

## **INTERIOR DESIGN STATUTE**

### **§ 3171. Statement of purpose**

The intent of the legislature in licensing and regulating interior designers is to exercise the police power of the state to protect the public health, safety, and welfare of the people of this state by limiting the practice of interior design to interior designers who have the design education and training required by this Chapter or to persons who are otherwise exempted from the provisions of this Chapter by establishing a board to set rules and criteria for licensing to protect the public from those not competent, and by prescribing penalties for violations.

### **§ 3172. Definitions**

Unless the context otherwise requires, the following terms shall have the meanings indicated:

- (1) "Board" means the State Board of Examiners of Interior Designers.
- (2) "Decorator services" includes:
  - (a) The selection or assistance in selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings that do not affect the safety, health, or welfare of the public, as defined by applicable residential and commercial laws and codes.
  - (b) The retail installation or delivery services by any individual, partnership, corporation, or other business entity, pursuant to selling, selecting, or assisting in selecting personal property used in connection with furnishing of interior spaces or fixtures, including but not limited to furnishings, decorative accessories, furniture, paint, wall coverings, window treatments, floor coverings, surface-mounted lighting, or decorative materials, or the installation or coordination of installation as part of prospective retail sale, by an individual, partnership, corporation, or other business entity, or the provision of computer-aided drawings by such person or entity for the purpose of retail sale, provided such drawings are for material lists, that do not affect the safety, health, or welfare of the public, as defined by applicable residential and commercial laws and codes.
  - (c) The rendering of interior decorator services for residential application by an individual, such residential application to affect all types of residences that do not affect the safety, health, or welfare of the public, as defined by applicable residential and commercial laws and codes.
- (3) "Interior Design" means designs, consultations, studies, drawings, specifications, and the administration of design construction contracts relating to nonstructural interior elements of a building or structure. Interior design includes but is not limited to space planning, finishes, furnishings, and the design for fabrication of nonstructural elements within and surrounding interior spaces of buildings. Interior design specifically excludes the design of or the responsibility for architectural and engineering work except for specification of fixtures and their location within interior spaces. Interior design also specifically excludes construction of structural, mechanical, plumbing, heating, air conditioning, ventilation, electrical or vertical transportation systems, fire-rated vertical shafts in multi-story structures, fire-related protection of structural elements, smoke evacuation and compartmentalization, emergency sprinkler systems, and emergency alarm systems.
- (4) "Nonstructural element" means an element which does not require structural bracing and which is something other than a load-bearing wall, load-bearing column, or other load-bearing element of a building or structure which is essential to the structural integrity of the building.
- (5) "Practice of interior design" means the rendering of services to enhance the quality and function of an interior area of a structure designed for human habitation or occupancy. The term includes:
  - (a) An analysis of a client's needs and goals for an interior area of a structure designed for human habitation or occupancy and the requirements for safety relating to that area.
  - (b) The formulation of preliminary designs for an interior area designed for human habitation or occupancy that are appropriate, functional, and esthetic.
  - (c) The development and presentation of final designs that are appropriate for the alteration or construction of an interior area of a structure designed for human habitation or occupancy.
  - (d) The collaboration with licensed professionals in preparation of contract documents for the alteration or construction of an interior area of a structure designed for human habitation or occupancy, including specifications for partitions, materials, finishes, furniture, fixtures, and equipment.

- (e) The collaboration with licensed professionals in the completion of a project for the alteration or construction of an interior area of a structure designed for human habitation or occupancy.
- (f) The preparation and administration of bids or contracts as the agent of a client.
- (g) The review and evaluation of problems relating to the design of a project for the alteration or construction of an area designed for human habitation or occupancy during the alteration or construction and upon completion of the alteration or construction.
- (6) "Registered interior designer" means a person who has received a certificate of registration pursuant to the provisions of this Chapter.
- (7) "Space planning" means the analysis, programming, or preparation of design to meet special requirements, including preliminary space layouts, placement of partitions, furniture and equipment, and final planning.

