

SECOND REGULAR SESSION

# HOUSE BILL NO. 1998

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES YAEGER (Sponsor), DOUGHERTY, SCAVUZZO, HARRIS, BROWN (50), NEWMAN, McNEIL, ENGLUND, WASSON, ATKINS, CASEY, FISCHER (107), LeBLANC, PACE AND WALTON GRAY (Co-sponsors).

4440L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, and 324.439, RSMo, relating to interior design.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, and 324.439 are repealed, to read as follows:

[324.400. As used in sections 324.400 to 324.439, the following terms mean:

- (1) "Council", the interior design council created in section 324.406;
- (2) "Division", the division of professional registration;
- (3) "Registered interior designer", a design professional who provides services including preparation of documents and specifications relative to nonload-bearing interior construction, furniture, finishes, fixtures and equipment and who meets the criteria of education, experience and examination as provided in sections 324.400 to 324.439.]

[324.402. The state or any county, municipality, or other political subdivision shall not require the use of a registered interior designer for any residential building, residential remodeling, residential rehabilitation, or residential construction purposes.]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

2 [324.403. No person may use the name or title, registered interior  
3 designer, in this state unless that person is registered as required by sections  
4 324.400 to 324.439. Nothing in sections 324.400 to 324.439 shall be construed  
5 as limiting or preventing the practice of a person's profession or restricting a  
6 person from providing interior design services, provided such person does not  
7 indicate to the public that such person is registered as an interior designer  
8 pursuant to the provisions of sections 324.400 to 324.439.]

2 [324.406. 1. There is hereby created within the division of professional  
3 registration a council to be known as the "Interior Design Council". The council  
4 shall consist of four interior designers and one public member appointed by the  
5 governor with the advice and consent of the senate. The governor shall give due  
6 consideration to the recommendations by state organizations of the interior  
7 design profession for the appointment of the interior design members to the  
8 council. Council members shall be appointed to serve a term of four years;  
9 except that of the members first appointed, one interior design member and the  
10 public member shall be appointed for terms of four years, one member shall be  
11 appointed for a term of three years, one member shall be appointed for a term of  
12 two years and one member shall be appointed for a term of one year. No member  
13 of the council shall serve more than two terms.

14 2. Each council member, other than the public member, shall be a citizen  
15 of the United States, a resident of the state of Missouri for at least one year, meet  
16 the qualifications for professional registration, practice interior design as the  
17 person's principal livelihood and, except for the first members appointed, be  
18 registered pursuant to sections 324.400 to 324.439 as an interior designer.

19 3. The public member shall be, at the time of such person's appointment,  
20 a citizen of the United States, a registered voter, a person who is not and never  
21 was a member of the profession regulated by sections 324.400 to 324.439 or the  
22 spouse of such a person and a person who does not have and never has had a  
23 material financial interest in the providing of the professional services regulated  
24 by sections 324.400 to 324.439. The duties of the public member shall not  
25 include the determination of the technical requirements for the registration of  
26 persons as interior designers. The provisions of section 324.028 pertaining to  
27 public members of certain state boards and commissions shall apply to the public  
28 member of the council.

29 4. Members of the council may be removed from office for cause. Upon  
30 the death, resignation or removal from office of any member of the council, the  
31 appointment to fill the vacancy shall be for the unexpired portion of the term so  
32 vacated and shall be filled in the same manner as the first appointment and due  
33 notice be given to the state organizations of the interior design profession prior  
34 to the appointment.

35 5. Each member of the council may receive as compensation an amount  
set by the division not to exceed fifty dollars per day and shall be reimbursed for

the member's reasonable and necessary expenses incurred in the official performance of the member's duties as a member of the council. The director shall establish by rule guidelines for payment.

6. The council shall meet at least twice each year and advise the division on matters within the scope of sections 324.400 to 324.439. The organization of the council shall be established by the members of the council.

7. The council may sue and be sued as the interior design council and the council members need not be named as parties. Members of the council shall not be personally liable either jointly or severally for any act committed in the performance of their official duties as council members. No council member shall be personally liable for any costs which accrue in any action by or against the council.]

[324.409. 1. To be a registered interior designer, a person:

(1) Shall take and pass or have passed the examination administered by the National Council for Interior Design Qualification or an equivalent examination approved by the council. In addition to proof of passage of the examination, the application shall provide substantial evidence to the council that the applicant:

(a) Is a graduate of a five-year or four-year interior design program from an accredited institution and has completed at least two years of diversified and appropriate interior design experience; or

(b) Has completed at least three years of an interior design curriculum from an accredited institution and has completed at least three years of diversified and appropriate interior design experience; or

(c) Is a graduate of a two-year interior design program from an accredited institution and has completed at least four years of diversified and appropriate interior design experience; or

(2) May qualify who is currently registered pursuant to sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture and registered with the council. Such applicant shall give authorization to the council in order to verify current registration with sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture.

