

AMENDED IN SENATE MAY 13, 2008
AMENDED IN SENATE APRIL 16, 2008
AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1312

**Introduced by Senators Yee and Calderon
(Coauthors: Senators Florez and Perata)**

February 20, 2008

~~An act to amend Sections 101, 128.5, 130, 5502, 5565, 5601, 5602, 5603, 5610, 5620, 5682, and 5683 of, to add Section 5503 to, to add Chapter 3.6 (commencing with Section 5700) and Chapter 3.7 An act to amend Sections 5510, 5514, 5515, and 5524 of, to add Chapter 3.7 (commencing with Section 5750) 5700) to Division 3 of, and to repeal Sections 5701 and 5707 of, and to repeal Article 2 (commencing with Section 5510) of Chapter 3 of Division 3 of, the Business and Professions Code, to amend Section 13401 of the Corporations Code, and to amend Section 26509 of the Government Code 5710, 5712, and 5713 of, the Business and Professions Code, relating to interior design, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1312, as amended, Yee. Registered interior designers.

Existing law defines certified interior designers and interior design organizations, permits a certified interior designer to obtain and use a stamp identifying the designer, and, among other things, makes it an unfair business practice for a person to represent himself or herself as a certified interior designer unless he or she complies with certain requirements.

Existing law provides for the licensure and regulation of architects by the California Architects Board and imposes various related fees that are deposited in the California Architects Board Fund, a continuously appropriated fund. Under existing law, the board consists of 10 members, including 5 architects and 5 public members.

~~This bill would eliminate the California Architects Board and instead establish the California Architects and Registered Interior Designers Board which would consist of 12 members, including 5 architects, 4 registered interior designers, and 3 public members.~~

This bill would create the Registered Interior Designers Committee within the jurisdiction of the board and would make the provision establishing the committee inoperative on July 1, 2011, and repealed on January 1, 2012. The bill would provide for the registration and regulation by the committee and the board, as specified, of persons that engage in the practice of registered interior design, as defined, and would require the board add one registered interior designer and an additional public member to the board. The bill would authorize the committee to issue a certificate of registration to a certified interior designer who applies before January 1, 2011. The bill would enact various provisions regarding the practice of registered interior design, including, but not limited to, practice requirements, registration requirements, conditions for registration renewals, and grounds for revocation or suspension of a registration, among other disciplinary actions. The bill would authorize registrants, architects, landscape architects, and engineers to join or form business organizations or associations, except as specified, with persons outside their field of practice if certain requirements are met. The bill would create the California Architects Board-Registered Interior Designers Fund as a continuously appropriated fund and would authorize the committee to impose various fees on registered interior designers to be deposited in that fund. By increasing the amount of revenue in a continuously appropriated fund, the bill would make an appropriation.

~~The bill would rename the California Architects Board Fund, the California Architects and Registered Interior Designers Fund and would authorize the board to impose various fees on registered interior designers, which would be deposited in that fund. By increasing the amount of revenue in a continuously appropriated fund, the bill would make an appropriation.~~

The bill would make it unlawful for a person to hold himself or herself out as, or solicit business as, a registered interior designer or use the

title “registered interior designer” unless registered pursuant to these provisions. The bill would also prohibit a person from engaging in the practice of registered interior design without a registration. The bill would make a violation of any of these provisions a misdemeanor and, by creating a new crime, would thereby impose a state-mandated local program. The bill would ~~make conforming changes and~~ enact related provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5510 of the Business and Professions
2 Code is amended to read:

3 5510. There is in the Department of Consumer Affairs a
4 California Architects Board which consists of ~~10~~ 12 members.

5 Any reference in law to the California Board of Architectural
6 Examiners shall mean the California Architects Board.

7 This section shall become inoperative on July 1, 2011, and, as
8 of January 1, 2012, is repealed, unless a later enacted statute, which
9 becomes effective on or before January 1, 2012, deletes or extends
10 the dates on which it becomes inoperative and is repealed. The
11 repeal of this section renders the board subject to the review
12 required by Division 1.2 (commencing with Section 473).

13 SEC. 2. Section 5514 of the Business and Professions Code is
14 amended to read:

15 5514. (a) The membership of the board shall be composed of
16 ~~10~~ 12 members, five of whom shall be architects, *one of whom*
17 *shall be a registered interior designer*, and ~~five~~ six of whom shall
18 be public members.

19 ~~The~~
20 (b) ~~The five professional architect~~ members of the board shall
21 be selected from architects in good standing who have been
22 licensed and in practice in this state for at least five years at the

1 time of appointment, all of whom shall be residents of and in
2 practice in California.

3 (c) (1) *Except as provided in paragraph (2), the registered*
4 *interior designer member of the board shall be selected from*
5 *registered interior designers in good standing who have been*
6 *registered and in practice in this state for at least four years, all*
7 *of whom shall be residents of and in practice in California.*

8 (2) *The initial registered interior designer member of the board*
9 *shall be selected from persons who are eligible to become*
10 *registered under Chapter 3.7 (commencing with Section 5700)*
11 *and shall become registered pursuant to that chapter within one*
12 *year of appointment.*

13 ~~The~~

14 (d) *The public members of the board shall not be licensees of*
15 *the board or registrants of the Registered Interior Designers*
16 *Committee.*

17 ~~This section shall become operative on January 1, 1988.~~

18 SEC. 3. *Section 5515 of the Business and Professions Code is*
19 *amended to read:*

20 5515. Every person appointed shall serve for four years and
21 until the appointment and qualification of his or her successor or
22 until one year shall have elapsed since the expiration of the term
23 for which he or she was appointed, whichever first occurs.

24 No person shall serve as a member of the board for more than
25 two consecutive terms.

26 Vacancies occurring prior to the expiration of the term shall be
27 filled by appointment for the unexpired term.

28 Each appointment shall expire on June 30 of the fourth year
29 following the year in which the previous term expired.

30 The Governor shall appoint ~~three~~ four of the public members
31 and, the five licensed members qualified as provided in Section
32 5514, and the registered interior designer member qualified as
33 provided in Section 5514. The Senate Rules Committee and the
34 Speaker of the Assembly shall each appoint a public member.

35 SEC. 4. *Section 5524 of the Business and Professions Code is*
36 *amended to read:*

37 5524. ~~Six~~ Seven of the members of the board constitute a
38 quorum of the board for the transaction of business. The
39 concurrence of ~~five~~ six members of the board present at a meeting
40 duly held at which a quorum is present shall be necessary to

1 constitute an act or decision of the board, except that when all-10
2 12 members of the board are present at a meeting duly held, the
3 concurrence of ~~six~~ *seven* members shall be necessary to constitute
4 an act or decision of the board.

5 SECTION 1. Section 101 of the Business and Professions Code
6 is amended to read:

7 101. The department is comprised of:

8 (a) ~~The Dental Board of California.~~

9 (b) ~~The Medical Board of California.~~

10 (c) ~~The State Board of Optometry.~~

11 (d) ~~The California State Board of Pharmacy.~~

12 (e) ~~The Veterinary Medical Board.~~

13 (f) ~~The California Board of Accountancy.~~

14 (g) ~~The California Architects and Registered Interior Designers
15 Board.~~

16 (h) ~~The State Board of Barbering and Cosmetology.~~

17 (i) ~~The Board for Professional Engineers and Land Surveyors.~~

18 (j) ~~The Contractors' State License Board.~~

19 (k) ~~The Bureau for Private Postsecondary and Vocational
20 Education.~~

21 (l) ~~The Structural Pest Control Board.~~

22 (m) ~~The Bureau of Home Furnishings and Thermal Insulation.~~

23 (n) ~~The Board of Registered Nursing.~~

24 (o) ~~The Board of Behavioral Sciences.~~

25 (p) ~~The State Athletic Commission.~~

26 (q) ~~The Cemetery and Funeral Bureau.~~

27 (r) ~~The State Board of Guide Dogs for the Blind.~~

28 (s) ~~The Bureau of Security and Investigative Services.~~

29 (t) ~~The Court Reporters Board of California.~~

30 (u) ~~The Board of Vocational Nursing and Psychiatric
31 Technicians of the State of California.~~

32 (v) ~~The Landscape Architects Technical Committee.~~

33 (w) ~~The Bureau of Electronic and Appliance Repair.~~

34 (x) ~~The Division of Investigation.~~

35 (y) ~~The Bureau of Automotive Repair.~~

36 (z) ~~The State Board for Geologists and Geophysicists.~~

37 (aa) ~~The Respiratory Care Board of California.~~

38 (ab) ~~The Acupuncture Board.~~

39 (ac) ~~The Board of Psychology.~~

40 (ad) ~~The California Board of Podiatric Medicine.~~

- 1 ~~(ae) The Physical Therapy Board of California.~~
2 ~~(af) The Arbitration Review Program.~~
3 ~~(ag) The Committee on Dental Auxiliaries.~~
4 ~~(ah) The Hearing Aid Dispensers Bureau.~~
5 ~~(ai) The Physician Assistant Committee.~~
6 ~~(aj) The Speech-Language Pathology and Audiology Board.~~
7 ~~(ak) The California Board of Occupational Therapy.~~
8 ~~(al) The Osteopathic Medical Board of California.~~
9 ~~(am) The Bureau of Naturopathic Medicine.~~
10 ~~(an) Any other boards, offices, or officers subject to its~~
11 ~~jurisdiction by law.~~

