

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

SENATE BILL 540

By: Senator T. Garner

## For An Act To Be Entitled

AN ACT TO REPEAL REGISTRATION REQUIREMENTS FOR INTERIOR DESIGNERS; TO REPEAL THE ARKANSAS RESIDENTIAL INTERIOR DESIGNERS TITLE REGISTRATION ACT; TO AMEND THE POWERS AND DUTIES OF THE STATE BOARD OF REGISTERED RESIDENTIAL INTERIOR DESIGNERS; AND FOR OTHER PURPOSES.

## Subtitle

TO REPEAL REGISTRATION REQUIREMENTS FOR INTERIOR DESIGNERS; TO REPEAL THE ARKANSAS RESIDENTIAL INTERIOR DESIGNERS TITLE REGISTRATION ACT; AND TO AMEND THE POWERS OF THE STATE BOARD OF REGISTERED RESIDENTIAL INTERIOR DESIGNERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, Chapter 35, Subchapter, 1 is repealed.

~~Subchapter 1~~

~~—Interior Designers—Title Registratio~~

~~17-35-101. Short title.~~

~~This subchapter and §§ 17-35-301—17-35-304 may be cited as the “Arkansas Interior Designers Title Registration Act”.~~

~~17-35-102. Purpose.~~



~~The purpose of this subchapter and §§ 17-35-301—17-35-304 is to register and regulate persons known as registered interior designers, in the public interest, and to prohibit the use of the title of “registered interior designer” by persons who are not registered.~~

~~17-35-103. Definitions.~~

~~(a) As used in this subchapter, § 17-15-201 et seq., and §§ 17-35-301—17-35-304, “registered interior designer” means a person registered under this subchapter, § 17-15-201 et seq., and §§ 17-35-301—17-35-304.~~

~~(b)(1) A registered interior designer is a design professional who is qualified by education, experience, and examination as authorized by an authority.~~

~~(2) In general, a registered interior designer performs services including preparation of working drawings and documents relative to non-load-bearing interior construction, materials, finishes, space planning, furnishings, fixtures, and equipment.~~

~~(c) Except as provided herein, interior design services do not include services that constitute the practice of architecture as defined in the Arkansas Architectural Act, § 17-15-101 et seq., or the practice of engineering as defined in the Arkansas Engineering Act, § 17-30-101 et seq.~~

~~17-35-104. Exemptions—Use of the title.~~

~~(a) This subchapter, § 17-15-201 et seq., and §§ 17-35-301—17-35-304 do not apply to persons holding themselves out as “interior decorators” or offering “interior decorating services” such as selection or assistance in selecting surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted lighting, or loose furnishings not subject to regulation under applicable building codes.~~

~~(b) This subchapter and §§ 17-35-301—17-35-304 do not apply to architects licensed by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers provided that the architects do not refer to themselves as “registered interior designers” unless registered under this subchapter and §§ 17-35-301—17-35-304.~~

~~(c) This subchapter, § 17-15-201 et seq., and §§ 17-35-301—17-35-304 do not prevent any person from rendering interior design services, provided such a person does not use the title of “registered interior designer” unless~~

~~registered under this subchapter, § 17-15-201 et seq., and §§ 17-35-301—17-35-304.~~

~~17-35-105. Penalties.~~

~~It shall be a Class A misdemeanor for a person to:~~

~~(1) Use the title of “registered interior designer”, unless registered under this subchapter, § 17-15-201 et seq., and §§ 17-35-301—17-35-304;~~

~~(2) Present as his or her own the registration of another;~~

~~(3) Give false or forged evidence to the Arkansas State Board of Architects, Landscape Architects, and Interior Designers or any member thereof in obtaining a registration;~~

~~(4) Falsely impersonate any other practitioner of like or different name;~~

~~(5) Use or attempt to use a registration that has been revoked;~~  
~~or~~

~~(6) Otherwise violate any of the provisions of this subchapter, § 17-15-201 et seq., and §§ 17-35-301—17-35-304.~~

SECTION 2. Arkansas Code Title 17, Chapter 35, Subchapter, 3 is repealed.

