

SECOND REGULAR SESSION

HOUSE BILL NO. 2158

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GALLICK.

4809H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 324.400, 324.403, 324.433, and 324.436, RSMo, and to enact in lieu thereof five new sections relating to registered interior designers, with penalty provisions.

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

Section A. Sections 324.400, 324.403, 324.433, and 324.436, RSMo, are repealed
2 and five new sections enacted in lieu thereof, to be known as sections 324.400, 324.403,
3 324.419, 324.433, and 324.436, to read as follows:

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

- 2 (1) **"Accredited institution", an institution accredited by the Council for Interior**
3 **Design Accreditation, an accreditation body recognized by the United States**
4 **Department of Education, or a curriculum or transcript approved by the division per**
5 **an application for registration as a registered interior designer;**
6 (2) **"Building equipment", any mechanical plumbing, electrical, or structural**
7 **components, including a conveyance, designed for or located in a building or structure;**
8 (3) **"Conveyance", an elevator, dumbwaiter, vertical reciprocating conveyor,**
9 **escalator, or other motorized vertical transportation system;**
10 (4) **"Council", the interior design council created in section 324.406;**
11 ~~(2)~~ (5) **"Division", the division of professional registration;**
12 ~~(3)~~ (6) **"Interior alteration or construction project", a project, including**
13 **construction, modification, renovation, rehabilitation, or historic preservation, for an**
14 **interior space or area within a proposed or existing building or structure that involves**
15 **changing or altering:**

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.

- 16 **(a) The design function or layout of a room; or**
17 **(b) The state of permanent fixtures or equipment;**
18 **(7) "Interior nonstructural element", an interior design element that does not**
19 **require structural bracing and that is not load-bearing according to any applicable**
20 **building codes;**
21 **(8) "Interior technical submission", the designs, drawings, and specifications**
22 **that establish the scope of the interior alteration or construction project, the standard of**
23 **quality for any materials, workmanship, equipment, and construction systems of an**
24 **interior alteration or construction project, and the studies and other technical reports**
25 **and calculations prepared in the course of the practice of registered interior design;**
26 **(9) "Practice of registered interior design", the design of interior spaces as a part**
27 **of an interior alteration or construction project in conformity with public health, safety,**
28 **and welfare requirements, including the preparation of documents relating to building**
29 **code descriptions, project egress plans that require no increase in capacity of exits in the**
30 **space affected, space planning, finish materials, furnishings, fixtures, equipment, and**
31 **preparation of documents and interior technical submissions relating to an interior**
32 **alteration or construction project. The term "practice of registered interior design":**
33 **(a) Shall include:**
34 **a. The programming, planning, pre-design analysis, and conceptual design of**
35 **any interior nonstructural elements including, but not limited to, the selection of**
36 **materials, furniture, fixtures, and equipment, except for building equipment;**
37 **b. The alteration or construction of any interior nonstructural elements and any**
38 **interior technical submissions related to such alteration or construction;**
39 **c. The preparation of a physical plan of space within a proposed or existing**
40 **building or structure, including:**
41 **(i) Determinations of circulation systems or patterns;**
42 **(ii) Determinations of the location of exit requirements based on occupancy**
43 **loads; and**
44 **(iii) Assessments and analyses of any interior safety factors to comply with**
45 **applicable building codes related to interior nonstructural elements;**
46 **d. The application of building codes and accessibility standards including, but**
47 **not limited to, the federal Americans with Disabilities Act of 1990, 42 U.S.C. Section**
48 **12101 et seq., as applicable to interior technical submissions for interior nonstructural**
49 **elements;**
50 **e. The rendering of designs, plans, drawings, specifications, contract documents,**
51 **or other interior technical submissions; and**

52 **f. The administration of the construction of interior nonstructural elements and**
53 **contracts relating to interior nonstructural elements in the interior alteration or**
54 **construction of a proposed or existing building or structure; and**

55 **(b) Shall not include:**

56 **a. Services or work that constitute the practice of architecture, as provided in**
57 **section 327.091;**

58 **b. Services or work that constitute the practice of professional engineering, as**
59 **provided in section 327.181;**

