

1 chapter.

2 **5-77-2. Definitions.** – As used in this chapter:

3 (a) "Interior designer" means a person registered under this act who is a registered design
4 professional qualified by education, experience and examination to affect the function, safety and
5 quality of interior spaces and who renders or offers to render interior design services.

6 (b) "Interior design" includes a scope of services performed by a professional design
7 practitioner, qualified by means of education, experience, and examination, to protect and
8 enhance the life, health safety and welfare of the public. These services may include any or all of
9 the following tasks:

10 (1) Research and analysis of the client's interior design programming goals and
11 requirements; and development of interior design documents, drawings and diagrams that outline
12 those needs. Programming is the scope of work which includes, but is not limited to: conducting
13 research; identifying and analyzing the needs and goals of the client and/or occupant(s) of the
14 space; evaluating existing documentation and conditions; assessing project resources and
15 limitations; identifying life, safety and code requirements; and developing project schedules and
16 budgets.

17 (2) Preparation of preliminary, schematic and design development plans and documents
18 and two and three dimensional interior design concept studies and sketches that integrate the
19 client's program needs and are based on knowledge of the principles of interior design;

20 (3) Confirmation that preliminary space plans and interior design concepts are safe,
21 functional, aesthetically appropriate, and meet all public health, safety and welfare requirements
22 including code, accessibility, environmental, and sustainability guidelines;

23 (4) Preparation of interior design construction documents, which are detailed working
24 drawings consisting of plans, elevations, details and specifications, to illustrate non-structural
25 and/or non-seismic partition layouts; power and communications locations; reflected ceiling plans
26 and lighting designs; materials and finishes; furniture layouts and the drawings of associated
27 consultants. Construction documents are the detailed working drawings that define the interior
28 work to be constructed. Non-structural or non-seismic means interior elements or components
29 that are not load bearing or do not assist in the seismic design and do not require design
30 computations for a building's structure. Interior design excludes the structural frame supporting a
31 building. Common non-structural elements or components include, but are not limited to, ceiling
32 and partition systems. These elements employ normal and typical bracing conventions and are
33 not part of the structural integrity of the building. A partition is a wall which does not support a
34 vertical load of a structure other than its own weight, but may support loads attached to it such as

1 cabinetry, shelving or grab bars, and does not extend further than from the floor of an interior
2 area of a structure design for human habitation or occupancy, to the underside of the deck of that
3 structure. Interior design construction documents exclude the building shell, which is the
4 architecture of the building, including the framework, the perimeter/exterior walls, the building
5 core and columns, and other structural, load-bearing elements of the building. Interior design
6 construction documents will adhere to applicable building and fire codes, municipal codes, and
7 any other jurisdictional statutes, regulations and guidelines applicable to the interior. Selection of
8 interior colors, materials and finishes to appropriately convey the design concept, and to meet
9 socio-psychological, functional, maintenance, life-cycle performance, environmental, and safety
10 requirements;

11 (5) Selection and specification of furniture, fixtures, equipment and millwork, including
12 layout drawings and detailed product description; and provision of contract documentation to
13 facilitate pricing, procurement and installation of furniture;

14 (6) Provision of interior design project management services, including preparation of
15 project budgets and schedules;

16 (7) Interior design contract documents are the set of documents that form a part of the
17 legal contract for services between two or more parties. These typically include detailed
18 instructions to the contractor, tender forms, construction documents and specifications;

19 (8) The interior designer will coordinate and collaborate with other allied design
20 professionals who may be retained to provide consulting services, including, but not limited to,
21 architects; structural, mechanical and electrical engineers, and various specialty consultants;

22 (9) Interior design construction documents will be signed and stamped as interior design
23 construction documents as outlined in 5-77-2, (b)(7);

24 (10) The interior designer will provide construction administration services for interior
25 design contract documents, bids and negotiations as the client's agent. The interior designer will
26 observe and report on the implementation of projects while in progress and upon completion.
27 Contract administration is the set of services which may include developing and monitoring
28 schedules and construction costs; ensuring construction is completed in conformance with
29 contracts and design intent; liaison with contractors and consultants throughout the course of
30 construction; reviewing shop drawings and submissions from the contractor; observing and
31 commenting on construction progress; monitoring move-in and furniture installation; and
32 conducting required post-occupancy evaluations.