~~Subchapter 3  
—Requirements~~

~~17-35-301. Registration of interior designers.~~

~~(a) It is unlawful for a person who is not registered under this subchapter, § 17-15-201 et seq., and § 17-35-101 et seq., as an interior designer to advertise as a registered interior designer or to use the title of “registered interior designer” or any other words, letters, figures, or other devices for the purpose of implying, directly or indirectly, that the person is registered under this subchapter, § 17-15-201 et seq., and § 17-35-101 et seq.~~

~~(b) It is unlawful for a company, partnership, association, corporation, or other similar organization, after January 1, 1994, to advertise that it is in a position to provide the services of a registered interior designer unless the persons providing the services are in the~~

~~responsible charge of a registered interior designer.~~

~~(c) An applicant for registration as a registered interior designer shall establish to the satisfaction of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers that the applicant:~~

~~(1) Is at least twenty one (21) years of age;~~

~~(2) Has not been convicted of an offense that bears directly on the fitness of the applicant to be registered;~~

~~(3) Has passed or supplied proof of passage of the examination required by this subchapter, § 17-15-201 et seq., and § 17-35-101 et seq.; and~~

~~(4) Meets any other requirements established by the board.~~

~~17-35-302. Requirements for registration.~~

~~(a) Each applicant for registration shall provide substantial evidence to the Arkansas State Board of Architects, Landscape Architects, and Interior Designers that the applicant:~~

~~(1)(A) Has passed the examination prepared and administered by the National Council for Interior Design Qualification or its successor in interest.~~

~~(B) The applicant shall provide a verification from the National Council for Interior Design Qualification or its successor in interest as proof that he or she passed the examination; and~~

~~(2) Is a:~~

~~(A) Graduate of a five year interior design program from an accredited institution and has completed at least one (1) year of diversified and appropriate interior design experience;~~

~~(B) Graduate of a four year interior design program or a master's degree program in interior design from an accredited institution and has completed at least two (2) years of diversified and appropriate interior design experience; or~~

~~(C) Licensed architect certified by the board.~~

~~(b) Each interior design program must be accredited by the National Council for Interior Design Accreditation or its successor in interest or be an interior design program of an institution accredited by the North Central Association of Colleges and Schools, or a program determined by the board to be substantially equivalent to such accredited programs.~~

~~(c) The board may accept satisfactory evidence of registration as an interior designer in another jurisdiction if the jurisdiction's requirements for registration are equal to or greater than those required for registration in this state at the date of application.~~

~~(d) Every registration shall expire annually on a day designated by the board.~~

~~17-35-303. Registration renewal.~~

~~(a) Every registered interior designer shall annually renew his or her registration, submit proof of completion of continuing education units as required by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers, and pay the renewal fee established by the board.~~

~~(b) It is unlawful for an interior designer who fails to renew his or her registration to continue to use the title of "registered interior designer".~~

~~17-35-304. Seal of interior designer.~~

~~(a)(1) Each registered interior designer shall obtain a seal as prescribed by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.~~

~~(2)(A) A document issued by the registered interior designer and being filed for public record shall bear the signature and seal of the interior designer who prepared or approved the document and the date on which it was sealed.~~

~~(B) The signature, date, and seal shall be evidence of the authenticity of the document.~~

~~(b) No registered interior designer shall affix, or permit to be affixed, his or her seal or signature to any plan, specification, drawing, or other document that depicts work that he or she is not competent or certified to perform.~~

~~(c) The registered interior designer's contract documents shall contain a statement that the document is not an architectural or engineering drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing, or load-bearing walls or structures or for the issuance of any building permit, except as otherwise provided by law.~~

