

AMENDED IN SENATE MAY 27, 2008
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 205, 5510, 5514, 5515, and 5524 of, to add Chapter 3.7 (commencing with Section 5700) to Division 3 of, and to repeal Sections 5710, 5712, and 5713 of, the Business and Professions Code, relating to interior design, and making an appropriation therefor *design*.

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. Under existing law, the board consists of 10 members, including 5 architects and 5 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the jurisdiction of the board and would make the provision establishing the committee inoperative on July 1, 2011, and repealed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 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 require that moneys deposited in the fund be expended, subject to appropriation by the Legislature in the annual Budget Act, to defray the expenses of the committee and the board in carrying out and enforcing these provisions.~~

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 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~~-no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 205 of the Business and Professions Code
2 is amended to read:

3 205. (a) There is in the State Treasury the Professions and
4 Vocations Fund. The fund shall consist of the following special
5 funds:

6 (1) Accountancy Fund.

7 (2) California ~~Architects Board of Architectural Examiners'~~
8 Fund.

9 (3) Athletic Commission Fund.

10 (4) Barbering and Cosmetology Contingent Fund.

11 (5) Cemetery Fund.

12 (6) Contractors' License Fund.

13 (7) State Dentistry Fund.

14 (8) State Funeral Directors and Embalmers Fund.

15 (9) Guide Dogs for the Blind Fund.

16 (10) Bureau of Home Furnishings and Thermal Insulation Fund.

17 (11) California ~~Board of Architectural Examiners-Landscape~~
18 *Architects Board-Landscape* Architects Fund.

19 (12) Contingent Fund of the Medical Board of California.

20 (13) Optometry Fund.

21 (14) Pharmacy Board Contingent Fund.

22 (15) Physical Therapy Fund.

23 (16) Private Investigator Fund.

24 (17) Professional Engineers' and Land Surveyors' Fund.

25 (18) Consumer Affairs Fund.

26 (19) Behavioral Sciences Fund.

27 (20) Licensed Midwifery Fund.

28 (21) Court Reporters' Fund.

29 (22) Structural Pest Control Fund.

30 (23) Veterinary Medical Board Contingent Fund.

31 (24) Vocational Nurses Account of the Vocational Nursing and
32 Psychiatric Technicians Fund.

33 (25) State Dental Auxiliary Fund.

34 (26) Electronic and Appliance Repair Fund.

35 (27) Geology and Geophysics Fund.

36 (28) Dispensing Opticians Fund.

37 (29) Acupuncture Fund.

38 (30) Hearing Aid Dispensers Fund.

- 1 (31) Physician Assistant Fund.
- 2 (32) Board of Podiatric Medicine Fund.
- 3 (33) Psychology Fund.
- 4 (34) Respiratory Care Fund.
- 5 (35) Speech-Language Pathology and Audiology Fund.
- 6 (36) Board of Registered Nursing Fund.
- 7 (37) Psychiatric Technician Examiners Account of the
- 8 Vocational Nursing and Psychiatric Technicians Fund.
- 9 (38) Animal Health Technician Examining Committee Fund.
- 10 (39) Structural Pest Control Education and Enforcement Fund.
- 11 (40) Structural Pest Control Research Fund.
- 12 (41) *California Architects Board-Registered Interior Designers*
- 13 *Fund.*

14 (b) For accounting and recordkeeping purposes, the Professions
 15 and Vocations Fund shall be deemed to be a single special fund,
 16 and each of the several special funds therein shall constitute and
 17 be deemed to be a separate account in the Professions and
 18 Vocations Fund. Each account or fund shall be available for
 19 expenditure only for the purposes as are now or may hereafter be
 20 provided by law.

21 ~~SECTION 4.~~

22 *SEC. 2.* Section 5510 of the Business and Professions Code is
 23 amended to read:

24 5510. There is in the Department of Consumer Affairs a
 25 California Architects Board which consists of 12 members.

26 Any reference in law to the California Board of Architectural
 27 Examiners shall mean the California Architects Board.

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

34 ~~SEC. 2.~~

35 *SEC. 3.* Section 5514 of the Business and Professions Code is
 36 amended to read:

37 5514. (a) The membership of the board shall be composed of
 38 12 members, five of whom shall be architects, one of whom shall
 39 be a registered interior designer, and six of whom shall be public
 40 members.