12 ~~SEC. 2. Section 128.5 of the Business and Professions Code~~
13 ~~is amended to read:~~

14 ~~128.5. (a) Notwithstanding any other provision of law, if at~~
15 ~~the end of any fiscal year, an agency within the Department of~~
16 ~~Consumer Affairs, except the agencies referred to in subdivision~~
17 ~~(b), has unencumbered funds in an amount that equals or is more~~
18 ~~than the agency's operating budget for the next two fiscal years,~~
19 ~~the agency shall reduce license or other fees, whether the license~~
20 ~~or other fees be fixed by statute or may be determined by the~~
21 ~~agency within limits fixed by statute, during the following fiscal~~
22 ~~year in an amount that will reduce any surplus funds of the agency~~
23 ~~to an amount less than the agency's operating budget for the next~~
24 ~~two fiscal years.~~

25 ~~(b) Notwithstanding any other provision of law, if at the end of~~
26 ~~any fiscal year, the California Architects and Registered Interior~~
27 ~~Designers Board, the Board of Behavioral Sciences, the Veterinary~~
28 ~~Medical Board, the Court Reporters Board of California, the~~
29 ~~Medical Board of California, the Board of Vocational Nursing and~~
30 ~~Psychiatric Technicians of the State of California, or the Bureau~~
31 ~~of Security and Investigative Services has unencumbered funds in~~
32 ~~an amount that equals or is more than the agency's operating~~
33 ~~budget for the next two fiscal years, the agency shall reduce license~~
34 ~~or other fees, whether the license or other fees be fixed by statute~~
35 ~~or may be determined by the agency within limits fixed by statute,~~
36 ~~during the following fiscal year in an amount that will reduce any~~
37 ~~surplus funds of the agency to an amount less than the agency's~~
38 ~~operating budget for the next two fiscal years.~~

39 ~~SEC. 3. Section 130 of the Business and Professions Code is~~
40 ~~amended to read:~~

1 130. ~~(a) Notwithstanding any other provision of law, the term~~
2 ~~of office of any member of an agency designated in subdivision~~
3 ~~(b) shall be for a term of four years expiring on June 1.~~

4 ~~(b) Subdivision (a) applies to the following boards or~~
5 ~~committees:~~

- 6 ~~(1) The Medical Board of California.~~
- 7 ~~(2) The California Board of Podiatric Medicine.~~
- 8 ~~(3) The Physical Therapy Board of California.~~
- 9 ~~(4) The Board of Registered Nursing.~~
- 10 ~~(5) The Board of Vocational Nursing and Psychiatric~~
11 ~~Technicians of the State of California.~~
- 12 ~~(6) The State Board of Optometry.~~
- 13 ~~(7) The California State Board of Pharmacy.~~
- 14 ~~(8) The Veterinary Medical Board.~~
- 15 ~~(9) The California Architects and Registered Interior Designers~~
16 ~~Board.~~
- 17 ~~(10) The Landscape Architect Technical Committee.~~
- 18 ~~(11) The Board for Professional Engineers and Land Surveyors.~~
- 19 ~~(12) The Contractors' State License Board.~~
- 20 ~~(13) The State Board of Guide Dogs for the Blind.~~
- 21 ~~(14) The Board of Behavioral Sciences.~~
- 22 ~~(15) The Structural Pest Control Board.~~
- 23 ~~(16) The Bureau of Electronic and Appliance Repair.~~
- 24 ~~(17) The Court Reporters Board of California.~~
- 25 ~~(18) The State Board for Geologists and Geophysicists.~~
- 26 ~~(19) The State Athletic Commission.~~
- 27 ~~(20) The Osteopathic Medical Board of California.~~
- 28 ~~(21) The Respiratory Care Board of California.~~
- 29 ~~(22) The Acupuncture Board.~~
- 30 ~~(23) The Board of Psychology.~~

31 ~~SEC. 4. Section 5502 of the Business and Professions Code is~~
32 ~~amended to read:~~

33 ~~5502. As used in this chapter, board refers to the California~~
34 ~~Architects and Registered Interior Designers Board.~~

35 ~~SEC. 5. Section 5503 is added to the Business and Professions~~
36 ~~Code, to read:~~

37 ~~5503. The California Architects and Registered Interior~~
38 ~~Designers Board shall administer and enforce the provisions of~~
39 ~~this chapter.~~

1 ~~SEC. 6.— Article 2 (commencing with Section 5510) of Chapter~~
2 ~~3 of Division 3 of the Business and Professions Code is repealed.~~

3 ~~SEC. 7.— Section 5565 of the Business and Professions Code is~~
4 ~~amended to read:~~

5 ~~5565.— The decision may:~~

6 ~~(a) Provide for the immediate complete suspension by the holder~~
7 ~~of the license of all operations as an architect during the period~~
8 ~~fixed by the decision.~~

9 ~~(b) Permit the holder of the license to complete any or all~~
10 ~~contracts for the performance of architectural services shown by~~
11 ~~evidence taken at the hearing to be then unfinished.~~

12 ~~(c) Impose upon the holder of the license compliance with any~~
13 ~~specific conditions as may be just in connection with his or her~~
14 ~~operations as an architect disclosed at the hearing, and may further~~
15 ~~provide that until those conditions are complied with no application~~
16 ~~for restoration of the suspended or revoked license shall be~~
17 ~~accepted by the board.~~

18 ~~(d) Assess a fine not in excess of five thousand dollars (\$5,000)~~
19 ~~against the holder of a license for any of the causes specified in~~
20 ~~Section 5577. A fine may be assessed in lieu of, or in addition to,~~
21 ~~a suspension or revocation. All fines collected pursuant to this~~
22 ~~subdivision shall be deposited to the credit of the California~~
23 ~~Architects and Registered Interior Designers Board Fund.~~

24 ~~SEC. 8.— Section 5601 of the Business and Professions Code is~~
25 ~~amended to read:~~

26 ~~5601.— Within 10 days after the beginning of every month, all~~
27 ~~fees collected by the department for the month preceding, under~~
28 ~~the provisions of this chapter, shall be paid into the State Treasury~~
29 ~~to the credit of the California Architects and Registered Interior~~
30 ~~Designers Board Fund.~~

31 ~~SEC. 9.— Section 5602 of the Business and Professions Code is~~
32 ~~amended to read:~~

33 ~~5602.— The money paid pursuant to this chapter into the~~
34 ~~California Architects and Registered Interior Designers Board~~
35 ~~Fund, which is hereby continued in existence, shall be used in the~~
36 ~~manner prescribed by law to defray the expenses of the board in~~
37 ~~carrying out and enforcing the provisions of this chapter and~~
38 ~~Chapter 3.6 (commencing with Section 5700).~~

39 ~~SEC. 10.— Section 5603 of the Business and Professions Code~~
40 ~~is amended to read:~~

1 ~~5603.— The board shall make available to local building~~
2 ~~departments, and others upon request, an official roster listing the~~
3 ~~name, license number, and address of all its licensees issued~~
4 ~~licenses pursuant to this chapter and who are in good standing.~~
5 ~~The roster shall be open to inspection by the public during office~~
6 ~~hours of the board. Except for local building departments, the~~
7 ~~board may charge a fee for the maintenance, publication, and~~
8 ~~distribution of the roster, not to exceed the actual cost. All fees~~
9 ~~collected pursuant to this section shall be deposited in the~~
10 ~~California Architects and Registered Interior Designers Board~~
11 ~~Fund.~~

12 ~~SEC. 11.— Section 5610 of the Business and Professions Code~~
13 ~~is amended to read:~~

14 ~~5610. A professional architectural corporation is a corporation~~
15 ~~which is authorized to render professional services, as defined in~~
16 ~~Section 13401 of the Corporations Code, so long as that corporation~~
17 ~~and its shareholders, officers, directors, and employees rendering~~
18 ~~professional services who are licensed architects, are in compliance~~
19 ~~with the Moseone-Knox Professional Corporation Act (Part 4~~
20 ~~(commencing with Section 13400) of Division 3 of Title 1 of the~~
21 ~~Corporations Code), this article, and all other statutes and~~
22 ~~regulations pertaining to the corporation and the conduct of its~~
23 ~~affairs. With respect to an architectural corporation, the~~
24 ~~governmental agency referred to in the Moseone-Knox Professional~~
25 ~~Corporation Act is the California Architects and Registered Interior~~
26 ~~Designers Board.~~

27 ~~SEC. 12.— Section 5620 of the Business and Professions Code~~
28 ~~is amended to read:~~

29 ~~5620.— The duties, powers, purposes, responsibilities, and~~
30 ~~jurisdiction of the California State Board of Landscape Architects~~
31 ~~that were succeeded to and vested with the Department of~~
32 ~~Consumer Affairs in accordance with Chapter 908 of the Statutes~~
33 ~~of 1994 are hereby transferred to the California Architects and~~
34 ~~Registered Interior Designers Board. The Legislature finds that~~
35 ~~the purpose for the transfer of power is to promote and enhance~~
36 ~~the efficiency of state government and that assumption of the~~
37 ~~powers and duties by the California Architects and Registered~~
38 ~~Interior Designers Board shall not be viewed or construed as a~~
39 ~~precedent for the establishment of state regulation over a profession~~

1 or vocation that was not previously regulated by a board, as defined
2 in Section 477.

