

HOUSE BILL No. 5399

January 17, 1990, Introduced by Reps. Griffin and Law and referred to the Committee on State Affairs.

A bill to amend sections 301 and 303 of Act No. 299 of the Public Acts of 1980, entitled "Occupational code," section 303 as amended by Act No. 83 of the Public Acts of 1981, being sections 339.301 and 339.303 of the Michigan Compiled Laws; and to add section 303a and article 22a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 301 and 303 of Act No. 299 of the
2 Public Acts of 1980, section 303 as amended by Act No. 83 of the
3 Public Acts of 1981, being sections 339.301 and 339.303 of the
4 Michigan Compiled Laws, are amended and section 303a and article
5 22a are added to read as follows:

6 Sec. 301. Each board shall consist of 9 voting members.
7 Except as OTHERWISE provided in ~~article 8~~ THIS ACT, 6 of the
8 members of a board shall be individuals who have a license or ~~a~~

1 ~~certificate of~~ registration in the occupation which the board
2 monitors. Except as OTHERWISE provided in ~~article 7, 8, or 20~~
3 THIS ACT, 3 of the members of a board shall represent the general
4 public. The director shall be an ex officio member without vote
5 of a board, but is not a member for purposes of section 5 of
6 article ~~5~~ V of the state constitution of 1963 or for determin-
7 ing a quorum. A member, in addition to fulfilling the require-
8 ments set forth in an article, shall be not less than 18 years of
9 age and shall be a resident of this state.

10 Sec. 303. ~~(1) Except as provided in articles 8 and 20 and~~
11 ~~subsection (5), of the initial members of a board appointed under~~
12 ~~this act, the terms of 3 of the members, including 2 of the mem-~~
13 ~~bers who have a license or certificate of registration in the~~
14 ~~occupation which the board monitors and 1 of the members repre-~~
15 ~~senting the general public, shall be 4 years; the terms of 2 of~~
16 ~~the members, including 1 of the members who has a license or cer-~~
17 ~~tificate of registration in the occupation which the board moni-~~
18 ~~tors and 1 of the members representing the general public, shall~~
19 ~~be 3 years; the terms of 2 of the members, including 1 of the~~
20 ~~members who has a license or a certificate of registration in the~~
21 ~~occupation which the board monitors and 1 of the members who rep-~~
22 ~~resents the general public, shall be 2 years; and the terms of~~
23 ~~the remaining members shall be 1 year. The terms provided for in~~
24 ~~this act shall commence as follows:~~

25 (a) ~~For a board created under article 12, 14, 17, or 19,~~
26 ~~January 1, 1981.~~

1 ~~(b) For a board created under article 8, 20, 21, or 24,~~
2 ~~April 1, 1981.~~

3 ~~(c) For a board created under article 7, 9, 18, 22, 23, or~~
4 ~~25, July 1, 1981.~~

5 ~~(d) For a board created under article 10, 11, 13, 15, or 16,~~
6 ~~October 1, 1981.~~

7 (1) ~~-(2)-~~ The term of a member appointed ~~as other than an~~
8 ~~initial member of~~ TO a board shall be 4 years. However, an
9 individual appointed to fill a vacancy on a board which vacancy
10 results from a member's resignation, death, disability, or
11 removal for cause by the governor shall serve for the balance of
12 the term of the member replaced and may be reappointed for not
13 more than 2 full terms. A vacancy shall be filled in the same
14 manner as the original appointment was made. The governor shall
15 appoint an individual as a member of a board, subject to the
16 advice and consent of the senate, within 60 days after a vacancy
17 occurs and within 60 days after the senate disapproves an
18 appointment by the governor. The governor may remove a member of
19 a board, commission, or committee in accordance with section 10
20 of article 5 of the state constitution of 1963.

