STATE OF NEW YORK

S. 7609--A

A. 10409--A

SENATE — ASSEMBLY

March 26, 1990

IN SENATE — Introduced by Sens. LAVALLE, RABBUSH, JOHNSON, LEICHTER, MALTESE, MARCII, SKELOS, STAVISKY, TRUNZO, VOLKER — read twice and ordered printed, and when printed to be committed to the Committee on Education — committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY — Introduced by M. of A. KOPPELL, DUGAN, FELDMAN, MAYER-SOHN, DOCI — Multi-Sponsored by — M. of A. BARNETT, BARRAGA, BENNETT, CLARK, CONNERS, DANIELS, GAFFNEY, GANTT, GOTTFRIED, GREEN, GREENE, GRIFFITH, HARRIS, KAUFMAN, LEMFOL, MARTINEZ, MURTAUGH, NADLER, PROUD, SANDERS, SEABROOK, YEVOLI, YOUNG — read once and referred to the Committee on Higher Education — reported and referred to the Committee on Ways and Means — committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the use of the title "certified interior designer"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1. Section 1. Article 161 of the education law is renumbered article 170 and a new article 161 is added to read as follows:

   ARTICLE 161
   INTERIOR DESIGN

   § 8300. Application. This article applies to the use of a title by a certified interior designer. The general provisions for all professions

EXPLANATION—Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD13293-05-0
contained in article one hundred thirty of this title apply to this article.

§ 8301. Use of the title "certified interior designer". Only a person certified pursuant to this article may use the title "certified interior designer". Authorization contained within this article to use the title "certified interior designer" shall not be construed to permit the practice of engineering, as described in article one hundred forty-five of this title, or the practice of architecture, as described in article one hundred forty-seven of this title, by persons not otherwise authorized to engage in such practices.

§ 8302. Signature of a certified interior designer. All original final interior design documents, plans and specifications, prepared by a certified interior designer or by a full-time or part-time subordinate employed under his or her supervision, shall be manually signed by the certified interior designer.

§ 8303. Definition of practice of interior design. For the purposes of this article, the practice of interior design is defined as rendering or offering to render services for a fee or other valuable consideration, in the preparation and administration of interior design documents (including drawings, schedules and specifications) which pertain to the planning and design of interior spaces including furnishings, layouts, fixtures, cabinetry, lighting, finishes, materials, and interior construction not materially related to or materially affecting the building systems, all of which shall comply with applicable laws, codes, regulations, and standards. The scope of work described herein shall not be construed as authorizing the planning and design of engineering and architectural interior construction as related to the building systems, including structural, electrical, plumbing, heating, ventilating, air conditioning or mechanical systems and shall not be construed as authorizing the practice of engineering or architecture as described in article one hundred forty-five or one hundred forty-seven of this title.

The interior design plans as described above are not to be construed as those required to be filed with local municipalities or building departments as required by the state education law regulating the practices of architecture or engineering.

§ 8304. State board for interior design. 1. A state board for interior design shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of certification and professional conduct in accordance with section sixty-five hundred eighty of this title. The board shall be composed of nine members, four of whom shall be interior designers certified in this state, two of whom shall be licensed architects who practice primarily interior design in this state, one who shall be a professional engineer in this state with an expertise in interior design, one who shall be a full-time interior design educator in this state and one who shall be the public representative. Notwithstanding the foregoing, the members of the first board who are interior designers need not be certified prior to their appointment to the board.

2. Two interior designers and a licensed architect who practices primarily interior design shall serve initial five year terms. Two interior designers and a professional engineer with an expertise in interior design shall serve initial four year terms. One licensed architect who practices primarily interior design, the interior design educator, and the public representative shall serve initial two year terms. Following the establishment of the initial membership of the board, all succeeding appointments shall be for five year terms. Any vacancy on the board
shall be filled by appointment for the remainder of such member's terms in accordance with the provisions of this section.

§ 8305. Requirements for certification. 1. To qualify for certification to use the title "certified interior designer", an applicant shall fulfill all the following requirements:

(a) Application: file an application with the department;

(b) Education: have received at least seven years of professional training consisting of academic study and work experience relating to interior design and in accordance with the commissioner's regulations. These seven years shall contain at least two but not more than five years of post-secondary education, including an associate degree or the equivalent, in an approved program of interior design;

(c) Experience: have experience satisfactory to the board and in accordance with the commissioner's regulations;

(d) Examination: (1) pass an examination satisfactory to the board in accordance with the commissioner's regulations, and (2) pass a separate examination satisfactory to the board relative to the fire, safety and building codes of the state;

(e) Age: be at least twenty-one years of age;

(f) Citizenship: meet no requirements as to United States citizenship;

(g) Character: be of good moral character as determined by the department; and

(h) Fees: pay a fee of three hundred dollars to the department for admission to the two department conducted examinations and for an initial license, a fee of one hundred fifty dollars for each reexamination, a fee of one hundred thirty-five dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of two hundred ten dollars for each triennial registration period.

2. On recommendation of the board, the department may exempt:

(a) from the requirement of subparagraph one of paragraph (d) of subdivision one of this section, an applicant who holds a license satisfactory to practice as an interior designer issued to him or her upon examination by a legally constituted board of examiners in any other state or political subdivision of the United States, provided that at the time the license or certificate was issued by such state or political subdivision the applicant met the requirements of paragraph (b) of subdivision one of this section for certification to use the title "certified interior designer" established by this article; or

(b) from the requirements specified in paragraph (b) of subdivision one of this section provided the applicant submits within two years of the effective date of this article satisfactory evidence that the applicant has held himself or herself out as an interior designer and has prepared interior design documents in accordance with the requirements set forth in section eighty-three hundred three of this article for a minimum of seven years, has received a secondary school diploma or equivalent, and has passed the examinations required under paragraph (d) of subdivision one of this section.

§ 8306. Limited permits. 1. On recommendation of the board, the department may issue a limited permit, valid for a period of two years and renewable once on the recommendation of the board, for use of the title "certified interior designer" in accordance with this article by one who is not a resident of this state and has no established business in this state. This individual shall (a) be qualified to practice or engage, under such title, in the practice of interior design in his or her own country or state, (b) submit evidence satisfactory to the board of established and recognized professional standing in his or her own coun-
try or state, and (c) submit satisfactory certifications as to his or her qualifications.

2. The limited permit shall authorize the holder to use the title "certified interior designer".

3. A limited permit of a certified interior designer shall be used only in connection with the specific project for which the limited permit is issued and authorized in writing by the department.

4. The fee for each limited permit shall be one hundred five dollars.

§ 8307. Separability. If any section of this article, or part thereof, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other section or part thereof.

§ 2. This act shall take effect on the first day of June next succeeding the date on which it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.