33 (11) The interior designer will assume responsible control of the work and the decision
34 making process, i.e., to review, enforce and control compliance with all design criteria and life

1 safety requirements. Each location designated for the practice of interior design must have in that
2 location an interior designer who bears regulatory responsibility for the interior design work in
3 that location. The interior designer must provide responsible control over non-registered persons
4 working in that location in the practice of interior design.

5 (c) "Board" refers to the board of interior designers as established by this chapter.

6 (d) "Certificate" means the certificate of registration issued biannually by the board
7 indicating that the individual named in the certificate is a registered interior designer.

8 (e) "Certificate of authorization" means the certificate of authorization issued by the
9 board, indicating the sole proprietor, partnership, limited liability partnership, corporation, or
10 limited liability company named in the certificate is permitted to practice interior design or use
11 the title registered interior designer in the state.

12 **5-77-3. Board -- Composition -- Membership -- Appointments and term. – (a)**

13 Initially there is established a state board of five (5) interior designers, all of whom meet the
14 requirements of section 5-77-8. Each member of the board must be a qualified elector of this state
15 for three (3) years prior to appointment. Each member must have been engaged in the lawful
16 practice of interior design as defined by this chapter.

17 (b) After the initial board is in place all new members of the board will be interior
18 designers in this state.

19 (c) Each member of the board is appointed by the governor, with the advice and consent
20 of the senate within sixty (60) days of the enactment of this chapter, for staggered terms, to serve
21 a term of five (5) years or until his or her successor is appointed and qualified; however, in the
22 original appointments under this section:

23 (1) One member is appointed for a period of one year;

24 (2) One member is appointed for a period of two (2) years;

25 (3) One member is appointed for a period of three (3) years;

26 (4) One member is appointed for a period of four (4) years; and

27 (5) One member is appointed for a period of five (5) years.

28 (d) No member of the board of interior designers shall be associated in the practice of
29 interior design either individually or as a member of a firm, partnership or corporation, with any
30 other member of the board.

31 (e) Vacancies in the membership of the board of interior designers are filled for any
32 unexpired terms by the appointment of the governor.

33 (f) A member appointed for a full term is not eligible for more than two (2) consecutive
34 terms.

1 (g) The governor may remove any member of the board of interior designers for
2 misconduct, incompetence, neglect of duty, or for any sufficient cause, in the manner prescribed
3 by law for removal of state officials.

4 (h) Each member of the board of interior designers receives a certificate of his or her
5 appointment from the governor and files with the secretary of state his or her written oath of
6 affirmation for the faithful discharge of his or her official duties.

7 **5-77-4. Board -- Organizational and special meetings -- Quorum -- Seal. – (a) Within**
8 **thirty (30) days of the appointment of the board, the director or his or her designee shall summon**
9 **the members of the board to organize and elect a chairperson, vice-chairperson, secretary, and an**
10 **official NCIDQ delegate from the appointed members. Each elected member of the board will**
11 **serve for one year until their successors are elected and qualified. Special meetings of the board**
12 **may be called by the chairperson or other members of the board in accordance with any rules and**
13 **regulations that the board adopts.**

14 (b) Three (3) board members shall constitute a quorum for the transaction of all business,
15 but no action shall be taken at any meeting without three (3) members in accord.

16 (c) The board shall adopt and have an official seal, which is affixed to each certificate
17 issued.

18 **5-77-5. Board rules and regulations -- Examination and registration powers. – (a)**
19 **The board may establish any rules and regulations for the conduct of its own proceedings that it**
20 **deems appropriate.**

21 (b) The board may establish suitable rules and regulations for the examination and
22 registration of interior designers and also governing the practice of interior design. This shall not
23 include any prohibition of employment of the interior designer as he or she chooses.

24 (c) Examinations for individuals applying for certificates will be held at least once each
25 year, as offered by NCIDQ; provided, there are applicants qualified under section 5-75-8. The
26 board shall establish rules and regulations for the examination of applicants that it deems
27 appropriate.

28 (d) The board issues certificates to individuals who have qualified to practice interior
29 design and use the title interior designer under the provision of this chapter. The board may
30 establish any rules and regulations for the issuance and renewal of certificates that it deems
31 appropriate, including rules for the issuance of certificates by reciprocity.