21 ~~-(3) Until the commencement of the terms of the initial mem-~~
22 ~~bers of a board appointed under this article, a board shall have~~
23 ~~as its members 9 individuals who were members of the identically~~
24 ~~or most similarly named board abolished under this act. If the~~
25 ~~abolished board had less than 9 members, the number of members~~
26 ~~who were on that board shall serve as the members of the board~~
27 ~~created under this act. If the abolished board had more than 9~~

~~1 members, the 9 members with the longest remaining terms shall
2 serve as the members of the board created under this act. Those
3 members shall serve until the date on which the initial members
4 of the board are to be appointed under subsection (1). A vacancy
5 which results from the resignation, death, disability, or removal
6 for cause of a retained member of an abolished board shall be
7 filled in the same manner as the original appointment was made.
8 The governor shall appoint an individual as a member of a board,
9 subject to the advice and consent of the senate, within 60 days
10 after a vacancy occurs and within 60 days after the senate disap-
11 proves an appointment by the governor. The governor may remove a
12 member of a board, commission, or committee in accordance with
13 section 10 of article 5 of the state constitution of 1963. If a
14 position on a board has not been filled on the date required in
15 subsection (1) because an individual has not been appointed by
16 the governor or been confirmed by the senate or because a
17 member's term has expired as provided in the repealed act under
18 which the member was appointed, the position shall become and
19 remain vacant until an individual is appointed and confirmed as
20 provided in sections 301 and 302. The term of that individual
21 shall expire on the date the term is determined to expire pursu-
22 ant to subsection (1).~~

23 (2) ~~(4)~~ Except as provided in subsection ~~(2)~~ (1), an
24 individual shall not be appointed to or serve for more than 2
25 consecutive terms.

26 ~~(5) Of the initial members of a board appointed under~~
27 ~~article 12, 14, 17, or 19, the terms of 3 of the members,~~

~~1 including 2 of the members who have a license or certificate of
2 registration in the occupation which the board monitors and 1 of
3 the members representing the general public, shall be 3 years and
4 10 months; the terms of 2 of the members, including 1 of the mem-
5 bers who has a license or certificate of registration in the
6 occupation which the board monitors and 1 of the members repre-
7 senting the general public, shall be 2 years and 10 months; the
8 terms of 2 of the members, including 1 of the members who has a
9 license or a certificate of registration in the occupation which
10 the board monitors and 1 of the members who represents the gen-
11 eral public, shall be 1 year and 10 months; and the terms of the
12 remaining members shall be 10 months.~~

13 (3) SUBJECT TO SUBSECTION (4), FOR A BOARD CREATED OR FIRST
14 APPOINTED ON OR AFTER JANUARY 1, 1990, THE GOVERNOR MAY APPOINT,
15 AS THE INITIAL MEMBERS OF THE BOARD WHO ARE REQUIRED TO BE
16 LICENSED OR REGISTERED, INDIVIDUALS WHO MEET EITHER OR BOTH OF
17 THE FOLLOWING QUALIFICATIONS:

18 (A) ARE CERTIFIED OR OTHERWISE APPROVED BY A NATIONAL ORGA-
19 NIZATION THAT CERTIFIES OR OTHERWISE APPROVES INDIVIDUALS IN THE
20 OCCUPATION TO BE LICENSED OR REGISTERED BY THE BOARD.

21 (B) HAVE ACTIVELY PRACTICED THE OCCUPATION LICENSED OR REG-
22 ISTERED BY THE BOARD OR TAUGHT IN AN EDUCATIONAL INSTITUTION
23 WHICH PREPARES APPLICANTS FOR LICENSURE OR REGISTRATION IN THAT
24 OCCUPATION, OR A COMBINATION OF BOTH, FOR NOT LESS THAN THE 2
25 YEARS IMMEDIATELY PRECEDING THEIR APPOINTMENT.

26 (4) WITHIN 3 YEARS AFTER THE EFFECTIVE DATE OF THIS
27 SUBSECTION, EACH INDIVIDUAL APPOINTED UNDER SUBSECTION (3) SHALL

1 BE LICENSED OR REGISTERED IN THE OCCUPATION LICENSED OR
 2 REGISTERED BY THE BOARD TO WHICH THE INDIVIDUAL WAS APPOINTED.

