

**ASSEMBLY BILL**

**No. 2482**

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**Introduced by Assembly Member Ma**

February 24, 2012

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An act to add Chapter 3.7 (commencing with Section 5700) to 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, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2482, as introduced, Ma. 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.

This bill would create the California Registered Interior Designers Board within the Department of Consumer Affairs. The bill would require the membership of the board to consist of an unspecified number of members who are required to be registered interior designers and an unspecified number of public members. The bill would require the Governor to appoint the public members and the Senate Committee on Rules and the Speaker of the Assembly to appoint unspecified numbers of the licensee members. The bill would provide for the licensure and regulation by the board of persons who engage in the practice of registered interior design, as defined. The bill would require the board to issue a license to a person who meets specified requirements, including, but not limited to, completing an application, paying a

specified fee, submitting proof of successful completion of certain education and work experience, and submitting proof of passage of an examination approved by the board or a specified examination prepared and administered by the National Council for Interior Design. The bill would also require the board to issue a license to, among others, specified certified interior designers or persons with certain interior design experience if they are certified by the National Council for Interior Design or have passed an examination approved by the board or a specified examination administered by the National Council for Interior Design. The bill would enact various provisions regarding the practice of registered interior design, including, but not limited to, practice requirements, license requirements, conditions for license renewals including the completion of continuing education, and grounds for revocation or suspension of a license, among other disciplinary actions.

The bill would authorize licensees, 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 authorize a licensee, if required by a local government in relation to the issuance of a permit, to prepare and seal interior design documents to be submitted for certain building permits.

The bill would create the California Registered Interior Designers Board Fund and would authorize the committee to impose various fees on registered interior designers to be deposited in that fund.

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 licensed pursuant to these provisions. The bill would also prohibit a person from engaging in the practice of registered interior design without a license. The bill would make a violation of any of these provisions a misdemeanor and, by creating a new crime, would 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: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Chapter 3.7 (commencing with Section 5700) is  
2 added to Division 3 of the Business and Professions Code, to read:

3  
4 CHAPTER 3.7. REGISTERED INTERIOR DESIGNERS

5  
6 Article 1. General Provisions

7  
8 5700. The purpose of this chapter is to safeguard life, health,  
9 and property, to promote the public welfare by improving the  
10 quality of human environmental design, and to establish the  
11 practice of registered interior design for persons who hold design  
12 education and experience and successfully pass an interior design  
13 examination, as provided in this chapter.

14 5702. For purposes of this chapter, the following terms shall  
15 have the following meanings:

16 (a) "Board" means the California Registered Interior Designers  
17 Board.

18 (b) "Building shell" means the architecture of an existing  
19 building, including, but not limited to, the framework, the perimeter  
20 and exterior walls, the building core and columns, and other  
21 structural, load-bearing elements.

22 (c) "Construction documents" means the detailed working  
23 drawings that define the work to be constructed. These documents  
24 may include, but are not limited to, partition plans, power and  
25 communication plans, reflected ceiling plans, materials and finishes  
26 plans, furniture layout plans, and elevations, sections, and details,  
27 along with the drawings of associated consultants.

28 (d) "Contract documents" means the set of documents that form  
29 a part of the legal contract for services between two or more parties.  
30 These documents may include, but are not limited to, detailed  
31 instructions to the contractor, tender forms, construction  
32 documents, and specifications.

33 (e) "Interior design" means a multifaceted profession in which  
34 creative and technical solutions are applied within a structure to  
35 achieve a built interior environment. These solutions are functional  
36 and enhance the quality of life and culture of the occupants. Interior  
37 design includes, but is not limited to, both of the following:

- 1 (1) The creation of designs, in response to and in coordination  
2 with the building shell, that acknowledge the physical location and  
3 social context of a project, adhere to code and regulatory  
4 requirements, and encourage the principles of environmental  
5 sustainability.
- 6 (2) The use of a systematic and coordinated methodology,  
7 including research, analysis, and integration of knowledge into the  
8 creative process, to satisfy the needs of a client, using the resources  
9 of the client, in order to produce an interior space that fulfills a  
10 project’s goals.
- 11 (f) “Licensee” means a person licensed pursuant to the  
12 provisions of this chapter.
- 13 (g) “Nonstructural or nonseismic elements or components”  
14 means interior elements or components that are not load bearing,  
15 or do not assist in the seismic design, and do not require design  
16 computations for a building’s structure. These elements or  
17 components include, but are not limited to, ceiling and partition  
18 systems and elements or components that employ normal and  
19 typical bracing conventions but are not part of the structural  
20 integrity of the building. These elements or components exclude  
21 the structural frame supporting a building.
- 22 (h) “Partition” means a wall that does not support a vertical load  
23 of a structure other than its own weight, but may support loads  
24 attached to it, such as cabinetry, shelving, or grab bars, and does  
25 not extend further than the distance from the floor of an interior  
26 area of a structure designed for human habitation or occupancy to  
27 the underside of the deck of that structure.
- 28 (i) “Reflected ceiling plan” means a ceiling design that illustrates  
29 a ceiling as if the ceiling was projected downward, and may  
30 include, but is not limited to, lighting and other elements.
- 31 (j) “Responsible supervisory control” means the direct  
32 responsibility for supervising work and the decisionmaking process,  
33 including the review, control, and enforcement of compliance with  
34 design criteria and life safety requirements.
- 35 (k) “Space planning” means the analysis and design of spatial  
36 and occupancy requirements, including, but not limited to,  
37 preliminary space layouts and final planning for nonload-bearing  
38 walls, partitions, panels, and furnishings.

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

4 5704. The “practice of registered interior design” means the  
5 rendering of services to enhance the quality and function of an  
6 interior area within a structure designed for human habitation or  
7 occupancy, and includes, but is not limited to, all of the following:

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

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

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

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

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

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

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

30 5706. There is in the Department of Consumer Affairs a  
31 California Registered Interior Designers Board in which the  
32 administration and enforcement of this chapter is vested.

33 5708. The board shall license and regulate the practice of  
34 registered interior design in the interest and for the protection of  
35 the public health, safety, and welfare. The board shall establish a  
36 fair and uniform enforcement policy to deter and prosecute  
37 violations of this chapter or any rules and regulations adopted  
38 pursuant to this chapter that provide for the protection of the  
39 consumer.

1 5710. Protection of the public shall be the highest priority for  
2 the board in exercising its licensing, regulatory, and disciplinary  
3 functions. Whenever the protection of the public is inconsistent  
4 with other interests sought to be promoted, the protection of the  
5 public shall be paramount.

6 5712. (a) The membership of the board shall be composed of  
7 \_\_\_\_ members, \_\_\_\_ of whom shall be registered interior designers  
8 licensed pursuant to this chapter and \_\_\_\_ members who shall be  
9 public members.

10 (b) The licensee members of the board shall be selected from  
11 registered interior designers in good standing who have been  
12 licensed and in practice in this state for at least \_\_\_\_ years at the  
13 time of appointment, and all of whom shall be residents and in  
14 practice in California.

15 (c) The Governor shall appoint the \_\_\_\_ public members. The  
16 Senate Committee on Rules shall appoint \_\_\_\_ licensee members  
17 and the Speaker of the Assembly shall appoint \_\_\_\_ licensee  
18 members.

19 (d) The public members of the board shall not be licensees.

20 (e) The board shall elect a president and secretary from its  
21 membership.

22 5714. (a) The board shall register as a member board with the  
23 National Council for Interior Design Qualification.

24 (b) The board shall appoint a delegate to become a member of  
25 the Council of Delegates of the National Council for Interior  
26 Design Qualification.

27

28 Article 2. Licensure

29

30 5720. The board shall issue a license to a person who meets  
31 all of the following requirements:

32 (a) Has not committed any of the acts described in Section 5750.

33 (b) Completes an application for a license on a form prescribed  
34 by the board.

35 (c) Pays the licensure fee prescribed by the board pursuant to  
36 Section 5770.

37 (d) Submits proof satisfactory to the board of successful  
38 completion of one of the following:

39 (1) A bachelor's degree program in interior design and 3,520  
40 hours of interior design experience under the supervision of a

1 registered interior designer or other experience approved by the  
2 board, including 1,760 hours earned after the degree program is  
3 completed.