32 (e) The board shall monitor the NCIDQ interior design experience program (IDEP) as a
33 internship program.

34 (f) The board shall develop a continuing education program.

1 (g) The board shall adopt a code of ethics and standards for professional conduct of all
2 registered interior designers.

3 (h) In addition to its rulemaking authority, the board has the power to take all action that
4 is necessary and proper to effectuate the purposes of this chapter, including the power to:

5 (1) Suspend, revoke or annul certificates of registration and certificates of authorization
6 in accordance with the provisions of this chapter;

7 (2) Investigate all complaints and charges of unprofessional conduct, including, but not
8 limited to, conduct specified under section 5-77-13, against any license or any applicant for a
9 certificate of registration and to hold hearings, in accordance with the provisions of section 5-77-
10 13.1 to determine whether the complaints and charges are substantiated;

11 (3) Appoint one or more members of the board, legal counsel, and/or an independent
12 investigator to act on behalf of the board in investigating the conduct of any licensee, or of any
13 applicant for a certificate of registration, or in the alternative to appoint a probable cause
14 committee to investigate this conduct on its behalf. The committee is to be comprised of licensees
15 in good standing, as the board determines;

16 (4) Issue subpoenas, administer oaths, and summon and examine witnesses in connection
17 with any investigation conducted under the authority of this chapter. If a subpoena is disobeyed,
18 the board may invoke the aid of any court of competent jurisdiction in this state to require the
19 attendance and testimony of witnesses and the production of documentary evidence; and

20 (5) The board and its members and agents are immune from personal liability for actions
21 taken in good faith in the discharge of the board's responsibilities, and the state indemnifies the
22 board and these members and agents for, and holds them harmless from any and all costs,
23 damages and reasonable attorneys' fees arising from or related in any way to claims or actions
24 against them as to matters to which the immunity applies.

25 **5-77-6. Board -- Records of proceedings -- Roster of registered interior designers --**

26 **Report of transactions.** – (a) The secretary of the board shall keep record of its proceedings. The
27 record shall include the name, and last known address of each applicant for registration,
28 information concerning each applicant's education, experience and other qualification, the text of
29 all examinations administered and results and any of the information that the board deems
30 appropriate. The record of the board is prima facie evidence of the proceedings and a certified
31 transcript by the secretary is admissible in evidence with the same force and effect as if the
32 original were produced.

33 (b) The board shall maintain a roster of interior designers. Copies of the roster may be
34 mailed annually to resident interior designers and to federal agencies within the state and to state,

1 city and town officials, and may be distributed or sold to the public.

2 (c) The board administrator shall receive and account for all monies derived from the
3 activities of the board and shall submit to the governor and the general assembly a report of its
4 transactions of the preceding year.

5 **5-77-7. Title use prohibited – Criminal penalties -- Injunctions. – (a) No individual**
6 **shall:**

7 (1) Use the title "interior designer" or display the words interior designer, or imply the
8 individual is an interior designer unless registered by the board.

9 (2) Use any title, sign, card or device implying that the individual is an interior designer
10 unless registered with the board.

11 (3) Use in connection with his or her name or otherwise any title or description
12 conveying or tending to convey the impression that the individual is an interior designer unless
13 certified by with the board.

14 (4) Use or display any words, letters, figures, seals, or advertisements indicating that the
15 individual is an interior designer in this state, unless that individual holds a currently valid
16 certificate issued pursuant to this chapter or is specifically exempted from holding a certificate
17 under the provisions of this chapter.

18 (5) Practice interior design or perform or offer to perform interior design services and use
19 the title interior designer unless registered with the board.

20 (b) No sole proprietorship, limited liability partnership, corporation or limited liability
21 corporation shall:

22 (1) Use the title "interior designer" or display the words interior designer, or imply the
23 individual is an interior designer unless registered by the board.

24 (2) Use any title, sign, card or device implying that the sole proprietorship, partnership,
25 limited liability partnership, corporation or limited liability company is an interior designer unless
26 registered with the board.

27 (3) Use in connection with his or her name or otherwise any title or description
28 conveying or tending to convey the impression that the individual is an interior designer unless
29 certified with the board.

