

SENATE BILL NO. 1325

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

4762S.02I

KRISTINA MARTIN, Secretary

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 licensure of registered interior designers.

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

Section A. Sections 324.400, 324.403, 324.433, and
2 324.436, RSMo, are repealed and five new sections enacted in
3 lieu thereof, to be known as sections 324.400, 324.403, 324.419,
4 324.433, and 324.436, to read as follows:

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

3 (1) **"Accredited institution", an institution**
4 **accredited by the Council for Interior Design Accreditation,**
5 **an accreditation body recognized by the United States**
6 **Department of Education, or a curriculum or transcript**
7 **approved by the division per an application for registration**
8 **as a registered interior designer;**

9 (2) **"Building equipment", any mechanical plumbing,**
10 **electrical, or structural components, including a**
11 **conveyance, designed for or located in a building or**
12 **structure;**

13 (3) **"Conveyance", an elevator, dumbwaiter, vertical**
14 **reciprocating conveyor, escalator, or other motorized**
15 **vertical transportation system;**

16 (4) **"Council", the interior design council created in**
17 **section 324.406;**

18 [(2)] (5) **"Division", the division of professional**
19 **registration;**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 [(3)] (6) "Interior alteration or construction
21 project", a project, including construction, modification,
22 renovation, rehabilitation, or historic preservation, for an
23 interior space or area within a proposed or existing
24 building or structure that involves changing or altering:

25 (a) The design function or layout of a room; or

26 (b) The state of permanent fixtures or equipment;

27 (7) "Interior nonstructural element", an interior
28 design element that does not require structural bracing and
29 that is not load-bearing according to any applicable
30 building codes;

31 (8) "Interior technical submission", the designs,
32 drawings, and specifications that establish the scope of the
33 interior alteration or construction project, the standard of
34 quality for any materials, workmanship, equipment, and
35 construction systems of an interior alteration or
36 construction project, and the studies and other technical
37 reports and calculations prepared in the course of the
38 practice of registered interior design;

39 (9) "Practice of registered interior design", the
40 design of interior spaces as a part of an interior
41 alteration or construction project in conformity with public
42 health, safety, and welfare requirements, including the
43 preparation of documents relating to building code
44 descriptions, project egress plans that require no increase
45 in the capacity of exits in the space affected, space
46 planning, finish materials, furnishings, fixtures,
47 equipment, and preparation of documents and interior
48 technical submissions relating to an interior alteration or
49 construction project. The term "practice of registered
50 interior design":

51 (a) Shall include:

52 a. The programming, planning, pre-design analysis, and
53 conceptual design of any interior nonstructural elements,
54 including, but not limited to, the selection of materials,
55 furniture, fixtures, and equipment, except for building
56 equipment;

57 b. The alteration or construction of any interior
58 nonstructural elements and any interior technical
59 submissions related to such alteration or construction;

60 c. The preparation of a physical plan of space within
61 a proposed or existing building or structure, including:

62 (i) Determinations of circulation systems or patterns;

63 (ii) Determinations of the location of exit
64 requirements based on occupancy loads; and

65 (iii) Assessments and analyses of any interior safety
66 factors to comply with applicable building codes related to
67 interior nonstructural elements;

68 d. The application of building codes and accessibility
69 standards, including, but not limited to, the federal
70 Americans with Disabilities Act of 1990, 42 U.S.C. Section
71 12101 et seq., as applicable to interior technical
72 submissions for interior nonstructural elements;

73 e. The rendering of designs, plans, drawings,
74 specifications, contract documents, or other interior
75 technical submissions; and

76 f. The administration of the construction of interior
77 nonstructural elements and contracts relating to interior
78 nonstructural elements in the interior alteration or
79 construction of a proposed or existing building or
80 structure; and

81 (b) Shall not include:

82 a. Services or work that constitute the practice of
83 architecture, as provided in section 327.091;