3 (5) OF THE INITIAL MEMBERS OF A BOARD CREATED OR FIRST
 4 APPOINTED AFTER JANUARY 1, 1990, THE TERMS OF 3 OF THE MEMBERS,
 5 INCLUDING 2 OF THE MEMBERS WHO HAVE A LICENSE OR REGISTRATION IN
 6 THE OCCUPATION WHICH THE BOARD MONITORS AND 1 OF THE MEMBERS REP-
 7 RESENTING THE GENERAL PUBLIC, SHALL BE 4 YEARS; THE TERMS OF 2 OF
 8 THE MEMBERS, INCLUDING 1 OF THE MEMBERS WHO HAS A LICENSE OR REG-
 9 ISTRATION IN THE OCCUPATION WHICH THE BOARD MONITORS AND 1 OF THE
 10 MEMBERS REPRESENTING THE GENERAL PUBLIC, SHALL BE 3 YEARS; THE
 11 TERMS OF 2 OF THE MEMBERS, INCLUDING 1 OF THE MEMBERS WHO HAS A
 12 LICENSE OR REGISTRATION IN THE OCCUPATION WHICH THE BOARD MONI-
 13 TORS AND 1 OF THE MEMBERS WHO REPRESENTS THE GENERAL PUBLIC,
 14 SHALL BE 2 YEARS; AND THE TERMS OF THE REMAINING MEMBERS SHALL BE
 15 1 YEAR.

16 SEC. 303A. THE TERMS PROVIDED FOR IN THIS ACT SHALL COM-
 17 MENCE ON THE FOLLOWING DATES:

18	ACCOUNTANCY	JULY 1
19	ARCHITECTS	APRIL 1
20	ATHLETIC BOARD OF CONTROL	APRIL 1
21	BARBERS	OCTOBER 1
22	COLLECTION AGENCIES	JULY 1
23	COMMUNITY PLANNERS	JULY 1
24	COSMETOLOGY	JANUARY 1
25	EMPLOYMENT AGENCIES	OCTOBER 1
26	FORESTERS	APRIL 1

1	HEARING AID DEALERS	OCTOBER 1
2	HOROLOGY	JANUARY 1
3	INTERIOR DESIGNERS	JANUARY 1
4	LAND SURVEYORS	APRIL 1
5	LANDSCAPE ARCHITECTS	JULY 1
6	MARRIAGE COUNSELORS	OCTOBER 1
7	MORTUARY SCIENCE	JULY 1
8	MYOMASSOLOGY	JANUARY 1
9	NURSING HOME ADMINISTRATORS	JANUARY 1
10	PROFESSIONAL ENGINEERS	APRIL 1
11	REAL ESTATE BROKERS AND SALESPERSONS	JULY 1
12	RESIDENTIAL BUILDERS	APRIL 1
13	SOCIAL WORKERS	OCTOBER 1

14 ARTICLE 22A

15 SEC. 2231. AS USED IN THIS ARTICLE:

16 (A) "INTERIOR DESIGNER" MEANS A PERSON ENGAGING IN THE PRAC-
 17 TICE OF INTERIOR DESIGN.

18 (B) "PRACTICE OF INTERIOR DESIGN" MEANS THE PERFORMANCE OF
 19 SERVICES INCLUDING CONSULTATIONS, STUDIES, DRAWINGS, AND SPECIFI-
 20 CATIONS IN CONNECTION WITH REFLECTED CEILING PLANS, SPACE PLAN-
 21 NING, FURNISHINGS, OR THE FABRICATION OF NONLOADBEARING STRUC-
 22 TURAL ELEMENTS WITHIN AND SURROUNDING INTERIOR SPACES OF A
 23 BUILDING. INTERIOR DESIGN DOES NOT INCLUDE MECHANICAL OR ELEC-
 24 TRICAL SERVICES, EXCEPT FOR SPECIFICATIONS OF FIXTURES AND THEIR
 25 LOCATION WITHIN INTERIOR SPACES. INTERIOR DESIGN DOES NOT
 26 INCLUDE THE PRACTICE OF ARCHITECTURE AS DEFINED IN ARTICLE 20,
 27 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

