

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2482

Introduced by Assembly Member Ma

February 24, 2012

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 amended, 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, *and would declare the intent of the Legislature in this regard.*

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. It is the intent of the Legislature to update the*
2 *law pertaining to the interior design profession by recognizing*
3 *that the profession has evolved to incorporate more areas of*
4 *practice. Specifically, it is the intent of the Legislature to permit*
5 *an additional career path for those who practice in the area of*
6 *nonseismic, nonstructural, but code-affecting plan development*
7 *by providing the opportunity for licensure for those who so choose.*
8 *It is not the intent of the Legislature to affect the existing practice*
9 *of interior design in any way.*

10 ~~SECTION 1.~~

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

13
14 CHAPTER 3.7. REGISTERED INTERIOR DESIGNERS

15
16 Article 1. General Provisions

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

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

26 (a) "Board" means the California Registered Interior Designers
27 Board.

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

32 (c) "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

1 plans, furniture layout plans, and elevations, sections, and details,
2 along with the drawings of associated consultants.

3 (d) “Contract documents” means the set of documents that form
4 a part of the legal contract for services between two or more parties.
5 These documents may include, but are not limited to, detailed
6 instructions to the contractor, tender forms, construction
7 documents, and specifications.

8 (e) “Interior design” means a multifaceted profession in which
9 creative and technical solutions are applied within a structure to
10 achieve a built interior environment. These solutions are functional
11 and enhance the quality of life and culture of the occupants. Interior
12 design includes, but is not limited to, ~~both of~~ the following:

13 (1) The creation of designs, in response to and in coordination
14 with the building shell, that acknowledge the physical location and
15 social context of a project, adhere to code and regulatory
16 requirements, and encourage the principles of environmental
17 sustainability.

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

23 (3) *The rendering of services to enhance the quality and function*
24 *of an interior area within a structure designed for human*
25 *habitation or occupancy, including, but not limited to, all of the*
26 *following:*

27 (A) *An analysis of a client’s needs and goals for the interior*
28 *area and an analysis of the safety requirements applicable to that*
29 *area.*

30 (B) *The formulation of appropriate, functional, and safe*
31 *preliminary designs, including space planning, for the interior*
32 *area.*

33 (C) *The development and presentation of final designs,*
34 *including, but not limited to, drawings affecting nonstructural or*
35 *nonseismic elements or components, that are appropriate for the*
36 *alteration or construction of the interior area.*

37 (D) *The preparation of contract documents for the alteration*
38 *or construction of the interior area, including, but not limited to,*
39 *specifications for partitions, materials, finishes, furniture, fixtures,*
40 *and equipment.*

1 (E) *Collaboration with architects licensed pursuant to Chapter*
2 3 *(commencing with Section 5500) or professional engineers*
3 *registered pursuant to Chapter 7 for the alteration or construction*
4 *of the interior area.*

5 (F) *The preparation and administration of bids or contract*
6 *documents for the alteration or construction of the interior area*
7 *as the agent of a client.*

8 (G) *The review and evaluation of problems relating to the design*
9 *of the interior area during the alteration or construction of the*
10 *area and upon completion of that alteration or construction.*

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 by a licensee and use by a licensee of a “Registered Interior
9 Designer” stamp, as provided for in this chapter.

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

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

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

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

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

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

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

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

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

1 pursuant to this chapter that provide for the protection of the
2 consumer.

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

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

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

17 (c) The Governor shall appoint the ____ public members. The
18 Senate Committee on Rules shall appoint ____ licensee members
19 and the Speaker of the Assembly shall appoint ____ licensee
20 members.

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

22 (e) The board shall elect a president and secretary from its
23 membership.

24 5714. (a) The board shall register as a member board with the
25 National Council for Interior Design Qualification.

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

29
30 Article 2. Licensure
31

32 5720. The board shall issue a license to a person who meets
33 all of the following requirements:

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

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

37 (c) Pays the licensure fee prescribed by the board pursuant to
38 Section 5770.