1 (b) The five architect members of the board shall be selected
2 from architects in good standing who have been licensed and in
3 practice in this state for at least five years at the time of
4 appointment, all of whom shall be residents of and in practice in
5 California.

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

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

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

19 ~~SEC. 3.~~

20 *SEC. 4.* Section 5515 of the Business and Professions Code is
21 amended to read:

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

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

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

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

32 The Governor shall appoint four of the public members, the five
33 licensed members qualified as provided in Section 5514, and the
34 registered interior designer member qualified as provided in Section
35 5514. The Senate Rules Committee and the Speaker of the
36 Assembly shall each appoint a public member.

37 ~~SEC. 4.~~

38 *SEC. 5.* Section 5524 of the Business and Professions Code is
39 amended to read:

1 5524. Seven of the members of the board constitute a quorum
 2 of the board for the transaction of business. The concurrence of
 3 six members of the board present at a meeting duly held at which
 4 a quorum is present shall be necessary to constitute an act or
 5 decision of the board, except that when all 12 members of the
 6 board are present at a meeting duly held, the concurrence of seven
 7 members shall be necessary to constitute an act or decision of the
 8 board.

9 ~~SEC. 5.~~

10 SEC. 6. Chapter 3.7 (commencing with Section 5700) is added
 11 to Division 3 of the Business and Professions Code, to read:

12

13 CHAPTER 3.7. REGISTERED INTERIOR DESIGNERS

14

15 Article 1. General

16

17 5700. The purpose of this chapter is to safeguard life, health,
 18 and property, to promote the public welfare by improving the
 19 quality of human environmental design, and to limit the practice
 20 of registered interior design to persons who hold design education
 21 and experience and successfully pass an interior design
 22 examination, as provided in this chapter.

23 5702. For purposes of this chapter, the following terms have
 24 the following meanings:

- 25 (a) "Board" means the California Architects Board.
- 26 (b) "Building shell" means the architecture of an existing
 27 building, including, but not limited to, the framework, the perimeter
 28 and exterior walls, the building core and columns, and other
 29 structural, load-bearing elements.
- 30 (c) "Committee" means the Registered Interior Designers
 31 Committee.
- 32 (d) "Construction documents" means the detailed working
 33 drawings that define the work to be constructed. These documents
 34 may include, but are not limited to, partition plans, power and
 35 communication plans, reflected ceiling plans, materials and finishes
 36 plans, furniture layout plans and elevations, sections and details,
 37 along with the drawings of associated consultants.
- 38 (e) "Contract documents" means the set of documents that form
 39 a part of the legal contract for services between two or more parties.
 40 These documents may include, but are not limited to, detailed

1 instructions to the contractor, tender forms, construction
2 documents, and specifications.

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

8 (1) The creation of designs, in response to and in coordination
9 with the building shell, that acknowledge the physical location and
10 social context of a project, adhere to code and regulatory
11 requirements, and encourage the principles of environmental
12 sustainability.

13 (2) The use of a systematic and coordinated methodology,
14 including research, analysis, and integration of knowledge into the
15 creative process, to satisfy the needs of a client, using the resources
16 of the client, in order to produce an interior space that fulfills a
17 project’s goals.

18 (g) “Nonstructural or nonseismic elements or components”
19 means interior elements or components that are not load bearing,
20 or do not assist in the seismic design, and do not require design
21 computations for a building’s structure. These elements or
22 components include, but are not limited to, ceiling and partition
23 systems and elements or components that employ normal and
24 typical bracing conventions but are not part of the structural
25 integrity of the building. These elements or components exclude
26 the structural frame supporting a building.

27 (h) “Partition” means a wall that does not support a vertical load
28 of a structure other than its own weight, but may support loads
29 attached to it such as cabinetry, shelving, or grab bars, and does
30 not extend further than the distance from the floor of an interior
31 area of a structure designed for human habitation or occupancy to
32 the underside of the deck of that structure.

33 (i) “Registrant” means a person registered pursuant to the
34 provisions of this chapter.

35 (j) “Reflected ceiling plan” means a ceiling design that illustrates
36 a ceiling as if the ceiling was projected downward, and may
37 include, but is not limited to, lighting and other elements.