### **§ 3173. State Board of Examiners of Interior Designers; creation; qualifications; appointment**

- A. (1) There is hereby created the State Board of Examiners of Interior Designers within the office of the governor consisting of seven members appointed by the governor.
- (2) Each appointment shall be submitted to the Senate for confirmation. Each member shall be a registered interior designer and a citizen of Louisiana.
- (3) (a) Upon expiration of the terms of the members in office on January 1, 2000, the terms of members shall be for a period of four years or until the members' successors have been appointed and have taken office.
- (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the seven appointed members who are the successors to those members whose terms expired at noon on January 1, 2004, shall serve for the following terms as designated by the governor:
  - B. (1) Three members of the board shall be selected from a list of nine names from its membership submitted by the American Society of Interior Designers.
    - (i) One member appointed from the list submitted by the American Society of Interior Designers shall serve a two-year term, the other shall serve a three-year term, and the other shall serve a four-year term.
    - (ii) One member appointed from the list submitted by registered interior designers whose registrations are in good standing shall serve a two-year term, the other shall serve a three-year term.
    - (iii) One member appointed from a list submitted by the International Interior Design Association shall serve a three-year term.
    - (iv) One member appointed from a list submitted by the Interior Design Educators Counsel, Inc. shall serve a four-year term.
    - (v) Thereafter, all successive appointed members shall serve four-year terms as provided in Subparagraph (A)(3)(a) of this Section.
  - (2) Two members shall be selected from the list of licensed or registered interior designers whose licenses are in good standing at the time of the appointment.
  - (3) One member shall be selected from a list of three names from its membership submitted by the International Interior Design Association.
  - (4) One member shall be an interior design educator selected from a list of three names submitted by the Interior Design Educators Counsel, Inc.
- C. Each vacancy shall be filled in the manner of original appointment except that a list of names shall be submitted for each vacancy arising under the categories designated under Paragraphs (1) and (2) of Subsection B of this Section.
- D. Prior to entering upon the discharge of his duties, each member of the board shall subscribe to and file with the secretary of state the constitutional oath of office.
- E. The board shall select annually from among its members a chairman and such other officers as it deems necessary.
- F. Four members of the board shall constitute a quorum for the transaction of business, but no action shall be taken without at least four votes in accord.

### **§ 3174. Powers and authority of the board**

The board shall have the following powers and authority:

- (1) To enforce the provisions of this Chapter and incur such expenses as are necessary within the operating budget of the board.
- (2) To adopt and promulgate rules of organization, practice, and procedure; establish criteria for eligibility for licensing; and to provide for the taking of examinations.
- (3) To adopt, promulgate, and enforce rules and regulations governing the standards of education, service, conduct, and practice of persons licensed under this Chapter.
- (4) To maintain an official roster showing the name, license number, and address of each interior designer licensed under this Chapter and in good standing.
- (5) To employ an executive director, legal counsel, and such other assistants and clerical staff and other employees as it deems necessary.

#### **§ 3175. Compensation and expenses**

- A. Members of the board shall receive no compensation for their services but shall receive the same per diem and mileage as is provided by law for the members of the legislature. The board shall not meet more than eight times within any calendar year.
- B. The board shall fix the compensation of its employees by resolution adopted at a regular meeting.

#### **§ 3176. Use of term "interior designer"; practice of interior design**

- A. (1) No person other than one registered pursuant to the provisions of this Chapter shall perform interior design or use the term "interior design" or "registered interior designer" to describe his business or practice, or use or be identified by the title of interior designer.
- (2) The practice of interior design shall consist of rendering or offering to render interior design services for a fee or compensation.
- (3) No person other than one registered as an interior designer pursuant to the provisions of this Chapter shall be authorized to use the term "registered interior designer."
- B. Nothing contained in this Chapter shall prevent any person from rendering or offering to render any of the services which are decorator services, provided that such person shall not be permitted to use or be identified by the title "interior designer" or "registered interior designer" on any sign, card, stationery, device, or any other means of identification unless registered in accordance with this Chapter or otherwise provided by law.

