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RAVENSTAHL AND TAYLOR, JUNE 23, 2016

REFERRED TO COMMITTEE ON FINANCE, JUNE 23, 2016

AN ACT

1 Providing for the registration of interior designers; imposing
2 powers and duties on the Bureau of Consumer Protection; and
3 imposing penalties.

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6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 CHAPTER 1

9 PRELIMINARY PROVISIONS

10 Section 101. Short title.

11 This act shall be known and may be cited as the Interior
12 Designer Registration Act.

13 Section 102. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Bureau." The Bureau of Consumer Protection in the Office of
18 Attorney General.

19 "Certificate." A certificate of registration as a registered
20 interior designer, issued by the bureau which contains a
21 registration number assigned by the bureau.

22 "Code-regulated interior design services." Interior design
23 services that are regulated by applicable building codes and
24 performed by a registered interior designer.

25 "Contract document." A document that forms part of the legal
26 contract for services between various parties, including
27 detailed instructions to the contractor, tender forms, interior
28 construction documents and specifications.

29 "Interior construction document." Plans, detailed drawings,
30 specifications and schedules that define the work to be

1 constructed as required by law for building permitting. The
2 plan, detailed specifications and schedules may include, but are
3 not limited to:

4 (1) Allocations of space, elevations, sections, details
5 and specifications to illustrate partition layouts.

6 (2) Switching and communication locations.

7 (3) Reflected ceiling plans and lighting layouts,
8 details and designs.

9 (4) Materials and finishes.

10 (5) Furniture layouts.

11 (6) Graphic instructions and related drawings supplied
12 by an associated consultant and to be used for the
13 construction of the project.

14 "Interior design services." The selection, placement and
15 assistance of nonstructural elements within the interior space
16 of a building or structure, and the rendering of or the offering
17 to render designs, consultations, studies, planning, drawings,
18 contract documents, interior construction documents or other
19 technical submissions and the administration of interior
20 construction and contracts relating to non-load-bearing interior
21 construction of a building or structure.

22 "National Council for Interior Design Qualification." An
23 independent, nonprofit organization of state and provincial
24 credentialing bodies that develops and administers an
25 examination with the purpose of establishing minimum standards
26 of competence for the professional practice of interior design
27 relative to building codes and industry standards.

28 "Non-load-bearing interior construction." An interior
29 element or component that does not require design computations
30 for a building's structure and does not support a vertical load

1 of a structure other than its own weight, but that may support
2 loads attached to it such as cabinetry or shelving.

3 "Reflected ceiling plan." A drawing illustrating a ceiling
4 design that appears projected downward, including light
5 fixtures, materials, height designations and changes and ceiling
6 fixtures that may include placement or location of exit signage,
7 smoke detectors and other elements as required by the design.

8 "Registered interior designer." An individual meeting the
9 qualification requirements of this act who undertakes, offers to
10 undertake or agrees to perform code-regulated interior design
11 services independent of the seal and signature of a licensed
12 architect or professional engineer.

13 "Specifications." A detailed, written description of
14 construction, workmanship and materials for work to be
15 undertaken.

16 "Technical submittals." Designs, drawings, specifications,
17 studies and other technical reports prepared and reviewed in the
18 course of the professional practice of interior design.

19 CHAPTER 3

20 REGISTRATION

21 Section 301. Qualifications of registered interior designers.

22 (a) General rule.--No individual may hold himself out as a
23 registered interior designer without first registering with the
24 bureau as provided for in this act.

25 (b) Registration qualifications.--To qualify as a registered
26 interior designer, an applicant shall:

27 (1) Be of good moral character.

28 (2) Possess at least six years of education, training or
29 work experience consisting of either of the following:

30 (i) A bachelor's degree from an accredited college

1 or university with a major in interior design or a
2 related field with 96 semester credits or 144 quarter
3 credits completed and a minimum of two years (3,800
4 hours) of work experience in providing interior design
5 services, with a total of 1,760 hours earned after all
6 education is completed.

7 (ii) An associate's or bachelor's degree from a
8 nonaccredited college or university with a major in
9 interior design, including not less than 120 semester
10 credits or 180 quarter credits, of which not less than 60
11 semester credits or 90 quarter credits are interior
12 design course work and four or more years (7,600 hours)
13 of work experience in providing interior design services,
14 with a total of 1,760 hours earned after all education is
15 completed.

16 (3) Pass all examinations that are required for
17 certification by the National Council for Interior Design
18 Qualification or its successor.

19 (4) Submit a bureau-approved application and any fees as
20 prescribed by the bureau by regulation.

21 (5) Keep and make available all client logs for audit
22 purposes of the experience requirement.