4 (2) A bachelor's degree program in any major with no fewer  
5 than 60 semester or 90 quarter hours of interior design coursework  
6 that culminates in a degree, and with 3,520 hours of interior design  
7 experience under the supervision of a registered interior designer  
8 or experience approved by the board, including 1,760 hours earned  
9 after the degree program and coursework are completed.

10 (3) No fewer than 60 semester or 90 quarter hours of interior  
11 design coursework that culminates in a degree or diploma and  
12 5,280 hours of interior design experience earned after that  
13 coursework is completed under the supervision of a registered  
14 interior designer or experience acceptable to the board.

15 (4) No fewer than 40 semester or 60 quarter hours of interior  
16 design coursework that culminates in a certificate, degree, or  
17 diploma and 7,040 hours of interior design experience earned after  
18 that coursework is completed under the supervision of a registered  
19 interior designer or experience approved by the board.

20 (e) Submits proof of passage of the examination prepared and  
21 administered by the National Council for Interior Design  
22 Qualification or, if required by the board, another examination  
23 approved by the board.

24 5722. The board may issue a license to a person who, at the  
25 time of application, holds a valid license to practice registered  
26 interior design issued in another state if the education and  
27 experience requirements in that state are equivalent to, or more  
28 stringent than, the requirements of this chapter, as determined by  
29 the board.

30 5724. (a) The board shall issue a license to a person who is,  
31 on the effective date of the act adding this section, a certified  
32 interior designer pursuant to Chapter 3.9 (commencing with Section  
33 5800) or previously received interior design certification pursuant  
34 to Chapter 3.9 (commencing with Section 5800) and is certified  
35 by the National Council for Interior Design Qualification or has  
36 passed an examination approved by the board or the Codes,  
37 Building Systems and Construction Standards section of the  
38 examination administered by the National Council for Interior  
39 Design Qualification.

1 (b) The board shall issue a license to a person who submits an  
 2 application to the board before January 1, 2016, and submits proof  
 3 acceptable to the board of 10 years of experience in interior design  
 4 under the supervision of a registered interior designer or experience  
 5 approved by the board and passage of an examination approved  
 6 by the board or the National Council for Interior Design  
 7 Qualification examination.

8 (c) The board shall issue a license to a person who submits an  
 9 application to the board before January 1, 2016, and submits proof  
 10 acceptable to the board of eight total years of experience in interior  
 11 design under the supervision of a registered interior designer or  
 12 experience approved by the board, including no fewer than two  
 13 years of education in interior design that is acceptable to the board  
 14 and is certified by the National Council for Interior Design  
 15 Qualification or has passed an examination approved by the board  
 16 or the Codes, Building Systems and Construction Standards section  
 17 of the examination of the National Council for Interior Design  
 18 Qualification.

19 5726. Nothing in this chapter shall be construed to prohibit  
 20 any person who is, on the effective date of the act adding this  
 21 section, certified pursuant to Chapter 3.9 (commencing with  
 22 Section 5800) from maintaining the title of “Certified Interior  
 23 Designer” and from having all privileges granted pursuant to  
 24 Chapter 3.9 (commencing with Section 5800).

25 5728. (a) A license issued pursuant to this chapter shall include  
 26 the full name of the licensee and a serial number and shall be  
 27 signed by the president and the secretary of the board under seal  
 28 of the board. The issuance of a license by the board pursuant to  
 29 this chapter is evidence that the licensee is entitled to all the rights  
 30 and privileges of a registered interior designer while the license  
 31 remains unsuspended, unrevoked, and unexpired.

32 (b) The unauthorized use or display of a license is unlawful.

33 5730. (a) A license issued pursuant to this chapter shall expire  
 34 two years after the date of issue.

35 (b) To renew a license, the licensee shall, on or before the  
 36 expiration date of the license, do all of the following:

- 37 (1) Apply for renewal on a form prescribed by the board.
- 38 (2) Pay a renewal fee prescribed by the board pursuant to Section  
 39 5770.

1 (3) Submit proof of compliance with the continuing education  
2 requirements established by the board.

