

# Senate Bill 1521

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on General Government and Small Business Protection for the Interior Design Collaborative of Oregon)

## 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 Commercial Interior Design. Requires person practicing commercial interior design to be registered with board as of January 1, 2013.

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

Establishes Board of Commercial 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 commercial interior design; creating new provisions; amending ORS  
3 30.785, 31.300 and 87.010; appropriating money; and declaring an emergency.

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

5 **SECTION 1. (1) As used in sections 1 to 14 of this 2012 Act, "practice of commercial in-**  
6 **terior design" means client consultation and the preparation and administration of design**  
7 **documents relating to a nonstructural and nonseismic interior area of a commercial building**  
8 **or commercial structure designed for human occupancy.**

9 (2) "Practice of commercial interior design" includes, but is not limited to, the prepara-  
10 tion of:

11 (a) Design studies;

12 (b) Drawings and renderings;

13 (c) Schedules;

14 (d) Specifications;

15 (e) Bid contracts;

16 (f) Space plans;

17 (g) Reflected ceiling plans;

18 (h) Lighting plans;

19 (i) Egress plans;

20 (j) Ergonomics plans;

21 (k) Indoor air quality plans;

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

23 (m) Plans for compliance with state or local building codes and other laws related to  
24 buildings.

25 **SECTION 2. (1) There is established the Board of Commercial Interior Design, consisting**  
26 **of five members appointed by the Governor and subject to confirmation by the Senate in the**  
27 **manner provided in ORS 171.562 and 171.565. All members of the board must be residents of**

**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.

1 **this state. Of the members of the board:**

2 (a) **Three must be interior designers who meet the requirements of section 6 (2) of this**  
 3 **2012 Act and who have been residents of this state for at least five years at the time of ap-**  
 4 **pointment;**

5 (b) **One must be an architect licensed under ORS 671.010 to 671.220 who has been a resi-**  
 6 **dent of this state for at least five years at the time of appointment; and**

7 (c) **One must be a member of the public who is not affiliated with the interior design or**  
 8 **architecture profession.**

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

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

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

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

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

24 (7) **A member of the board is entitled to compensation and expenses as provided in ORS**  
 25 **292.495.**

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

27 (1) **Adopt rules to enforce the provisions of sections 1 to 14 of this 2012 Act and to ex-**  
 28 **ercise general supervision over the practice of commercial interior design in this state.**

29 (2) **Adopt rules governing the issuance, renewal, reactivation, denial, suspension and re-**  
 30 **vocation of registrations to practice commercial interior design.**

31 (3) **Issue subpoenas over the signature of the executive director of the Board of Com-**  
 32 **mercial Interior Design or the designee of the executive director to compel the attendance**  
 33 **of witnesses and the production of documents in investigations or proceedings pertaining to**  
 34 **the power and duties of the board.**

35 (4) **Adopt rules establishing fees for the following relating to registered interior designers**  
 36 **and interior design companies:**

37 (a) **Application;**

38 (b) **Original registration;**

39 (c) **Registration renewal;**

40 (d) **Examinations;**

41 (e) **Late renewal;**

42 (f) **Replacement or duplicate registration;**

43 (g) **Reciprocity;**

44 (h) **Registration reactivation; and**

45 (i) **Providing copies of official documents or records and for recovering administrative**

1 costs associated with compiling, photocopying or preparing and delivering the documents or  
2 records.

3 **SECTION 4.** The lapsing or suspension of a registration as an interior designer or inte-  
4 rior design company by operation of law, by order of the Board of Commercial Interior De-  
5 sign, by decision of a court of law or by the voluntary surrender of a registration as an  
6 interior designer or interior design company does not deprive the board of jurisdiction to  
7 proceed with any investigation of or any action or disciplinary proceeding against the interior  
8 designer or interior design company, or to revise or render null and void an order suspending  
9 or revoking the registration.

10 **SECTION 5.** (1) A person may not practice commercial interior design or use the title  
11 “Registered Interior Designer” unless the person is registered as an interior designer or in-  
12 terior design company with the Board of Commercial Interior Design under section 6 of this  
13 2012 Act.

