

## CHAPTER 55

## (HB 207)

AN ACT relating to the regulation of interior designers and architects.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 1 to 10 of this Act, unless the context otherwise requires:*

- (1) *"Board" means the State Board of Examiners and Registration of Architects;*
- (2) *"Certified interior designer" means a person who is certified to use the title "certified interior designer" in accordance with Sections 1 to 10 of this Act by meeting the criteria of education, experience, and examination as determined by the board; and*
- (3) *"NCIDQ" means the National Council for Interior Design Qualification.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

- (1) *No person shall use the title "certified interior designer" unless the person at the time holds a valid certificate to use the title "certified interior designer" in the Commonwealth of Kentucky as established under Sections 1 to 10 of this Act.*
- (2) *Nothing in Sections 1 to 10 of this Act prohibits a person who is not certified as a certified interior designer from providing interior design services or from using any title, sign, card, or device indicating that the person provides interior design services.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

- (1) *The provisions of Sections 1 to 10 of this Act shall not apply to persons licensed under any other provisions of the Kentucky Revised Statutes, including, but not limited to, architects, landscape architects, professional engineers, and land surveyors, or students within accredited training programs of these professions. Nothing in Sections 1 to 10 of this Act shall be construed to limit, interfere, or restrict the practice, descriptions of services, or manner in which these persons practice.*
- (2) *Nothing in Sections 1 to 10 of this Act shall be construed to prohibit or interfere with the ability of a licensed architect, landscape architect, professional engineer, or land surveyor to perform those activities that are associated with their practices, respectively, as provided under any provisions of the Kentucky Revised Statutes.*
- (3) *Nothing in Sections 1 to 10 of this Act shall be construed to prohibit or interfere with the rendering of interior design services by students enrolled in a school approved by the board, if the students only perform services in accordance with a course of instruction or an assignment from an instructor.*
- (4) *Nothing in Sections 1 to 10 of this Act shall be construed to prohibit any architect licensed under the provisions of KRS Chapter 323 from using the title "certified interior designer."*
- (5) *Nothing in Sections 1 to 10 of this Act shall be construed to limit, interfere, or restrict the manner in which home builders, home designers, retailers of consumer products or their*

*employees, certified kitchen designers, certified bath designers, or certified master kitchen and bath designers offer or provide their services.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

*The board may promulgate administrative regulations in accordance with KRS Chapter 13A and Sections 1 to 10 of this Act that:*

- (1) Establish criteria of education, experience, and testing for those persons seeking certification as a certified interior designer that are reasonable and necessary;*
- (2) Establish an initial certification fee and a renewal fee for the certification of certified interior designers that may not in aggregate exceed amounts necessary to generate sufficient funds to effectively carry out and enforce the provisions of Sections 1 to 10 of this Act;*
- (3) Establish a renewal process for certifications that have expired; and*
- (4) Establish a process regarding the use of a certified interior designer's signature and certificate number on documents, plans, reports, drawings, or specifications that do not require the seal of a licensed architect or professional engineer.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

*The board shall:*

- (1) Administer and enforce the provisions of Sections 1 to 10 of this Act;*
- (2) Maintain an official roster of all certified interior designers;*
- (3) Require a certified interior designer to include the certified interior designer's certificate number on all business and advertising documents;*
- (4) Review all applications of persons applying for certification under Sections 1 to 10 of this Act and approve the certification of those persons who meet the requirements of a certified interior designer.*

SECTION 6. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

- (1) The board shall issue a certificate as a certified interior designer and a certificate number to any person who:*
  - (a) Files an application with the board on a form prescribed by the board;*
  - (b) Submits written proof that the person has successfully passed the NCIDQ examination and therefore has met the education and internship requirements established by NCIDQ;*
  - (c) Meets the standards of education, experience, and testing established by the board under subsection (1) of Section 4 of this Act; and*
  - (d) Submits the required certification fee to the board.*
- (2) No person who has violated Section 2 of this Act shall file an application with the board for a period of five (5) years.*

- (3) *For a period of two (2) years after the effective date of this Act, the board may issue a certificate as a certified interior designer and a certificate number to a person who does not meet the examination requirement under subsection (1)(b) of this section, but who can document:*
- (a) *Ten (10) years of experience as an interior designer or eight (8) years of experience as an interior designer and two (2) years of interior design education that is acceptable to the board; and*
  - (b) *Successful completion of the Building and Barrier-Free Code Life Safety section of the NCIDQ examination.*
- (4) *The board, upon proper application under this section, shall issue a certificate as a certified interior designer and a certificate number to a person credentialed as an interior designer under the laws of any other country or state or territory of the United States, provided that at the time the license or certificate was issued the applicant met the requirements of subsection (1) of this section.*

