

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1245

Introduced by Howard, 9

Read first time January 18, 2006

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to interior design; to provide for registration
2 and regulation of interior designers; to define terms;
3 to create the Interior Design Advisory Board; to provide
4 powers and duties for the Secretary of State; and to
5 provide a penalty.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 1 to 10 of this act:

2 (1) Board means the Interior Design Advisory Board;

3 (2) (a) Interior design means the design of interior
4 spaces including the preparation of documents relating to space
5 planning, finish materials, furnishings, fixtures, and equipment
6 and the preparation of documents relating to interior construction
7 that does not affect the mechanical or structural systems of a
8 building.

9 (b) Interior design does not include services that
10 constitute the practice of architecture or the practice of
11 professional engineering; and

12 (3) Registered interior designer means a person who is a
13 registered design professional qualified by education, experience,
14 and examination pursuant to sections 1 to 10 of this act.

15 Sec. 2. (1) The Interior Design Advisory Board is
16 created. The board shall provide advice to the Secretary of
17 State regarding the practice of interior design. The board shall
18 consist of six members appointed by the Secretary of State, at
19 least four members of which shall be individuals who are registered
20 pursuant to section 4 of this act.

21 (2) Professional associations or societies composed of
22 interior designers may recommend names of potential board members
23 to the Secretary of State, but the Secretary of State is not bound
24 by the recommendations. Board members shall not be required to be
25 a member of any professional association or society of registered

1 interior designers.

2 (3) The Secretary of State shall appoint members for
3 three-year terms. Vacancies shall be filled for the unexpired term
4 by appointment of the Governor. Members shall serve no more than
5 three terms.

6 Sec. 3. The duties of the board shall include, but are
7 not limited to the following:

8 (1) Administering and enforcing sections 1 to 10 of this
9 act;

10 (2) Adopting a code of ethics;

11 (3) Establishing requirements for the examination,
12 education, and practical training of applicants for registration;

13 (4) Establishing fees for registration, renewal of
14 registration, reinstatement of registration, and for other
15 activities of the board pertaining to its duties. The fees shall be
16 sufficient to defray the costs of administering sections 1 to 10 of
17 this act, and shall be remitted to the State Treasurer for credit
18 to the General Fund;

19 (5) Establishing standards and requirements of continuing
20 education as a prerequisite to registration renewal; and

21 (6) Maintaining records of the board's proceedings which
22 are open to public inspection at all reasonable times relating
23 to the issuance, refusal, renewal, suspension, and revocation of
24 registration. The records shall also contain a roster indicating
25 the name, place of business, and the date and registration number

1 of every registrant.

2 Sec. 4. (1) Each applicant for registration shall meet
3 the interior design education and practical training requirements
4 adopted by the board and shall pass an examination approved by
5 the board that is task-oriented, focused on public safety, and
6 validated by a recognized testing agency. The Secretary of State
7 shall register an individual who submits an application to the
8 board on the form and in the manner prescribed by the board as
9 an interior designer if the individual satisfies the following
10 requirements:

11 (a) Submits written proof that the individual has
12 successfully passed the National Council for Interior Design
13 Qualification examination or its equivalent;

14 (b) Completion of four years of design education in
15 interior design from a Foundation for Interior Design Education and
16 Research accredited or board-approved program plus a minimum of two
17 years of full-time work experience in interior design; and

18 (c) Submits the required registration fee to the board.

19 (2) The Secretary of State may grant registration by
20 reciprocity. An applicant applying to the Secretary of State for
21 registration by reciprocity shall furnish satisfactory evidence
22 that the applicant meets both of the following requirements:

23 (a) He or she holds a valid registration or license
24 issued by another registration authority recognized by the board
25 where the qualifications for registration or licensure were

1 substantially equivalent to those prescribed in this state on
2 the date of original registration or licensure with the other
3 registration authority; and

4 (b) He or she holds a valid certificate number issued by
5 the National Council for Interior Design Qualification.

