

SECOND REGULAR SESSION

# SENATE BILL NO. 825

89TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MAXWELL.

Read 1st time January 27, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3402.011

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## AN ACT

To amend chapter 324, RSMo, by adding thereto fourteen new sections relating to regulation and registration of interior designers, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 324, RSMo, is amended by adding thereto fourteen new sections, to be known as sections 324.400, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436 and 324.439, to read as follows:

**324.400. As used in sections 324.400 to 324.439, the following terms mean:**

- (1) "Council", the interior design council created in section 324.406;**
- (2) "Department", the department of economic development;**
- (3) "Division", the division of professional registration of the department of economic development;**
- (4) "Registered Interior designer", a design professional who provides services including preparation of documents and specifications, relative to non-load bearing interior construction, furniture, finishes, fixtures and equipment and who meets the criteria of education, experience and examination as provided in sections 324.400 to 324.439.**

**324.403. No person may use the name or title, registered interior designer, in this state unless that person is registered as required by sections 324.400 to 324.439. Nothing in sections 324.400 to 324.439 shall be construed as limiting or preventing the practice of a person's profession or restricting a person from providing interior design services, provided such person does not indicate to the public that such person is registered as an interior designer pursuant to the provisions of sections 324.400 to 324.439.**

**324.406. 1. There is hereby created within the division of professional**

registration a council to be known as the "Interior Design Council". The council shall consist of four interior designers and one public member appointed by the governor with the advice and consent of the senate. The governor shall give due consideration to the recommendations by state organizations of the interior design profession for the appointment of the interior design members to the council. Council members shall be appointed to serve a term of four years; except that of the members first appointed, one interior design member and the public member shall be appointed for terms of four years, one member shall be appointed for a term of three years, one member shall be appointed for a term of two years and one member shall be appointed for a term of one year. No member of the council shall serve more than two terms.

2. Each council member, other than the public member, shall be a citizen of the United States, a resident of the state of Missouri for at least one year, meet the qualifications for professional registration, practice interior design as the person's principal livelihood and, except for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an interior designer.

3. The public member shall be, at the time of such person's appointment, a citizen of the United States, a registered voter, a person who is not and never was a member of the profession regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does not have and never has a material financial interest in either the providing of the professional services regulated by sections 324.400 to 324.439. The duties of the public member shall not include the determination of the technical requirements for the registration of persons as interior designers. The provisions of section 620.132, RSMo, pertaining to public members of certain state boards and commissions shall apply to the public member of the council.

4. Members of the council may be removed from office for cause. Upon the death, resignation or removal from office of any member of the council, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same manner as the first appointment and due notice be given to the state organizations of the interior design profession prior to the appointment.

5. Each member of the council may receive as compensation an amount set by the division not to exceed fifty dollars per day for each day devoted to the affairs of the council and shall be reimbursed for the member's reasonable and necessary expenses incurred in the official performance of the member's duties as a member of the council.

6. The council shall meet with the division at least twice each year and advise the division on matters within the scope of sections 324.400 to 324.439. The organization of the council shall be established by the members of the council.

7. The council may sue and be sued as the interior design council and the council

members need not be named as parties. Members of the council shall not be personally liable either jointly or severally for any act committed in the performance of their official duties as council members. No council member shall be personally liable for any costs which accrue in any action by or against the council.

**324.409. 1. Except as provided in subsections 2 and 3 of this section, to be a registered interior designer a person shall take and pass or have passed the examination administered by the National Council for Interior Design Qualification or an equivalent examination approved by the council. In addition to proof of passage of the examination, the application shall provide substantial evidence to the council that the applicant:**

**(1) Is a graduate of a five-year or four-year interior design program from an accredited institution and has completed at least two years of diversified and appropriate interior design experience; or**

**(2) Has completed at least three years of an interior design curriculum from an accredited institution and has completed at least three years of diversified and appropriate interior design experience; or**

**(3) Is a graduate of a two-year interior design program from an accredited institution and has completed at least four years of diversified and appropriate interior design experience.**

**2. A person may qualify for registration on or before August 28, 1999, by providing substantial evidence to the council that the applicant:**

**(1) Has passed the full examination administered by the National Council for Interior Design Qualification or an equivalent state examination approved by the council and has a minimum of six years of interior design experience acceptable to the council;**

**(2) Has passed or intends to take and pass within the next twelve months the building and barrier free portion of the examination administered by the National Council for Interior Design Qualification or an equivalent state codes examination approved by the council and has provided satisfactory evidence of having used or been identified by the title, interior designer, and has diversified and appropriate experience totaling a minimum of ten years; or**

**(3) Has taken and passed the building and barrier free portion of the examination administered by the National Council for Interior Design Qualification or an equivalent state codes examination approved by the council, and has passed the American Institute of Interior Designers accreditation examination.**

**3. Any person who is currently registered pursuant to sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture may register with the council. Such applicant shall give authorization to the council in**

order to verify current registration with sections 327.091 to 327.171, RSMo, and 327.401, RSMo, pertaining to the practice of architecture.

4. Verification of experience required pursuant to this section shall be based on a minimum of five client references, business or employment verification and five industry references, submitted to the council.

5. The council shall verify if an applicant has complied with the provisions of this section and has paid the required fees, then the council shall recommend such applicant be registered as a registered interior designer by the division of professional registration.