2. Verification of experience required pursuant to this section shall be based on a minimum of two client references, business or employment verification and three industry references, submitted to the council.

3. The council shall verify if an applicant has complied with the provisions of this section and has paid the required fees, then the council shall recommend such applicant be registered as a registered interior designer by the council.]

[324.412. 1. The division shall:

2 (1) Employ, within the limits of the appropriations for that purpose, such  
3 employees as are necessary to carry out the provisions of sections 324.400 to  
4 324.439;

5 (2) Exercise all budgeting, purchasing, reporting and other related  
6 management functions.

7 2. The council shall:

8 (1) Recommend prosecution for violations of sections 324.400 to  
9 324.439 to the appropriate prosecuting or circuit attorney;

10 (2) Promulgate such rules and regulations as are necessary to administer  
11 the provisions of sections 324.400 to 324.439. Any rule or portion of a rule, as  
12 that term is defined in section 536.010, RSMo, that is promulgated to administer  
13 and enforce sections 324.400 to 324.439, shall become effective only if the  
14 agency has fully complied with all of the requirements of chapter 536, RSMo,  
15 including but not limited to, section 536.028, RSMo, if applicable, after August  
16 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of  
17 this section are nonseverable and if any of the powers vested with the general  
18 assembly pursuant to section 536.028, RSMo, to review, to delay the effective  
19 date, or to disapprove and annul a rule or portion of a rule are held  
20 unconstitutional or invalid, the purported grant of rulemaking authority and any  
21 rule so proposed and contained in the order of rulemaking shall be invalid and  
22 void, except that nothing in this section shall affect the validity of any rule  
23 adopted and promulgated prior to August 28, 1998.]  
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2 [324.415. Applications for registration as a registered interior designer  
3 shall be typewritten on forms prescribed by the council and furnished to the  
4 applicant. The application shall contain the applicant's statements showing the  
5 applicant's education, experience, results of previous interior design certification,  
6 registration or licensing examinations, if any, and such other pertinent  
7 information as the council may require, or architect's registration number and  
8 such other pertinent information as the council may require. Each application  
9 shall contain a statement that is made under oath or affirmation and that the  
10 representations are true and correct to the best knowledge and belief of the person  
11 signing the application. The person shall be subject to the penalties for making  
12 a false affidavit or declaration and shall be accompanied by the required fee.]

2 [324.418. 1. The certificate of registration issued biennially to a  
3 registered interior designer pursuant to sections 324.400 to 324.439 shall be  
4 renewed on or before the certificate renewal date accompanied by the required  
5 fee. The certificate of registration of a registered interior designer which is not  
6 renewed within three months after the certificate renewal date shall be suspended  
7 automatically, subject to the right of the holder to have the suspended certificate  
8 of registration reinstated within nine months of the date of suspension if the  
person pays the required reinstatement fee. Any certificate of registration

9 suspended and not reinstated within nine months of the suspension date shall  
10 expire and be void and the holder of such certificate shall have no rights or  
11 privileges provided to holders of valid certificates. Any person whose certificate  
12 of registration has expired may, upon demonstration of current qualifications and  
13 payment of required fees, be reregistered or reauthorized under the person's  
14 original certificate of registration number.

15 2. Each application for the renewal or reinstatement of a registration shall  
16 be on a form furnished to the applicant and shall be accompanied by the required  
17 fees and proof of current completion of at least one unit every two years of  
18 approved or verifiable continuing education in interior design or architecture,  
19 immediately prior to such renewal or reinstatement. Ten contact hours  
20 constitutes one continuing education unit. Five contact hours of teaching in  
21 interior design or architecture constitutes one continuing education unit. One  
22 college course credit in interior design or architecture constitutes one continuing  
23 education unit.]  
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2 [324.421. The council shall register without examination any interior  
3 designer certified, licensed or registered in another state or territory of the United  
4 States or foreign country if the applicant has qualifications which are at least  
5 equivalent to the requirements for registration as a registered interior designer in  
6 this state and such applicant pays the required fees.]

2 [324.424. 1. The council shall set the amount of the fees authorized by  
3 sections 324.400 to 324.439 by rules and regulations. The fees shall be set at a  
4 level to produce revenue which shall not substantially exceed the cost and  
5 expense of administering sections 324.400 to 324.439. All fees required pursuant  
6 to sections 324.400 to 324.439 shall be paid to and collected by the division of  
7 professional registration and transmitted to the department of revenue for deposit  
8 in the state treasury to the credit of the "Interior Designer Council Fund", which  
9 is hereby created.