38 (k) “Responsible supervisory control” means the direct
39 responsibility for supervising work and the decisionmaking process,

1 including the review, control, and enforcement of compliance with
2 design criteria and life safety requirements.

3 (l) “Space planning” means the analysis and design of spatial
4 and occupancy requirements, including, but not limited to,
5 preliminary space layouts and final planning for nonload bearing
6 walls, partitions, panels, and furnishings.

7 (m) “Specifications” means the detailed written description of
8 construction, workmanship, and materials of the work to be
9 undertaken.

10 5703. “Registered interior design” or “practice of registered
11 interior design” means the rendering of services to enhance the
12 quality and function of an interior area within a structure designed
13 for human habitation or occupancy, and includes, but is not limited
14 to, all of the following:

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

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

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

23 (d) The preparation of contract documents for the alteration or
24 construction of the interior area, including, but not limited to,
25 specifications for partitions, materials, finishes, furniture, fixtures,
26 and equipment.

27 (e) Collaboration with professional engineers registered pursuant
28 to Chapter 7 (commencing with Section 6700) or architects licensed
29 pursuant to Chapter 3 (commencing with Section 5500) for the
30 alteration or construction of the interior area.

31 (f) The preparation and administration of bids or contract
32 documents for the alteration or construction of the interior area as
33 the agent of a client.

34 (g) The review and evaluation of problems relating to the design
35 of the interior area during the alteration or construction of the area
36 and upon completion of that alteration or construction.

37 5704. (a) This chapter shall not apply to any of the following:

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

1 (2) A person engaging in work related to registered interior
2 design as an employee of a registered interior designer if the work
3 does not include responsible supervisory control or supervision of
4 the practice of registered interior design.

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

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

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

19 (A) Decorative accessories.

20 (B) Wallpaper, wallcoverings, or paint.

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

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

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

24 (F) Furniture or equipment.

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

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

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

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

1 5705. (a) This chapter does not prohibit a person from
2 preparing plans, drawings, or specifications for any of the
3 following:

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

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

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

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

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

35 5706. (a) A structural engineer, defined as a registered civil
36 engineer who has been authorized to use the title structural engineer
37 under the provisions of Chapter 7 (commencing with Section 6700),
38 insofar as he or she practices the profession for which he or she is
39 registered, is exempt from the provisions of this chapter, except
40 that a structural engineer may not use the title “registered interior

1 designer,” unless he or she holds a certificate of registration as
2 required in this chapter.

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

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

17 5707. This chapter shall not be construed as authorizing a
18 licensed contractor to perform design services beyond those
19 described in Section 5705.

20 5708. This chapter does not prohibit a person from furnishing
21 either alone or with contractors, if required by Chapter 9
22 (commencing with Section 7000), labor and materials, with or
23 without plans, drawings, specifications, instruments of service, or
24 other data covering such labor and materials to be used for any of
25 the following:

26 (a) For nonstructural or nonseismic storefronts, interior
27 alterations or additions, fixtures, cabinetwork, furniture, or other
28 appliances or equipment.

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

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

37
38
39

Article 2. Administration

1 5710. (a) There is in the Department of Consumer Affairs a
2 California Architects Board as defined in Article 2 (commencing
3 with Section 5510) of Chapter 3. There is hereby created, within
4 the jurisdiction of the board, a Registered Interior Designers
5 Committee.

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

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

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

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

19 5711. Protection of the public shall be the highest priority for
20 the Registered Interior Designers Committee in exercising its
21 licensing, regulatory, and disciplinary functions. Whenever the
22 protection of the public is inconsistent with other interests sought
23 to be promoted, the protection of the public shall be paramount.

24 5712. (a) The committee shall consist of seven members, three
25 of whom shall be registered to practice registered interior design
26 in this state and four of whom shall be public members. The
27 Governor shall appoint two of the public members and the three
28 registered members. The Senate Committee on Rules and the
29 Speaker of the Assembly shall each appoint one public member.

30 (b) The public members of the committee shall not be licensees
31 of the board of registrants of the committee.

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

1 have elapsed whichever first occurs. Vacancies shall be filled for
2 the unexpired term.

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

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

9 5713. (a) The committee shall review the qualifications of
10 candidates for examination for registration as a registered interior
11 designer and, after investigation, shall evaluate and make
12 recommendations regarding potential violations of this chapter.

