

- SUBJECT:** Requiring registration for interior designers
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 6 ayes — Flores, Hamilton, Driver, Eissler, Homer, D. Jones  
0 nays  
3 absent — Goolsby, Raymond, Wise
- WITNESSES:** For — Pat Campbell McLaughlin, Texas Association for Interior Design; Marilyn Roberts, Texas Association for Interior Design  
Against — None
- BACKGROUND:** V.T.C.A., Title 10A, art. 249e regulates a person who uses the title “interior designer” by requiring the person to register with the Board of Architectural Examiners and providing certain eligibility requirements. The article will transfer to the new Occupations Code, Ch. 1053, subch. A, effective June 1, 2003.
- DIGEST:** **Registration.** HB 1692 would amend Occupations Code, sec. 153.151 to require registration for a person who:
- engages, or offers to engage, in the practice of interior design,
  - attempts to engage in the practice of interior design; and
  - claims to be engaged in the practice of interior design, unless all interior design services provided by the person are rendered under the responsible supervisory control of a registered interior designer.
- HB 1692 would require the Board of Architectural Examiners to adopt rules to govern the qualifications for the initial and renewal certificates of registration for interior designers under the chapter. The board also would be required to adopt rules governing conduct of interior designers and would administer and enforce these rules.

To be eligible for a certificate of registration, the bill would require applicants to pass an examination, pay required fees, hold a professional degree in interior design from a program accredited by the board, and have two years of “diversified experience.” The board would apply the examination of the National Council for Interior Design Qualification or some similar national standard to issue or renew a certificate, which would be good for one year.

A registered interior designer would be required, and uniquely allowed, to mark all drawings and specifications with an official seal displaying the designer’s name and registration number, and the expiration date of the certificate.

**Interior designer qualifications and duties.** “Interior designer” would mean a person registered under the chapter to engage in the practice of interior design. The term would include a registered interior designer.

The bill would amend Occupations Code, subch. A, effective June 1, 2003, to create sec. 1053.0011 that would define interior design as the performance of a professional service that included:

- preparing and filing interior design construction documents with code enforcement officials and obtaining building permits for nonstructural or nonseismic interior construction;
- formulating preliminary design concepts and preparing documents and presentation materials to illustrate plans;
- preparing and administering bids and contract documents and working closely with allied design professionals; and
- reviewing and evaluating the implementation of projects while in progress and on completion as a representative of, and on behalf of, the client.

The term interior design would not apply to the construction of certain structural and mechanical systems, including plumbing, heating and air conditioning, electrical, elevators, alarms, and sprinklers.

This chapter also would not apply to:

- an architect, except one who used the term registered interior designer;
- the activities of a person who provided decorative services or assistance in the selection of materials such as paint, floor coverings, and assorted furnishings; or
- an employee of a retail establishment on the premises of the retail establishment in furtherance of retail sales.

Subchapter I would govern the practice of interior design. It would require that each interior design office have an interior designer responsible for the work performed at that location, including supervisory control over each non-registered person working there in the practice of interior design. It also would require designers to give each client contact information for the board and to determine the scope and compensation for each project with the client before signing a contract.

The bill explicitly would require that each interior designer practice in compliance with all applicable building and fire codes, local regulations, and other safety requirements adopted by the board or another regulatory entity.

**Penalty.** The bill would punish a knowing violation of the chapter or a board rule with a misdemeanor fine of not less than \$250 or more than \$5,000. Each day of violation would constitute a separate offense.

The bill would take effect September 1, 2003, and apply only to an application for an initial or renewal interior designer certificate of registration that was filed with the board on or after January 1, 2004. An application filed before January 1, 2004, would be governed by the law in effect immediately before the effective date of the bill.

**SUPPORTERS  
SAY:**

HB 1692 would improve safety standards by requiring registration of interior designers, experienced professionals who make interior spaces safe and functional. Current law does not require this registration, and results in unqualified practice in an area that deserves participation only by knowledgeable professionals.

Interior designers, in contrast to interior decorators, issue critical recommendations to homeowners and all types of businesses concerning materials and configurations of non-load-bearing walls and other structures.

People on average spend nearly 90 percent of their lives indoors. Many building fire fatalities are attributable to poor choices of interior materials. HB 1692 would elevate standards in regard to who should be able to make certain decisions about material use and configurations for homes and businesses.

This bill would not lead to confusion over who must be registered as an interior designer. It properly would exempt broad categories of people who perform work on and around buildings. It also would grant a categorical exemption for architects, unless an architect wanted to be known as a registered interior designer. These exemptions would help protect implementation of this bill from uncertainty and challenge.

In addition, the bill logically would grant interior designers the authority to obtain some permits. The very expertise of these designers requires them to contemplate removing and installing certain constructions within buildings. These modifications sometimes trigger permitting requirements of governing bodies. The expense of architects and civil engineers deters some people from consulting them for all decisions. When qualified to do so, interior designers should be able to render — and execute — their recommendations.

**OPPONENTS  
SAY:**

HB 1692 could create a safety problem instead of solving one. Architects undergo years of rigorous professional training before reaching eligibility for licensing. This training is necessary to enable them to formulate designs subject to permit application requirements. The bill would enable an interior designer, with relatively little education, to formulate and execute proposals requiring permitting by municipalities and others. This could compromise safety.

The bill also would imply that interior designers could usurp the professional responsibility of architects and others, even outside of designers' areas of expertise. It would allow them to review and evaluate the implementation of projects as a representative of, and on behalf of, the client. This authorization could conflict with the duties of architects in interior spaces.

**NOTES:**

The committee substitute differs from the bill as introduced by increasing the maximum fine possible to \$5,000 for violation of the chapter, instead of \$1,000 in the original. The substitute also would call for annual certificate

renewal, as opposed to biennial renewal under the original bill. Various provisions of the original bill are arranged differently under the committee substitute.

The companion bill, SB 852 by Lucio, was referred to the Business and Commerce Committee on March 10.

The Board of Architectural Examiners will expire September 1, 2003, unless continued by the 78th Legislature. HB 1790 by Chisum, which would continue the board, was reported favorably, as substituted, by the Government Reform Committee on April 10.