- 84 b. Services or work that constitute the practice of
85 professional engineering, as provided in section 327.181;
- 86 c. Services or work that constitute the practice of
87 professional land surveying, as provided in section 327.272;
- 88 d. Services or work that constitute the practice of
89 professional landscape architecture, as defined in section
90 327.600;
- 91 e. Altering or affecting the structural system of a
92 building, including changing the building's live or dead
93 load on the structural system;
- 94 f. Changes to the building envelope, including
95 exterior walls, exterior wall coverings, exterior wall
96 openings, exterior windows or doors, architectural trim,
97 balconies and similar projections, bay or oriel windows,
98 roof assemblies and rooftop structures, and glass and
99 glazing for exterior use in both vertical and sloped
100 applications in buildings and structures;
- 101 g. Altering or affecting the mechanical, plumbing,
102 heating, air conditioning, ventilation, electrical, vertical
103 transportation, fire sprinkler, or fire alarm systems;
- 104 h. Changes beyond the exit access component of a means
105 of egress system;
- 106 i. Construction that materially affects any life
107 safety systems pertaining to fire safety or fire protection
108 of structural elements, smoke evacuation and
109 compartmentalization systems, or fire-rated vertical shafts
110 in multi-story structures;
- 111 j. Changes of use to an occupancy of greater hazard as
112 determined by the International Building Code; and
- 113 k. Changes to the construction classification of the
114 building or structure according to the International
115 Building Code;

116 (10) "Professional design firm", a partnership,
117 limited partnership, or limited liability partnership
118 consisting of partners licensed to practice the professions
119 regulated by chapter 327 for the purposes of providing
120 services or work constituting the practice of registered
121 interior design along with the practice of architecture, as
122 provided in section 327.091, the practice of professional
123 engineering, as provided in section 327.181, the practice of
124 professional land surveying, as provided in section 327.272,
125 or the practice of professional landscape architecture, as
126 defined in section 327.600, or a general business
127 corporation, professional corporation, or limited liability
128 company with a certificate of authority issued pursuant to
129 chapter 327 that provides services or work constituting the
130 practice of registered interior design;

131 (11) "Registered interior designer", a design
132 professional who provides services including preparation of
133 documents and specifications relative to nonload-bearing
134 interior construction, furniture, finishes, fixtures and
135 equipment and who meets the criteria of education,
136 experience and examination as provided in sections 324.400
137 to 324.439;

138 (12) "Responsible charge", the exercising, directing,
139 guiding, and restraining power of a registered interior
140 designer over the preparation of an interior technical
141 submission, and the exercise of professional judgment by a
142 registered interior designer in all matters embodied in the
143 interior technical submission. The term "responsible
144 charge" shall not include the reviewing of interior
145 technical submissions prepared by another person unless the
146 registered interior designer reviewing such interior
147 technical submissions actually exercises personal

148 **supervision and direct control over the interior technical**
149 **submission.**

324.403. 1. No person may use the name or title,
2 registered interior designer, in this state unless that
3 person is registered as required by sections 324.400 to
4 324.439.

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

9 **3. Nothing in sections 324.400 to 324.439 shall be**
10 **construed as limiting or preventing the practice of a**
11 **person's profession or restricting a person from providing**
12 **interior design services, provided such person does not**
13 **indicate to the public that such person is registered as an**
14 **interior designer pursuant to the provisions of sections**
15 **324.400 to 324.439.**

16 **4. Nothing in sections 324.400 to 324.439 shall be**
17 **construed as preventing or restricting persons from engaging**
18 **in professional services limited to the design of kitchen**
19 **and bath spaces or the specification of products for kitchen**
20 **and bath spaces in noncommercial settings.**

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

10 sealed with his or her personal seal, whether or not
11 prepared or drafted by another registered interior designer.