1 SEC. 2233. (1) A PERSON SHALL NOT ENGAGE IN, OR OFFER TO
2 ENGAGE IN, THE PRACTICE OF INTERIOR DESIGN UNLESS LICENSED UNDER
3 THIS ARTICLE OR EXEMPT FROM Licensure UNDER THIS ARTICLE.

4 (2) AN INDIVIDUAL MAY ENGAGE IN THE PRACTICE OF INTERIOR
5 DESIGN WITHOUT BEING LICENSED UNDER THIS ARTICLE WHILE WORKING
6 UNDER THE DIRECT SUPERVISION OF A LICENSED INTERIOR DESIGNER.

7 (3) A LICENSE UNDER THIS ARTICLE SHALL BE ISSUED ONLY TO AN
8 INDIVIDUAL AND NOT TO A BUSINESS ENTITY.

9 (4) A PERSON SHALL NOT USE THE TERM "INTERIOR DESIGNER" OR
10 ANY SIMILAR TERM WHICH TENDS TO CONNOTE QUALIFICATION OR LICEN-
11 SURE UNDER THIS ARTICLE IN ANY WAY UNLESS LICENSED UNDER THIS
12 ARTICLE. A SOLE PROPRIETORSHIP, PARTNERSHIP, ASSOCIATION, CORPO-
13 RATION, OR OTHER LEGAL ENTITY SHALL NOT USE THE TERM "INTERIOR
14 DESIGNER" OR A SIMILAR TERM IN A NAME OR DESCRIPTION OF A FIRM
15 UNLESS AN INDIVIDUAL LICENSED UNDER THIS ARTICLE IS AN OFFICER,
16 PRINCIPAL, OR EMPLOYEE OF THE ENTITY AND IS AVAILABLE TO PERFORM
17 THE ACTIVITIES REGULATED BY THIS ARTICLE.

18 SEC. 2235. (1) THE BOARD OF INTERIOR DESIGNERS IS CREATED.

19 (2) ONE MEMBER OF THE BOARD REPRESENTING THE GENERAL PUBLIC
20 SHALL BE A PERSON LICENSED AS AN ARCHITECT UNDER ARTICLE 20.

21 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) AND NOT-
22 WITHSTANDING SECTION 303, MEMBERS OF THE INITIAL BOARD SHALL BE
23 BOTH OF THE FOLLOWING:

24 (A) MEMBERS OF A NATIONALLY RECOGNIZED ORGANIZATION OF
25 INTERIOR DESIGNERS.

26 (B) HAVE ACTIVELY PRACTICED INTERIOR DESIGN OR HAVE TAUGHT
27 IN AN EDUCATIONAL INSTITUTION WHICH PREPARES APPLICANTS FOR

1 LICENSURE AS INTERIOR DESIGNERS, OR A COMBINATION OF BOTH, FOR
2 NOT LESS THAN THE 2 YEARS IMMEDIATELY PRECEDING THEIR
3 APPOINTMENT.

4 SEC. 2237. THE DEPARTMENT SHALL ISSUE A LICENSE UNDER THIS
5 ARTICLE TO AN INDIVIDUAL WHO FULFILLS ALL OF THE FOLLOWING:

6 (A) IS OF GOOD MORAL CHARACTER.