~~(d) Documents as defined in this section are not to be construed as those that are required to be filed in state or local building departments or municipalities, except as otherwise provided by law.~~

~~(e) No registered interior designer shall affix his or her signature or seal to any plan, specifications, or other document that was not prepared by him or her or under his or her responsible supervising control or by another interior designer and reviewed, approved, or modified and adopted by him or her as his or her own work according to the rules adopted by the board.~~

~~(f) Studies, drawings, specifications, and other related documents prepared by a registered interior designer in providing interior design services shall be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.~~

~~(g) The shape and design of the seal will be different from the seals of architects, engineers, or landscape architects.~~

~~(h)(1) When the registration of a registered interior designer has expired or been revoked or suspended by the board, the registered interior designer shall surrender his or her seal to the Chair of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers within thirty (30) calendar days after the revocation or suspension has become effective.~~

~~(2) The seal shall be returned upon expiration of the suspension period.~~

#### ~~17-35-305. Grounds for revocation.~~

~~The Arkansas State Board of Architects, Landscape Architects, and Interior Designers may deny, suspend, or revoke the registration of a registered interior designer upon proof that:~~

~~(1) The holder of the registration is practicing in violation of § 17-15-201 et seq., this chapter, or the proper rules of the board;~~

~~(2) The registration has been obtained by fraud or misrepresentation or the person named therein has obtained it by fraud or misrepresentation;~~

~~(3) Money other than the regular fees provided for has been paid for the registration;~~

~~(4) The holder of the registration is falsely impersonating a~~

~~practitioner or former practitioner of a like or different name or is practicing under an assumed or fictitious name;~~

~~(5) The holder of the registration has been guilty of a felony;~~

~~(6) The holder of the registration has been guilty of fraud or deceit or of gross negligence or misconduct in the practice of interior design;~~

~~(7) The holder of the registration affixed, or permitted to be affixed, his or her seal or name to any plans, specifications, drawings, or related documents that were not prepared by the holder or under his or her responsible supervisory control;~~

~~(8) The holder of the registration has been adjudged mentally incapable by a court of competent jurisdiction;~~

~~(9) The holder of the registration has committed gross unprofessional conduct; or~~

~~(10) The holder of the registration has:~~

~~(A) Had a professional license or registration suspended or revoked;~~

~~(B) Had imposed other disciplinary action by a regulatory body of another state for any cause other than failure to pay applicable fees; or~~

~~(C) Surrendered or did not renew a professional license or registration after the initiation of any investigation or proceeding by such a body.~~

SECTION 3. Arkansas Code Title 17, Chapter 35, Subchapter, 6 is repealed.

~~Subchapter 6~~

~~—Arkansas Residential Interior Designers Title Registration Act~~

~~17-35-601. Title.~~

~~Sections 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803 may be cited as the “Arkansas Residential Interior Designers Title Registration Act”.~~

~~17-35-602. Purpose.~~

~~The purpose of §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-~~

~~35-801—17-35-803 is to register and regulate persons known as registered residential interior designers, in the public interest, and to prohibit the use of the title of “registered residential interior designer” by persons who are not registered.~~

~~17-35-603. Definitions.~~

~~As used in §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803:~~

~~(1) “Board” means the State Board of Registered Residential Interior Designers; and~~

~~(2)(A) “Registered residential interior designer” means a person registered under §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803.~~

~~(B)(i) The registered residential interior designer is a design professional who is qualified by education, experience, and examination as authorized by an authority.~~

~~(ii) In general, a registered residential interior designer performs services including preparation of working drawings and documents relative to nonload-bearing interior construction, materials, finishes, space planning, furnishings, fixtures, and equipment.~~

~~(C) Except as provided herein, residential interior design services do not include services that constitute the practice of architecture as defined in the Arkansas Architectural Act, § 17-15-101 et seq., or the practice of engineering as defined in the Arkansas Engineering Act, § 17-30-101 et seq.~~