39 (d) Submits proof satisfactory to the board of successful
40 completion of one of the following:

1 (1) A bachelor's degree program in interior design and 3,520
2 hours of interior design experience under the supervision of a
3 registered interior designer or other experience approved by the
4 board, including 1,760 hours earned after the degree program is
5 completed.

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

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

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

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

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

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

1 examination administered by the National Council for Interior
2 Design Qualification.

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

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

21 5726. Nothing in this chapter shall be construed to prohibit
22 any person ~~who is, on the effective date of the act adding this~~
23 ~~section, certified pursuant to Chapter 3.9 (commencing with~~
24 ~~Section 5800)~~ from *attaining or* maintaining the title of “Certified
25 Interior Designer” and from having all privileges granted pursuant
26 to Chapter 3.9 (commencing with Section 5800). *Further, nothing*
27 *in this chapter shall be construed to prohibit the lawful practice*
28 *of interior design.*

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

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

37 5730. (a) A license issued pursuant to this chapter shall expire
38 two years after the date of issue.

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

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

2 (2) Pay a renewal fee prescribed by the board pursuant to Section
3 5770.

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

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

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

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

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

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

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

30 5738. The board may deny a license for any violation of this
31 chapter.

32 Article 3. Practice of Registered Interior Design

33
34 5740. (a) A licensee shall sign, date, and seal or stamp, using
35 a seal or stamp described in subdivision (b), all plans,
36 specifications, studies, drawings, and other documents he or she
37 issues for official use pursuant to the practice of registered interior
38 design. The board may adopt regulations specifying the manner
39 in which a licensee may electronically issue those documents.
40

1 (b) A licensee shall use a seal or stamp of the design authorized
2 by the board, bearing his or her name, the serial number included
3 on his or her certificate of licensure, and the legend “registered
4 interior designer.”

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

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

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

19 5744. A licensee may, in the practice of registered interior
20 design, collaborate with any of the following persons:

21 (a) An architect licensed pursuant to Chapter 3 (commencing
22 with Section 5500).

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

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

32 Article 4. Discipline 33 34

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 5752. The proceedings for the disciplinary actions described
40 in this article shall be conducted in accordance with the

Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

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

(a) Restriction on the scope of practice of registered interior design of the licensee.

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

(c) Required continuing education or counseling.

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

Article 4.5. Business Organization or Association

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

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

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

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

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

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

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

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

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

Article 5. Offenses Against the Chapter

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

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

(2) Advertise or put out any sign, card, or other device that indicates to the public that he or she is a licensed registered interior designer or that he or she is otherwise qualified to engage in the practice of registered interior design, without holding a license 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).

Article 6. Revenue

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

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

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

Article 7. Exemptions

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

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

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

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

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

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

(6) A person who prepares drawings of the layout of materials or furnishings used in registered interior design or provides assistance in the selection of materials or furnishings used in registered interior design, if the preparation or implementation of those drawings, or the installation of those materials or furnishings, is not regulated by a building code or other law, ordinance, rule, or regulation governing the alteration or construction of a structure. The persons exempt from this chapter pursuant to this subdivision include, but are not limited to, a person who prepares drawings of the layout of, or provides assistance in the selection of, any of the following materials:

(A) Decorative accessories.

(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 storefronts, interior alterations
28 or additions, fixtures, cabinetwork, 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.~~

37 SEC. 3. Section 13401 of the Corporations Code is amended
38 to read:

39 13401. As used in this part:

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

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

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

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

38 (e) “Disqualified person” means a licensed person who for any
39 reason becomes legally disqualified (temporarily or permanently)
40 to render the professional services that the particular professional

1 corporation or foreign professional corporation of which he or she
2 is an officer, director, shareholder, or employee is or was rendering.

3 ~~SEC. 3.~~

4 SEC. 4. Section 26509 of the Government Code is amended
5 to read:

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

15 (b) Where the district attorney does not take action with respect
16 to the complaint or investigation, the material shall remain
17 confidential.

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

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

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

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

21 ~~SEC. 4.~~

22 *SEC. 5.* No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.