3 (4) Comply with subdivision (b) of Section 5724, if applicable.

4 (c) After a licensee has satisfied the requirements of subdivision  
5 (b), the secretary of the board shall renew the license for two years.  
6 The renewed license shall bear the full name of the licensee, the  
7 licensee’s serial number, the seal of the board, and the signature,  
8 or a facsimile thereof, of the secretary or president of the board.  
9 The secretary of the board shall record the renewal in the official  
10 register of the board.

11 5732. The board shall, by regulation, require registered interior  
12 designers to complete not more than 10 hours of continuing  
13 education per renewal period as a condition of renewal of their  
14 license.

15 5734. (a) Except as provided in subdivision (b), a certificate  
16 of licensure that is not renewed on or before its expiration date  
17 may be renewed at any time within one year of the date of its  
18 expiration if the licensee meets the requirements of Section 5732.

19 (b) The board may, by regulation, authorize the renewal of a  
20 license that has not been renewed within one year of the date of  
21 its expiration.

22 5736. The board shall issue, upon application, a retired license  
23 to a person licensed by the board who chooses to relinquish or not  
24 renew his or her license. A person holding a retired license shall  
25 use the title “retired registered interior designer” and shall not  
26 practice registered interior design.

27 5738. The board may deny a license for any violation of this  
28 chapter.

29  
30 Article 3. Practice of Registered Interior Design

31  
32 5740. (a) A licensee shall sign, date, and seal or stamp, using  
33 a seal or stamp described in subdivision (b), all plans,  
34 specifications, studies, drawings, and other documents he or she  
35 issues for official use pursuant to the practice of registered interior  
36 design. The board may adopt regulations specifying the manner  
37 in which a licensee may electronically issue those documents.

38 (b) A licensee shall use a seal or stamp of the design authorized  
39 by the board, bearing his or her name, the serial number included

1 on his or her certificate of licensure, and the legend “registered  
2 interior designer.”

3 (c) It is unlawful for a person to seal or stamp a plan,  
4 specification, study, drawing, or other document after the license  
5 has expired or has been suspended or revoked, unless the certificate  
6 has been renewed or reissued.

7 (d) A plan, specification, study, drawing, or other document  
8 prepared by a licensee shall contain a statement that the document  
9 was prepared by a person licensed pursuant to this chapter.

10 5742. Notwithstanding any other provision of law, a licensee  
11 may, if required by a city, county, or city and county in relation  
12 to the issuance of a permit, prepare and seal interior design  
13 documents to be submitted for the issuance of a building permit  
14 for interior construction, excluding design of any structural,  
15 mechanical, plumbing, heating, air-conditioning, ventilating,  
16 electrical, or vertical transportation systems.

17 5744. A licensee may, in the practice of registered interior  
18 design, collaborate with any of the following persons:

19 (a) An architect licensed pursuant to Chapter 3 (commencing  
20 with Section 5500).

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

24 5746. A person shall not bring or maintain an action in the  
25 courts of this state for the collection of compensation for the  
26 performance of an act or contract for which a license is required  
27 by this chapter without alleging and proving that he or she was  
28 duly licensed under this chapter at all times during the performance  
29 of the act or contract.

30

31

Article 4. Discipline

32

33 5750. (a) The board may, by order, suspend, revoke, or place  
34 on probation the certificate of a licensee, assess a fine of not more  
35 than ten thousand dollars (\$10,000) against a licensee, impose the  
36 costs of an investigation and prosecution upon a licensee, or take  
37 any combination of these disciplinary actions if a licensee does  
38 any of the following:

39 (1) Obtains a license by fraud or concealment of a material fact.

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

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

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

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

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

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

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

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

24 (c) The board shall be subject to the Bagley-Keene Open  
25 Meeting Act (Article 9 (commencing with Section 11120) of  
26 Division 3 of Title 2 of the Government Code.

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

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

32 (2) "Incompetence" means conduct that, in the practice of  
33 registered interior design, demonstrates a significant lack of ability,  
34 knowledge, or fitness to discharge a professional obligation.