#### **§ 3177. Examinations**

- A. (1) A person desiring to be registered as an interior designer shall apply to the board for registration. Each applicant shall apply to the board on a form and in the manner prescribed by the board. To be eligible for the examination, an applicant shall submit satisfactory evidence of having successfully completed at least four years of study at the high school level, and in addition meets at least one of the following requirements:
  - (a) Is a graduate from an interior design program of five years or more and has completed one year of interior design experience.
  - (b) Is a graduate from an interior design program of four years or more and has completed two years of interior design experience.
  - (c) Has completed at least three years in an interior design curriculum and has completed three years of interior design experience.
  - (d) Is a graduate from an interior design program of at least two years and has completed four years of interior design experience.
- (2) All such education shall have been obtained in a program, school, or college of interior design accredited by the Foundation for Interior Design Education Research or in an unaccredited program, school, or college of interior design approved by the board. The board shall adopt rules providing for the review and approval of unaccredited programs, schools, and colleges of interior design, and courses of interior design study based on a review and inspection by the board of the curriculum of accredited programs, schools, and colleges of interior design in the United States, including those programs, schools, and colleges accredited by the Foundation for Interior Design Education Research. The board shall adopt rules providing for the review and approval of interior design experience required by this Subsection.

B. The examination shall cover such subjects and be graded on such basis as the board shall establish by rule. The board may adopt all or part of the examination and recommended grading procedures of the National Council for Interior Design Qualification.

#### **§ 3178. Certificate of registration without examination**

A. (1) All persons registered or licensed to use the title "interior designer", "registered interior designer", or "licensed interior designer" on January 1, 2000, shall be qualified for interior design registration under the provisions of this Chapter upon application to the board, provided that their license is not inactive, expired, suspended, or revoked.

(2) Any person licensed on January 1, 2000, who has not passed the required examination by January 1, 2003, shall show completion of one of the following prior to having the certificate of registration renewed:

(a) Passage of the building and barrier free code section of the National Council for Interior Design Qualification examination.

(b)(i) Completion of fifteen hours of board-approved continuing education classes relating to building and barrier free code regulation.

(ii) Any hour earned for continuing education pursuant to this Section shall be in addition to any other continuing education required by this Chapter.

(iii) However, any person who has within the three years prior to January 1, 2000, completed fifteen hours of approved continuing education on building and barrier free code regulation shall not be required to complete the fifteen hours of continuing education related to building and barrier free code regulation as provided in this Subparagraph.

(3) Prior to January 1, 2000, or until he completes the requirements of this Section, the interior designer may retain the title "licensed interior designer" and retain all rights and duties granted to registered interior designers, conditioned upon the licensed interior designer complying with all requirements of this Chapter.

B. All persons who are sixty-five years of age or older and who are authorized to use the term "licensed interior design" on January 1, 2000, shall not be required to establish proof of passage of the required examination or to otherwise comply with the provisions of Subsection A of this Section. However, such persons shall comply with all other requirements of this Chapter.

#### **§ 3179. Certificate of registration; issuance, renewal, denial, suspension or revocation**

A. Except as otherwise provided in this Chapter, a certificate of registration shall be issued to any person who presents satisfactory evidence that he possesses the qualifications of education, experience, and examination performance required by this Chapter or by the rules adopted by the board.

B. The board shall certify as qualified for a certificate of registration as a registered interior designer an applicant who:

(1) Has taken and successfully passed the examination provided by the National Council for Interior Design Qualification.

(2) Holds or is qualified to hold a current, unencumbered, unrestricted certificate of registration as a registered interior designer granted by the board and meets all requirements for that registration, including but not limited to continuing education requirements and renewal requirements.

