

Senate Bill 1521

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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 Commercial Interior Design. Requires person to register with board on or after January 1, 2015, to practice commercial interior design.

Authorizes civil penalties and other sanctions 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

Relating to commercial interior design; creating new provisions; amending ORS 30.785, 31.300 and 87.010; appropriating money; and declaring an emergency.

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

DEFINITIONS

SECTION 1. As used in sections 1 to 14 of this 2014 Act:

(1) **"Design documents" includes:**

(a) **Design plans;**

(b) **Drawings and renderings;**

(c) **Schedules;**

(d) **Specifications;**

(e) **Bid contracts;**

(f) **Space plans;**

(g) **Reflected ceiling plans;**

(h) **Lighting plans;**

(i) **Egress plans;**

(j) **Ergonomics plans;**

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

(L) **Plans for fixtures, furnishings or equipment; and**

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

(2) **"Practice of commercial interior design" means preparing design documents and administering design concepts related to:**

(a) **A nonstructural interior area of a commercial building; or**

(b) **A nonstructural interior area of a multifamily residential dwelling that is accessible**

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 by the public.

2
3 **BOARD OF COMMERCIAL INTERIOR DESIGN**
4

5 **SECTION 2.** (1) There is established the Board of Commercial Interior Design, consisting
6 of five members appointed by the Governor and subject to confirmation by the Senate in the
7 manner provided in ORS 171.562 and 171.565. All members of the board must be residents of
8 this state. Of the members of the board:

9 (a) Three must be interior designers who meet the requirements of section 5 (2) of this
10 2014 Act and who have been residents of this state for at least five years at the time of ap-
11 pointment;

12 (b) One must be an architect registered under ORS 671.010 to 671.220 who has been a
13 resident of this state for at least five years at the time of appointment; and

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

16 (2) The term of office of each member is four years, but a member serves at the pleasure
17 of the Governor. Before the expiration of the term of a member, the Governor shall appoint
18 a successor whose term begins on July 1 next following. A member is eligible for reappoint-
19 ment. If there is a vacancy for any cause, the Governor shall make an appointment to be-
20 come immediately effective for the unexpired term.

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

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

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

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

30 (7) A member of the board is entitled to compensation and expenses as provided in ORS
31 292.495.

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

33 (1) Adopt rules to enforce the provisions of sections 1 to 14 of this 2014 Act and to ex-
34 ercise general supervision over the practice of commercial interior design in this state.

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

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

40 (4) Adopt rules establishing fees for the following related to the registration of interior
41 designers and interior design companies:

42 (a) Application for registration;

43 (b) Initial registration;

44 (c) Renewal of registration;

45 (d) Examinations;

- 1 (e) Late renewal of registration;
- 2 (f) Replacement or duplicate registration;
- 3 (g) Registration through reciprocity;
- 4 (h) Registration reactivation; and
- 5 (i) Providing copies of official documents or records and for recovering administrative
- 6 costs associated with compiling, photocopying or preparing and delivering the documents or
- 7 records.

8
9 **PRACTICE OF COMMERCIAL INTERIOR DESIGN**

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11 **SECTION 4.** (1) A person may not practice commercial interior design or use the title
12 “Registered Interior Designer” unless the person is registered as an interior designer or in-
13 terior design company with the Board of Commercial Interior Design under section 5 of this
14 2014 Act.

15 (2) Sections 1 to 14 of this 2014 Act do not apply to a person that does not purport to be
16 a registered interior designer or registered interior design company and that is:

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

19 (b) An architect registered under ORS 671.010 to 671.220.

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

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

22 (e) Working under the supervision of a registered interior designer or person described
23 in paragraphs (b) to (d) of this subsection.

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

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

30 **SECTION 5.** (1) To register as an interior designer or an interior design company, a
31 person must apply to the Board of Commercial Interior Design in the manner provided by
32 the board by rule.

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

34 (a) Has a bachelor’s or master’s degree, in the field of interior design or interior archi-
35 tecture, that requires a number of credits to be completed as determined by the board by
36 rule;

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

39 (c) Pays any fees required by the board by rule; and

40 (d) Submits other information required by the board by rule.

41 (3) A person qualifies for registration as an interior design company if the person:

42 (a) Employs a registered interior designer or an architect registered under ORS 671.010
43 to 671.220, who exercises direct personal supervision over the content of all design documents
44 the company produces;

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

1 (c) Submits information required by the board by rule.

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

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

7 **SECTION 6.** In accordance with rules adopted by the Board of Commercial Interior De-
8 sign, the board may register a person as an interior designer without examination if the
9 person is licensed as an interior designer in another jurisdiction in which the requirements
10 for licensure as an interior designer are substantially similar to the requirements of section
11 5 of this 2014 Act.

12 **SECTION 7.** A registration to practice commercial interior design expires one year after
13 its issuance. A person may renew a registration by:

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

16 (2) Completing the continuing education required under section 9 of this 2014 Act, if ap-
17 plicable; and

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

19 **SECTION 8.** (1)(a) A registered interior designer shall obtain a stamp of a design au-
20 thorized by the Board of Commercial Interior Design. The stamp must bear the name, reg-
21 istration date and registration number of the interior designer and the legend "Registered
22 Interior Designer."

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

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

29 (2) A registered interior designer shall display the interior designer's registration number
30 on all advertisements for the interior designer's services.

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

34 **SECTION 9.** The Board of Commercial Interior Design shall require a registered interior
35 designer to complete 10 hours of continuing education each year, of which:

36 (1) At least five hours must be related to health, safety and welfare.

