

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 748**

Introduced by Rogert, 16.

Read first time January 09, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to interior design; to adopt the Interior  
2 Designers Certification Act; and to provide an operative  
3 date.  
4 Be it enacted by the people of the State of Nebraska,

1           Section 1. This act shall be known and may be cited as  
2 the Interior Designers Certification Act.

3           Sec. 2. For purposes of the Interior Designers  
4 Certification Act:

5           (1) Board means the Board of Interior Designers;

6           (2) Interior design means the programming, study,  
7 consultation, drawing, specification, and administration of a  
8 design construction contract relating to nonstructural interior  
9 elements of a building or structure. Interior design includes,  
10 but is not limited to, space planning, selection of materials and  
11 finishes, selection and specification of furniture, fixtures, and  
12 equipment, and preparation of construction documents. Interior  
13 design does not include the practice of architecture as defined  
14 in section 81-3420 or the practice of engineering as defined in  
15 section 81-3421; and

16           (3) Certified interior designer means a person who is a  
17 certified design professional qualified by education, examination,  
18 or experience as prescribed by the act.

19           Sec. 3. (1) The Board of Interior Designers is created  
20 to administer the Interior Designers Certification Act. The board  
21 may use any funds available to obtain suitable office space within  
22 Lincoln, Nebraska. The board shall consist of:

23           (a) Four members who are certified under the act,  
24 appointed by the Governor, after consultation with professional  
25 associations or societies composed of interior designers; and

1           (b) One public member appointed by the Governor.

2           (2) Of the initial members, two shall be appointed for  
3 one-year terms, two for two-year terms, and one for a three-year  
4 term. All members thereafter shall be appointed for three-year  
5 terms. Each initial member appointed under subdivision (1)(a) of  
6 this section shall become certified within one year after his  
7 or her appointment. If he or she fails to become certified, the  
8 Governor shall remove such member and appoint a replacement for the  
9 unexpired term. All members thereafter appointed under subdivision  
10 (1)(a) of this section shall be certified. Each member shall hold  
11 office after the expiration of his or her term until his or her  
12 successor is duly appointed and qualified. The Governor may remove  
13 any member of the board for misconduct, incompetency, or neglect of  
14 duty. Vacancies in the membership of the board, however created,  
15 shall be filled for the unexpired term by appointment by the  
16 Governor.

17           (3) Each member of the board shall be reimbursed for  
18 his or her actual and necessary expenses as provided in sections  
19 81-1174 to 81-1177.

20           Sec. 4. The duties of the board shall include, but are  
21 not limited to, the following:

22           (1) Administering and enforcing the Interior Designers  
23 Certification Act;

24           (2) Adopting a code of ethics;

25           (3) Establishing requirements for the examination,

1 education, and practical training of applicants for certification;

2 (4) Adopting and promulgating rules and regulations to  
3 carry out the act;

4 (5) Establishing fees for certification, renewal of  
5 certification, reinstatement of certification, and for other  
6 activities of the board pertaining to its duties. Such fees shall  
7 be sufficient to defray the costs of administering the act and  
8 shall be not less than one hundred nor more than three hundred  
9 dollars for initial certification, renewal of certification, and  
10 reinstatement of certification;

11 (6) Establishing standards and requirements of continuing  
12 education as a prerequisite to renewal of certification;

13 (7) Maintaining a complete roster of all certified  
14 interior designers. The roster shall be filed with the Secretary of  
15 State; and

16 (8) Maintaining records of the board's proceedings which  
17 are open to public inspection at all reasonable times relating  
18 to the issuance, refusal, renewal, suspension, and revocation of  
19 certification.

20 Sec. 5. (1) Each applicant for certification shall meet  
21 the interior design education and practical training requirements  
22 adopted by the board and shall pass an examination approved by  
23 the board that is task-oriented, focused on public safety, and  
24 validated by a recognized testing agency. The board shall certify  
25 an individual who submits an application to the board on the form

1 and in the manner prescribed by the board as an interior designer  
2 if the individual satisfies the following requirements:

3 (a) Submits written proof that the individual has  
4 successfully passed the National Council for Interior Design  
5 Qualification examination or its equivalent;

6 (b) Submits written proof of completion of four years  
7 of design education in interior design from a Council for  
8 Interior Design Accreditation accredited program or a substantially  
9 equivalent program approved by the board;

10 (c) Submits written proof of a minimum of two years of  
11 full-time work experience in interior design;

12 (d) Submits a copy of the code of ethics adopted by the  
13 board and signed by the individual; and

14 (e) Submits the required certification fee to the board.