7 (B) APPLIES FOR AND PASSES A WRITTEN EXAMINATION GIVEN AND
8 DEVELOPED BY THE DEPARTMENT AND THE BOARD. THE DEPARTMENT AND
9 THE BOARD MAY UTILIZE AN EQUIVALENT EXAMINATION AS PROVIDED FOR
10 IN RULES PROMULGATED UNDER THIS ARTICLE THAT MEETS THE STANDARDS
11 OF THE MOST RECENT NATIONAL COUNCIL FOR INTERIOR DESIGN QUALIFI-
12 CATION EXAMINATION AS OF THE EFFECTIVE DATE OF THIS ARTICLE IF
13 THE DEPARTMENT AND BOARD DETERMINE THAT THE EXAMINATION SUFFI-
14 CIENTLY TESTS THE KNOWLEDGE AND SKILLS RELATIVE TO THE PRACTICE
15 OF INTERIOR DESIGN.

16 (C) HAS EITHER OF THE FOLLOWING:

17 (i) NOT LESS THAN 6 YEARS OF A COMBINATION OF EITHER POST-
18 SECONDARY EDUCATION IN INTERIOR DESIGN OR A BACCALAUREATE DEGREE
19 IN ARCHITECTURE AS WELL AS EXPERIENCE IN THE ACTUAL PRACTICE OF
20 INTERIOR DESIGN OR ARCHITECTURE, BOTH OF WHICH ARE DETERMINED TO
21 BE SATISFACTORY BY THE BOARD.

22 (ii) NOT LESS THAN 8 YEARS OF EXPERIENCE IN THE ACTUAL PRAC-
23 TICE OF INTERIOR DESIGN THAT IS DETERMINED TO BE SATISFACTORY BY
24 THE BOARD.

25 SEC. 2239. (1) THE DEPARTMENT SHALL ISSUE A LICENSE AS AN
26 INTERIOR DESIGNER TO AN INDIVIDUAL WHO IS OF GOOD MORAL CHARACTER
27 AND POSSESSES A LICENSE OR REGISTRATION ISSUED BY ANOTHER STATE

1 OR JURISDICTION IF THE REQUIREMENTS FOR LICENSURE OR REGISTRATION
2 IN THAT STATE OR JURISDICTION ARE SUBSTANTIALLY EQUIVALENT TO THE
3 LICENSURE REQUIREMENTS OF THIS ARTICLE.

4 (2) THE DEPARTMENT SHALL ISSUE A LICENSE WITHOUT EXAMINATION
5 AS AN INTERIOR DESIGNER TO AN INDIVIDUAL WHO DOES NOT POSSESS A
6 LICENSE OR REGISTRATION ISSUED BY ANOTHER STATE OR JURISDICTION
7 IF THE INDIVIDUAL HAS DONE BOTH OF THE FOLLOWING:

8 (A) PASSED A WRITTEN EXAMINATION THAT THE BOARD DETERMINES
9 TO BE EQUIVALENT TO THE EXAMINATION REQUIRED UNDER SECTION 2237
10 NOTWITHSTANDING THE DATE THE INDIVIDUAL PASSED THE EXAMINATION.

11 (B) MEETS THE OTHER REQUIREMENTS CONTAINED IN SECTION 2237.

12 SEC. 2241. THE DEPARTMENT SHALL ISSUE A LICENSE AS AN
13 INTERIOR DESIGNER TO AN INDIVIDUAL WHO APPLIES WITHIN 1 YEAR OF
14 THE EFFECTIVE DATE OF THIS ARTICLE AND DOES 1 OR MORE OF THE
15 FOLLOWING:

16 (A) PRESENTS PROOF TO THE BOARD OF COMPLETION OF AN EXAMINA-
17 TION MEETING THE STANDARDS OF THE NATIONAL COUNCIL FOR INTERIOR
18 DESIGN QUALIFICATION, WHICH STANDARDS ARE IN EFFECT ON THE EFFEC-
19 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS ARTICLE.

20 (B) PRESENTS PROOF TO THE BOARD OF LICENSURE AS AN ARCHITECT
21 UNDER ARTICLE 20.