37 (2) At least two hours must be related to sustainable interior design and construction
38 practices.

39
40 **DISCIPLINE**

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42 **SECTION 10.** In accordance with ORS chapter 183, the Board of Commercial Interior
43 Design may deny, suspend, revoke or refuse to issue or to renew a registration to practice
44 commercial interior design, or reprimand or impose probation upon a registered interior de-
45 signer or registered interior design company, upon proof that the applicant, registered inte-

rior designer or registered interior design company:

(1) Violated a provision of sections 1 to 14 of this 2014 Act or a rule adopted by the board under sections 1 to 14 of this 2014 Act;

(2) Obtained or attempted to obtain or renew a registration by fraud or misrepresentation;

(3) Committed fraud or misrepresentation;

(4) Was guilty of negligence; or

(5) Demonstrated incompetence or a departure from or failure to conform to standards of practice in the practice of commercial interior design.

SECTION 11. The Board of Commercial Interior Design may, upon the motion of the board or upon the verified complaint of a person, investigate an alleged violation of a provision of sections 1 to 14 of this 2014 Act or a rule adopted by the board under sections 1 to 14 of this 2014 Act. As part of the investigation, the board may administer oaths, obtain and receive evidence at board proceedings and compel compliance with board subpoenas.

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

SECTION 13. The lapsing, suspension or revocation of a registration as an interior designer or interior design company by operation of law, by order of the Board of Commercial Interior Design, by decision of a court of law or by the voluntary surrender of a registration as an interior designer or interior design company does not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceeding against the interior designer or interior design company, or to revise or render null and void an order suspending or revoking the registration.

BOARD OF COMMERCIAL INTERIOR DESIGN FUND

SECTION 14. The Board of Commercial Interior Design Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Board of Commercial Interior Design Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Board of Commercial Interior Design for the purposes of carrying out the provisions of sections 1 to 14 and 15 of this 2014 Act.

PENALTIES

SECTION 15. (1) In accordance with ORS chapter 183, the Board of Commercial Interior Design may impose a civil penalty of up to \$5,000 for violation of any provision of sections 1 to 14 of this 2014 Act or any rule adopted by the board under sections 1 to 14 of this 2014 Act.

(2) Civil penalties recovered under this section shall be deposited in the General Fund and made available for general governmental expenses.

LIABILITY

1 missing any complaint, cross-claim, counterclaim or third-party complaint against any construction
2 design professional that fails to comply with the requirements of this section.

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

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

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

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

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

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

13
14 **LIENS**

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

17 87.010. (1) Any person performing labor upon, transporting or furnishing any material to be used
18 in, or renting equipment used in the construction of any improvement shall have a lien upon the
19 improvement for the labor, transportation or material furnished or equipment rented at the instance
20 of the owner of the improvement or the construction agent of the owner.

21 (2) Any person who engages in or rents equipment for the preparation of a lot or parcel of land,
22 or improves or rents equipment for the improvement of a street or road adjoining a lot or parcel
23 of land at the request of the owner of the lot or parcel, shall have a lien upon the land for work
24 done, materials furnished or equipment rented.

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

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

31 (5) An architect, landscape architect, land surveyor [*or*], registered engineer [*who*], **registered**
32 **interior designer or registered interior design company that**, at the request of the owner or an
33 agent of the owner, prepares plans, drawings or specifications that are intended for use in or to
34 facilitate the construction of an improvement or [*who*] **that** supervises the construction shall have
35 a lien upon the land and structures necessary for the use of the plans, drawings or specifications
36 so provided or supervision performed.

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

41
42 **TEMPORARY PROVISIONS**

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44 **SECTION 19.** Notwithstanding the requirements of section 5 of this 2014 Act, the Board
45 of Commercial Interior Design may issue an interior designer registration to a person who:

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

5 **SECTION 20.** Section 19 of this 2014 Act is repealed on January 2, 2018.

6 **SECTION 21.** Notwithstanding the term of office specified by section 2 of this 2014 Act,
7 of the members first appointed to the Board of Commercial Interior Design:

- 8 (1) One shall serve for a term ending July 1, 2015.
9 (2) One shall serve for a term ending July 1, 2016.
10 (3) One shall serve for a term ending July 1, 2017.
11 (4) Two shall serve for terms ending July 1, 2018.

12
13 **OPERATIVE DATE**

14
15 **SECTION 22.** (1) Sections 1 to 15 and 19 to 21 of this 2014 Act and the amendments to
16 ORS 30.785, 31.300 and 87.010 by sections 16 to 18 of this 2014 Act become operative on Jan-
17 uary 1, 2015.

18 (2) The Board of Commercial Interior Design may take any action before the operative
19 date specified in subsection (1) of this section that is necessary to enable the board to exer-
20 cise, on and after the operative date specified in subsection (1) of this section, all of the du-
21 ties, functions and powers conferred on the board by sections 1 to 15 and 19 to 21 of this 2014
22 Act and the amendments to ORS 30.785, 31.300 and 87.010 by sections 16 to 18 of this 2014
23 Act.

24
25 **UNIT CAPTIONS**

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27 **SECTION 23.** The unit captions used in this 2014 Act are provided only for the conven-
28 ience of the reader and do not become part of the statutory law of this state or express any
29 legislative intent in the enactment of this 2014 Act.

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31 **EMERGENCY CLAUSE**

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33 **SECTION 24.** This 2014 Act being necessary for the immediate preservation of the public
34 peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect
35 on its passage.
36