6 (3) When an applicant has complied with the
7 qualifications for registration to the satisfaction of a
8 majority of the board members and submitted the fees prescribed by
9 the board, the board shall record the applicant's name and address
10 in the roster of registered interior designers and issue to the
11 applicant a registration certificate signed by the members of the
12 board. The certificate shall entitle the applicant to use the title
13 of registered interior designer in this state.

14 Sec. 5. A registered interior designer shall, at the
15 time of application for renewal of a certificate of registration,
16 submit proof of completion of continuing education requirements
17 established by the board.

18 Sec. 6. (1) The Secretary of State may revoke, suspend,
19 or refuse to issue or renew the registration of any person upon a
20 finding of any of the following:

21 (a) Fraud in obtaining or renewing a certificate of
22 registration;

23 (b) Professional incompetence;

24 (c) Knowingly making misleading, deceptive, untrue, or
25 fraudulent representations in the practice of the registrant's

1 profession or engaging in unethical conduct or practice harmful
2 or detrimental to the public. Proof of actual injury need not be
3 established;

4 (d) Conviction of a felony related to the profession or
5 occupation of the registrant. A copy of the record of conviction or
6 plea of guilty shall be conclusive evidence of the conviction;

7 (e) Unlawful use of the title of registered interior
8 designer; or

9 (f) Willful or repeated violations of the provisions of
10 sections 1 to 10 of this act or a rule adopted by the board under
11 sections 1 to 10 of this act.

12 (2) Any person may appeal a finding of the board within
13 thirty days after the date of notification of the action.

14 Sec. 7. (1) It shall be unlawful for any person to use
15 or aid or abet a person in using the title of registered interior
16 designer or any title or device indicating that the person is a
17 registered interior designer unless the person has been issued a
18 certificate of registration pursuant to section 4 of this act.
19 This subsection does not prohibit the provision of interior design
20 services or the use of the terms interior design or interior
21 designer by a person who is not registered as an interior designer.

22 (2) Any person who violates this section is guilty of
23 a Class V misdemeanor. The board in its discretion and in lieu
24 of prosecuting a first offense under this section may enter into
25 a consent agreement with any person violating this section which

1 acknowledges the violation and an agreement to refrain from any
2 further violations.

3 Sec. 8. In addition to any other remedies and on the
4 petition of the board, any person violating section 7 of this
5 act may be restrained and permanently enjoined from committing or
6 continuing the violations.

7 Sec. 9. Sections 1 to 10 of this act do not apply to the
8 following:

9 (1) A person licensed to practice architecture pursuant
10 to the laws of this state;

11 (2) A person licensed as a professional engineer pursuant
12 to the laws of this state; and

13 (3) A person who performs any of the following
14 services and does not represent themselves as a registered
15 interior designer: (a) Selling, selecting, or assisting in
16 selecting personal property used in connection with the furnishing
17 of interior spaces or fixtures including, but not limited
18 to, furnishings, decorative accessories, furniture, paint,
19 wall coverings, window treatments, floor coverings, cabinets,
20 countertops, surface-mounted lighting, or decorative materials for
21 retail sale; (b) installing or coordinating installations as part
22 of a retail sale; or (c) providing computer-aided or other drawings
23 for the purpose of retail sale if the drawings are used for
24 material listed for retail sale.

25 Sec. 10. For a period of two years beginning on the

1 effective date of this act, the Secretary of State may issue a
2 registered interior designer certificate to a person residing in
3 Nebraska who does not meet the specified examination requirements
4 if the person submits evidence to the board demonstrating
5 successful completion of Section I of the National Council for
6 Interior Design Qualification examination relating to life safety
7 codes and barrier-free requirements and one of the following:

8 (1) An accredited baccalaureate degree, a diploma, or a
9 certificate from a program with a minimum number of credit hours in
10 interior design coursework as determined by the board; or

11 (2) Diversified and appropriate experience in the
12 practice of interior design for a period of five years and
13 professional membership in an association or society of interior
14 designers.