14 (2) Sections 1 to 14 of this 2012 Act do not apply to a person that does not purport to be  
15 a registered interior designer or registered interior design company and that is:

16 (a) An employee of a retail establishment providing services to the establishment in the  
17 course of the person’s employment.

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

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

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

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

23 (f) Practicing interior design for a single-family residential dwelling or farm building, an  
24 auxiliary structure to a single-family residential dwelling or farm building or a single resi-  
25 dential unit in a multifamily residential dwelling.

26 (g) Providing decorative services or assistance in the selection of surface materials,  
27 window treatments, wall coverings, paint, floor coverings, surface-mounted fixtures and  
28 loose furnishings not subject to regulations under building or fire codes.

29 **SECTION 6.** (1) A person desiring to be registered as an interior designer or an interior  
30 design company shall apply to the Board of Commercial Interior Design in the manner pro-  
31 vided by the board by rule.

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

33 (a)(A) Has a bachelor’s degree in the field of interior design or interior architecture that  
34 required at least 120 semester credits or 180 quarter credits to complete;

35 (B) Has at least 3,520 hours of supervised experience approved by the board;

36 (C) Passes the National Council for Interior Design Qualification examination or another  
37 examination approved by the board by rule;

38 (D) Pays any fees required by the board by rule; and

39 (E) Submits other information required by the board by rule; or

40 (b)(A) Has a master’s degree in the field of interior design or interior architecture that  
41 required at least 60 semester credits or 90 quarter credits to complete;

42 (B) Has at least 5,280 hours of supervised experience approved by the board;

43 (C) Passes the National Council for Interior Design Qualification examination or another  
44 examination approved by the board by rule;

45 (D) Pays any fees required by the board by rule; and

1 (E) Submits other information required by the board by rule.

2 (3) An entity qualifies for registration as an interior design company if the entity employs  
 3 a registered interior designer or an architect licensed under ORS 671.010 to 671.220 who ex-  
 4 ercises direct personal supervision over the content of all commercial interior design docu-  
 5 ments the company produces.

6 (4) A registered interior design company shall notify the board within 30 days after the  
 7 termination of employment of the supervising interior designer or architect required by  
 8 subsection (3) of this section.

9 (5) The board shall issue a registration number to each registered interior designer and  
 10 each registered interior design company.

11 **SECTION 7.** In accordance with rules adopted by the Board of Commercial Interior De-  
 12 sign, the board may register a person as an interior designer without examination if the  
 13 person is licensed as an interior designer in another jurisdiction in which the requirements  
 14 for licensure as an interior designer are at least equal to the requirements of section 6 of  
 15 this 2011 Act.

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

18 (1) Meeting requirements for renewal established by the Board of Commercial Interior  
 19 Design by rule;

20 (2) Completing the continuing education required under section 10 of this 2012 Act; and

21 (3) Paying any fees established by the board by rule.

22 **SECTION 9.** (1)(a) A registered interior designer shall obtain a stamp of a design au-  
 23 thorized by the Board of Commercial Interior Design. The stamp must bear the name, reg-  
 24 istration date and registration number of the interior designer and the legend "Registered  
 25 Interior Designer."

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

29 (c) The stamp and signature of a registered interior designer constitute certification that  
 30 the document was prepared by the interior designer or under the supervision and control of  
 31 the interior designer.

32 (2) A registered interior designer or registered interior design company shall display the  
 33 interior designer's registration number on all advertisements for the interior designer's  
 34 services.

35 (3) A registered interior designer or registered interior design company that receives  
 36 additional compensation for a project from a party other than the interior designer's or in-  
 37 terior design company's client shall disclose the additional compensation to the client.

38 **SECTION 10.** The Board of Commercial Interior Design shall require a registered interior  
 39 designer to complete 10 hours of continuing education each year, of which at least:

40 (1) Five hours must be related to health, safety and welfare.

41 (2) Two hours must be related to sustainable interior design and construction practices.

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

1 **rior design company:**

2 (1) **Violated sections 1 to 14 of this 2012 Act or rules adopted by the board under sections**  
 3 **1 to 14 of this 2012 Act.**

4 (2) **Obtained or attempted to obtain or renew a registration by fraud or misrepresenta-**  
 5 **tion.**

6 (3) **Committed fraud or misrepresentation.**

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

9 **SECTION 12.** The Board of Commercial Interior Design may, upon motion of the board  
 10 or upon the verified complaint in writing of any person, investigate any alleged violation of  
 11 sections 1 to 14 of this 2012 Act. As part of the investigation, the board may administer  
 12 oaths, obtain and receive evidence at board proceedings and compel compliance with board  
 13 subpoenas.