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

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

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

22 5714. Each member of the committee shall receive per diem
23 and expenses, as provided in Section 103.

24 5715. The executive officer of the board shall keep an accurate
25 record of all proceedings of the committee.

26 5716. The board shall prosecute all persons guilty of violating
27 the provisions of this chapter. Except as provided in Section 159.5,
28 the board may employ inspectors, special agents, investigators,
29 and clerical assistance as it may deem necessary to carry out the
30 provisions of this chapter. It may fix the compensation to be paid
31 for those services and incur any additional expense as may be
32 deemed necessary.

33 5717. (a) The board may select and contract with necessary
34 interior design consultants who are registered interior designers
35 to assist in its enforcement program on an intermittent basis. These
36 interior design consultants shall perform only those services that
37 are necessary to carry out and enforce this chapter.

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

1 5718. The committee may, in accordance with the
2 Administrative Procedure Act, adopt, amend, or repeal the rules
3 and regulations that are reasonably necessary to:

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

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

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

11

12 Article 3. Practice Requirements

13

14 5720. (a) A registrant shall sign, date, and seal or stamp, using
15 a seal or stamp described in subdivision (b), all plans,
16 specifications, studies, drawings, and other documents he or she
17 issues for official use. The committee may adopt regulations
18 specifying the manner in which a registrant may electronically
19 issue those documents.

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

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

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

31 5721. A registrant may, in the practice of registered interior
32 design, collaborate with any of the following persons:

33 (a) An architect licensed pursuant to Chapter 3 (commencing
34 with Section 5500).

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

38 5722. A person shall not bring or maintain an action in the
39 courts of this state for the collection of compensation for the
40 performance of an act or contract for which registration is required

1 by this chapter without alleging and proving that he or she was
2 duly registered under this chapter at all times during the
3 performance of the act or contract.

4 5723. (a) An office or place of business in this state that
5 engages in the practice of registered interior design shall have a
6 registered interior designer, who is a resident of this state, regularly
7 working in that office or place of business. That registered interior
8 designer shall have responsible supervisory control for the
9 registered interior design work conducted in that office or place
10 of business and may be held liable for violations of this chapter
11 committed by unregistered persons at the office or place of
12 business. This section shall not apply to an office or place of
13 business established for contract administration.

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

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

17 (2) Ensuring construction is completed in conformance with
18 contracts and design intent.

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

21 (4) Reviewing shop drawings and submissions from the
22 contractor.

23 (5) Observing and commenting on construction progress related
24 to interior design services.

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

26 (7) Conducting required post-occupancy evaluations.

27 5724. (a) Notwithstanding any other provision of law, persons
28 registered pursuant to this chapter, architects licensed pursuant to
29 Chapter 3 (commencing with Section 5500), landscape architects
30 licensed pursuant to Chapter 3.5 (commencing with Section 5615),
31 and professional engineers registered pursuant to Chapter 7
32 (commencing with Section 6700) may join or form a partnership,
33 corporation, or other business organization or association, except
34 a limited liability company or limited liability partnership, with
35 persons outside their field of practice who are not registered or
36 licensed if all of the following requirements are met:

37 (1) Control and two-thirds ownership of the business
38 organization or association are held by persons registered pursuant
39 to this chapter, architects licensed pursuant to Chapter 3
40 (commencing with Section 5500), landscape architects licensed

1 pursuant to Chapter 3.5 (commencing with Section 5615), or
2 professional engineers registered pursuant to Chapter 7
3 (commencing with Section 6700). For purposes of this paragraph,
4 “control” means the direct or indirect possession of power to direct
5 or cause the direction of the management and policies of the
6 business organization or association.

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

10 (3) The business organization or association qualifies to do
11 business in this state.

12 (4) The business organization, if a corporation, obtains a
13 certificate of registration from the board and furnishes to the board
14 a complete list of all shareholders when it first registers with the
15 board, and annually thereafter within 30 days after the annual
16 meeting of the shareholders of the corporation, showing the number
17 of shares held by each shareholder.

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

22 (b) A business organization or association shall not perform,
23 promote, or advertise the services of a registered interior designer
24 unless a registered interior designer is an owner of the business
25 organization or association.

26 (c) A registrant practicing in a business organization or
27 association holding a certificate of registration pursuant to this
28 section remains subject to Section 5745.