~~17-35-604. Exemptions—Use of the title.~~

~~(a) Sections 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803 shall not apply to persons holding themselves out as “interior decorators” or offering “interior decorating services”, such as selection or assistance in selecting surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted lighting, or loose furnishings not subject to regulation under applicable building codes.~~

~~(b) Sections 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803 shall not apply to architects licensed by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers, provided~~

~~that such architects do not refer to themselves as “registered residential interior designers” unless registered under §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803.~~

~~(c) Nothing contained in §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803 shall prevent any person from rendering residential interior design services, provided such a person does not use the title of “registered residential interior designer” unless registered under §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803.~~

~~17-35-605. Penalties.~~

~~Effective January 1, 1994, it shall be a Class A misdemeanor for any person to:~~

~~(1) Use the title of “registered residential interior designer”, unless registered under §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803;~~

~~(2) Present as his or her own the registration of another;~~

~~(3) Give false or forged evidence to the State Board of Registered Residential Interior Designers or any member thereof in obtaining a registration;~~

~~(4) Falsely impersonate any other practitioner of like or different name;~~

~~(5) Use or attempt to use a registration that has been revoked;~~  
~~or~~

~~(6) Otherwise violate any of the provisions of §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803.~~

~~17-35-606. Funds.~~

~~(a) All moneys collected by the State Board of Registered Residential Interior Designers under §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803 shall be deposited into a financial institution in this state designated by the board.~~

~~(b) No general revenues of this state shall be appropriated to the board.~~

SECTION 4. Arkansas Code Title 17, Chapter 35, Subchapter 7 is amended to read as follows:

## Subchapter 7

- State Board of ~~Registered~~ Residential Interior Designers

17-35-701. Creation.

(a) There is created the State Board of ~~Registered~~ Residential Interior Designers.

(b)(1) The board shall consist of seven (7) members. Of the seven (7) members of the board:

(A) Five (5) shall be ~~registered~~ residential interior designers, one (1) of whom may be a professional full-time design educator, ~~registered or unregistered~~;

(B) One (1) shall be an architect licensed by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers who provides design services; and

(C) One (1) shall be a consumer.

(2) Members shall be appointed for terms of five (5) years.

(3) Vacancies shall be filled by appointment by the Governor for the unexpired term.

(4) No State Board of ~~Registered~~ Residential Interior Designers member shall serve consecutive terms.

(c)(1) A majority of the members on the State Board of ~~Registered~~ Residential Interior Designers shall constitute a quorum.

(2) Decisions of the State Board of ~~Registered~~ Residential Interior Designers shall be made by a majority vote of a quorum.

(d) The State Board of ~~Registered~~ Residential Interior Designers shall hold at least two (2) regular meetings each year and such other meetings as are deemed necessary.

(e)(1) The State Board of ~~Registered~~ Residential Interior Designers shall elect annually from its members a chair and vice chair to hold office for one (1) year and an executive secretary who may or may not be a member of the board.

(2) The executive secretary shall hold the office at the pleasure of the board and may receive a salary determined by the board.

(f)(1) State Board of ~~Registered~~ Residential Interior Designers members shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-901 et seq.

(2) The State Board of ~~Registered~~ Residential Interior Designers shall fix the compensation of its employees by resolution adopted at a regular meeting of the board.

17-35-702. Powers and duties of the board.

(a) The State Board of ~~Registered~~ Residential Interior Designers:

~~(1) Shall administer, coordinate, and enforce the provisions of §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803;~~

~~(2)(1) May investigate allegations of misconduct and suspend registrations concerning the provisions of §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803;~~

~~(3)(2) Shall adopt regulations rules in the manner prescribed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to carry out the purposes and policies of §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803, including regulations rules relating to professional conduct, and standards of performance and professional examination and registration, registration renewal requirements, application, renewal, and late fees, suspension and revocation of registrations, and the establishment of a code of ethics for persons registered under §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803;~~