30 (4) Use or display any words, letters, figures, seals, or advertisements indicating that the
31 individual is an interior designer in this state, unless that individual holds a currently valid
32 certificate issued pursuant to this chapter or is specifically exempted from holding a certificate
33 under the provisions of this chapter.

34 (5) Practice interior design or perform or offer to perform interior design services and use

1 the title interior designer unless registered with the board.

2 (c) An individual, sole proprietorship, partnership, limited liability partnership,
3 corporation or limited liability company which:

4 (1) Violates subsection (a) or (b) of this section;

5 (2) Presents or attempts to use the certificate of registration;

6 (3) Gives any false or forged evidence of any kind to the board or to any member of the
7 board in obtaining or attempting to obtain a certificate of registration if not registered;

8 (4) Falsely impersonates any other registrant whether of a like or different name;

9 (5) Uses or attempts to use an expired, revoked or nonexistent certificate of registration;

10 (6) Falsely claims to be registered under this chapter; or

11 (7) Otherwise violates any provision of this chapter, is guilty of a misdemeanor; and

12 (d) Upon conviction by a court of competent jurisdiction shall be sentenced to:

13 (1) Pay a fine of not more than one thousand dollars (\$1,000) for the first offense and a
14 fine of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000)
15 for each subsequent offense or imprisonment for not more than one year or both; and

16 (2) In the court's discretion and upon good cause shown, reimburse the board for any and
17 all fees, expenses, and the costs incurred by the board in connection with the proceeding,
18 including attorneys' fees (which amounts shall be deposited into general revenues) and be subject
19 to, in the board's discretion, public censure or reprimand.

20 (e) The board has the power to institute injunction proceedings in superior court to
21 prevent violations of this act, in injunction proceedings, the board is not required to prove that an
22 adequate remedy at law does not exist, or that substantial or irreparable damage would result from
23 continued violation. The superior court, in its discretion and in addition to any injunctive relief
24 granted to the board, may order that any person or entity in violation with this act shall: (1) upon
25 good cause shown reimburse the board for any and all fees, expenses and costs incurred by the
26 board in connection with the proceedings, including attorneys' fees (which amounts shall be
27 deposited into general revenues); and/or (2) be subject to public censure or reprimand.

28 **5-77-8. Qualification standards for registration.** – (a) Except as otherwise provided in
29 this chapter, no certificate of registration shall be issued to any person in this state unless they:

30 (1) Hold an accredited professional degree in interior design from an interior design
31 program accredited by the Foundation for Interior Design Education Research (FIDER) and/or
32 the National Association of School of Art and Design (NASAD) or from an interior design
33 program determined by the board to be substantially equivalent to an accredited program; and

34 (2) Provides proof of a minimum of six (6) years of combined full-time education and

1 experience within established standards of the Interior Design Experience Program (IDEP) or
2 equivalent as the board shall prescribe; and/or

3 (3) Provides to the board proof of passage of the examination administered by the
4 National Council for Interior Design Qualification; and/or

5 (b) An applicant who has successfully completed the NCIDQ examination prior to the
6 establishment of the board of interior designers shall be eligible for registration without having to
7 fulfill the stipulations of subsections (1) and (2) above; and/or

8 (c) For a period of one year after the formation of the board, a candidate may apply for
9 registration without having to fulfill the stipulations of subsections (a) and (b) above if he/she has
10 completed at least ten (10) years of full-time, diversified, verifiable professional experience in
11 interior design service as determined by a review of the body of work by the board. The board
12 may require the applicant in this category to submit to a personal interview.

13 **5-77-9. Interstate practice -- Reciprocity.** – No person shall be issued a certificate of
14 registration as an interior designer unless such person submits satisfactory proof that such person
15 has completed all requirements in section 5-77-8, although the board may issue a certificate of
16 registration as an interior designer, without examination, to any person who is currently registered
17 in another state having registration or licensing standards or requirements equal to or greater than
18 the standards or requirements established in this chapter. The board shall act upon the application
19 for a certificate of registration within forty-five (45) days of submission of evidence that the
20 applicant is registered in that manner.

