

# House Bill 2491

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Board of Interior Design. Requires person practicing interior design to be registered with board as of January 1, 2017.

Imposes civil penalty for violation of provisions relating to regulation of interior design.

Establishes Board of Interior Design Fund and continuously appropriates moneys in fund to board.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the regulation of interior design; appropriating money; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

### SECTION 1. As used in sections 1 to 14 of this 2011 Act:

4  
5 (1) **“Practice of interior design” means client consultation and the preparation and ad-**  
6 **ministration of design documents relating to a nonstructural and nonseismic interior area**  
7 **of a building or structure designed for human occupancy.**

8 (2) **“Practice of interior design” includes, but is not limited to, the preparation of:**

9 (a) **Design studies;**

10 (b) **Drawings and renderings;**

11 (c) **Schedules;**

12 (d) **Specifications;**

13 (e) **Bid contracts;**

14 (f) **Space plans;**

15 (g) **Reflected ceiling plans;**

16 (h) **Lighting plans;**

17 (i) **Egress plans;**

18 (j) **Ergonomics plans;**

19 (k) **Indoor air quality plans;**

20 (L) **Design or specification of fixtures, furnishing or equipment; and**

21 (m) **Plans for compliance with state or local building codes and other laws related to**  
22 **buildings.**

23 (3) **“Practice of interior design” does not include client consultation and the preparation**  
24 **and administration of design documents related solely to decorative interior elements of a**  
25 **building that are not subject to regulation under state or local building codes or other laws**  
26 **related to buildings.**

27 SECTION 2. (1) **There is established the Board of Interior Design, consisting of five**  
28 **members appointed by the Governor and subject to confirmation by the Senate in the man-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

ner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Three must be persons who practice interior design; and

(b) Two must be members of the public.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than two terms end each year. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(4) A majority of the members of the board constitutes a quorum for the transaction of business.

(5) The board shall meet at least once every year at a place, day and hour determined by the board. The board may also meet at other times and places specified by the call of the chairperson or of a majority of the members of the board.

(6) The board may hire and fix the compensation of an executive director.

(7) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

**SECTION 3.** The Board of Interior Design may:

(1) Adopt rules to enforce the provisions of sections 1 to 14 of this 2011 Act and to exercise general supervision over the practice of interior design in this state.

(2) Adopt rules governing the issuance, renewal, reactivation, denial, suspension and revocation of registrations to practice interior design.

(3) Issue subpoenas over the signature of the executive director or the designee of the executive director to compel the attendance of witnesses and the production of documents in investigations or proceedings pertaining to the power and duties of the board.

(4) Adopt rules establishing fees for the following relating to interior designers:

(a) Application;

(b) Original registration;

(c) Registration renewal;

(d) Examinations;

(e) Late renewal;

(f) Replacement or duplicate registration;

(g) Reciprocity;

(h) Registration reactivation; and

(i) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the documents or records.

**SECTION 4.** The lapsing or suspension of a registration as an interior designer by operation of law, by order of the Board of Interior Design, by decision of a court of law or by the voluntary surrender of a registration as an interior designer does not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceedings

1 against the interior designer, or to revise or render null and void an order suspending or  
2 revoking the registration.

3 **SECTION 5.** (1) A person may not practice interior design or use the title Registered  
4 Interior Designer unless the person is registered with the Board of Interior Design under  
5 section 6 of this 2011 Act.

6 (2) Sections 1 to 14 of this 2011 Act do not apply to a person who does not purport to be  
7 a registered interior designer and who is:

8 (a) An employee of a retail establishment providing services to the establishment in the  
9 course of the person's employment.

10 (b) An architect licensed under ORS 671.010 to 671.220.

11 (c) An engineer registered under ORS 672.002 to 672.325.

12 (d) A construction contractor licensed under ORS chapter 701.

13 (e) Working under the supervision of a registered interior designer, licensed architect,  
14 registered engineer or licensed construction contractor.

15 (f) Practicing interior design for a single-family residential dwelling or farm building or  
16 an auxiliary structure to a single-family residential dwelling or farm building.

17 **SECTION 6.** (1) A person desiring to be registered as an interior designer shall apply to  
18 the Board of Interior Design in the manner provided by the board by rule.

19 (2) A person qualifies for registration as an interior designer if the person:

20 (a) Has a bachelor's or master's degree in the field of interior design;

21 (b) Has at least two years of professional experience in the field of interior design;

22 (c) Passes an examination approved by the board by rule; and

23 (d) Pays any fees required by the board by rule.

24 **SECTION 7.** In accordance with rules adopted by the Board of Interior Design, the board  
25 may register a person to practice interior design without examination if the person is li-  
26 censed as an interior designer in another jurisdiction.