3 ~~(a) There is in the Department of Consumer Affairs a California~~
4 ~~Architects and Registered Interior Designers Board as defined in~~
5 ~~Chapter 3.6 (commencing with Section 5700).~~

6 ~~Whenever in this chapter “board” is used it refers to the~~
7 ~~California Architects and Registered Interior Designers Board.~~

8 ~~(b) Except as provided herein, the board may delegate its~~
9 ~~authority under this chapter to the Landscape Architects Technical~~
10 ~~Committee.~~

11 ~~(c) After review of proposed regulations, the board may direct~~
12 ~~the examining committee to notice and conduct hearings to adopt,~~
13 ~~amend, or repeal regulations pursuant to Section 5630, provided~~
14 ~~that the board itself shall take final action to adopt, amend, or~~
15 ~~repeal those regulations.~~

16 ~~(d) The board shall not delegate its authority to discipline a~~
17 ~~landscape architect or to take action against a person who has~~
18 ~~violated this chapter.~~

19 ~~(e) This section shall become inoperative on July 1, 2011, and,~~
20 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
21 ~~that becomes operative on or before January 1, 2012, deletes or~~
22 ~~extends the dates on which it becomes inoperative and is repealed.~~

23 ~~SEC. 13. Section 5682 of the Business and Professions Code~~
24 ~~is amended to read:~~

25 ~~5682. Within 10 days after the beginning of every month, all~~
26 ~~fees collected by the department for the month preceding, under~~
27 ~~the provisions of this chapter, shall be paid into the State Treasury~~
28 ~~to the credit of the California Architects and Registered Interior~~
29 ~~Designers Board-Landscape Architects Fund, which is hereby~~
30 ~~created.~~

31 ~~SEC. 14. Section 5683 of the Business and Professions Code~~
32 ~~is amended to read:~~

33 ~~5683. The money paid into the California Architects and~~
34 ~~Registered Interior Designers Board-Landscape Architects Fund~~
35 ~~shall be used for expenditure in the manner prescribed by law to~~
36 ~~defray the expenses of the board and in carrying out and enforcing~~
37 ~~the provisions of this chapter.~~

38 ~~SEC. 15. Chapter 3.6 (commencing with Section 5700) is added~~
39 ~~to Division 3 of the Business and Professions Code, to read:~~

1 in exercising its licensing, regulatory, and disciplinary functions.
2 Whenever the protection of the public is inconsistent with other
3 interests sought to be promoted, the protection of the public shall
4 be paramount.

5 5704. (a) The membership of the board shall be composed of
6 12 members, five of whom shall be state licensed architects, four
7 of whom shall be state registered interior designers, and three of
8 whom shall be public members.

9 (b) The five architect members of the board shall be selected
10 from architects in good standing who have been licensed and in
11 practice in this state for at least five years at the time of
12 appointment, all of whom shall be residents of and in practice in
13 California.

14 (c) (1) Except as provided in paragraph (2), the four registered
15 interior designer members of the board shall be selected from
16 registered interior designers in good standing who have been
17 registered and in practice in this state for at least four years, all of
18 whom shall be residents of and in practice in California.

19 (2) The initial four registered interior designer members of the
20 board shall be selected from persons who are eligible to become
21 registered under Chapter 3.7 (commencing with Section 5750) and
22 shall become registered pursuant to that chapter within one year
23 of appointment.

24 (d) The public members of the board shall not be licensees or
25 registrants of the board.

26 5705. Every person appointed to the board shall serve for four
27 years and until the appointment and qualification of his or her
28 successor or until one year shall have elapsed since the expiration
29 of the term for which he or she was appointed, whichever first
30 occurs.

31 No person shall serve as a member of the board for more than
32 two consecutive terms.

33 Vacancies occurring prior to the expiration of the term shall be
34 filled by appointment for the unexpired term.

35 Each appointment shall expire on June 30 of the fourth year
36 following the year in which the previous term expired.

37 The Governor shall appoint one of the public members and the
38 five state licensed architect members qualified as provided in
39 Section 5704. The Senate Committee on Rules and the Speaker of
40 the Assembly shall each appoint one public member and two of

1 the state registered interior designer members qualified as provided
2 in Section 5704.

3 5706. Each member of the board shall receive a per diem and
4 expenses as provided in Section 103.

5 5707. (a) The board may appoint a person exempt from civil
6 service who shall be designated as an executive officer and who
7 shall exercise the powers and perform the duties delegated by the
8 board and vested in him or her by this chapter.

9 (b) This section shall become inoperative on July 1, 2011, and,
10 as of January 1, 2012, is repealed, unless a later enacted statute,
11 which becomes effective on or before January 1, 2012, deletes or
12 extends the dates on which it becomes inoperative and is repealed.

13 5708. The duty of administering and enforcing this chapter,
14 Chapter 3 (commencing with Section 5500), and Chapter 3.7
15 (commencing with Section 5750) is vested in the board and the
16 executive officer subject to, and under the direction of, the board.

17 5709. The board shall elect from its members a president, a
18 vice president, and a secretary to hold office for one year, or until
19 their successors are duly elected and qualified.

20 5710. The board shall adopt a seal for its own use. The seal
21 used shall have the words, "State Board of Architects and
22 Registered Interior Designers" inscribed thereon.

23 The executive officer shall have the care and custody of the seal.

24 5711. The executive officer shall keep an accurate record of
25 all proceedings of the board.

26 5712. The board shall meet at least once each calendar quarter
27 for the purpose of transacting the business that may lawfully come
28 before it.

29 The board may hold meetings at any other times and at any place
30 it designates.

31 5713. Special meetings of the board shall be called by the
32 executive officer upon the written notice of four members by giving
33 each member of the board 10 days' written notice of the time and
34 place of the meeting.

35 5714. Seven of the members of the board constitute a quorum
36 of the board for the transaction of business. The concurrence of
37 six members of the board present at a meeting duly held at which
38 a quorum is present shall be necessary to constitute an act or
39 decision of the board, except that when all 12 members of the
40 board are present at a meeting duly held, the concurrence of seven

1 members shall be necessary to constitute an act or decision of the
2 board.

3 ~~5715. The board may prosecute all persons guilty of violating~~
4 ~~the provisions of Chapter 3 (commencing with Section 5500) or~~
5 ~~Chapter 3.7 (commencing with Section 5750). Except as provided~~
6 ~~in Section 159.5, the board may employ the inspectors, special~~
7 ~~agents, investigators, and clerical assistants it deems necessary to~~
8 ~~carry into effect the provisions of Chapter 3 (commencing with~~
9 ~~Section 5500) and Chapter 3.7 (commencing with Section 5750).~~
10 ~~It may also fix the compensation to be paid for those services and~~
11 ~~incur such additional expense as may be deemed necessary.~~

12 ~~5716. (a) The board shall adopt rules and regulations governing~~
13 ~~the examination of applicants for licenses to practice architecture~~
14 ~~in this state.~~

15 ~~(b) The board may incur any necessary expenses to administer~~
16 ~~Chapter 3.7 (commencing with Section 5750), but those expenses~~
17 ~~shall not exceed the revenue derived from the fees imposed~~
18 ~~pursuant to that chapter.~~

19 ~~(c) The board may, by rule or regulation, adopt rules of~~
20 ~~professional conduct that are not inconsistent with state or federal~~
21 ~~law. Every person who holds a license or registration issued by~~
22 ~~the board shall be governed and controlled by these rules.~~

23 ~~(d) The board may adopt other rules and regulations as may be~~
24 ~~necessary and proper.~~

25 ~~(e) The board may, from time to time, repeal, amend, or modify~~
26 ~~rules and regulations adopted under this section. No rule or~~
27 ~~regulation shall be inconsistent with Chapter 3 (commencing with~~
28 ~~Section 5500) or Chapter 3.7 (commencing with Section 5750).~~

29 ~~(f) The board shall adopt, by regulation, a system as described~~
30 ~~in Section 125.9, for the issuance to a licensee of a citation and a~~
31 ~~system, as described in Section 148, for the issuance of an~~
32 ~~administrative citation to an unlicensed person who is acting in~~
33 ~~the capacity of a licensee under the jurisdiction of the board.~~

34 ~~(g) The adoption, repeal, amendment, or modification of these~~
35 ~~rules and regulations shall be made in accordance with Chapter~~
36 ~~3.5 (commencing with Section 11340) of Part 1 of Division 3 of~~
37 ~~Title 2 of the Government Code.~~

38 ~~5717. Whenever a person has engaged in or is about to engage~~
39 ~~in an act or practice which constitutes or which will constitute an~~
40 ~~offense against Chapter 3 (commencing with Section 5500) or~~

1 Chapter 3.7 (commencing with Section 5750), the superior court
2 of the county in which the offense has occurred or is about to occur,
3 on application of the board, may issue an injunction or other
4 appropriate order restraining that act or practice.