35 (3) "Negligence" means a deviation from the normal standard  
36 of professional care exercised generally by other persons engaging  
37 in the practice of registered interior design.

38 5752. The proceedings for the disciplinary actions described  
39 in this article shall be conducted in accordance with the  
40 Administrative Procedure Act (Chapter 5 (commencing with

1 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
2 Code).

3 5754. An order placing a licensee on probation pursuant to  
4 Section 5750 may include, but shall be not be limited to, any of  
5 the following conditions:

- 6 (a) Restriction on the scope of practice of registered interior  
7 design of the licensee.
- 8 (b) Peer review by peers designated by the board.
- 9 (c) Required continuing education or counseling.
- 10 (d) Payment of restitution to persons who suffered harm or loss.

11  
12 Article 4.5. Business Organization or Association

13  
14 5756. (a) Notwithstanding any other provision of law, persons  
15 licensed pursuant to this chapter, architects licensed pursuant to  
16 Chapter 3 (commencing with Section 5500), landscape architects  
17 licensed pursuant to Chapter 3.5 (commencing with Section 5615),  
18 and professional engineers registered pursuant to Chapter 7  
19 (commencing with Section 6700) may join or form a partnership,  
20 corporation, or other business organization or association, except  
21 a limited liability company or limited liability partnership, with  
22 persons outside their field of practice who are not registered or  
23 licensed if all of the following requirements are met:

24 (1) Control and two-thirds ownership of the business  
25 organization or association are held by persons registered pursuant  
26 to this chapter, architects licensed pursuant to Chapter 3  
27 (commencing with Section 5500), landscape architects licensed  
28 pursuant to Chapter 3.5 (commencing with Section 5615), or  
29 professional engineers registered pursuant to Chapter 7  
30 (commencing with Section 6700). For purposes of this paragraph,  
31 “control” means the direct or indirect possession of power to direct  
32 or cause the direction of the management and policies of the  
33 business organization or association.

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

37 (3) The business organization or association otherwise qualifies  
38 to do business in this state pursuant to other applicable  
39 requirements of state law.

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

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

11 (b) A business organization or association providing interior  
12 design services shall not perform, promote, or advertise the services  
13 of a registered interior designer unless a registered interior designer  
14 is an owner of the business organization or association.

15 (c) A licensee practicing in a business organization or  
16 association holding a certificate of registration pursuant to this  
17 section remains subject to Section 5750.

18 (d) If an unlicensed person, or a licensee who is not an owner,  
19 and who is employed by or affiliated with a business organization  
20 or association that holds a certificate pursuant to this section, is  
21 found by the board to have violated a provision of this chapter or  
22 a regulation of the board, the board may hold the business  
23 organization or association and the licensees who are owners  
24 responsible for the violation.

25  
26 Article 5. Offenses Against the Chapter  
27

28 5760. (a) It is unlawful for a person to do any of the following:

29 (1) Hold himself or herself out to the public or solicit business  
30 as a licensed registered interior designer in this state without  
31 holding a license issued by the board pursuant to this chapter. This  
32 paragraph does not prohibit a person who is exempt from this  
33 chapter pursuant to Section 5780 from holding himself or herself  
34 out to the public or soliciting business in this state as an interior  
35 designer.

36 (2) Advertise or put out any sign, card, or other device that  
37 indicates to the public that he or she is a licensed registered interior  
38 designer or that he or she is otherwise qualified to engage in the  
39 practice of registered interior design, without holding a license  
40 issued by the board pursuant to this chapter.

1 (3) Practice registered interior design, or use the title “registered  
2 interior designer,” in this state unless he or she holds a license  
3 issued by the board pursuant to this chapter.

4 (4) Violate any provision of this chapter.

5 (b) This section does not prohibit a person registered or  
6 otherwise qualified or approved by a private organization from  
7 using a term or title copyrighted or otherwise protected under law  
8 by the certifying organization or from providing services  
9 customarily associated with that title, or specified by the certifying  
10 organization, or as specified in Section 5704, provided that the use  
11 of that term or title does not connote licensure under this chapter.

