipt of the
32 notice of denial.

33 (c) If the applicant requests a hearing within such ten (10) days, the board shall give
34 notice of the grounds for his or her refusal and shall conduct a hearing concerning such refusal in

1 accordance with chapter 42-35, the “Administrative Procedures Act.”

2 **5-75-8. Record of registrants.** – A certificate of registration as an interior designer shall
3 be evidence that the person named in the certificate is entitled to the rights and privileges of a
4 registered interior designer while such certificate remains in effect. The board shall keep a roster
5 of the names and addresses of all registered interior designers, all licensed architects, and of such
6 other information as the board may by regulation require. Annually, during the month of
7 September, the board shall place such roster on file with the secretary of state and with the
8 building department and library of each town. The board shall maintain an index and record of
9 each certificate of registration. A certificate shall remain in effect until revoked or suspended as
10 provided in section 5-75-9.

11 **5-75-9. Investigations.** – (a) The board may conduct investigations and hold hearings on
12 any matter under the provisions of this chapter. The board may issue subpoenas, administer
13 oaths, compel testimony and order the production of books, records and documents. If any
14 person refuses to appear, to testify or to produce any book, record, paper or document when so
15 ordered, upon application of the board, a judge of the superior court may make such order as may
16 be appropriate to aid in the enforcement of this section.

17 (b) The attorney general, at the request of the board, is authorized to apply in the name of
18 the state of Rhode Island to the superior court for an order temporarily or permanently restraining
19 and enjoining any person from violating any provision of this chapter.

20 **5-75-10. Revocation or suspension of certificate of registration.** – (a) The board may
21 revoke or suspend any certificate of registration as an interior designer for: (1) conduct of a
22 character likely to mislead, deceive, defraud the public or the board; (2) gross incompetence; or
23 (3) violation of any of the provisions of this chapter, or any regulation adopted pursuant to any of
24 such provisions.

25 (b) The board shall not revoke or suspend any certificate of registration as an interior
26 designer except upon notice and hearing.

27 **5-75-11. Certificate of registration -- Prohibitions.** – (a) A registered interior
28 designer shall exhibit his or her certificate of registration upon request by any interested party.

29 (b) No person shall: (1) Present or attempt to present, as his or her own, the certificate
30 of another; (2) knowingly give false evidence of a material nature to the board for the purpose of
31 procuring a certificate; (3) use or attempt to use a certificate which has expired or which has been
32 suspended or revoked, to represent himself or herself falsely as, or impersonate, a registered
33 interior designer or to include his or her certificate number as a part of any advertisement or
34 represent in a manner that his or her certificate or registration constitutes an endorsement of the

1 ability of his or her workmanship or of his or her competency by the board.

2 (c) Certificates of registration issued to an interior designer shall not be transferable or
3 assignable.

4 (d) All certificates of registration issued under the provisions of this chapter, shall expire
5 annually.

6 (e) The fee for renewal of a certificate of registration as an interior designer shall be set
7 by the board with a minimum of one hundred fifty dollars (\$150), provided any architect licensed
8 in this state shall be exempt from such fee.

9 **5-75-12. Appeals.** -- Any person aggrieved by an order or decision of the board under
10 the provisions of this chapter, may appeal the decision in accordance with chapter 42-35, of the
11 “Administrative Procedures Act”

12 **5-75-13. Penalties.** -- Any person who knowingly, willfully or intentionally violates any
13 provision of this chapter shall be fined not more than five hundred dollars (\$500) or imprisoned
14 not more than one (1) year or both.

15 SECTION 2. Section 1 of Chapter 30, Article 25 of the 1997 Public Laws entitled “An
16 Act Relating to the Boards for Design Professionals” is hereby amended to read as follows:

17 There is hereby created a program to be known as the “Boards for Design Professionals”
18 hereafter referred to as the “Program”.

19 (a) The Program shall consist of the board of registration for professional engineers,
20 board of registration for professional land surveyors, board of examination and registration of
21 architects, ~~and~~ board of examiners of landscape architects, and board of design professionals.

22 (b) The purpose of the Program is to combine the resources of the ~~four (4)~~ five (5) boards
23 within the Program in a cooperative venture to provide for more efficient operations.

24 (c) The boards shall retain their respective statutory authority pursuant to sections 5-1-5,
25 5-51-2, 5-8-8, ~~and~~ 5-8.1-4 and 5-75-3 of the general laws and any other applicable legal authority,
26 notwithstanding their inclusion in the Program created by this article.

27 SECTION 3. This act would take effect upon passage.

=====
LC00517
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- INTERIOR DESIGNERS

- 1 This act would establish a board of design professionals to promulgate rules and
- 2 regulations pertaining to the certification of interior designers.
- 3 This act would take effect upon passage.

=====
LC00517
=====