~~(4) Shall set fees for registration, registration renewals, examinations, and all other administrative expenses;~~

~~(5) May require a registrant, as a condition of the renewal of his or her registration, to satisfy continuing education requirements;~~

~~(6) Shall maintain an official roster showing the name, address, and registration number of each interior designer registered under §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803;~~

~~(7) Shall require registrants to display their registration numbers on all business and advertising instruments, including business cards, stationery, and contracts;~~

~~(8)(3) Shall conduct hearings and keep records and minutes necessary to carry out its functions; and~~

~~(9)(4) May, to the extent moneys are appropriated therefor, employ an executive secretary and other employees and fix their compensation; and.~~

~~(10) Shall do all things reasonable and necessary to carry out~~

~~the purposes of §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803.~~

SECTION 5. Arkansas Code Title 17, Chapter 35, Subchapter, 8 is repealed.

~~Subchapter 8  
—Registration Requirements~~

~~17-35-801. Registration of residential interior designers.~~

~~(a) It is unlawful for any person who, after January 1, 1994, is not registered under §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803 as a residential interior designer to advertise as a registered residential interior designer, to use the title of “registered residential interior designer” or any other words, letters, figures, or other devices for the purpose of implying, directly or indirectly, that the person is registered under §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803.~~

~~(b) It is unlawful for any company, partnership, association, corporation, or other similar organization to advertise that it is in the position to provide the services of a registered residential interior designer unless the persons providing such services are in the responsible charge of a registered residential interior designer.~~

~~(c) An applicant for registration as a residential interior designer shall establish to the satisfaction of the State Board of Registered Residential Interior Designers that the applicant:~~

- ~~(1) Is at least twenty-one (21) years of age;~~
- ~~(2) Has not been convicted of an offense that bears directly on the fitness of the applicant to be registered;~~
- ~~(3) Has passed or supplied proof of passage of the examination required by §§ 17-35-601—17-35-606, 17-35-701, 17-35-702, and 17-35-801—17-35-803; and~~
- ~~(4) Meets any other requirements established by the board.~~

~~17-35-802. Requirements for registration.~~

~~(a) Each applicant for registration shall provide substantial evidence to the State Board of Registered Residential Interior Designers that the~~

applicant:

- (1) ~~Has taken and passed the Council for Qualification of Residential Interior Designers examination; and~~

(2)(A) ~~Is a graduate of a five year interior design program from an accredited institution and has completed at least one (1) year of diversified and appropriate residential interior design experience;~~

(B) ~~Is a graduate of a four year interior design program or a master's degree program in interior design from an accredited institution and has completed at least two (2) years of diversified and appropriate residential interior design experience; or~~

(C) ~~Is a licensed architect certified by the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.~~

(b) ~~Each interior design program must be an interior design program of an institution accredited by the North Central Association of Colleges and Schools, or a program determined by the State Board of Registered Residential Interior Designers to be substantially equivalent to such an accredited program.~~

(c) ~~Six (6) years from the date of passage, completion of a monitored internship development program may be required as part or all of the residential interior design experience requirement.~~

(d) ~~The State Board of Registered Residential Interior Designers shall waive examination requirements for an individual who provides proof of passage of the Council for Qualification of Residential Interior Designers examination and who is registered, licensed, or certified as an interior designer in another state, the District of Columbia, or a foreign country, provided that that jurisdiction's requirements for registration are substantially equivalent to those required for registration in this state.~~

(e) ~~Every registration shall expire annually on a day designated by the State Board of Registered Residential Interior Designers.~~

~~17-35-803. Registration renewal.~~

(a) ~~Every registered residential interior designer shall annually renew his or her registration, submit proof of completion of continuing education units as required by the State Board of Registered Residential Interior Designers, and pay the renewal fee established by the board.~~

(b) ~~It is unlawful for any residential interior designer who fails to~~

~~renew his or her registration to continue to use the title of “registered residential interior designer”.~~