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

17 5762. A person who violates any provision of this chapter is  
18 guilty of a misdemeanor, punishable as follows:

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

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

28 5764. In addition to any other penalty prescribed by law, a  
29 person who violates any provision of this chapter or any regulation  
30 adopted by the board is subject to a civil penalty of not more than  
31 ten thousand dollars (\$10,000) for each violation. That penalty  
32 shall be imposed by the board at a hearing conducted in accordance  
33 with the Administrative Procedure Act (Chapter 5 (commencing  
34 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
35 Government Code).

1 Article 6. Revenue

2  
3 5770. (a) The board shall assess fees for licensure and licensure  
4 renewal in an amount sufficient to cover the reasonable regulatory  
5 cost of administering the provisions of this chapter.

6 (b) Fees collected pursuant to this chapter shall be collected by  
7 the board and deposited into the California Registered Interior  
8 Designers Board Fund, which is hereby created.

9 (c) All money in this fund shall, upon appropriation by the  
10 Legislature in the annual Budget Act, be used to carry out the  
11 provisions of this chapter.

12  
13 Article 7. Exemptions

14  
15 5780. (a) This chapter shall not apply to any of the following:

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

18 (2) A professional engineer registered pursuant to Chapter 7  
19 (commencing with Section 6700) acting within the scope of his  
20 or her license.

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

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

27 (5) A consultant retained by a registered interior designer.

28 (6) A person who prepares drawings of the layout of materials  
29 or furnishings used in registered interior design or provides  
30 assistance in the selection of materials or furnishings used in  
31 registered interior design, if the preparation or implementation of  
32 those drawings, or the installation of those materials or furnishings,  
33 is not regulated by a building code or other law, ordinance, rule,  
34 or regulation governing the alteration or construction of a structure.

35 The persons exempt from this chapter pursuant to this subdivision  
36 include, but are not limited to, a person who prepares drawings of  
37 the layout of, or provides assistance in the selection of, any of the  
38 following materials:

39 (A) Decorative accessories.

40 (B) Wallpaper, wallcoverings, or paint.

- 1 (C) Linoleum, tile, carpeting, or floor coverings.
- 2 (D) Draperies, blinds, or window coverings.
- 3 (E) Lighting or plumbing fixtures that are not part of a structure.
- 4 (F) Furniture or equipment.

5 (7) An employee of a retail establishment providing consultation  
 6 regarding interior decoration or furnishings on the premises of the  
 7 retail establishment or in the furtherance of a retail sale or  
 8 prospective retail sale.

9 (b) (1) Notwithstanding subdivision (a), a person shall not refer  
 10 to himself or herself as a registered interior designer without being  
 11 licensed pursuant to this chapter.

12 (2) This subdivision does not prohibit a person registered or  
 13 otherwise qualified or approved by a private organization from  
 14 using a term or title copyrighted or otherwise protected under law  
 15 by the certifying organization provided that the use of that term  
 16 or title does not connote licensure under this chapter.

17 (c) The exemptions described in this section shall not absolve  
 18 a person from any civil or criminal liability that might otherwise  
 19 accrue when engaging in acts described in this section.

20 5782. This chapter does not prohibit any person from preparing  
 21 plans, drawings, or specifications for any of the following:

22 (a) Single-family dwellings of woodframe construction not more  
 23 than two stories and basement in height.

24 (b) Multiple dwellings containing no more than four dwelling  
 25 units of woodframe construction not more than two stories and  
 26 basement in height.

27 (c) Garages or other structures appurtenant to buildings  
 28 described in this section, of woodframe construction not more than  
 29 two stories and basement in height.

30 (d) Agricultural and ranch buildings of woodframe construction,  
 31 unless the building official having jurisdiction deems that an undue  
 32 risk to the public health, safety, or welfare is involved.

33 5784. A structural engineer, defined as a registered civil  
 34 engineer who has been authorized to use the title structural engineer  
 35 under the provisions of Chapter 7 (commencing with Section 6700),  
 36 insofar as he or she practices the profession for which he or she is  
 37 registered, is exempt from the provisions of this chapter, except  
 38 that a structural engineer may not use the title “registered interior  
 39 designer,” unless he or she holds a license as required in this  
 40 chapter.