**324.412. The division shall:**

(1) Recommend prosecution for violations of the provisions of sections 324.400 to 324.439 to the appropriate prosecuting or circuit attorney;

(2) Employ, within the limits of the appropriations for that purpose, such employees as are necessary to carry out the provisions of sections 324.400 to 324.439;

(3) Exercise all budgeting, purchasing, reporting and other related management functions;

(4) Promulgate in collaboration with the council, such rules as are explicitly authorized in sections 324.400 to 324.439 and are necessary to administer the provisions of sections 324.400 to 324.439. No rule or portion of a rule promulgated under the authority of sections 324.400 to 324.439 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**324.415. Applications for registration as a registered interior designer shall be typewritten on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous interior design certification, registration or licensing examinations, if any, and such other pertinent information as the council may require, or architect's registration number and such other pertinent information as the council may require. Each application shall contain a statement that is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the person signing the application. The person shall be subject to the penalties for making a false affidavit or declaration and shall be accompanied by the required fee.**

**324.418. 1. The certificate of registration issued biennially to a registered interior designer pursuant to sections 324.400 to 324.439 shall be renewed on or before the certificate renewal date accompanied by the required fee. The certificate of registration of a registered interior designer which is not renewed within three months after the certificate renewal date shall be suspended automatically, subject to the right of the holder to have the suspended certificate of registration reinstated within nine**

months of the date of suspension if the person pays the required reinstatement fee. Any certificate of registration suspended and not reinstated within nine months of the suspension date shall expire and be void and the holder of such certificate shall have no rights or privileges provided to holders of valid certificates. Any person whose certificate of registration has expired may, upon demonstration of current qualifications and payment of required fees, be reregistered or reauthorized under the person's original certificate of registration number.

2. Each application for the renewal or reinstatement of a registration shall be on a form furnished to the applicant and shall be accompanied by the required fees and proof of current completion of at least one unit every two years of approved or verifiable continuing education in interior design or architecture, immediately prior to such renewal or reinstatement. Ten contact hours constitutes one continuing education unit. Five contact hours of teaching in interior design or architecture constitutes one continuing education unit. One college course credit in interior design or architecture constitutes one continuing education unit.

324.421. The council shall register without examination, any interior designer certified, licensed or registered in another state or territory of the United States or foreign country if the applicant has qualifications which are at least equivalent to the requirements for registration as a registered interior designer in this state and such applicant pays the required fees.

324.424. 1. The division shall set the amount of the fees authorized by sections 324.400 to 324.439 by rule. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 324.400 to 324.439. All fees required pursuant to sections 324.400 to 324.439 shall be paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Interior Designer Council Fund", which is hereby created.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation to the council for the preceding fiscal year or, if the council requires by rules, registration renewal less frequently than biennially, then three times the appropriations to the council for the preceding fiscal year. The amount, if any, in the fund which shall lapse is the amount in the fund which exceeds the appropriate multiple of the appropriations to the council for the preceding fiscal year.

324.427. It is unlawful for any person to advertise or indicate to the public that the person is a registered interior designer in this state, unless such person is registered as a registered interior designer by the division and is in good standing

pursuant to sections 324.400 to 324.439.

**324.430.** No person may use the designation registered interior designer in Missouri, unless the division has been issued a current certificate of registration certifying that the person has been duly registered as a registered interior designer in Missouri and unless such registration has been renewed or reinstated as provided in section 324.418.

**324.433.** The right to use the title of registered interior designer shall be deemed a personal right, based upon the qualifications of the individual, evidenced by the person's current certificate of registration and such certificate is not transferable; except that, a registered interior designer may perform the interior designer's profession through, or as a member of, or as an employee of, a partnership or corporation.

**324.436. 1.** The council may refuse to issue any certificate required pursuant to sections 324.400 to 324.439, or renew or reinstate any such certificate, for any one or any combination of the reasons stated in subsection 2 of this section. The council shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the person's right to file a complaint with the administrative hearing commission as provided in chapter 621, RSMo.

**2.** The council may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of a certificate of registration required by sections 324.400 to 324.439 or any person who has failed to renew or has surrendered the person's certificate of registration for any one or combination of the following reasons:

**(1)** The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of the profession regulated by sections 324.400 to 324.439; for any offense for which an essential element is fraud, dishonesty or an act of violence; or for a felony, whether or not sentence is imposed;

**(2)** Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any examination given or required pursuant to sections 324.400 to 324.439;

**(3)** Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

**(4)** Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.400 to 324.439;

**(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such sections;**

**(6) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use the person's certificate or diploma from any school;**

**(7) Disciplinary action against the holder of a certificate of registration or other right to perform the profession regulated by sections 324.400 to 324.439 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;**

**(8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;**

**(9) Issuance of a certificate of registration based upon a material mistake of fact;**

**(10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed, as it relates to the interior design profession.**

**3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 536, RSMo, and chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the council shall censure or place the person named in the complaint on probation for a period not to exceed five years or may suspend the person's certificate for a period not to exceed three years or may revoke the person's certificate of registration.**

**324.439. Effective February 28, 2000, any person who violates any provision of sections 324.400 to 324.439 shall be guilty of a class A misdemeanor.**

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