22 (C) PRESENTS PROOF TO THE BOARD THAT HE OR SHE HAS BEEN
23 TEACHING COURSES IN INTERIOR DESIGN AT THE POSTSECONDARY LEVEL,
24 HAS A BACCALAUREATE DEGREE IN INTERIOR DESIGN, AND PROVIDES EVI-
25 DENCE OF BEING A MEMBER OF A COUNCIL OR CERTIFYING BODY WHICH
26 SETS EDUCATIONAL STANDARDS FOR INTERIOR DESIGN PROGRAMS OR

1 CREATES AND ADMINISTERS CERTIFICATION EXAMINATIONS FOR INTERIOR
2 DESIGN.

3 (D) HAS NOT LESS THAN 6 YEARS OF A COMBINATION OF POSTSEC-
4 ONDARY EDUCATION IN INTERIOR DESIGN OR A BACCALAUREATE DEGREE IN
5 ARCHITECTURE AND EXPERIENCE IN THE ACTUAL PRACTICE OF INTERIOR
6 DESIGN OR ARCHITECTURE, BOTH OF WHICH ARE DETERMINED TO BE SATIS-
7 FACTORY BY THE BOARD, OR HAS NOT LESS THAN 8 YEARS OF EXPERIENCE
8 IN THE ACTUAL PRACTICE OF INTERIOR DESIGN THAT IS DETERMINED TO
9 BE SATISFACTORY BY THE BOARD.

10 SEC. 2243. AS A CONDITION FOR THE RENEWAL OF A LICENSE
11 ISSUED UNDER THIS ARTICLE, A LICENSEE SHALL COMPLETE AT LEAST 5
12 CLOCK HOURS OF CONTINUING EDUCATION ACCEPTABLE TO THE BOARD FOR
13 EACH YEAR SINCE THE LICENSE WAS LAST ISSUED. THE BOARD MAY
14 PROMULGATE RULES SPECIFYING THE CRITERIA FOR ACCEPTABLE COURSES
15 AND THE DUTIES AND QUALIFICATIONS OF COURSE SPONSORS, AND THE
16 METHOD BY WHICH LICENSEE PARTICIPATION IN SUCH COURSES MAY BE
17 VERIFIED. UNTIL RULES ARE PROMULGATED, THE DEPARTMENT MAY ACCEPT
18 COURSES WHICH RECEIVE NATIONAL RECOGNITION FOR CONTINUING EDUCA-
19 TION PROVIDED THE PROGRAM DEALS WITH THE PRACTICE OF INTERIOR
20 DESIGN AND IS DETERMINED BY THE BOARD TO SUFFICIENTLY TEST THE
21 KNOWLEDGE AND SKILLS RELATIVE TO INTERIOR DESIGN.

22 SEC. 2245. A PERSON WHO DOES EITHER OR BOTH OF THE FOLLOW-
23 ING SHALL BE SUBJECT TO THE PENALTIES IMPOSED IN ARTICLE 6:

24 (A) USES THE TERM "INTERIOR DESIGNER" OR A SIMILAR TERM
25 WHICH CONNOTES LICENSURE OR QUALIFICATION FOR LICENSURE WITHOUT
26 POSSESSING A LICENSE ISSUED UNDER THIS ARTICLE.

1 (B) ALLOWS THE PRACTICE OF INTERIOR DESIGN TO BE CONDUCTED
2 BY AN INDIVIDUAL NOT LICENSED AND NOT UNDER THE DIRECT
3 SUPERVISION OF AN INDIVIDUAL LICENSED UNDER THIS ARTICLE.

4 SEC. 2247. THE BOARD MAY, BY PROMULGATION OF A RULE,
5 REQUIRE THE USE OF A SEAL BY A PERSON LICENSED UNDER THIS
6 ARTICLE.

7 Section 2. This amendatory act shall not take effect unless
8 Senate Bill No. _____ or House Bill No. 5400 (request
9 no. 03011'89 a) of the 85th Legislature is enacted into law.