27 **SECTION 8.** A registration to practice interior design expires one year after its issuance.  
28 A person may renew a registration by:

29 (1) Meeting requirements for renewal established by the Board of Interior Design by rule;  
30 and

31 (2) Paying any fees established by the board by rule.

32 **SECTION 9.** (1) A registered interior designer shall obtain a stamp of design authorized  
33 by the Board of Interior Design. The stamp must bear the name, registration date and reg-  
34 istration number of the interior designer and the legend "Registered Interior Designer."

35 (2) A registered interior designer shall stamp and sign all final drafts of professional  
36 documents that the interior designer issues for obtaining permits, obtaining approvals by  
37 agencies other than the board or fulfilling contractual obligations.

38 (3) The signature and stamp of a registered interior designer constitute certification that  
39 the document was prepared by the interior designer or under the supervision and control of  
40 the interior designer.

41 **SECTION 10.** A registered interior designer shall complete 10 hours of continuing edu-  
42 cation each year, of which five hours must be related to health, safety and welfare.

43 **SECTION 11.** The Board of Interior Design may deny, suspend, revoke or refuse to issue  
44 or to renew a registration to practice interior design, or reprimand or impose probation upon  
45 a registered interior designer, upon proof that the applicant or registered interior designer:

1 (1) Violated sections 1 to 14 of this 2011 Act or rules adopted by the board under sections  
2 1 to 14 of this 2011 Act.

3 (2) Obtained or attempted to obtain or renew a registration by fraud or misrepresen-  
4 tation.

5 (3) Committed fraud or misrepresentation.

6 (4) Committed negligence or demonstrated incompetence or any departure from or failure  
7 to conform to standards of practice in the practice of interior design.

8 **SECTION 12.** The Board of Interior Design may, upon motion of the board or upon the  
9 verified complaint in writing of any person, investigate any alleged violation of sections 1 to  
10 14 of this 2011 Act. As part of the investigation, the board may administer oaths, obtain and  
11 receive evidence at board proceedings and compel compliance with board subpoenas.

12 **SECTION 13.** A person that reports or supplies information in good faith to the Board  
13 of Interior Design is immune from an action for civil damages as a result thereof. The board  
14 may not disclose the name of a person requesting confidentiality unless the testimony of the  
15 person is required as part of a board disciplinary proceeding.

16 **SECTION 14.** The Board of Interior Design Fund is established in the State Treasury,  
17 separate and distinct from the General Fund. Interest earned by the Board of Interior Design  
18 Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the  
19 Board of Interior Design for the purposes of carrying out the provisions of sections 1 to 14  
20 and 15 of this 2011 Act.

21 **SECTION 15.** (1) In accordance with ORS chapter 183, the Board of Interior Design may  
22 impose a civil penalty of up to \$5,000 for violation of any provision of sections 1 to 14 of this  
23 2011 Act or any rule adopted by the board under sections 1 to 14 of this 2011 Act.

24 (2) Civil penalties recovered under this section shall be deposited in the Board of Interior  
25 Design Fund established under section 14 of this 2011 Act.

26 **SECTION 16.** Notwithstanding the requirements of section 6 of this 2011 Act, the Board  
27 of Interior Design may issue a registration to a person who:

28 (1)(a) Has at least 10 years of experience in the field of interior design; and

29 (b) Has passed an examination or section of an examination approved by the board on the  
30 subjects of building codes, building systems and construction standards; or

31 (2)(a) Has at least 20 years of experience in the field of interior design; and

32 (b) Submits a portfolio of the person's interior design work to the board for approval by  
33 the board.

34 **SECTION 17.** Section 16 of this 2011 Act is repealed on December 31, 2016.

35 **SECTION 18.** Notwithstanding the term of office specified by section 2 of this 2011 Act,  
36 of the members first appointed to the Board of Interior Design:

37 (1) One shall serve for a term ending July 1, 2013.

38 (2) One shall serve for a term ending July 1, 2014.

39 (3) One shall serve for a term ending July 1, 2015.

40 (4) Two shall serve for terms ending July 1, 2016.

41 **SECTION 19.** (1) Sections 6 to 13 and 16 of this 2011 Act become operative on January 1,  
42 2014.

43 (2) Section 5 of this 2011 Act becomes operative on January 1, 2017.

44 (3) The Board of Interior Design may take any action on or before the operative date  
45 specified in subsection (1) of this section that is necessary to enable the board to exercise,

1 on and after the operative date specified in subsection (1) of this section, all of the duties,  
2 functions and powers conferred on the board by sections 5 to 13 and 16 of this 2011 Act.

3 SECTION 20. This 2011 Act being necessary for the immediate preservation of the public  
4 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
5 on its passage.  
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