5 The proceedings authorized by this section shall be conducted
6 in accordance with the provisions contained in Chapter 3
7 (commencing with Section 525) of Title 7 of Part 2 of the Code
8 of Civil Procedure, except that no bond or undertaking is required
9 in an action commenced by the board.

10 5718. (a) The board may select and contract with necessary
11 architect consultants who are licensed architects to assist it in its
12 enforcement program on an intermittent basis. The architect
13 consultants shall perform only those services that are necessary to
14 carry out and enforce this chapter and Chapter 3 (commencing
15 with Section 5500).

16 (b) The board may select and contract with necessary interior
17 design consultants who are registered interior designers to assist
18 in its enforcement program on an intermittent basis. These interior
19 design consultants shall perform only those services that are
20 necessary to carry out and enforce this chapter and Chapter 3.7
21 (commencing with Section 5750).

22 (c) For the purposes of Division 3.6 (commencing with Section
23 810) of Title 1 of the Government Code, a consultant under contract
24 with the board shall be considered a public employee.

25 SEC. 16.

26 SEC. 5. Chapter 3.7 (commencing with Section 5750) 5700)
27 is added to Division 3 of the Business and Professions Code, to
28 read:

29
30 CHAPTER 3.7. REGISTERED INTERIOR DESIGNERS

31
32 Article 1. General

33
34 5750.

35 5700. The purpose of this chapter is to safeguard life, health,
36 and property, to promote the public welfare by improving the
37 quality of human environmental design, and to limit the practice
38 of registered interior design to persons who hold design education
39 and experience and successfully pass an interior design
40 examination, as provided in this chapter.

1 ~~5751. The California Architects and Registered Interior~~
2 ~~Designers Board shall administer and enforce the provisions of~~
3 ~~this chapter.~~

4 ~~5752.~~

5 5702. For purposes of this chapter, the following terms have
6 the following meanings:

7 (a) “Board” means the California Architects ~~and Registered~~
8 ~~Interior Designers Board.~~

9 (b) “Building shell” means the architecture of an existing
10 building, including, but not limited to, the framework, the perimeter
11 and exterior walls, the building core and columns, and other
12 structural, load-bearing elements.

13 (c) “Committee” means the *Registered Interior Designers*
14 *Committee.*

15 (e)

16 (d) “Construction documents” means the detailed working
17 drawings that define the work to be constructed. These documents
18 may include, but are not limited to, partition plans, power and
19 communication plans, reflected ceiling plans, materials and finishes
20 plans, furniture layout plans; and elevations, sections; and details,
21 along with the drawings of associated consultants.

22 (d)

23 (e) “Contract documents” means the set of documents that form
24 a part of the legal contract for services between two or more parties.
25 These documents may include, but are not limited to, detailed
26 instructions to the contractor, tender forms, construction
27 documents, and specifications.

28 (e)

29 (f) “Interior design” means a multifaceted profession in which
30 creative and technical solutions are applied within a structure to
31 achieve a built interior environment. These solutions are functional
32 and enhance the quality of life and culture of the occupants. Interior
33 design includes, but is not limited to, both of the following:

34 (1) The creation of designs, in response to and in coordination
35 with the building shell, that acknowledge the physical location and
36 social context of a project, adhere to code and regulatory
37 requirements, and encourage the principles of environmental
38 sustainability.

39 (2) The use of a systematic and coordinated methodology,
40 including research, analysis, and integration of knowledge into the

1 creative process, to satisfy the needs of a client, using the resources
2 of the client, in order to produce an interior space that fulfills a
3 project's goals.

4 ~~(f)~~

5 (g) "Nonstructural or nonseismic elements or components"
6 means interior elements or components that are not load bearing,
7 or do not assist in the seismic design, and do not require design
8 computations for a building's structure. These elements or
9 components include, but are not limited to, ceiling and partition
10 systems and elements or components that employ normal and
11 typical bracing conventions but are not part of the structural
12 integrity of the building. These elements or components exclude
13 the structural frame supporting a building.

14 ~~(g)~~

15 (h) "Partition" means a wall that does not support a vertical load
16 of a structure other than its own weight, but may support loads
17 attached to it such as cabinetry, shelving, or grab bars, and does
18 not extend further than the distance from the floor of an interior
19 area of a structure designed for human habitation or occupancy to
20 the underside of the deck of that structure.

21 ~~(h)~~

22 (i) "Registrant" means a person registered pursuant to the
23 provisions of this chapter.

24 ~~(i)~~

25 (j) "Reflected ceiling plan" means a ceiling design that illustrates
26 a ceiling as if the ceiling was projected downward, and may
27 include, but is not limited to, lighting and other elements.

28 ~~(j)~~

29 (k) "Responsible supervisory control" means the direct
30 responsibility for supervising work and the decisionmaking process,
31 including the review, control, and enforcement of compliance with
32 design criteria and life safety requirements.

33 ~~(k)~~

34 (l) "Space planning" means the analysis and design of spatial
35 and occupancy requirements, including, but not limited to,
36 preliminary space layouts and final planning for nonload bearing
37 walls, partitions, panels, and furnishings.

38 ~~(l)~~

1 (m) “Specifications” means the detailed written description of
2 construction, workmanship, and materials of the work to be
3 undertaken.

4 ~~5753.~~

5 5703. “Registered interior design” or “practice of registered
6 interior design” means the rendering of services to enhance the
7 quality and function of an interior area within a structure designed
8 for human habitation or occupancy, and includes, but is not limited
9 to, all of the following:

10 (a) An analysis of a client’s needs and goals for the interior area
11 and an analysis of the safety requirements applicable to that area.

12 (b) The formulation of appropriate, functional, and safe
13 preliminary designs, including space planning, for the interior area.

14 (c) The development and presentation of final designs, including,
15 but not limited to, drawings affecting nonstructural or nonseismic
16 elements or components, that are appropriate for the alteration or
17 construction of the interior area.

18 (d) The preparation of contract documents for the alteration or
19 construction of the interior area, including, but not limited to,
20 specifications for partitions, materials, finishes, furniture, fixtures,
21 and equipment.

22 (e) Collaboration with professional engineers registered pursuant
23 to Chapter 7 (commencing with Section 6700) or architects licensed
24 pursuant to Chapter 3 (commencing with Section 5500) for the
25 alteration or construction of the interior area.

26 (f) The preparation and administration of bids or contract
27 documents for the alteration or construction of the interior area as
28 the agent of a client.

29 (g) The review and evaluation of problems relating to the design
30 of the interior area during the alteration or construction of the area
31 and upon completion of that alteration or construction.

32 ~~5754.~~

33 5704. (a) This chapter shall not apply to any of the following:

34 (1) An architect licensed pursuant to Chapter 3 (commencing
35 with Section 5500) acting within the scope of his or her license.

36 ~~(2) A professional engineer registered pursuant to Chapter 7
37 (commencing with Section 6700).~~

38 ~~(3)~~

39 (2) A person engaging in work related to registered interior
40 design as an employee of a registered interior designer if the work

1 does not include responsible supervisory control or supervision of
2 the practice of registered interior design.

3 ~~(4)~~

4 (3) A person performing registered interior design work under
5 the responsible supervisory control of a registered interior designer.

6 ~~(5)~~

7 (4) A consultant retained by a registered interior designer.

8 ~~(6)~~

9 (5) A person who prepares drawings of the layout of materials
10 or furnishings used in registered interior design or provides
11 assistance in the selection of materials or furnishings used in
12 registered interior design, if the preparation or implementation of
13 those drawings, or the installation of those materials or furnishings,
14 is not regulated by a building code or other law, ordinance, rule,
15 or regulation governing the alteration or construction of a structure.
16 The persons exempt from this chapter pursuant to this paragraph
17 include, but are not limited to, a person who prepares drawings of
18 the layout of, or provides assistance in the selection of, any of the
19 following materials:

20 (A) Decorative accessories.