10 2. Notwithstanding the provisions of section 33.080, RSMo, to the  
11 contrary, money in the fund shall not be transferred and placed to the credit of  
12 general revenue until the amount in the fund at the end of the biennium exceeds  
13 three times the amount of the appropriation to the council for the preceding fiscal  
14 year. The amount, if any, in the fund which shall lapse is the amount in the fund  
15 which exceeds the appropriate multiple of the appropriations to the council for  
16 the preceding fiscal year.]

2 [324.427. It is unlawful for any person to advertise or indicate to the  
3 public that the person is a registered interior designer in this state, unless such  
4 person is registered as a registered interior designer by the council and is in good  
5 standing pursuant to sections 324.400 to 324.439.]

2 [324.430. No person may use the designation registered interior designer  
3 in Missouri, unless the council has issued a current certificate of registration  
4 certifying that the person has been duly registered as a registered interior designer  
5 in Missouri and unless such registration has been renewed or reinstated as  
6 provided in section 324.418.]

2 [324.433. The right to use the title of registered interior designer shall be  
3 deemed a personal right, based upon the qualifications of the individual,  
4 evidenced by the person's current certificate of registration and such certificate  
5 is not transferable; except that, a registered interior designer may perform the  
6 interior designer's profession through, or as a member of, or as an employee of,  
7 a partnership or corporation.]

2 [324.436. 1. The council may refuse to issue any certificate required  
3 pursuant to sections 324.400 to 324.439, or renew or reinstate any such  
4 certificate, for any one or any combination of the reasons stated in subsection 2  
5 of this section. The council shall notify the applicant in writing of the reasons for  
6 the refusal and shall advise the applicant of the person's right to file a complaint  
7 with the administrative hearing commission as provided in chapter 621, RSMo.

2 2. The council may cause a complaint to be filed with the administrative  
3 hearing commission as provided by chapter 621, RSMo, against any holder of a  
4 certificate of registration required by sections 324.400 to 324.439 or any person  
5 who has failed to renew or has surrendered the person's certificate of registration  
6 for any one or combination of the following reasons:

7 (1) The person has been finally adjudicated and found guilty, or entered  
8 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of  
9 this state or any other state or of the United States, for any offense reasonably  
10 related to the qualifications, functions or duties of the profession regulated by  
11 sections 324.400 to 324.439; for any offense for which an essential element is  
12 fraud, dishonesty or an act of violence; or for a felony, whether or not sentence  
13 is imposed;

14 (2) Use of fraud, deception, misrepresentation or bribery in securing any  
15 certificate of registration issued pursuant to sections 324.400 to 324.439 or in  
16 obtaining permission to take any examination given or required pursuant to  
17 sections 324.400 to 324.439;

18 (3) Obtaining or attempting to obtain any fee, charge, tuition or other  
19 compensation by fraud, deception or misrepresentation;

20 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation  
21 or dishonesty in the performance of the functions or duties of the profession  
22 regulated by sections 324.400 to 324.439;

23 (5) Violation of, or assisting or enabling any person to violate, any  
24 provision of sections 324.400 to 324.439, or of any lawful rule or regulation  
25 adopted pursuant to such sections;  
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31 (6) Impersonation of any person holding a certificate of registration or  
32 authority, permit or license or allowing any person to use the person's certificate  
33 or diploma from any school;

34 (7) Disciplinary action against the holder of a certificate of registration  
35 or other right to perform the profession regulated by sections 324.400 to 324.439  
36 granted by another state, territory, federal agency or country upon grounds for  
37 which revocation or suspension is authorized in this state;

38 (8) A person is finally adjudged insane or incompetent by a court of  
39 competent jurisdiction;

40 (9) Issuance of a certificate of registration based upon a material mistake  
41 of fact;

42 (10) Use of any advertisement or solicitation which is false, misleading  
43 or deceptive to the general public or persons to whom the advertisement or  
44 solicitation is primarily directed, as it relates to the interior design profession.

45 3. After the filing of a complaint pursuant to subsection 2 of this section,  
46 the proceedings shall be conducted in accordance with the provisions of chapter  
47 536, RSMo, and chapter 621, RSMo. Upon a finding by the administrative  
48 hearing commission that the grounds, provided in subsection 2 of this section, for  
49 disciplinary action are met, the council shall censure or place the person named  
50 in the complaint on probation for a period not to exceed five years or may  
51 suspend the person's certificate for a period not to exceed three years or may  
52 revoke the person's certificate of registration.]

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2 [324.439. After twenty-four months after August 28, 1998, any person  
3 who violates any provision of sections 324.400 to 324.439 shall be guilty of a  
class A misdemeanor.]

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