21 **5-77-10. Issuance and renewal of certificates.** – (a) Upon payment of the fees required
22 by section 5-77-11, an individual who has complied with section 5-77-8 or 5-77-9 is entitled to a
23 certificate of registration indicating that he or she is qualified to use the title interior designer in
24 this state. Each certificate of registration contains the name of the individual to whom it was
25 issued.

26 (b) Every certificate of registration is valid for a period of two (2) years and expires on
27 the last day of December of each off numbered year following its issuance. An interior designer
28 may renew his or her certificate of registration by paying the renewal fee(s) required by section 5-
29 77-11 and has completed continuing education as outlined by the board. An interior designer
30 who fails to renew his or her certificate of registration prior to December 31 may not thereafter
31 renew his or her certificate of registration except upon payment of the renewal fee(s) required by
32 section 5-77-11. The board may require all applicants for renewal to provide the board with
33 information, including, but not limited to, a brief outline setting forth the professional activities of
34 any applicant during a period in which a certificate of registration has lapsed and other evidence

1 of the continued competence and good character of the applicant, all as the board deems
2 necessary.

3 (c) A duplicate certificate of registration to replace one which has been lost, destroyed or
4 mutilated may be issued by the board upon payment of the fee required by section 5-77-11.

5 **5-77-11. Fees – Payment and disposition.** – (a) A fee determined pursuant to the
6 provisions of general law, and as determined by the board in the rules and regulations shall be
7 paid to the board for the original certificate of registration and the biannual renewal of a
8 certificate of registration. Said fees shall be established at a level sufficient to support the direct
9 and indirect operations costs of the board.

10 (b) A fee determined pursuant to the provisions of general law, and as determined by the
11 board will be charged for lost, destroyed or mutilated certificates of registration.

12 (c) All fees or other monies collected under the provisions of this chapter are deposited as
13 general revenues. The controller is authorized and directed to draw his or her orders upon the
14 general treasurer for payment from the fund, upon receipt by the controller of vouchers
15 authenticated by the chairperson and secretary of the board.

16 **5-77-12. Interior designer's stamp.** – (a) Each interior designer shall obtain a stamp as
17 prescribed by the board. Any interior designer construction documents, which may include
18 drawings, plans, specifications, or reports prepared or issued by the interior designer, in
19 responsible control and being filed for public record with any jurisdiction or local building
20 department for the purposes of obtaining a building permit shall bear the signature and stamp of
21 the interior designer who prepared or approved the document and the date on which they were
22 stamped. The stamp shall be evidence of the authenticity of the document. Interior designer
23 construction documents bearing the stamp of an interior designer shall be accepted for filing by
24 the appropriate jurisdiction or local building department for interior design projects as defined
25 herein.

26 (b) No interior designer shall affix, or permit to be affixed, his/her stamp or signature to
27 any plan, specification, drawing or other document, which depicts work which he/she is not
28 competent or certified to perform.

29 (c) No interior designer shall affix his/her signature or seal to any plan, specifications or
30 other document which was not prepared by him/her or under his/her responsible supervisory
31 control or by another interior designer and reviewed, approved or modified and adopted under
32 his/her responsible supervisory control according to the rules adopted by the board.

33 (d) When the registration of an interior designer has been revoked or suspended by the
34 board, the interior designer shall surrender his/her stamp to the secretary of the board within a

1 period of thirty (30) days after the revocation or suspension has become effective. If the
2 registration of the interior designer has been suspended for a period of time, his/her stamp shall
3 be returned upon expiration of the suspension period.

4 (e) The stamp shall be of a unique design and shall contain the registrant's name,
5 registration number, the title "interior designer" and the jurisdiction.

6 (f) The interior designer, when affixing his/her stamp to plans, drawings, specifications or
7 other instruments of services, shall affix his/her name and date, by handwritten signature, across
8 the printed image of the stamp.

9 (g) All plans, drawings, specifications or other instruments of services shall be identified
10 as interior design documents in a manner prescribed by the board.

11 **5-77-13. Revocation or suspension of certificates of registration.** – (a) After notice
12 and hearing as provided in section 5-77-13.1, the board may in its discretion:

13 (1) suspend or revoke or refuse to renew any certificate of registration; and/or

14 (2) publicly censure, reprimand, or censure in writing; and/or

15 (3) limit the use of title; and/or

16 (4) impose an administrative fine upon (not to exceed two thousand dollars (\$2,000) for
17 each violation); and/or

18 (5) place on probation; and/or

19 (6) for good cause shown, order a reimbursement to the Board for all fees, expenses,
20 costs and attorneys' fees in connection with the proceedings (which amounts shall be deposited as
21 general revenues), all with or without terms, condition, or limitations, holders, of a certificate of
22 registration for any or more of the cause set out in subsection (b).