21 (B) Wallpaper, wallcoverings, or paint.

22 (C) Linoleum, tile, carpeting, or floor coverings.

23 (D) Draperies, blinds, or window coverings.

24 (E) Lighting or plumbing fixtures that are not part of a structure.

25 (F) Furniture or equipment.

26 ~~(7)~~

27 (6) An employee of a retail establishment providing consultation
28 regarding interior decoration or furnishings on the premises of the
29 retail establishment or in the furtherance of a retail sale or
30 prospective retail sale.

31 (b) (1) Notwithstanding subdivision (a), a person shall not refer
32 to himself or herself as a registered interior designer without being
33 registered pursuant to this chapter.

34 (2) This subdivision does not prohibit a person certified or
35 otherwise qualified or approved by a private organization from
36 using a term or title copyrighted or otherwise protected under law
37 by the certifying organization provided that the use of that term
38 or title does not connote registration under this chapter.

1 (c) The exemptions created by this section shall not absolve a
2 person from any civil or criminal liability that might otherwise
3 accrue.

4 5705. (a) *This chapter does not prohibit a person from*
5 *preparing plans, drawings, or specifications for any of the*
6 *following:*

7 (1) *Single-family dwellings of woodframe construction not more*
8 *than two stories and basement in height.*

9 (2) *Multiple dwellings containing no more than four dwelling*
10 *units of woodframe construction not more than two stories and*
11 *basement in height. However, this paragraph shall not be construed*
12 *as allowing an unregistered person to design multiple clusters of*
13 *up to four dwelling units each to form apartment or condominium*
14 *complexes where the total exceeds four units on any lawfully*
15 *divided lot.*

16 (3) *Garages or other structures appurtenant to buildings*
17 *described under subdivision (a), of woodframe construction not*
18 *more than two stories and basement in height.*

19 (4) *Agricultural and ranch buildings of woodframe construction,*
20 *unless the building official having jurisdiction deems that an undue*
21 *risk to the public health, safety, or welfare is involved.*

22 (b) *If any portion of any structure exempted by this section*
23 *deviates from substantial compliance with conventional framing*
24 *requirements for woodframe construction found in the most recent*
25 *edition of Title 24 of the California Code of Regulations or tables*
26 *of limitation for woodframe construction, as defined by the*
27 *applicable building code duly adopted by the local jurisdiction or*
28 *the state, the building official having jurisdiction shall require the*
29 *preparation of plans, drawings, specifications, or calculations for*
30 *that portion by, or under the responsible control of, a licensed*
31 *architect or registered engineer. The documents for that portion*
32 *shall bear the stamp and signature of the licensee who is*
33 *responsible for their preparation. Substantial compliance for*
34 *purposes of this section is not intended to restrict the ability of the*
35 *building officials to approve plans pursuant to existing law and*
36 *is only intended to clarify the intent of Chapter 405 of the Statutes*
37 *of 1985.*

38 5706. (a) *A structural engineer, defined as a registered civil*
39 *engineer who has been authorized to use the title structural*
40 *engineer under the provisions of Chapter 7 (commencing with*

1 Section 6700), insofar as he or she practices the profession for
2 which he or she is registered, is exempt from the provisions of this
3 chapter, except that a structural engineer may not use the title
4 “registered interior designer,” unless he or she holds a certificate
5 of registration as required in this chapter.

6 (b) A professional engineer registered to practice engineering
7 under the provisions of Chapter 7 (commencing with Section 6700),
8 insofar as he or she practices the profession for which he or she
9 is registered, is exempt from the provisions of this chapter, except
10 that a professional engineer may not use the title “registered
11 interior designer,” unless he or she holds a certificate of
12 registration as required in this chapter.

13 (c) A civil engineer authorized to use that title under the
14 provisions of Chapter 7 (commencing with Section 6700), insofar
15 as he or she practices the profession for which he or she is
16 registered, is exempt from the provisions of this chapter, except
17 that a civil engineer may not use the title “registered interior
18 designer,” unless he or she holds a certificate of registration as
19 required in this chapter.

20 5707. This chapter shall not be construed as authorizing a
21 licensed contractor to perform design services beyond those
22 described in Section 5705.

23 5708. This chapter does not prohibit a person from furnishing
24 either alone or with contractors, if required by Chapter 9
25 (commencing with Section 7000), labor and materials, with or
26 without plans, drawings, specifications, instruments of service, or
27 other data covering such labor and materials to be used for any
28 of the following:

29 (a) For nonstructural or nonseismic storefronts, interior
30 alterations or additions, fixtures, cabinetwork, furniture, or other
31 appliances or equipment.

32 (b) For any nonstructural or nonseismic work necessary to
33 provide for their installation.

34 (c) For any nonstructural or nonseismic alterations or additions
35 to any building necessary to or attendant upon the installation of
36 those storefronts, interior alterations or additions, fixtures,
37 cabinetwork, furniture, appliances, or equipment, provided those
38 alterations do not change or affect the structural system or safety
39 of the building.

1 *Article 2. Administration*

2
3 *5710. (a) There is in the Department of Consumer Affairs a*
4 *California Architects Board as defined in Article 2 (commencing*
5 *with Section 5510) of Chapter 3. There is hereby created, within*
6 *the jurisdiction of the board, a Registered Interior Designers*
7 *Committee.*

8 *(b) Except as provided herein, the Registered Interior Designers*
9 *Committee shall administer the provisions of this chapter.*

10 *(c) After review of regulations proposed by the board, the*
11 *Registered Interior Designers Committee may notice and conduct*
12 *hearings to adopt, amend, or repeal regulations pursuant to Section*
13 *5718.*

14 *(d) The board shall not delegate its authority to discipline a*
15 *registered interior designer or to take action against a person who*
16 *has violated this chapter.*

17 *(e) This section shall become inoperative on July 1, 2011, and,*
18 *as of January 1, 2012, is repealed, unless a later enacted statute,*
19 *that becomes operative on or before January 1, 2012, deletes or*
20 *extends the dates on which it becomes inoperative and is repealed.*

21 *5711. Protection of the public shall be the highest priority for*
22 *the Registered Interior Designers Committee in exercising its*
23 *licensing, regulatory, and disciplinary functions. Whenever the*
24 *protection of the public is inconsistent with other interests sought*
25 *to be promoted, the protection of the public shall be paramount.*

26 *5712. (a) The committee shall consist of seven members, three*
27 *of whom shall be registered to practice registered interior design*
28 *in this state and four of whom shall be public members. The*
29 *Governor shall appoint two of the public members and the three*
30 *registered members. The Senate Committee on Rules and the*
31 *Speaker of the Assembly shall each appoint one public member.*

32 *(b) The public members of the committee shall not be licensees*
33 *of the board of registrants of the committee.*

34 *(c) The initial members to be appointed by the Governor are as*
35 *follows: one member for a term of one year; two members for a*
36 *term of two years; and two members for a term of three years. The*
37 *Senate Committee on Rules and the Speaker of the Assembly shall*
38 *initially each appoint one member for a term of four years.*
39 *Thereafter, appointments shall be made for four-year terms,*
40 *expiring on June 1 of the fourth year and until the appointment*

1 *and qualification of his or her successor or until one year shall*
2 *have elapsed whichever first occurs. Vacancies shall be filled for*
3 *the unexpired term.*

4 *(d) No person shall serve as a member of the Registered Interior*
5 *Designers Committee for more than two consecutive terms.*

6 *(e) This section shall become inoperative on July 1, 2011, and,*
7 *as of January 1, 2012, is repealed, unless a later enacted statute,*
8 *that becomes operative on or before January 1, 2012, deletes or*
9 *extends the dates on which it becomes inoperative and is repealed.*

10 5713. *(a) The committee shall review the qualifications of*
11 *candidates for examination for registration as a registered interior*
12 *designer and, after investigation, shall evaluate and make*
13 *recommendations regarding potential violations of this chapter.*

14 *(b) The committee may investigate, assist, and make*
15 *recommendations to the board regarding the regulation of*
16 *registered interior designers in this state.*

17 *(c) The committee may send a representative to all meetings of*
18 *the full board to report on the committee's activities.*

19 *(d) This section shall become inoperative on July 1, 2011, and,*
20 *as of January 1, 2012, is repealed, unless a later enacted statute,*
21 *that becomes operative on or before January 1, 2012, deletes or*
22 *extends the dates on which it becomes inoperative and is repealed.*

23 5714. *Each member of the committee shall receive per diem*
24 *and expenses, as provided in Section 103.*

25 5715. *The executive officer of the board shall keep an accurate*
26 *record of all proceedings of the committee.*

27 5716. *The board shall prosecute all persons guilty of violating*
28 *the provisions of this chapter. Except as provided in Section 159.5,*
29 *the board may employ inspectors, special agents, investigators,*
30 *and clerical assistance as it may deem necessary to carry out the*
31 *provisions of this chapter. It may fix the compensation to be paid*
32 *for those services and incur any additional expense as may be*
33 *deemed necessary.*

34 5717. *(a) The board may select and contract with necessary*
35 *interior design consultants who are registered interior designers*
36 *to assist in its enforcement program on an intermittent basis. These*
37 *interior design consultants shall perform only those services that*
38 *are necessary to carry out and enforce this chapter.*

1 (b) For purposes of Division 3.6 (commencing with Section 810)
 2 of Title 1 of the Government Code, a consultant under contract
 3 with the board shall be considered a public employee.