C. Each original certificate of registration issued by the board shall authorize the holder to practice interior design and be known as a registered interior designer throughout this state from the date of issuance until December thirty-first following the date upon which said certificate of registration was issued unless it shall have been revoked or suspended for cause as provided in this Chapter.

D. Before or during the month of December each holder of a certificate of registration issued pursuant to this Chapter shall submit to the board an application and fee as provided in this Chapter for renewal of the certificate of registration. Each certificate of registration shall be renewed for a period of one year and shall be recorded together with its number in the official roster, except as provided herein.

E. No renewal of a certificate of registration shall be issued to an interior designer by the board until the registrant submits proof satisfactory to the board that, during the year prior to his application for renewal, he has participated in a program of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of interior design and which also concentrates on or addresses the subjects of health, safety, and welfare of both licensees and their clients

and customers. The board may make exception from the requirement of continuing education in emergency or hardship cases.

F. The holder of any certificate of registration that has expired through failure to be renewed may obtain a renewal of such certificate of registration at any time within one year from the date of expiration upon application to and approval of the board. The time for renewal of such expired certificate of registration may be extended by the board.

G. The board may deny the issuance or renewal of a certificate of registration or may revoke or suspend any certificate of registration if proof satisfactory to the board is presented involving any of the following:

- (1) That the certificate of registration or any renewal thereof was obtained by fraud, misstatement, or misrepresentation of fact.

- (2) That the holder of the certificate of registration or any applicant therefore has committed any act or fraud or deceit in his professional conduct or has been convicted of a felony.

- (3) That an applicant for a certificate of registration has represented himself to be an interior designer or has provided interior design services prior to the time of issuance of a certificate of registration to him except as authorized by this Chapter.

- (4) That the holder of a certificate of registration or an applicant therefore has been found by the board to have aided and abetted any person not registered pursuant to this Chapter in violating any provision of this Chapter.

- (5) That the holder of a certificate of registration has failed to comply with the requirements of this Chapter or with any rule, regulation, or order of the board issued pursuant to authority granted by this Chapter.

H. An applicant for registration who complies with all requirements established therefore including the successful completion of an examination where applicable shall be issued a certificate by the board to evidence such registration.

#### **§ 3179.1. [Blank]**

#### **§ 3179.2. Seals; display of registration number**

A. The board shall prescribe, by rule, distinctively different seals to be used by registered interior designers holding valid certificates of registration.

B. Each interior designer shall obtain a seal as prescribed by the board. Any drawing, plan, specification, or report prepared or issued by the interior designer and being filed for public record shall bear the signature, registration number, and seal of the interior designer who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of the document.

C. No interior designer shall affix, or permit to be affixed, his registration number, his seal or signature to any plan, specification, drawing, or other document which depicts work which he is not competent or licensed to perform.

D. No interior designer shall affix his signature, registration number, or seal to any plan, specification, or other document which was not prepared by him or under his responsible supervising control or by another interior designer and reviewed, approved, or modified and adopted by him as his own work according to rules adopted by the board.

E. Studies, drawings, specifications, and other related documents prepared by an interior designer in providing interior design services shall be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.

F. When the certificate of registration of an interior designer has been revoked or suspended by the board, the interior designer shall surrender his seal to the secretary of the board within a period of thirty days after the revocation or suspension has become effective. If the certificate of registration of the interior designer has been suspended for a period of time, his seal shall be returned to him upon expiration of the suspension period.

G. Any interior designer who advertises his services through any medium, including but not limited to advertising in newspapers, magazines or on television, and to stationery and business cards, shall indicate

in such advertisement his name, business addresses, registration number and such other reasonable information as may be required by rule.

### **§ 3180. Firm practice**

A. Nothing in this Chapter shall prevent an interior designer registered pursuant to the provisions of this Chapter from associating with one or more interior designers, architects, professional engineers, landscape architects, surveyors, or other persons in a partnership, joint venture, or corporation.

B. A firm shall be permitted to use in its title the term interior designer and to be so identified on any sign, card, stationery, device, or other means of identification if at least one partner, director, officer, or other supervisory agent of such firm is registered as an interior designer in this state. A firm shall not be required to include the names of all partners, directors, or officers in its title.