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

19 **SECTION 14.** The Board of Commercial Interior Design Fund is established in the State  
 20 Treasury, separate and distinct from the General Fund. Interest earned by the Board of  
 21 Commercial Interior Design Fund shall be credited to the fund. Moneys in the fund are  
 22 continuously appropriated to the Board of Commercial Interior Design for the purposes of  
 23 carrying out the provisions of sections 1 to 14 and 15 of this 2012 Act.

24 **SECTION 15.** (1) In accordance with ORS chapter 183, the Board of Commercial Interior  
 25 Design may impose a civil penalty of up to \$5,000 for violation of any provision of sections 1  
 26 to 14 of this 2012 Act or any rule adopted by the board under sections 1 to 14 of this 2012  
 27 Act.

28 (2) **Civil penalties recovered under this section shall be deposited in the General Fund in**  
 29 **the State Treasury, to be available for general governmental expenses.**

30 **SECTION 16.** ORS 30.785 is amended to read:

31 30.785. (1) A construction design professional who is retained to perform professional services  
 32 on a construction project, or an employee of the construction design professional in the performance  
 33 of professional services on the construction project, shall not be liable for any injury to a worker  
 34 on the construction project that is a compensable injury under ORS chapter 656 and that results  
 35 from the failure of the employer of the worker to comply with safety standards on the construction  
 36 project unless the construction design professional by contract specifically assumes responsibility  
 37 for compliance with those safety standards. The immunity provided by this section to a construction  
 38 design professional shall not apply to the negligent preparation of design plans or specifications.

39 (2) As used in this section, "construction design professional" means an architect, registered  
 40 landscape architect, professional engineer, [or] professional land surveyor, **registered interior de-**  
 41 **signer or registered interior design company.**

42 **SECTION 17.** ORS 31.300 is amended to read:

43 31.300. (1) As used in this section, "construction design professional" means an architect, regis-  
 44 tered landscape architect, professional engineer, [or] professional land surveyor, **registered interior**  
 45 **designer or registered interior design company.**

1 (2) A complaint, cross-claim, counterclaim or third-party complaint asserting a claim against a  
 2 construction design professional that arises out of the provision of services within the course and  
 3 scope of the activities for which the person is licensed may not be filed unless the claimant's at-  
 4 torney certifies that the attorney has consulted a licensed construction design professional who is  
 5 qualified, available and willing to testify to admissible facts and opinions sufficient to create a  
 6 question of fact as to the liability of the construction design professional. The certification required  
 7 by this section must be filed with or be made part of the original complaint, cross-claim, counter-  
 8 claim or third-party complaint. The certification must contain a statement that a licensed con-  
 9 struction design professional who is qualified to testify as to the standard of care applicable to the  
 10 alleged facts, is available and willing to testify that:

11 (a) The alleged conduct of the construction design professional failed to meet the standard of  
 12 professional care applicable to the construction design professional in the circumstances alleged;  
 13 and

14 (b) The alleged conduct was a cause of the claimed damages, losses or other harm.

15 (3) In lieu of providing the certification described in subsection (2) of this section, the claimant's  
 16 attorney may file with the court at the time of filing a complaint, cross-claim, counterclaim or  
 17 third-party complaint an affidavit that states:

18 (a) The applicable statute of limitations is about to expire;

19 (b) The certification required under subsection (2) of this section will be filed within 30 days  
 20 after filing the complaint, cross-claim, counterclaim or third-party complaint or such longer time as  
 21 the court may allow for good cause shown; and

22 (c) The attorney has made such inquiry as is reasonable under the circumstances and has made  
 23 a good faith attempt to consult with at least one licensed construction design professional who is  
 24 qualified to testify as to the standard of care applicable to the alleged facts, as required by sub-  
 25 section (2) of this section.