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

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

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

27 5. A registered interior designer shall not sign and
28 seal any interior technical submission that was not prepared
29 by or under the responsible charge of the registered
30 interior designer, except that:

31 (1) The registered interior designer may sign and seal
32 those portions of the interior technical submission that
33 were prepared by or under the responsible charge of another
34 registered interior designer that has signed and sealed the
35 documents if the registered interior designer has reviewed
36 in whole or in part such portions and has either coordinated
37 the preparation of or integrated such portions into the
38 interior design submission;

39 (2) The registered interior designer may sign and seal
40 portions of any professional work that are not required by
41 this section to be prepared by or under the responsible

42 charge of a registered interior designer if the registered
43 interior designer has reviewed and adopted in whole or in
44 part such portions and has integrated them into the work.
45 The work associated with the combination of services in
46 connection with the design and construction of buildings
47 shall be provided by an architect licensed in accordance
48 with chapter 327. If engineering or land surveying services
49 are required in association with an interior nonstructural
50 project being performed by a registered interior designer,
51 the documents that have already been properly sealed by a
52 professional engineer or professional land surveyor, as such
53 terms are defined in section 327.011, may be compiled by a
54 registered interior designer. Each design professional
55 shall seal the respective documents and shall not seal a
56 document that was not prepared under the design
57 professional's responsible charge. For all other projects,
58 engineering or land surveying services shall be procured
59 separate from the registered interior designer; and

60 (3) A partner, owner, officer, member, or managing
61 agent of a professional design firm who has professional
62 knowledge of the contents of the interior technical
63 submissions and intends to be responsible for the adequacy
64 of the interior technical submissions may sign and seal
65 interior technical submissions that are prepared by or under
66 the responsible charge of a registered interior designer who
67 is registered in this state and who is in the regular
68 employment of the professional design firm of the partner,
69 owner, officer, member, or managing agent.

70 6. The registered interior designer exercising
71 responsible charge under which the interior technical
72 submissions or portions of the interior technical submission
73 were prepared shall be identified on the interior technical

74 **submissions or portions of the interior technical**
75 **submissions by name and registration number. Any registered**
76 **interior designer, who signs and seals interior technical**
77 **submissions not prepared by that registered interior**
78 **designer but prepared under that registered interior**
79 **designer's responsible charge by persons not regularly**
80 **employed in the same professional design firm as the**
81 **registered interior designer, shall maintain and make**
82 **available to the division upon request for at least five**
83 **years following such signing and sealing, adequate and**
84 **complete records demonstrating the nature and extent of the**
85 **registered interior designer's responsible charge over and**
86 **detailed professional knowledge of the interior technical**
87 **submissions throughout their preparation.**

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

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

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

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

23 (2) Use of fraud, deception, misrepresentation or
24 bribery in securing any certificate of registration issued
25 pursuant to sections 324.400 to 324.439 or in obtaining
26 permission to take any examination given or required
27 pursuant to sections 324.400 to 324.439;

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

31 (4) Incompetency, misconduct, gross negligence, fraud,
32 misrepresentation or dishonesty in the performance of the
33 functions or duties of the profession regulated by sections
34 324.400 to 324.439;

35 (5) Violation of, or assisting or enabling any person
36 to violate, any provision of sections 324.400 to 324.439, or
37 of any lawful rule or regulation adopted pursuant to such
38 sections;

39 (6) Impersonation of any person holding a certificate
40 of registration or authority, permit or license or allowing

41 any person to use the person's certificate or diploma from
42 any school;

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

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

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

53 (10) Use of any advertisement or solicitation which is
54 false, misleading or deceptive to the general public or
55 persons to whom the advertisement or solicitation is
56 primarily directed, as it relates to the **practice of**
57 **registered** interior design [profession].

58 3. After the filing of a complaint pursuant to
59 subsection 2 of this section, the proceedings shall be
60 conducted in accordance with the provisions of chapter 536
61 and chapter 621. Upon a finding by the administrative
62 hearing commission that the grounds, provided in subsection
63 2 of this section, for disciplinary action are met, the
64 division shall censure or place the person named in the
65 complaint on probation for a period not to exceed five years
66 or may suspend the person's certificate for a period not to
67 exceed three years or may revoke the person's certificate of
68 registration.

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