23 Section 302. Registration procedures.

24 (a) Application form.--An individual must apply to the
25 bureau in writing on a form provided by the bureau or
26 electronically via the secure registration web page on the
27 bureau's Internet website developed as required by the act of
28 October 17, 2008 (P.L.1645, No.132), known as the Home
29 Improvement Consumer Protection Act. The bureau may make the
30 modifications to the registration web page and database that are

1 necessary to facilitate online registration of interior
2 designers. The application shall include the following
3 information:

4 (1) The name of the applicant.

5 (2) The date of birth of the applicant.

6 (3) The applicant's home address and home telephone
7 number.

8 (4) The applicant's driver's license number, a copy of
9 an identification card issued by the state in which the
10 individual resides or another form of identification as
11 permitted by the bureau.

12 (5) The applicant's business or employer's name, Federal
13 employment identification number, address and telephone
14 number, if applicable.

15 (6) The applicant's Social Security number.

16 (7) All prior business names and addresses of interior
17 design businesses operated by the applicant.

18 (8) A complete description of the nature of the interior
19 design business of the applicant.

20 (9) Proof of successful completion of registration
21 requirements.

22 (10) A statement whether:

23 (i) The applicant has ever been convicted of a
24 criminal offense related to fraud, theft, a crime of
25 deception or a crime involving fraudulent business
26 practices, as well as a statement whether the applicant
27 has ever filed a petition in bankruptcy or, within the
28 last 10 years, received a final civil judgment entered
29 against the applicant or businesses in which the
30 applicant held an interest that was related to interior

1 design services provided by the applicant.

2 (ii) The applicant's registration or a similar
3 certificate or license issued by any other state or
4 political subdivision has ever been revoked or suspended
5 pursuant to an order issued by a court of competent
6 jurisdiction and if so, the current status of the
7 registration or similar certificate or license. The
8 statement required by this subparagraph shall include the
9 same information with respect to any other business in
10 which the person making application has ever had an
11 interest.

12 (11) Proof of general liability insurance in an amount
13 not less than \$50,000. For the purpose of this paragraph,
14 proof of insurance may include information attested to by an
15 applicant that the applicant is self-insured. The bureau
16 shall develop forms for this purpose and make them available
17 to applicants. The bureau may determine the sufficiency of
18 the self-insurance and the manner in which it is maintained
19 in compliance with this act.

20 (b) Multiple registrations or licenses.--A registered
21 interior designer in this Commonwealth who is registered or
22 licensed as an interior designer in any other state or political
23 subdivision shall report that information to the bureau on the
24 initial registration and biennial registration application. Any
25 disciplinary action taken in such other jurisdiction shall be
26 reported to the bureau on the initial registration application
27 or, if the disciplinary action occurred subsequent to submission
28 of an initial application, on the biennial registration
29 application or within 90 days of final disposition, whichever is
30 sooner. Multiple registrations or licenses shall be noted by the

1 bureau on the registered interior designer's registration, and
2 the state or political subdivision shall be notified by the
3 bureau of any disciplinary actions taken in this Commonwealth
4 against such registered interior designer.

5 Section 303. Application fees.

6 (a) Amount.--Each application or renewal application shall
7 be accompanied by a fee of \$50. After completion of the
8 application and payment of the fee, the bureau shall issue the
9 registered interior designer a certificate of registration
10 identifying the name of the individual, name and address of the
11 business and a registration number.

12 (b) Term of certificate.--A certificate of registration
13 issued pursuant to this section shall be valid for two years and
14 may be renewed biennially with the bureau.

15 (c) Account.--The following shall apply:

16 (1) All fees collected under this act shall be deposited
17 into the Home Improvement Account.

18 (2) The money in the account and any interest earned on
19 the money may be appropriated to the Attorney General for
20 administering and enforcing the provisions of this act and to
21 protect consumers with respect to registered interior design
22 services through consumer education and other means.

23 Section 304. Proof of registration.

24 (a) Code-regulated interior design services.--A registered
25 interior designer practicing code-regulated interior design
26 services within this Commonwealth shall affix a copy of the
27 interior designer's certificate on an interior construction
28 document certifying compliance with applicable current building
29 codes, ordinances, laws and regulations defining the work to be
30 constructed for approval of a construction permit by a building

1 official or fire marshal. Documents may be combined with
2 documents prepared under the seal and signature of other
3 licensed, certified or registered professionals licensed under
4 the laws of this Commonwealth performing services within their
5 authorized scope of practice. Documents may also include the
6 technical submittals coordinated by the registered interior
7 designer as required by contract documents.