29 (d) If an unregistered person, or a registrant who is not an owner,
30 and who is employed by or affiliated with a business organization
31 or association that holds a certificate pursuant to this section, is
32 found by the board to have violated a provision of this chapter or
33 a regulation of the committee or the board, the board may hold the
34 business organization or association and the registrants who are
35 owners responsible for the violation.

36

37 Article 4. Registration

38

39 5730. The committee shall issue a certificate of registration to
40 a person who meets all of the following requirements:

1 (a) Has not committed any of the acts listed in Section 5745.

2 (b) Completes an application for a certificate on a form
3 prescribed by the committee.

4 (c) Pays the registration fee prescribed by the committee
5 pursuant to Section 5755.

6 (d) Submits proof satisfactory to the committee of successful
7 completion of one of the following:

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

11 (2) A bachelor's degree program in any major, no less than 60
12 semester or 90 quarter hours of interior design coursework that
13 culminates in a certificate or degree, and 3,520 hours of interior
14 design experience, including 1,760 hours earned after the degree
15 program and coursework are completed.

16 (3) No less than 60 semester or 90 quarter hours of interior
17 design coursework that culminates in a certificate, degree, or
18 diploma and 5,280 hours of interior design experience earned after
19 that coursework is completed.

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

24 (e) Submits proof of passage of the examination prepared and
25 administered by the National Council for Interior Design
26 Qualification.

27 5730.1. (a) The board shall become a member of the Council
28 of Delegates of the National Council for Interior Design
29 Qualification.

30 (b) It is the intent of the Legislature, in requiring the board to
31 comply with subdivision (a), to allow the standards for education
32 and experience set forth in this chapter to serve as the qualifying
33 criteria for California candidates to sit for the National Council
34 for Interior Design Qualification examination.

35 5731. The committee may issue a certificate of registration to
36 a person who, at the time of application, holds a valid registration
37 to practice registered interior design issued in another state if the
38 education and experience requirements imposed by that state are
39 equivalent to, or more stringent than, those imposed by this chapter,
40 as determined by the committee.

1 5732. (a) The committee may issue a certificate of registration
2 to a person who meets both of the following requirements.
3 (1) May lawfully represent himself or herself as a “certified
4 interior designer” pursuant to Section 5812.
5 (2) Submits an application to the board before January 1, 2011.
6 (b) The committee may issue a certificate of registration to a
7 person who submits an application to the committee before January
8 1, 2011, and submits proof acceptable to the committee of one of
9 the following:
10 (1) Ten years of experience in interior design.
11 (2) Eight years of experience in interior design and two years
12 of education in interior design that is acceptable to the committee.
13 (c) A person registered pursuant to this section who has not
14 passed the examination described in subdivision (e) of Section
15 5730 within the first two renewal periods shall, as a condition of
16 renewal of his or her certificate of registration, show proof
17 acceptable to the committee of both of the following:
18 (1) Passage of Section I of the examination described in
19 subdivision (e) of Section 5730.
20 (2) Completion of 15 hours of committee-approved continuing
21 education coursework relating to health, safety, and welfare
22 regulation. The hours earned pursuant to this paragraph shall be
23 credited toward the continuing education requirements established
24 by the committee.
25 5733. Before being issued a certificate of registration under
26 this chapter, an applicant shall personally appear before the
27 committee to take an oath prescribed by the committee.
28 5734. The committee may deny a certificate of registration for
29 any violation of this chapter.
30 5735. (a) Certificates issued pursuant to this chapter shall
31 include the full name of the registrant and a serial number and
32 shall be signed by the president and the secretary of the board
33 under seal of the board. The issuance of a certificate of registration
34 by the committee pursuant to this chapter is evidence that the
35 registrant is entitled to all the rights and privileges of a registered
36 interior designer while the certificate remains unsuspended,
37 unrevoked, and unexpired.
38 (b) The unauthorized use or display of a certificate of registration
39 is unlawful.

1 5736. (a) A certificate of registration issued pursuant to this
2 chapter shall expire two years after the date of issue.

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

5 (1) Apply for renewal on a form prescribed by the committee.

6 (2) Pay a renewal fee prescribed by the committee pursuant to
7 Section 5755.

8 (3) Submit proof of compliance with the continuing education
9 requirements established by the committee.

10 (4) Comply with subdivision (c) of Section 5732, if applicable.