4 5718. The committee may, in accordance with the
 5 Administrative Procedure Act, adopt, amend, or repeal the rules
 6 and regulations that are reasonably necessary to:

7 (a) Govern the examinations of applicants for registration to
 8 practice registered interior design.

9 (b) Establish rules or professional conduct that are not
 10 inconsistent with state or federal law. Every person who holds a
 11 registration issued under this chapter shall be governed and
 12 controlled by these rules.

13 (c) Carry out the provisions of this chapter.

14

15 Article 2: 3. Practice Requirements

16

17 ~~5760.~~

18 5720. (a) A registrant shall sign, date, and seal or stamp, using
 19 a seal or stamp described in subdivision (b), all plans,
 20 specifications, studies, drawings, and other documents he or she
 21 issues for official use. The ~~board~~ committee may adopt regulations
 22 specifying the manner in which a registrant may electronically
 23 issue those documents.

24 (b) A registrant shall use a seal or stamp of the design authorized
 25 by the board, bearing his or her name, the serial number included
 26 on his or her certificate of registration, and the legend “registered
 27 interior designer.”

28 (c) It is unlawful for a person to seal or stamp a plan,
 29 specification, study, drawing, or other document after the certificate
 30 of the registrant, named thereon, has expired or has been suspended
 31 or revoked, unless the certificate has been renewed or reissued.

32 (d) A plan, specification, study, drawing, or other document
 33 prepared by a registrant shall contain a statement that the document
 34 was prepared by a person registered pursuant to this chapter.

35 ~~5761.~~

36 5721. A registrant may, in the practice of registered interior
 37 design, collaborate with any of the following persons:

38 (a) An architect licensed pursuant to Chapter 3 (commencing
 39 with Section 5500).

1 (b) An electrical, structural, or mechanical engineer registered
2 and authorized to use that title pursuant to Chapter 7 (commencing
3 with Section 6700).

4 ~~5762.~~

5 5722. A person shall not bring or maintain an action in the
6 courts of this state for the collection of compensation for the
7 performance of an act or contract for which registration is required
8 by this chapter without alleging and proving that he or she was
9 duly registered under this chapter at all times during the
10 performance of the act or contract.

11 ~~5763.~~

12 5723. (a) An office or place of business in this state that
13 engages in the practice of registered interior design shall have a
14 registered interior designer, who is a resident of this state, regularly
15 working in that office or place of business. That registered interior
16 designer shall have responsible supervisory control for the
17 registered interior design work conducted in that office or place
18 of business and may be held liable for violations of this chapter
19 committed by unregistered persons at the office or place of
20 business. This section shall not apply to an office or place of
21 business established for contract administration.

22 (b) “Contract administration” includes, but is not limited to, all
23 of the following services:

24 (1) Developing and monitoring schedules and construction costs.

25 (2) Ensuring construction is completed in conformance with
26 contracts and design intent.

27 (3) Serving as a liaison with contractors and consultants
28 throughout the course of construction.

29 (4) Reviewing shop drawings and submissions from the
30 contractor.

31 (5) Observing and commenting on construction progress related
32 to interior design services.

33 (6) Monitoring move-in and furniture installation.

34 (7) Conducting required post-occupancy evaluations.

35 ~~5764.~~

36 5724. (a) Notwithstanding any other provision of law, persons
37 registered pursuant to this chapter, architects licensed pursuant to
38 Chapter 3 (commencing with Section 5500), landscape architects
39 licensed pursuant to Chapter 3.5 (commencing with Section 5615),
40 and professional engineers registered pursuant to Chapter 7

1 (commencing with Section 6700) may join or form a partnership,
2 corporation, or other business organization or association, except
3 a limited liability company or limited liability partnership, with
4 persons outside their field of practice who are not registered or
5 licensed if all of the following requirements are met:

6 (1) Control and two-thirds ownership of the business
7 organization or association are held by persons registered pursuant
8 to this chapter, architects licensed pursuant to Chapter 3
9 (commencing with Section 5500), landscape architects licensed
10 pursuant to Chapter 3.5 (commencing with Section 5615), or
11 professional engineers registered pursuant to Chapter 7
12 (commencing with Section 6700). For purposes of this paragraph,
13 “control” means the direct or indirect possession of power to direct
14 or cause the direction of the management and policies of the
15 business organization or association.

16 (2) The business organization or association demonstrates to
17 the satisfaction of the board that it is in compliance with the
18 requirements of this section.

19 (3) The business organization or association qualifies to do
20 business in this state.

21 (4) The business organization, if a corporation, obtains a
22 certificate of registration from the board and furnishes to the board
23 a complete list of all shareholders when it first registers with the
24 board, and annually thereafter within 30 days after the annual
25 meeting of the shareholders of the corporation, showing the number
26 of shares held by each shareholder.

27 (5) The business organization or association, if not a corporation,
28 obtains a certificate of registration from the board and furnishes
29 information similar to that required under paragraph (4), as
30 prescribed by the board by regulation.

31 (b) A business organization or association shall not perform,
32 promote, or advertise the services of a registered interior designer
33 unless a registered interior designer is an owner of the business
34 organization or association.

35 (c) A registrant practicing in a business organization or
36 association holding a certificate of registration pursuant to this
37 section remains subject to Section ~~5785~~ 5745.

38 (d) If an unregistered person, or a registrant who is not an owner,
39 and who is employed by or affiliated with a business organization
40 or association that holds a certificate pursuant to this section, is

1 found by the board to have violated a provision of this chapter or
2 a regulation of *the committee* or the board, the board may hold the
3 business organization or association and the registrants who are
4 owners responsible for the violation.

5
6 Article 3: 4. Registration

7
8 ~~5770. The board~~

9 5730. *The committee* shall issue a certificate of registration to
10 a person who meets all of the following requirements:

11 (a) Has not committed any of the acts listed in Section ~~5785~~
12 ~~5745~~.

13 (b) Completes an application for a certificate on a form
14 prescribed by the ~~board~~ *committee*.

15 (c) Pays the registration fee prescribed by the ~~board~~ *committee*
16 pursuant to Section ~~5795~~ 5755.

17 (d) Submits proof satisfactory to the ~~board~~ *committee* of
18 successful completion of one of the following:

19 (1) A bachelor's degree program in interior design and 3,520
20 hours of interior design experience, including 1,760 hours earned
21 after the degree program is completed.

22 (2) A bachelor's degree program in any major, no less than 60
23 semester or 90 quarter hours of interior design coursework that
24 culminates in a *certificate or* degree, and 3,520 hours of interior
25 design experience, including 1,760 hours earned after the degree
26 program and coursework are completed.

27 (3) No less than 60 semester or 90 quarter hours of interior
28 design coursework that culminates in a ~~degree~~ *certificate, degree,*
29 or diploma and 5,280 hours of interior design experience earned
30 after that coursework is completed.

31 (4) No less than 40 semester or 60 quarter hours of interior
32 design coursework that culminates in a certificate, degree, or
33 diploma and 7,040 hours of interior design experience earned after
34 that coursework is completed.

35 (e) Submits proof of passage of the examination prepared and
36 administered by the National Council for Interior Design
37 Qualification.