8 (b) Advertisements.--A registered interior designer shall
9 include the registration number in all advertisements
10 distributed within this Commonwealth.

11 (c) Applicability.--This section shall apply to all
12 advertisements, contracts, estimates and proposals created by a
13 registered interior designer after the effective date of this
14 act.

15 CHAPTER 5

16 ADMINISTRATION AND ENFORCEMENT

17 Section 501. Public information.

18 (a) Public access to registration information.--The bureau
19 shall maintain a toll-free telephone number from which a caller
20 can obtain information as to whether an interior designer is
21 registered with the bureau pursuant to this act, as well as
22 information that may be obtained on the bureau's Internet
23 website.

24 (b) Confidentiality of personal information.--The bureau
25 shall create a policy for the disclosure of personal information
26 to the public. The bureau may not disclose to the public a
27 registered interior designer's or applicant's Social Security
28 number, driver's license number or any confidential information
29 prohibited by law from being disclosed, provided that an
30 interior designer's home address and home telephone number shall

1 be disclosed only if it is also used as the interior designer's
2 business address and business telephone number.

3 Section 502. Prohibited acts.

4 (a) General rule.--Nothing in this act shall prohibit an
5 individual from providing interior design services and preparing
6 interior construction documents under the seal and signature of
7 a licensed architect or professional engineer, but the
8 individual may not hold himself out to be a registered interior
9 designer unless the individual meets the requirements of this
10 act.

11 (b) Misrepresentation.--An individual who is not registered
12 by the bureau as a registered interior designer is prohibited
13 from printing any written or printed circular, any business
14 card, letterhead or sign, or otherwise assuming the title of
15 registered interior designer or the abbreviation "R.I.D." Use of
16 the title "interior designer" by a nonregistered interior
17 designer is not prohibited. An individual who misrepresents
18 himself as a registered interior designer commits a felony of
19 the third degree.

20 (c) Construction.--The following shall apply:

21 (1) Nothing in this section shall prohibit an individual
22 from engaging in the practice for which that individual is
23 licensed or certified to practice or to act within the scope
24 of that license or certification held in this Commonwealth.

25 (2) Nothing in this act or any other law or regulation
26 of this Commonwealth shall prohibit a registered interior
27 designer from being directly compensated for the preparation
28 of interior construction documents.

29 (d) Regulation.--No political subdivision may in any manner
30 regulate a registered interior designer. No building official,

1 fire marshal or any other municipal employee authorized to issue
2 construction permits shall require a registered interior
3 designer to submit an interior construction document or
4 technical submittal pertaining to registered interior design
5 practice under the seal and signature of a licensed architect or
6 professional engineer. A registered interior designer may
7 request the bureau to review any local ordinance or action taken
8 by a building official, fire marshal or any other municipal
9 employee authorized to issue construction permits that may be in
10 violation of this section. The bureau may bring an action
11 against the political subdivision in Commonwealth Court to
12 invalidate the unauthorized local ordinance or enjoin the
13 enforcement of the unauthorized local ordinance.

14 Section 503. Unfair Trade Practices and Consumer Protection
15 Law.

16 A violation of any of the provisions of this act shall be
17 deemed a violation of the act of December 17, 1968 (P.L.1224,
18 No.387), known as the Unfair Trade Practices and Consumer
19 Protection Law. Nothing in this act may preclude an owner from
20 exercising any right provided under the Unfair Trade Practices
21 and Consumer Protection Law.

22 Section 504. Regulations.

23 (a) General rule.--The bureau may adopt rules and
24 regulations necessary to carry out the provisions of this act.

25 (b) Uniform Construction Code.--The Department of Labor and
26 Industry shall adopt regulations within 90 days of the effective
27 date of this act to bring 34 Pa. Code § 403.42a(c) (relating to
28 permit application) and any other relevant sections of the
29 Uniform Construction Code into compliance with this act.

30 Section 505. Preemption of local registration.

1 Registration under this act shall preclude any requirement of
2 payment of a fee or registration or licensing of any interior
3 designer by any political subdivision. Political subdivisions
4 shall be permitted to require building permits and local
5 enforcement of the building code for that political subdivision,
6 for which a reasonable fee may be charged.

7 Section 506. Exemptions.

8 This act shall not apply to any of the following persons or
9 organizations:

10 (1) The Commonwealth or any of its political
11 subdivisions.

12 (2) The Federal Government.

13 CHAPTER 11

14 MISCELLANEOUS PROVISIONS

15 Section 1101. Construction.

16 This act shall supersede any conflicting provision in any
17 other laws of this Commonwealth.

18 Section 1102. Effective date.

19 This act shall take effect in 12 months.