26 (4) Upon motion of the construction design professional, the court shall enter judgment dis-  
 27 missing any complaint, cross-claim, counterclaim or third-party complaint against any construction  
 28 design professional that fails to comply with the requirements of this section.

29 (5) This section applies only to a complaint, cross-claim, counterclaim or third-party complaint  
 30 against a construction design professional by any plaintiff who:

31 (a) Is a construction design professional, contractor, subcontractor or other person providing  
 32 labor, materials or services for the real property improvement that is the subject of the claim;

33 (b) Is the owner, lessor, lessee, renter or occupier of the real property improvement that is the  
 34 subject of the claim;

35 (c) Is involved in the operation or management of the real property improvement that is the  
 36 subject of the claim;

37 (d) Has contracted with or otherwise employed the construction design professional; or

38 (e) Is a person for whose benefit the construction design professional performed services.

39 **SECTION 18.** ORS 87.010 is amended to read:

40 87.010. (1) Any person performing labor upon, transporting or furnishing any material to be used  
 41 in, or renting equipment used in the construction of any improvement shall have a lien upon the  
 42 improvement for the labor, transportation or material furnished or equipment rented at the instance  
 43 of the owner of the improvement or the construction agent of the owner.

44 (2) Any person who engages in or rents equipment for the preparation of a lot or parcel of land,  
 45 or improves or rents equipment for the improvement of a street or road adjoining a lot or parcel

1 of land at the request of the owner of the lot or parcel, shall have a lien upon the land for work  
 2 done, materials furnished or equipment rented.

3 (3) A lien for rented equipment under subsection (1) or (2) of this section shall be limited to the  
 4 reasonable rental value of the equipment notwithstanding the terms of the underlying rental agree-  
 5 ment.

6 (4) Trustees of an employee benefit plan shall have a lien upon the improvement for the amount  
 7 of contributions, due to labor performed on that improvement, required to be paid by agreement or  
 8 otherwise into a fund of the employee benefit plan.

9 (5) An architect, landscape architect, land surveyor, [or] registered engineer **or registered in-**  
 10 **terior designer or registered interior design company** who, at the request of the owner or an  
 11 agent of the owner, prepares plans, drawings or specifications that are intended for use in or to  
 12 facilitate the construction of an improvement or who supervises the construction shall have a lien  
 13 upon the land and structures necessary for the use of the plans, drawings or specifications so pro-  
 14 vided or supervision performed.

15 (6) A landscape architect, land surveyor or other person who prepares plans, drawings, surveys  
 16 or specifications that are used for the landscaping or preparation of a lot or parcel of land or who  
 17 supervises the landscaping or preparation shall have a lien upon the land for the plans, drawings,  
 18 surveys or specifications used or supervision performed.

19 **SECTION 19. Notwithstanding the requirements of section 6 of this 2012 Act, the Board**  
 20 **of Commercial Interior Design may issue an interior designer registration to a person who:**

- 21 (1) **Has passed the National Council for Interior Design Qualification examination; or**
- 22 (2)(a) **Has at least 10 years of experience in the field of interior design; and**
- 23 (b) **Has passed section 1 of the National Council for Interior Design Qualification exam-**  
 24 **ination.**

25 **SECTION 20. Section 19 of this 2012 Act is repealed on January 2, 2016.**

26 **SECTION 21. Notwithstanding the term of office specified by section 2 of this 2012 Act,**  
 27 **of the members first appointed to the Board of Commercial Interior Design:**

- 28 (1) **One shall serve for a term ending July 1, 2013.**
- 29 (2) **One shall serve for a term ending July 1, 2014.**
- 30 (3) **One shall serve for a term ending July 1, 2015.**
- 31 (4) **Two shall serve for terms ending July 1, 2016.**

32 **SECTION 22. (1) Section 5 of this 2012 Act becomes operative on January 1, 2013.**

33 (2) **The Board of Commercial Interior Design may take any action on or before the op-**  
 34 **erative date specified in subsection (1) of this section that is necessary to enable the board**  
 35 **to exercise, on and after the operative date specified in subsection (1) of this section, all of**  
 36 **the duties, functions and powers conferred on the board by section 5 of this 2012 Act.**

37 **SECTION 23. This 2012 Act being necessary for the immediate preservation of the public**  
 38 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**  
 39 **on its passage.**