23 (b) The board may take actions specified in subsection (a) for any of the following
24 causes:

25 (1) bribery, fraud, deceit, or misrepresentation in obtaining a certificate of registration;
26 and/or

27 (2) using the title Interior Designer in another state or country/jurisdiction in violation of
28 the laws of that state or country/jurisdiction; and/or

29 (3) using the title Interior Designer in violation of the standard of professional conduct
30 established by the board; and/or

31 (4) fraud, deceit, recklessness, gross negligence misconduct, or incompetence, in the use
32 of the title; and/or

33 (5) violation of any of the provisions of this chapter; and/or

34 (6) suspension or revocations of the right to use the title of Interior Designer before any

1 state or before any other country/jurisdiction; and/or

2 (7) conviction of or pleading guilty or nolo contendere to any felony or to any crime of,
3 or an act constituting a crime of forgery, embezzlement, obtaining money under false pretenses,
4 bribery, larceny, extortion, conspiracy to defraud, or any other similar office or offenses
5 involving moral turpitude in a court of competent jurisdiction of this state or any other state or of
6 the federal government; and/or

7 (8) failure to furnish to the board or any person acting on behalf of the board in a
8 reasonable time, any information that may be legally requested by the board; and/or

9 (9) in conjunction with any violation of subsection (b)(1) through (9) any conduct
10 reflecting adversely upon the licensee's fitness to engage in the practice of interior design; and

11 (10) In conjunction with any violation of subsection (b)(1) through (9), any other conduct
12 discreditable to the interior design profession.

13 **5-77-13.1. Initiation of proceedings – Hearings before the board – Appeals – Notice**

14 **to other states.** – (a) The board may initiate proceedings under that chapter against holders of a
15 Certificate of Registration and/or a Certificate of Authorization either on its own motion, or on
16 complaint of any person, upon a finding of probable cause by a probable cause committee
17 appointed by the Board pursuant to section 5-77-5, or upon receiving notification from another
18 state Board of Interior Designer or from the appropriate authority an another state,
19 country/jurisdiction of its decision to:

20 (1) revoke, suspend, or refuse to review the title privileges granted in that state or in that
21 country/jurisdiction to the registrant; or

22 (2) publicly censure, or censure in writing, limit the scope of title use or impose an
23 administrative fine upon, or place of probation the registrant.

24 (b) A written notice stating the nature of the charge or charges against the registrant and
25 the time and place of the hearing before the board on the charges shall be served on the registrant
26 no less than twenty (20) days prior to the date of the hearing either personally or by mailing a
27 copy of the notice by certified mail, return receipt requested to the address of the registrant last
28 known to the board.

29 (c) If after being served with the notice of hearing as provided for in this section, the
30 registrant fails to appear at the hearing and defend against the stated charges, the board may
31 proceed to hear evidence against the registrant and may enter any order that is justified by the
32 evidence. That order is final unless the registrant petitions for a review of it as provided in this
33 section; provided, that within thirty (30) days from the date of any order, upon a showing of good
34 cause for failing to appear and defend, the board may reopen the proceedings and may permit the

1 registrant to submit evidence in his, her or on its behalf.

2 (d) At any hearing under this section, the registrant may:

3 (1) appear in person or be represented by counsel;

4 (2) produce evidence and witnesses on his, her or its behalf;

5 (3) cross examine witnesses; and

6 (4) examine the evidence that is produced.

7 (e) A sole proprietorship may be represented before that board by counsel or by the sole
8 proprietor. A partnership or limited liability partnership may be represented before the board by
9 counsel or any partner of the partnership. A corporation may be represented by counsel before the
10 board or by any shareholder, officer or director of the corporation. A limited liability company
11 may be represented before the board by counsel or by any member or manager of the limited
12 liability company. The registrant is entitled, upon written application to the board, to the issuance
13 of subpoenas to compel the attendance of witnesses on the licensee's behalf.