### **§ 3181. Board; power to revoke, rescind or suspend certificates of registration**

A. The board may revoke, rescind, or suspend the certificate of registration of any interior designer after a hearing by and under the rules of the board and finding that the interior designer is in the opinion of the board guilty of any of the following:

- (1) Gross incompetence, dishonesty, or gross negligence in the practice of interior design.
- (2) Affixing his seal or stamp or name to any specification, drawing, or other related document which was not prepared by him or under his responsible supervision and control, or permitting his seal, stamp, or name to be affixed to any such document.
- (3) Conviction of a felony, in which case the record of conviction is conclusive evidence of such conviction.
- (4) Willfully misleading or defrauding any person employing him as an interior designer.
- (5) Willfully violating the provisions of this Chapter or any lawful rule or regulation adopted by the board pursuant to law.
- (6) Attempting to obtain, obtaining, or renewing, by bribery, by fraudulent misrepresentation, or through an error of the board, a certificate of registration to practice interior design.
- (7) Having a certificate of registration to practice interior design revoked, suspended, or otherwise acted against, including the denial of licensure or registration, by the licensing or registering authority of another jurisdiction for any act which would constitute a violation of this Chapter.
- (8) Being convicted or found guilty of a crime in any jurisdiction which directly relates to the provision of interior design services or to the ability to provide interior design services. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charge. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charge and the circumstances surrounding such plea.
- (9) False, deceptive, or misleading advertising.
- (10) Aiding, assisting, procuring, or advising any unregistered person to use the title "registered interior designer" or to practice interior design contrary to this Chapter or to a rule of the board.
- (11) Failing to perform any statutory or legal obligation placed upon a registered interior designer.
- (12)(a)(i) Making or filing a report which the registrant knows to be false;
- (ii) Intentionally or negligently failing to file a report or record required by state or federal law; or
- (iii) Willfully impeding or obstructing such filing or inducing another person to do so.
- (b) Such reports or records shall include only those which are signed in the capacity as an interior designer.
- (13) Making deceptive, untrue, or fraudulent representations in the provision of interior design services.
- (14) Accepting and performing professional responsibilities which the registrant knows or has reason to know that he is not competent or registered to perform.
- (15) Rendering or offering to render architectural services.

B. Proceedings to revoke, rescind, or suspend the registration of an interior designer shall commence by any person filing a sworn affidavit with the board against the interior designer. A time and place for the hearing of the charges shall be fixed by the board. The board, upon its own motion, may investigate the actions of any interior designer and file a complaint against him.

C. A copy of the complaint shall be sent by the board to the interior designer against whom a complaint has been filed at his last known address by registered and certified mail at least twenty days prior to the hearing

together with a notice of the time and place of the meeting of the board at which the complaint shall be heard.

D. At the hearing the interior designer against whom a complaint has been filed shall have the right to cross-examine witnesses against him, to produce witnesses in his defense, and to appear personally or by counsel.

E. No action shall be taken to rescind, revoke, or suspend the certificate of registration of any interior designer unless a quorum of the board is present at the hearing and then only by an affirmative vote of at least four of the members of the board present.

F. If the board determines upon the suspension of the certificate of registration of any interior designer, it shall fix the duration of the period of the suspension.

G. If the board revokes, rescinds, or suspends the certificate of registration of any interior designer, the secretary of the board shall give written notice of its action by registered or certified mail to the person against whom the complaint was filed at the last known address.

H. Any interior designer who has been found guilty by the board of the charges filed against him and whose certificate of registration has been revoked, rescinded, or suspended, shall have the right to appeal to the district court of the parish in which the hearing was held. The appeal shall be governed by the Administrative Procedure Act.