38 5730.1. (a) *The board shall become a member of the Council*
39 *of Delegates of the National Council for Interior Design*
40 *Qualification.*

1 (b) *It is the intent of the Legislature, in requiring the board to*
 2 *comply with subdivision (a), to allow the standards for education*
 3 *and experience set forth in this chapter to serve as the qualifying*
 4 *criteria for California candidates to sit for the National Council*
 5 *for Interior Design Qualification examination.*

6 ~~5771. The board~~

7 5731. *The committee may issue a certificate of registration to*
 8 *a person who, at the time of application, holds a valid registration*
 9 *to practice registered interior design issued in another state if the*
 10 *education and experience requirements imposed by that state are*
 11 *equivalent to, or more stringent than, those imposed by this chapter,*
 12 *as determined by the ~~board~~ committee.*

13 ~~5772. (a) The board shall~~

14 5732. (a) *The committee may issue a certificate of registration*
 15 *to a person who meets both of the following requirements.*

16 (1) *May lawfully represent himself or herself as a “certified*
 17 *interior designer” pursuant to Section 5812.*

18 (2) *Submits an application to the board before January 1, 2011.*

19 (b) ~~The board shall~~ *committee may issue a certificate of*
 20 *registration to a person who submits an application to the ~~board~~*
 21 *committee before January 1, 2011, and submits proof acceptable*
 22 *to the ~~board~~ committee of one of the following:*

23 (1) *Ten years of experience in interior design.*

24 (2) *Eight years of experience in interior design and two years*
 25 *of education in interior design that is acceptable to the ~~board~~*
 26 *committee.*

27 (c) *A person registered pursuant to this section who has not*
 28 *passed the examination described in subdivision (e) of Section*
 29 ~~5770~~ *5730 within the first two renewal periods shall, as a condition*
 30 *of renewal of his or her certificate of registration, show proof*
 31 *acceptable to the ~~board~~ committee of both of the following:*

32 (1) *Passage of Section I of the examination described in*
 33 *subdivision (e) of Section ~~5770~~ 5730.*

34 (2) *Completion of 15 hours of ~~board-approved~~*
 35 *committee-approved continuing education coursework relating to*
 36 *health, safety, and welfare regulation. The hours earned pursuant*
 37 *to this paragraph shall be credited toward the continuing education*
 38 *requirements established by the ~~board~~ committee.*

1 ~~5773.~~

2 5733. Before being issued a certificate of registration under
3 this chapter, an applicant shall personally appear before the ~~board~~
4 ~~committee~~ to take an oath prescribed by the ~~board~~ *committee*.

5 ~~5774. The board~~

6 5734. *The committee* may deny a certificate of registration for
7 any violation of this chapter.

8 ~~5775.~~

9 5735. (a) Certificates issued pursuant to this chapter shall
10 include the full name of the registrant and a serial number and
11 shall be signed by the president and the secretary of the board
12 under seal of the board. The issuance of a certificate of registration
13 by the ~~board~~ *committee* pursuant to this chapter is evidence that
14 the registrant is entitled to all the rights and privileges of a
15 registered interior designer while the certificate remains
16 unsuspended, unrevoked, and unexpired.

17 (b) The unauthorized use or display of a certificate of registration
18 is unlawful.

19 ~~5776.~~

20 5736. (a) A certificate of registration issued pursuant to this
21 chapter shall expire two years after the date of issue.

22 (b) To renew the certificate, the registrant shall, on or before
23 the expiration date of the certificate, do all of the following:

24 (1) Apply for renewal on a form prescribed by the ~~board~~
25 *committee*.

26 (2) Pay a renewal fee prescribed by the ~~board~~ *committee*
27 pursuant to Section ~~5795~~ 5755.

28 (3) Submit proof of compliance with the continuing education
29 requirements established by the ~~board~~ *committee*.

30 (4) Comply with subdivision (c) of Section ~~5772~~ 5732, if
31 applicable.

32 (c) After a registrant has satisfied the requirements of
33 subdivision (b), the ~~secretary of the board~~ *committee* shall execute
34 and issue a certificate renewal card to the registrant, certifying that
35 his or her certificate of registration is renewed for two years. The
36 certificate renewal card shall bear the registrant's serial number,
37 the seal of the board, and the signature, or a facsimile thereof, of
38 the secretary or president of the board. The ~~secretary of the board~~
39 *committee* shall record the renewal in the official register of the
40 board.

1 ~~5777. The board~~

2 5737. *The committee* may, by regulation, require registered
3 interior designers to complete not more than 10 hours of continuing
4 education per renewal period as a condition of renewal of their
5 certificates of registration.

6 ~~5778.~~

7 5738. (a) Except as provided in subdivision (b), a certificate
8 of registration that is not renewed on or before its expiration date
9 may be renewed at any time within one year of the date of its
10 expiration if the registrant meets the requirements of subdivision
11 (b) of Section ~~5776~~ 5736.

12 (b) ~~The board~~ *committee* may, by regulation, authorize the
13 renewal of a certificate of registration that has not been renewed
14 within one year of the date of its expiration.

15 ~~5779. The board~~

16 5739. *The committee* shall issue, upon application, a retired
17 certificate of registration to a person registered by the ~~board~~
18 *committee* under this chapter who chooses to relinquish or not
19 renew his or her registration. A person holding a retired certificate
20 of registration pursuant to this section shall be permitted to use
21 the title “retired registered interior designer.”

22
23 Article 4. 5. Discipline
24

25 ~~5785.~~

26 5745. (a) The board may, by order, suspend, revoke, or place
27 on probation the certificate of a registrant, assess a fine of not more
28 than ten thousand dollars (\$10,000) against a registrant, impose
29 the costs of an investigation and prosecution upon a registrant, or
30 take any combination of these disciplinary actions if a registrant
31 does any of the following:

32 (1) Obtains a certificate of registration by fraud or concealment
33 of a material fact.

34 (2) Is found guilty by the board or a court of competent
35 jurisdiction of fraud, deceit, or concealment of a material fact in
36 his or her professional practice, or is convicted by a court of
37 competent jurisdiction of a crime involving moral turpitude.

38 (3) Is found mentally ill by a court of competent jurisdiction.

39 (4) Is found guilty by the board of incompetence, negligence,
40 or gross negligence in the practice of interior design.

1 (5) Affixes his or her signature, stamp, or seal to plans,
2 specifications, studies, drawings, or other instruments of service
3 that have not been prepared by him or her, or in his or her office,
4 or under his or her responsible supervisory control, or permits the
5 use of his or her name to assist a person who is not a registered
6 interior designer to evade any provision of this chapter.

7 (6) Aids or abets an unauthorized person to practice as a
8 registered interior designer.

9 (7) Violates a law, regulation, or code of ethics pertaining to
10 the practice of registered interior design.

11 (8) Fails to comply with an order issued by the board or fails to
12 cooperate with an investigation conducted by the board.

13 (b) An order issued pursuant to this section, and the findings of
14 fact and conclusions of law supporting that order, are public
15 records.

16 (c) The board shall not privately reprimand a registrant.

17 (d) For purposes of this section, the following terms have the
18 following meanings:

19 (1) “Gross negligence” means conduct that demonstrates a
20 reckless disregard of the consequences affecting the life or property
21 of another person.

22 (2) “Incompetence” means conduct that, in the practice of
23 registered interior design, demonstrates a significant lack of ability,
24 knowledge, or fitness to discharge a professional obligation.

25 (3) “Negligence” means a deviation from the normal standard
26 of professional care exercised generally by other persons engaging
27 in the practice of registered interior design.

28 ~~5786.~~

29 ~~5746.~~ The proceedings for the disciplinary actions described
30 in this article shall be conducted in accordance with Chapter 5
31 (commencing with Section 11500) of Part 1 of Division 3 of Title
32 2 of the Government Code.

33 ~~5787.~~

34 ~~5747.~~ An order placing a registrant on probation pursuant to
35 Section ~~5785~~ ~~5745~~ may include, but shall be not be limited to, any
36 of the following conditions:

37 (a) Restriction on the scope of practice of the registrant.

38 (b) Peer review by peers designated by the board.

39 (c) Required continuing education or counseling.

40 (d) Payment of restitution to persons who suffered harm or loss.

Article 5: 6. Offenses Against the Chapter

~~5790.~~

5750. (a) It is unlawful for a person to do any of the following:

(1) Hold himself or herself out to the public or solicit business as a registered interior designer in this state without holding a certificate of registration issued by the ~~board~~ *committee* pursuant to this chapter. This paragraph does not prohibit a person who is exempt from this chapter pursuant to Section ~~5754~~ *5704 or 5706* from holding himself or herself out to the public or soliciting business in this state as an interior designer.

(2) Advertise or put out any sign, card, or other device that indicates to the public that he or she is a registered interior designer or that he or she is otherwise qualified to engage in the practice of registered interior design, without holding a certificate of registration issued by the ~~board~~ *committee* pursuant to this chapter.

(3) Practice registered interior design, or use the title “registered interior designer,” in this state unless he or she holds a certificate of registration issued by the ~~board~~ *committee* pursuant to this chapter.

(4) Violate any provision of this chapter.

(b) This section does not prohibit a person certified or otherwise qualified or approved by a private organization from using a term or title copyrighted or otherwise protected under law by the certifying organization or from providing services customarily associated with that title, or specified by the certifying organization, or as specified in Section ~~5753~~ *5703*, provided that the use of that term or title does not connote registration under this chapter.