14 (f) The board or any member of the board may issue subpoenas to compel the attendance
15 of witnesses and the production of documents and may administer oaths, take testimony, hear
16 proofs, and receive exhibits in evidence in connection with or upon hearing under this chapter. In
17 case of disobedience to a subpoena, the board may petition the superior court to require the
18 attendance and testimony of witnesses and the production of documentary evidence.

19 (g) The board is not bound by strict rules of procedure or by laws of evidence in the
20 conduct of its proceedings, but any determination of the board is based upon sufficient legal
21 evidence to sustain the determination.

22 (h) A stenographic record of all hearing under this section shall be kept and a transcript of
23 the records filed with the board.

24 (i) The decision of the board is made by note in accordance with the rules and regulations
25 established under section 5-77-5.

26 (j) Any appeal from the decision of the board, by a person or persons adversely affected
27 by the decision, is governed by section 42-35-15.

28 (k) On rendering a decision to revoke or suspend or refuse to renew a certificate of
29 registration: (1) revoke or suspend or refuse to renew a certificate of authorization issued under
30 the laws of this state; or (2) publicly censure, censure in writing, limit the use of title, impose an
31 administrative fine upon, or place on probation a registrant, the board shall examine its records to
32 determine whether the registrant holds a certificate of registration to practice in any other state or
33 county/jurisdiction. If the board determines that the registrant in fact holds a certificate of
34 registration, the board shall immediately notify the Board of Interior Designers in the other state

1 or county/jurisdiction by mail of its decision under this section, and include in the notice an
2 indication as to whether or not the registrant has appealed the decision.

3 (l) The board may, at its discretion, order any registrant, against whom proceedings have
4 been initiated under sections 5-77-13 and 5-77-13.1 to reimburse the board for any fees,
5 expenses, and costs incurred by the board in connection with the proceedings, including attorneys'
6 fees. The fees shall be paid within thirty (30) days from the date they are assessed any may be
7 reviewed in accordance with section 42-35-15, and deposited as general revenues.

8 (m) The board may, at its discretion; issue a certificate of registration or certificate of
9 authorization to any applicant denied a certificate of authorization, under any of the provisions of
10 this section upon presentation of suitable evidence.

11 (n) The attorney general or his or her deputy shall act as legal advisor to the board and
12 render any legal assistance as is necessary in carrying out the provisions of this chapter. The
13 board may employ other counsel and obtain other necessary assistance to be appointed by the
14 governor to aid in the enforcement of this chapter. And the compensation and expenses for the
15 employment shall be paid from the fund of the board.

16 **5-77-14. Practices permitted.** – (a) This chapter shall not apply to licensed architects
17 registered under applicable state laws providing that such architects not refer to themselves as
18 “Interior Designers” unless registered by the Board of Interior Designers.

19 (b) This act shall not apply to an employee of a retail establishment providing
20 consultation regarding interior decoration or furnishings on the premises of the retail
21 establishment or in the furtherance of a retail sale of prospective retail sale providing such
22 persons do not refer to himself or herself an interior designer.

23 (c) This act shall not apply to a person who provides decorative services or assistance in
24 selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-
25 mounted fixtures, and loose furnishings not subject to regulation under applicable provisions or
26 jurisdictional building and fire codes providing such persons do not refer to themselves as an
27 interior designer.

28 **5-77-15. Severability.** – The provisions of this chapter are severable, and if any section is
29 declared invalid or void for any reason, the remainder of the chapter is not affected or impaired.

30 **5-77-15.1. Certificate of authorization for sole proprietorships, partnerships, limited**
31 **liability partnerships, corporations or limited liability companies.** – (a) For sole
32 proprietorship, partnership, limited liability partnership, corporation or limited liability company
33 is admitted to use the title interior designer in this state if:

34 (1) two-thirds (2/3) of the partners (if a partnership or limited liability partnership) or

1 two-thirds (2/3) of the directors and officers, or shareholders if there are no directors, (if a
2 corporation) or two-thirds (2/3) of the managers or members if there are no managers (if a limited
3 liability company) are registered under the laws of any state or any reciprocal jurisdiction as
4 defined by the National Council of Interior Design Qualification to practice interior design or use
5 the title interior designer.