1 5786. This chapter shall not be construed as authorizing a  
2 licensed contractor to perform design services beyond those  
3 described in Section 5782 or in Chapter 9 (commencing with  
4 Section 7000), unless those services are performed by or under  
5 the direct supervision of a person licensed to practice registered  
6 interior design under this chapter, or a professional or civil engineer  
7 licensed pursuant to Chapter 7 (commencing with Section 6700)  
8 of Division 3, insofar as the professional or civil engineer practices  
9 the profession for which he or she is registered under that chapter.

10 However, this section does not prohibit a licensed contractor  
11 from performing any of the services permitted by Chapter 9  
12 (commencing with Section 7000) of Division 3 within the  
13 classification for which the license is issued. Those services may  
14 include the preparation of shop and field drawings for work that  
15 he or she has contracted or offered to perform, and designing  
16 systems and facilities that are necessary to the completion of  
17 contracting services that he or she has contracted or offered to  
18 perform.

19 However, a licensed contractor may not use the title “registered  
20 interior designer,” unless he or she holds a license as required in  
21 this chapter.

22 5788. A professional engineer registered to practice engineering  
23 under the provisions of Chapter 7 (commencing with Section 6700),  
24 insofar as he or she practices the profession for which he or she is  
25 registered, is exempt from the provisions of this chapter, except  
26 that a professional engineer may not use the title “registered interior  
27 designer,” unless he or she holds a license as required in this  
28 chapter.

29 5790. A civil engineer authorized to use that title under the  
30 provisions of Chapter 7 (commencing with Section 6700), insofar  
31 as he or she practices the profession for which he or she is  
32 registered, is exempt from the provisions of this chapter, except  
33 that a civil engineer may not use the title “registered interior  
34 designer,” unless he or she holds a license as required in this  
35 chapter.

36 5792. A landscape architect registered under the provisions of  
37 Chapter 3.5 (commencing with Section 5615), insofar as he or she  
38 practices the profession for which he or she is registered, is exempt  
39 from the provisions of this chapter, except that a landscape architect

1 may not use the title “registered interior designer,” unless he or  
2 she holds a license as required in this chapter.

3 5794. A land surveyor licensed under the provisions of Chapter  
4 15 (commencing with Section 8700) of Division 3, insofar as he  
5 or she practices the profession for which he or she is licensed under  
6 Chapter 15 (commencing with Section 8700) of Division 3, is  
7 exempt from the provisions of this chapter, except that a land  
8 surveyor may not use the title “registered interior designer,” unless  
9 he or she holds a license as required in this chapter.

10 5796. An architect licensed under the provisions of Chapter 3  
11 (commencing with Section 5500) of Division 3, insofar as he or  
12 she practices the profession for which he or she is licensed under  
13 Chapter 3 (commencing with Section 5500) of Division 3, is  
14 exempt from the provisions of this chapter, except that an architect  
15 may not use the title “registered interior designer,” unless he or  
16 she holds a license as required in this chapter.

17 5798. This chapter does not prohibit any person from furnishing  
18 either alone or with contractors, if required by Chapter 9  
19 (commencing with Section 7000) of Division 3, labor and  
20 materials, with or without plans, drawings, specifications,  
21 instruments of service, or other data covering such labor and  
22 materials to be used for any of the following:

23 (1) For nonstructural or nonseismic storefronts, interior  
24 alterations or additions, fixtures, cabinetwork, furniture, or other  
25 appliances or equipment.

26 (2) For any nonstructural or nonseismic work necessary to  
27 provide for the installation of those store fronts, interior alterations  
28 or additions, fixtures, cabinet work, furniture, appliances, or  
29 equipment.

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

36 SEC. 2. Section 13401 of the Corporations Code is amended  
37 to read:

38 13401. As used in this part:

39 (a) “Professional services” means any type of professional  
40 services that may be lawfully rendered only pursuant to a license,

1 certification, or registration authorized by the Business and  
2 Professions Code, the Chiropractic Act, or the Osteopathic Act.