I. The board shall have the power to issue a new certificate of registration, change a revocation to a suspension, or shorten the period of suspension, upon satisfactory evidence that proper reasons for such action exist, presented by any person whose certificate of registration as an interior designer has been revoked, rescinded or suspended. Any person whose registration has been suspended shall have his certificate of registration automatically reinstated by the board at the end of his period of suspension upon payment of the renewal fee. No delinquent fee shall be charged for reinstatement of registration under the provisions of this Chapter.

### **§ 3182. Fees**

The applicant shall pay the actual cost of any examination. In addition, the board may establish fees that shall not exceed the following amounts:

- (1) For licensing, one hundred fifty dollars.
- (2) For each annual renewal, one hundred fifty dollars.
- (3) For restoration of an expired, certificate of registration or for reactivation of an inactive license, certificate of registration, one hundred fifty dollars.
- (4) For restoration of a revoked or suspended certificate of registration, one hundred fifty dollars. The board may assess a penalty not to exceed one hundred fifty dollars that shall be paid prior to the restoration of a revoked or suspended certificate of registration.
- (5) For issuance of original or duplicate certificate of registration certificates, twenty-five dollars.
- (6) For failure to renew a certificate of registration within the time period to be set by the board, fifty dollars.
- (7) For approval of a continuing education provider, two hundred dollars.

### **§ 3183. Exemptions**

A. The provisions of this Chapter requiring persons to be registered and prohibiting unregistered persons from the practice of interior design shall not apply to architects licensed pursuant to R.S. 37:141 et seq., engineers licensed pursuant to R.S. 37:681 et seq., contractors licensed pursuant to R.S. 37:2150 et seq., home builders, and professional home planners, provided that such persons do not use the title of interior designer.

B. This Chapter shall not apply to any individual who provides decorator services.

C. An interior designer may employ a nonregistered person as long as that person works under the supervision of a registered interior designer. However, such person shall not use or be identified by the title "registered interior designer".

### **§ 3184. Inactive status**

A. (1) A certificate of registration which has become inactive may be reactivated pursuant to this Section upon application to the board and payment of a reactivation fee.

(2) The board may prescribe by rule continuing education requirements as a condition of reactivating a certificate of registration. The continuing education requirement for reactivating a certificate of registration shall be not less than five hours approved by the board for each year the registration was inactive. The board shall only approve continuing education that builds upon the basic knowledge of interior design.

(3) Any certificate of registration which has been inactive for more than four years shall automatically expire if the registrant has not made application for reactivation. Once a certificate of registration expires, it becomes null and void without any further action by the board. At least one year prior to expiration of the inactive registration, the board shall give notice to the registrant at his last address of record that, unless reactivated, the certificate of registration will expire.

B. The board shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive certificates of registration.

### **§ 3185. Cease and desist orders; injunctive relief**

A. In addition to or in lieu of the administrative sanctions provided in this Chapter, the board may issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this Chapter directing such person or firm to cease and desist from such activity, conduct, or practice. Such order shall be issued in the name of the state under the official seal of the board.

B. Upon a proper showing by the board that such person or firm has engaged in any activity, conduct, or practice prohibited by this Chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, conduct, or practices pending a hearing on the preliminary injunction and in due course a permanent injunction shall issue after a hearing commanding the cessation of the unlawful activity, conduct, or practices complained of, all without bond being required of the board. Such temporary restraining order, preliminary injunction, or permanent injunction issued shall not be subject to being released on bond.

C. If the person or firm to whom the board directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within ten days from service of such order by certified mail, the board may cause a writ of injunction to be issued in any court of competent jurisdiction and proper venue enjoining such person or firm from engaging in any activity, conduct, or practice prohibited by this Chapter.

### **§ 3186 Prohibited acts; penalties**

A. Unless otherwise exempted, any person who knowingly engages in the practice of interior design without a valid certificate of registration violates this Chapter.

B. Any person who violates any provision of this Chapter or any rules and regulations adopted under its authority shall be fined not more than five hundred dollars for each such violation.

### **§ 3187 to 3199. [Blank]**