6 (2) the person having the title of interior designer in his or her charge is himself or herself
7 a partner (if a partnership or limited liability partnership) or a director or officer or shareholder if
8 there are no directors (if a corporation), or manager or member (if a limited liability company),
9 and registered to use the title interior designer in this state.

10 (b) The board is empowered to require any sole proprietorship, limited liability
11 partnership, corporation or limited liability company using the title interior designer in this state
12 to file information concerning its officer, directors and other aspects of its business organization,
13 upon any forms that the board prescribes.

14 (c) The use of title of interior designer as defined by this chapter by a sole proprietorship,
15 partnership, or corporation, subsequently referred to as the “firm”, through one or more interior
16 designers in direct control of the practice or exercise personal supervision of all personnel who
17 act in behalf of the firm in professional and technical matters; and provided, further, that the firm
18 has been issued a Certificate of Authorization by this Board.

19 (d) Within one year after enactment of this chapter, every firm must obtain a Certificate
20 of Authorization from this board, and those individuals in direct control of the practice or who
21 exercise personal supervision of all personnel who act in behalf of the firm in professional and
22 technical matters must be registered with the board. The Certificate of Authorization is issued by
23 the board upon satisfaction of the provisions of this chapter and the payment of a fee as
24 determined by the board in accordance with section 5-1-11. This fee is waived if the firm consists
25 of only one person who is the interior designer. Every firm must file with the board an application
26 for a certificate of authorization on a form provided by the board.

27 (e) Every certificate of authorization is valid for a period of two (2) years and expires on
28 the last day of December of each even numbered year following its issuance. A separate form
29 provided by the board is to be filed with each renewal of the Certificate of Authorization. The
30 firm shall complete a renewal form with thirty (30) days of the time any information previously
31 file with the board has changed, is no longer true or valid, or has been revised for any reason. If,
32 in its judgment, the information contained on the application and/or renewal form, is satisfactory
33 and complete, the board will issue a certificate of authorization for the firm to use the title interior
34 designer in this state. The board may require all applicants for renewal to provide the board with

1 information, including, but not limited to, a brief outline setting forth the professional activities of
2 any applicant during a period in which a certificate of authorization has lapsed and other evidence
3 of the continued competence and good character of the applicant, all as the board deems
4 necessary.

5 **5-77-16. Immunity from civil liability.** – (a) An interior designer or interior design firm,
6 duly licensed to use the title in Rhode Island under this chapter, who voluntarily and without
7 compensation provides interior design service at the scene of a disaster emergency is not liable
8 for any personal injury, wrongful death, property damage or other loss or damage caused by an
9 act or omission of the interior designer or interior designers firm in performing the services.

10 (b) As used in this section, “disaster emergency” means a disaster emergency declared by
11 executive order or proclamation of the governor pursuant to section 30-15-1 et seq.

12 (c) The immunity provided in subsection (a) of this section applies only to the use of the
13 title interior designer as defined in this chapter and relating to any services rendered as defined by
14 section 5-77-2.

15 (d) Is rendered during the time in which a state of disaster emergency exists, as provided
16 in section 30-15-1 et seq.

17 (e) The immunity granted by the section shall not apply to acts or omissions constituting
18 gross negligence or willful misconduct.

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

21 (a) The boards for design professionals shall now consist of the Boards of Registration
22 for Architects, Engineers, Land Surveyors, Landscape Architects, and Interior Designers.

23 (b) The purpose of the program is to combine the resources of the five (5) boards in a
24 cooperative venture to provide for more efficient operations.

25 (c) The boards shall retain their respective statutory authority pursuant to sections 5-1-5,
26 5-51-2, 5-8-8, 5-8.1-4 and 5-77-3 of the general laws and any other applicable legal authority,
27 notwithstanding their inclusion in the program created by this article.

28 SECTION 3. This act shall take effect upon passage and shall be repealed on December
29 31, 2010.

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LC00818/SUB A/3
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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 registration for interior designers as part of the boards
- 2 for design professionals to promulgate rules and regulations pertaining to the certification of
- 3 registered interior designers.
- 4 This act would take effect upon passage.

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RELATING TO BUSINESSES AND PROFESSIONS -- INTERIOR DESIGNERS

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Presented by