11 (c) After a registrant has satisfied the requirements of
12 subdivision (b), the committee shall execute and issue a certificate
13 renewal card to the registrant, certifying that his or her certificate
14 of registration is renewed for two years. The certificate renewal
15 card shall bear the registrant's serial number, the seal of the board,
16 and the signature, or a facsimile thereof, of the secretary or
17 president of the board. The committee shall record the renewal in
18 the official register of the board.

19 5737. The committee may, by regulation, require registered
20 interior designers to complete not more than 10 hours of continuing
21 education per renewal period as a condition of renewal of their
22 certificates of registration.

23 5738. (a) Except as provided in subdivision (b), a certificate
24 of registration that is not renewed on or before its expiration date
25 may be renewed at any time within one year of the date of its
26 expiration if the registrant meets the requirements of subdivision
27 (b) of Section 5736.

28 (b) The committee may, by regulation, authorize the renewal
29 of a certificate of registration that has not been renewed within
30 one year of the date of its expiration.

31 5739. The committee shall issue, upon application, a retired
32 certificate of registration to a person registered by the committee
33 under this chapter who chooses to relinquish or not renew his or
34 her registration. A person holding a retired certificate of registration
35 pursuant to this section shall be permitted to use the title "retired
36 registered interior designer."

Article 5. Discipline

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

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

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

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

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

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

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

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

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

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

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

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

(1) "Gross negligence" means conduct that demonstrates a reckless disregard of the consequences affecting the life or property of another person.

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

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

7 5746. The proceedings for the disciplinary actions described
8 in this article shall be conducted in accordance with Chapter 5
9 (commencing with Section 11500) of Part 1 of Division 3 of Title
10 2 of the Government Code.

11 5747. An order placing a registrant on probation pursuant to
12 Section 5745 may include, but shall be not be limited to, any of
13 the following conditions:

- 14 (a) Restriction on the scope of practice of the registrant.
- 15 (b) Peer review by peers designated by the board.
- 16 (c) Required continuing education or counseling.
- 17 (d) Payment of restitution to persons who suffered harm or loss.

18
19 Article 6. Offenses Against the Chapter
20

21 5750. (a) It is unlawful for a person to do any of the following:

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

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

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

37 (4) Violate any provision of this chapter.

38 (b) This section does not prohibit a person certified or otherwise
39 qualified or approved by a private organization from using a term
40 or title copyrighted or otherwise protected under law by the

1 certifying organization or from providing services customarily
2 associated with that title, or specified by the certifying organization,
3 or as specified in Section 5703, provided that the use of that term
4 or title does not connote registration under this chapter.

5 5751. A person who violates any provision of this chapter is
6 guilty of a misdemeanor, punishable as follows:

7 (a) For a first violation, the person shall be punished by a fine
8 of not less than five hundred dollars (\$500) nor more than one
9 thousand dollars (\$1,000), or by imprisonment in the county jail
10 for not more than six months, or by both that fine and
11 imprisonment.

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

17 5752. In addition to any other penalty prescribed by law, a
18 person who violates any provision of this chapter or any regulation
19 adopted by the committee or the board is subject to a civil penalty
20 of not more than ten thousand dollars (\$10,000) for each violation.
21 That penalty shall be imposed by the board at a hearing conducted
22 in accordance with Chapter 5 (commencing with Section 11500)
23 of Part 1 of Division 3 of Title 2 of the Government Code.

24 5753. The district attorney in each county shall prosecute all
25 violations of this chapter occurring in his or her jurisdiction at the
26 request of the board.

27

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Article 7. Revenue

29

30 5755. The committee shall, by regulation, assess fees for
31 registration, registration renewal, and other items in amounts
32 sufficient to cover the administrative and operating expenses related
33 to this chapter incurred by the committee and by the board.

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 ~~created~~.
38 ~~Notwithstanding Section 13340 of the Government Code, all~~
39 ~~moneys in the fund shall be continuously appropriated for~~
40 ~~expenditure created. All moneys in the fund shall, subject to~~

1 *appropriation by the Legislature in the annual Budget Act, be*
2 *expended* in the manner prescribed by law to defray the expenses
3 of the committee and the board in carrying out and enforcing the
4 provisions of this chapter.

5 ~~SEC. 6.~~

6 *SEC. 7.* No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

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