SECTION 7. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

- (1) *The board may suspend, revoke, or refuse to issue or renew the certificate of any person upon a finding of any of the following:*
- (a) *The certification was fraudulently obtained;*
  - (b) *A judgment has been issued against the person for gross incompetence, neglect, or misconduct within the last five (5) years; or*
  - (c) *A judgment has been issued against the person or the person has pleaded guilty to or been found guilty of fraud or deceit in the person's professional duties within the last five (5) years.*
- (2) *Any person may appeal a finding of the board within thirty (30) days of the date of notification of action. Upon appeal, the board shall schedule an administrative hearing in accordance with KRS Chapter 13B.*

SECTION 8. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

- (1) *No certified interior designer shall knowingly:*
- (a) *Affix, or permit to be affixed, the certified interior designer's certificate number and signature to any document, plan, report, drawing, or specification that depicts work that requires the seal of a registered architect or professional engineer;*
  - (b) *Affix, or permit to be affixed, the certified interior designer's certificate number and signature to any document, plan, report, drawing, or specification that depicts work that the certified interior designer is not competent or qualified to perform; or*
  - (c) *Affix the certified interior designer's signature and certificate number to any document, plan, report, drawing, or specification that was not prepared:*
    - (1) *By the certified interior designer; or*
    - (2) *Under the certified interior designer's supervision.*

- (2) *When the certificate of a certified interior designer has been revoked or suspended, the certified interior designer shall surrender his or her certificate to the board within thirty (30) days after the revocation or suspension has become effective. If the certificate of the interior designer has been suspended or revoked, the certificate shall be returned to the certified interior designer upon the expiration of the period of suspension or reinstatement of the certificate.*

SECTION 9. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

- (1) *Every person who wishes to renew a certificate as a certified interior designer shall successfully complete at least twelve (12) hours of continuing education within the broad range of subjects pertinent to interior design during the twelve (12) month period immediately preceding the expiration date of the person's certificate and include proof of completion of such education, on forms prescribed by the board, with the person's renewal application and renewal fee.*
- (2) *A minimum of eight (8) of the twelve (12) hours of continuing education required under subsection (1) of this section shall be composed of one (1) or more of the following topics: life safety codes, barrier-free codes, building structural systems, lighting, electrical systems, and heating, ventilation, and air conditioning systems.*

SECTION 10. A NEW SECTION OF KRS CHAPTER 323 IS CREATED TO READ AS FOLLOWS:

- (1) *Whoever violates subsection (1) of Section 2 of this Act is guilty of a Class A misdemeanor.*
- (2) *Whoever violates subsection (1)(a) of Section 7 of this Act by falsifying an application for certification or renewal as a certified interior designer is guilty of a Class A misdemeanor, and the interior designer's certificate shall be revoked for two (2) years.*

Section 11. KRS 323.150 is amended to read as follows:

The board shall consist of ***eight (8)***~~seven (7)~~ members, ***seven (7)***~~six (6)~~ of whom shall be appointed by the Governor. The ***eighth***~~seventh~~ member of the board shall be the chief executive officer of any NAAB accredited architectural curriculum established in the Commonwealth of Kentucky, who shall be an ex officio member with voting rights.

Section 12. KRS 323.170 is amended to read as follows:

Five (5) members of the board appointed by the Governor shall be architects registered in the Commonwealth of Kentucky and shall have been in the active practice of architecture for at least ten (10) years immediately preceding their appointment, and shall have been residents of this Commonwealth for at least five (5) years immediately preceding their appointment. ***One (1) member shall be a certified interior designer in the Commonwealth of Kentucky, shall have been providing interior design services for at least ten (10) years, and shall have been a resident of the Commonwealth for at least five (5) years immediately preceding the appointment.*** One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.

Section 13. KRS 323.200 is amended to read as follows:

A quorum of the board shall consist of at least *five* (5)~~four (4)~~ members. The concurring votes of *five* (5)~~four (4)~~ members shall be considered as the action of the board, except in the case of revoking a license, in which case, the unanimous vote of the board shall be required.

Section 14. Sections 11, 12, and 13 of this Act take effect on July 15, 2003.

**Approved March 15, 2002**