60 **c. Services or work that constitute the practice of professional land surveying, as**
61 **provided in section 327.272;**

62 **d. Services or work that constitute the practice of professional landscape**
63 **architecture, as defined in section 327.600;**

64 **e. Altering or affecting the structural system of a building, including changing**
65 **the building's live or dead load on the structural system;**

66 **f. Changes to the building envelope, including exterior walls, exterior wall**
67 **coverings, exterior wall openings, exterior windows or doors, architectural trim,**
68 **balconies and similar projections, bay or oriel windows, roof assemblies and rooftop**
69 **structures, and glass and glazing for exterior use in both vertical and sloped applications**
70 **in buildings and structures;**

71 **g. Altering or affecting the mechanical, plumbing, heating, air conditioning,**
72 **ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems;**

73 **h. Changes beyond the exit access component of a means of egress system;**

74 **i. Construction that materially affects any life safety systems pertaining to fire**
75 **safety or fire protection of structural elements, smoke evacuation and**
76 **compartmentalization systems, or fire-rated vertical shafts in multi-story structures;**

77 **j. Changes of use to an occupancy of greater hazard as determined by the**
78 **International Building Code; and**

79 **k. Changes to the construction classification of the building or structure**
80 **according to the International Building Code;**

81 **(10) "Professional design firm", a partnership, limited partnership, or limited**
82 **liability partnership consisting of partners licensed to practice the professions regulated**
83 **by chapter 327 for the purposes of providing services or work constituting the practice**
84 **of registered interior design along with the practice of architecture, as provided in**
85 **section 327.091, the practice of professional engineering, as provided in section 327.181,**
86 **the practice of professional land surveying, as provided in section 327.272, or the**
87 **practice of professional landscape architecture, as defined in section 327.600, or a**
88 **general business corporation, professional corporation, or limited liability company**

89 **with a certificate of authority issued under chapter 327 that provides services or work**
90 **constituting the practice of registered interior design;**

91 (11) "Registered interior designer", a design professional who provides services
92 including preparation of documents and specifications relative to nonload-bearing interior
93 construction, furniture, finishes, fixtures and equipment and who meets the criteria of
94 education, experience and examination as provided in sections 324.400 to 324.439;

95 (12) "Responsible charge", the exercising, directing, guiding, and restraining
96 power of a registered interior designer over the preparation of an interior technical
97 submission, and the exercise of professional judgment by a registered interior designer
98 in all matters embodied in the interior technical submission. The term "responsible
99 charge" shall not include the reviewing of interior technical submissions prepared by
100 another person unless the registered interior designer reviewing such interior technical
101 submissions actually exercises personal supervision and direct control over the interior
102 technical submission.

324.403. 1. No person may use the name or title, registered interior designer, in this
2 state unless that person is registered as required by sections 324.400 to 324.439.

3 2. A registered interior designer shall undertake to perform interior design
4 services only when he or she is qualified by education, training, and experience in the
5 specific technical areas involved.

6 3. Nothing in sections 324.400 to 324.439 shall be construed as limiting or preventing
7 the practice of a person's profession or restricting a person from providing interior design
8 services, provided such person does not indicate to the public that such person is registered as
9 an interior designer pursuant to the provisions of sections 324.400 to 324.439.

10 4. Nothing in sections 324.400 to 324.439 shall be construed as preventing or
11 restricting persons from engaging in professional services limited to the design of
12 kitchen and bath spaces or the specification of products for kitchen and bath spaces in
13 noncommercial settings.

324.419. 1. Each registered interior designer shall have a personal seal in a form
2 prescribed by the division, and he or she shall affix the seal to all final interior technical
3 submissions. Such registered interior designer shall either prepare or personally
4 supervise the preparation of all documents sealed by the registered interior designer,
5 and such registered interior designer shall be held personally responsible for the
6 contents of all such documents sealed by such registered interior designer or sealed with
7 his or her personal seal regardless of whether such documents were prepared or drafted
8 by another registered interior designer.

9 2. The personal seal of a registered interior designer shall be the legal equivalent
10 of the registered interior designer's signature whenever and wherever used.