~~(c) This section does not prohibit a person from providing services as specified in Section 5538, provided he or she does not hold himself or herself out to the public as, or solicit business as, a registered interior designer, unless the person holds a valid certificate of registration issued by the board pursuant to this chapter.~~

~~5791.~~

5751. A person who violates any provision of this chapter is guilty of a misdemeanor, punishable as follows:

(a) For a first violation, the person shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail

1 for not more than six months, or by both that fine and
2 imprisonment.

3 (b) For a second or subsequent violation, the person shall be
4 punished by a fine of not less than one thousand dollars (\$1,000)
5 nor more than two thousand dollars (\$2,000), or by imprisonment
6 in the county jail for not more than one year, or by both that fine
7 and imprisonment.

8 ~~5792.~~

9 5752. In addition to any other penalty prescribed by law, a
10 person who violates any provision of this chapter or any regulation
11 adopted by *the committee* or the board is subject to a civil penalty
12 of not more than ten thousand dollars (\$10,000) for each violation.
13 That penalty shall be imposed by the board at a hearing conducted
14 in accordance with Chapter 5 (commencing with Section 11500)
15 of Part 1 of Division 3 of Title 2 of the Government Code.

16 ~~5793.~~

17 5753. The district attorney in each county shall prosecute all
18 violations of this chapter occurring in his or her jurisdiction at the
19 request of the board.

20

21

Article 6: 7. Revenue

22

23 ~~5795. The board shall~~

24 5755. *The committee shall, by regulation, assess fees for*
25 *registration, registration renewal, and other items in amounts*
26 *sufficient to cover the administrative and operating expenses related*
27 *to this chapter incurred by the committee and by the board. All*
28 *moneys collected pursuant to this chapter shall be deposited in the*
29 *California Architects and Registered Interior Designers Board*
30 *Fund and shall be used for expenditure in the manner prescribed*
31 *by law to defray the expenses of the board and in carrying out and*
32 *enforcing the provisions of this chapter and Chapter 3.6*
33 *(commencing with Section 5700).*

34 5756. *Within 10 days of the beginning of each calendar month,*
35 *all fees collected pursuant to this chapter shall be paid into the*
36 *State Treasury to the credit of the California Architects*
37 *Board-Registered Interior Designers Fund, which is hereby*
38 *created. Notwithstanding Section 13340 of the Government Code,*
39 *all moneys in the fund shall be continuously appropriated for*
40 *expenditure in the manner prescribed by law to defray the expenses*

1 *of the committee and the board in carrying out and enforcing the*
2 *provisions of this chapter.*

3 SEC. 17. Section 13401 of the Corporations Code is amended
4 to read:

5 13401. As used in this part:

6 (a) ~~“Professional services” means any type of professional~~
7 ~~services that may be lawfully rendered only pursuant to a license,~~
8 ~~certification, or registration authorized by the Business and~~
9 ~~Professions Code, the Chiropractic Act, or the Osteopathic Act.~~

10 (b) ~~“Professional corporation” means a corporation organized~~
11 ~~under the General Corporation Law or pursuant to subdivision (b)~~
12 ~~of Section 13406 that is engaged in rendering professional services~~
13 ~~in a single profession, except as otherwise authorized in Section~~
14 ~~13401.5, pursuant to a certificate of registration issued by the~~
15 ~~governmental agency regulating the profession as herein provided~~
16 ~~and that in its practice or business designates itself as a professional~~
17 ~~or other corporation as may be required by statute. However, any~~
18 ~~professional corporation or foreign professional corporation~~
19 ~~rendering professional services by persons duly licensed by the~~
20 ~~Medical Board of California or any examining committee under~~
21 ~~the jurisdiction of the board, the Osteopathic Medical Board of~~
22 ~~California, the Dental Board of California, the California State~~
23 ~~Board of Pharmacy, the Veterinary Medical Board, the California~~
24 ~~Architects and Registered Interior Designers Board, the Court~~
25 ~~Reporters Board of California, the Board of Behavioral Sciences,~~
26 ~~the Speech-Language Pathology and Audiology Board, the Board~~
27 ~~of Registered Nursing, or the State Board of Optometry shall not~~
28 ~~be required to obtain a certificate of registration in order to render~~
29 ~~those professional services.~~

30 (c) ~~“Foreign professional corporation” means a corporation~~
31 ~~organized under the laws of a state of the United States other than~~
32 ~~this state that is engaged in a profession of a type for which there~~
33 ~~is authorization in the Business and Professions Code for the~~
34 ~~performance of professional services by a foreign professional~~
35 ~~corporation.~~

36 (d) ~~“Licensed person” means any natural person who is duly~~
37 ~~licensed under the provisions of the Business and Professions~~
38 ~~Code, the Chiropractic Act, or the Osteopathic Act to render the~~
39 ~~same professional services as are or will be rendered by the~~
40 ~~professional corporation or foreign professional corporation of~~

1 which he or she is or intends to become, an officer, director,
2 shareholder, or employee.

3 (e) “Disqualified person” means a licensed person who for any
4 reason becomes legally disqualified (temporarily or permanently)
5 to render the professional services that the particular professional
6 corporation or foreign professional corporation of which he or she
7 is an officer, director, shareholder, or employee is or was rendering.

8 SEC. 18.— Section 26509 of the Government Code is amended
9 to read:

10 26509.— (a) Notwithstanding any other provision of law,
11 including any provision making records confidential, and including
12 Title 1.8 (commencing with Section 1798) of Part 4 of Division 3
13 of the Civil Code, the district attorney shall be given access to,
14 and may make copies of, any complaint against a person subject
15 to regulation by a consumer-oriented state agency and any
16 investigation of the person made by the agency, where that person
17 is being investigated by the district attorney regarding possible
18 consumer fraud.

19 (b) Where the district attorney does not take action with respect
20 to the complaint or investigation, the material shall remain
21 confidential.

22 (c) Where the release of the material would jeopardize an
23 investigation or other duties of a consumer-oriented state agency,
24 the agency shall have discretion to delay the release of the
25 information.

26 (d) As used in this section, a consumer-oriented state agency is
27 any state agency that regulates the licensure, certification, or
28 qualification of persons to practice a profession or business within
29 the state, where the regulation is for the protection of consumers
30 who deal with the professionals or businesses. It includes, but is
31 not limited to, all of the following:

- 32 (1) The Dental Board of California.
- 33 (2) The Medical Board of California.
- 34 (3) The State Board of Optometry.
- 35 (4) The California State Board of Pharmacy.
- 36 (5) The Veterinary Medical Board.
- 37 (6) The California Board of Accountancy.
- 38 (7) The California Architects and Registered Interior Designers
39 Board.
- 40 (8) The State Board of Barbering and Cosmetology.

- 1 ~~(9) The Board for Professional Engineers and Land Surveyors.~~
- 2 ~~(10) The Contractors' State License Board.~~
- 3 ~~(11) The Funeral Directors and Embalmers Program.~~
- 4 ~~(12) The Structural Pest Control Board.~~
- 5 ~~(13) The Bureau of Home Furnishings and Thermal Insulation.~~
- 6 ~~(14) The Board of Registered Nursing.~~
- 7 ~~(15) The State Board of Chiropractic Examiners.~~
- 8 ~~(16) The Board of Behavioral Science Examiners.~~
- 9 ~~(17) The State Athletic Commission.~~
- 10 ~~(18) The Cemetery Program.~~
- 11 ~~(19) The State Board of Guide Dogs for the Blind.~~
- 12 ~~(20) The Bureau of Security and Investigative Services.~~
- 13 ~~(21) The Court Reporters Board of California.~~
- 14 ~~(22) The Board of Vocational Nursing and Psychiatric~~
- 15 ~~Technicians of the State of California.~~
- 16 ~~(23) The Osteopathic Medical Board of California.~~
- 17 ~~(24) The Division of Investigation.~~
- 18 ~~(25) The Bureau of Automotive Repair.~~
- 19 ~~(26) The State Board for Geologists and Geophysicists.~~
- 20 ~~(27) The Department of Alcoholic Beverage Control.~~
- 21 ~~(28) The Department of Insurance.~~
- 22 ~~(29) The Public Utilities Commission.~~
- 23 ~~(30) The State Department of Health Services.~~
- 24 ~~(31) The New Motor Vehicle Board.~~

25 ~~SEC. 19.~~

26 *SEC. 6.* No reimbursement is required by this act pursuant to
 27 Section 6 of Article XIII B of the California Constitution because
 28 the only costs that may be incurred by a local agency or school
 29 district will be incurred because this act creates a new crime or
 30 infraction, eliminates a crime or infraction, or changes the penalty
 31 for a crime or infraction, within the meaning of Section 17556 of
 32 the Government Code, or changes the definition of a crime within
 33 the meaning of Section 6 of Article XIII B of the California
 34 Constitution.