15 (2) The board shall grant certification by reciprocity.  
16 An applicant applying to the board for certification by reciprocity  
17 shall furnish satisfactory evidence that the applicant meets both  
18 of the following requirements:

19 (a) He or she holds a valid certification, registration,  
20 or license issued by another authority recognized by the board  
21 where the qualifications for certification, registration, or  
22 licensure are substantially equivalent to those prescribed in this  
23 state on the date of application under this subsection; and

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

1           (3) The board shall grant certification to an architect  
2 licensed pursuant to the Engineers and Architects Regulation Act.

3           (4) When an applicant under subsection (1), (2), or  
4 (3) of this section has complied with the qualifications for  
5 certification to the satisfaction of a majority of the board  
6 members and submitted the fees prescribed by the board, the  
7 board shall record the applicant's name and address in the roster  
8 of certified interior designers and issue to the applicant a  
9 certificate signed by the members of the board and valid for one  
10 year. The certificate shall entitle the applicant to use the title  
11 of certified interior designer in this state.

12           Sec. 6. A certified interior designer shall, at the  
13 time of application for renewal of certification, submit proof of  
14 completion of continuing education requirements established by the  
15 board and shall submit the fee established by the board in section  
16 4 of this act.

17           Sec. 7. (1) The board may revoke, suspend, or refuse to  
18 issue or renew a certificate of any person upon a finding of any of  
19 the following:

20           (a) Fraud in obtaining or renewing certification;

21           (b) Violation of the code of ethics adopted by the board  
22 under the Interior Designers Certification Act;

23           (c) Violation of the Engineers and Architects Regulation  
24 Act by engaging in the practice of architecture or the practice of  
25 engineering;

1           (d) Conviction of a felony related to the profession or  
2 occupation of the certified interior designer. A copy of the record  
3 of conviction or plea of guilty shall be conclusive evidence of the  
4 conviction;

5           (e) Unlawful use of the title of certified interior  
6 designer; or

7           (f) Violation of the Interior Designers Certification Act  
8 or a rule or regulation adopted and promulgated by the board under  
9 the act.

10           (2) Any person may appeal a finding of the board within  
11 thirty days after the date of notification of the action. Such  
12 appeal shall be in accordance with the Administrative Procedure  
13 Act.

14           Sec. 8. (1) It shall be unlawful for any person to use  
15 the title of certified interior designer or any title or device  
16 indicating that the person is a certified interior designer unless  
17 the person has been issued a certificate under the act. This  
18 subsection does not prohibit the use of the terms interior design  
19 or interior designer or the performance of interior design services  
20 by a person who is not certified as an interior designer.

21           (2) Any person who violates this section is guilty of a  
22 Class V misdemeanor. In addition to any other remedies under the  
23 Interior Designers Certification Act and on petition of the board,  
24 any person who violates this section may be permanently enjoined  
25 from continuing such violation.

1           Sec. 9. (1) Beginning on the operative date of this act  
2 and through December 31, 2011, the board may issue an interior  
3 designer certificate to a person residing in Nebraska who does not  
4 meet the requirements listed in section 5 of this act if the person  
5 (a) submits the fee prescribed in subdivision (1)(e) of section 5  
6 of this act and written proof of fifteen years of work experience  
7 deemed satisfactory by the board or (b) submits written proof to  
8 the board of successful completion of Section I of the National  
9 Council for Interior Design Qualification examination relating to  
10 life safety codes and barrier-free requirements and the following:

11           (i) An accredited baccalaureate degree, a diploma, or a  
12 certificate from a program with a minimum of sixty credit hours in  
13 interior design coursework; and

14           (ii) A combination of six years of education and work  
15 experience deemed satisfactory by the board.

16           (2) A person who is issued a certificate under this  
17 section shall not be required to meet the requirements of section 5  
18 of this act to obtain subsequent renewals of such certificate.

19           Sec. 10. Fees received pursuant to the act shall be  
20 remitted by the board to the State Treasurer for credit to the  
21 Interior Designers Certification Cash Fund which is hereby created.  
22 The fund shall be used to defray the cost of administering  
23 the Interior Designers Certification Act. Any money in the fund  
24 available for investment shall be invested by the state investment  
25 officer pursuant to the Nebraska Capital Expansion Act and the

1 Nebraska State Funds Investment Act.

2           Sec. 11. This act becomes operative on January 1, 2009.