11 **3. Notwithstanding any other provision of this section to the contrary, any**
12 **registered interior designer may attach a statement over his or her signature,**
13 **authenticated by his or her personal seal, specifying the particular interior technical**
14 **submissions, or portions thereof, intended to be authenticated by the seal, and**
15 **disclaiming any responsibility for all other interior technical submissions relating to or**
16 **intended to be used for any part of the interior alteration or construction project.**

17 **4. Nothing in this section, or any rule or regulation of the division, shall require**
18 **any registered interior designer to seal preliminary or incomplete documents.**

19 **5. A registered interior designer shall not sign and seal any interior technical**
20 **submission that was not prepared by or under the responsible charge of the registered**
21 **interior designer, except that:**

22 **(1) The registered interior designer may sign and seal those portions of the**
23 **interior technical submission that were prepared by or under the responsible charge of**
24 **another registered interior designer that has signed and sealed the documents if the**
25 **registered interior designer has reviewed in whole or in part such portions and has**
26 **either coordinated the preparation of or integrated such portions into the interior design**
27 **submission;**

28 **(2) The registered interior designer may sign and seal portions of any**
29 **professional work that are not required by this section to be prepared by or under the**
30 **responsible charge of a registered interior designer if the registered interior designer**
31 **has reviewed and adopted in whole or in part such portions and has integrated them**
32 **into the work. The work associated with the combination of services in connection with**
33 **the design and construction of buildings shall be provided by an architect licensed in**
34 **accordance with chapter 327. If engineering or land surveying services are required in**
35 **association with an interior nonstructural project being performed by a registered**
36 **interior designer, the documents that have already been properly sealed by a**
37 **professional engineer or professional land surveyor, as such terms are defined in**
38 **section 327.011, may be compiled by a registered interior designer. Each design**
39 **professional shall seal the respective documents and shall not seal a document that was**
40 **not prepared under the design professional's responsible charge. For all other projects,**
41 **engineering or land surveying services shall be procured separately from the registered**
42 **interior designer; and**

43 **(3) A partner, owner, officer, member, or managing agent of a professional**
44 **design firm who has professional knowledge of the contents of the interior technical**
45 **submissions and intends to be responsible for the adequacy of the interior technical**
46 **submissions may sign and seal interior technical submissions that are prepared by or**
47 **under the responsible charge of a registered interior designer who is registered in this**

48 state and who is in the regular employment of the professional design firm of the
49 partner, owner, officer, member, or managing agent.

50 **6. The registered interior designer exercising responsible charge under which**
51 **the interior technical submissions or portions of the interior technical submissions were**
52 **prepared shall be identified on the interior technical submissions or portions of the**
53 **interior technical submissions by name and registration number. Any registered**
54 **interior designer who signs and seals interior technical submissions not prepared by**
55 **that registered interior designer but prepared under that registered interior designer's**
56 **responsible charge by persons not regularly employed in the same professional design**
57 **firm as the registered interior designer shall maintain and make available to the division**
58 **upon request for at least five years following such signing and sealing adequate and**
59 **complete records demonstrating the nature and extent of the registered interior**
60 **designer's responsible charge over, and detailed professional knowledge of, the interior**
61 **technical submissions throughout their preparation.**

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

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

7 2. The division may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621 against any holder of a certificate of registration
9 required by sections 324.400 to 324.439 or any person who has failed to renew or has
10 surrendered the person's certificate of registration for any one or combination of the following
11 reasons:

12 (1) The person has been finally adjudicated and found guilty, or entered a plea of
13 guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the
14 United States, or of any country, for any offense directly related to the duties and
15 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
16 sentence is imposed;

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

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

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

25 (5) Violation of, or assisting or enabling any person to violate, any provision of
26 sections 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such
27 sections;

28 (6) Impersonation of any person holding a certificate of registration or authority,
29 permit or license or allowing any person to use the person's certificate or diploma from any
30 school;

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

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

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

38 (10) Use of any advertisement or solicitation which is false, misleading or deceptive
39 to the general public or persons to whom the advertisement or solicitation is primarily
40 directed, as it relates to the **practice of registered interior design** [~~profession~~].

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

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