3 (b) “Professional corporation” means a corporation organized  
4 under the General Corporation Law or pursuant to subdivision (b)  
5 of Section 13406 that is engaged in rendering professional services  
6 in a single profession, except as otherwise authorized in Section  
7 13401.5, pursuant to a certificate of registration issued by the  
8 governmental agency regulating the profession as herein provided  
9 and that in its practice or business designates itself as a professional  
10 or other corporation as may be required by statute. However, any  
11 professional corporation or foreign professional corporation  
12 rendering professional services by persons duly licensed by the  
13 Medical Board of California or any examining committee under  
14 the jurisdiction of the board, the Osteopathic Medical Board of  
15 California, the Dental Board of California, the California State  
16 Board of Pharmacy, the Veterinary Medical Board, the California  
17 Architects Board, the Court Reporters Board of California, the  
18 Board of Behavioral Sciences, the Speech-Language Pathology  
19 and Audiology Board, the Board of Registered Nursing, *the*  
20 *California Registered Interior Designers Board*, or the State Board  
21 of Optometry shall not be required to obtain a certificate of  
22 registration in order to render those professional services.

23 (c) “Foreign professional corporation” means a corporation  
24 organized under the laws of a state of the United States other than  
25 this state that is engaged in a profession of a type for which there  
26 is authorization in the Business and Professions Code for the  
27 performance of professional services by a foreign professional  
28 corporation.

29 (d) “Licensed person” means any natural person who is duly  
30 licensed under the provisions of the Business and Professions  
31 Code, the Chiropractic Act, or the Osteopathic Act to render the  
32 same professional services as are or will be rendered by the  
33 professional corporation or foreign professional corporation of  
34 which he or she is or intends to become, an officer, director,  
35 shareholder, or employee.

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

1 SEC. 3. Section 26509 of the Government Code is amended  
2 to read:

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

12 (b) Where the district attorney does not take action with respect  
13 to the complaint or investigation, the material shall remain  
14 confidential.

15 (c) Where the release of the material would jeopardize an  
16 investigation or other duties of a consumer-oriented state agency,  
17 the agency shall have discretion to delay the release of the  
18 information.

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

- 25 (1) The Dental Board of California.
- 26 (2) The Medical Board of California.
- 27 (3) The State Board of Optometry.
- 28 (4) The California State Board of Pharmacy.
- 29 (5) The Veterinary Medical Board.
- 30 (6) The California Board of Accountancy.
- 31 (7) The California Architects Board.
- 32 (8) The State Board of Barbering and Cosmetology.
- 33 (9) The Board for Professional Engineers and Land Surveyors.
- 34 (10) The Contractors' State License Board.
- 35 (11) The Funeral Directors and Embalmers Program.
- 36 (12) The Structural Pest Control Board.
- 37 (13) The Bureau of Home Furnishings and Thermal Insulation.
- 38 (14) The Board of Registered Nursing.
- 39 (15) The State Board of Chiropractic Examiners.
- 40 (16) The Board of Behavioral Science Examiners.

- 1 (17) The State Athletic Commission.
- 2 (18) The Cemetery Program.
- 3 (19) The State Board of Guide Dogs for the Blind.
- 4 (20) The Bureau of Security and Investigative Services.
- 5 (21) The Court Reporters Board of California.
- 6 (22) The Board of Vocational Nursing and Psychiatric
- 7 Technicians of the State of California.
- 8 (23) The Osteopathic Medical Board of California.
- 9 (24) The Division of Investigation.
- 10 (25) The Bureau of Automotive Repair.
- 11 (26) The State Board for Geologists and Geophysicists.
- 12 (27) The Department of Alcoholic Beverage Control.
- 13 (28) The Department of Insurance.
- 14 (29) The Public Utilities Commission.
- 15 (30) The State Department of Health Services.
- 16 (31) The New Motor Vehicle Board.
- 17 (32) *The California Registered Interior Designers Board.*

18 SEC. 4. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 the only costs that may be incurred by a local agency or school  
21 district will be incurred because this act creates a new crime or  
22 infraction, eliminates a crime or infraction, or changes the penalty  
23 for a crime or infraction, within the meaning of Section 17556 of  
24 the Government Code, or changes the definition of a crime within  
25 the meaning of Section 6 of Article XIII B of the California  
26 Constitution.

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