

SENATE BILL No. 1215

March 21, 2002, Introduced by Senators SCHUETTE and BENNETT and referred to the
Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 601 and 601a (MCL 339.601 and 339.601a),
section 601 as amended and section 601a as added by 1998 PA 250.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 601. (1) A person shall not engage in or attempt to
2 engage in the practice of an occupation regulated under this act
3 or use a title designated in this act unless the person possesses
4 a license, ~~or~~ registration, OR OTHER EVIDENCE OF COMPLIANCE
5 WITH THIS ACT AS issued by the department for the occupation.

6 (2) A school, institution, or person shall not operate or
7 attempt to operate a barber college, school of cosmetology, or
8 real estate school unless the school, institution, or person is
9 licensed or approved by the department.

1 (3) A person, school, or institution which violates
2 subsection (1) or (2) is guilty of a misdemeanor, punishable by a
3 fine of not more than \$500.00, or imprisonment for not more than
4 90 days, or both.

5 (4) A person, school, or institution which violates
6 subsection (1) or (2) a second or any subsequent time is guilty
7 of a misdemeanor, punishable, except as provided in section 735,
8 by a fine of not more than \$1,000.00, or imprisonment for not
9 more than 1 year, or both.

10 (5) Notwithstanding the existence and pursuit of any other
11 remedy, an affected person may maintain injunctive action to
12 restrain or prevent a person from violating subsection (1) or
13 (2). If successful in obtaining injunctive relief, the affected
14 person shall be entitled to actual costs and attorney fees.

15 (6) ~~Nothing in this~~ THIS act ~~shall~~ DOES NOT apply to a
16 person engaging in or practicing the following:

17 (a) Interior design AS FURTHER DESCRIBED IN
18 SUBSECTION (10).

19 (b) Building design.

20 (c) Any activity for which the person is licensed under 1929
21 PA 266, MCL 338.901 to 338.917.

22 (d) Any activity for which the person is licensed under the
23 Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to
24 338.988.

25 (e) Any activity for which the person is licensed under the
26 electrical administrative act, 1956 PA 217, MCL 338.881 to
27 338.892.

1 (7) As used in subsection (5), "affected person" means a
2 person directly affected by the actions of a person suspected of
3 violating subsection (1) or (2) and includes, but is not limited
4 to, a board established pursuant to this act, a person who has
5 utilized the services of the person engaging in or attempting to
6 engage in an occupation regulated under this act or using a title
7 designated by this act without being licensed, ~~or~~ registered,
8 OR OTHERWISE REGULATED by the department, or a private associa-
9 tion composed primarily of members of the occupation in which the
10 person is engaging in or attempting to engage in or in which the
11 person is using a title designated under this act without being
12 registered, ~~or~~ licensed, OR OTHERWISE REGULATED by the
13 department.

14 (8) An investigation may be conducted under article 6 to
15 enforce this section. A person who violates this section shall
16 be subject to the strictures prescribed in this section and sec-
17 tion 506.

18 (9) The remedies under this section are independent and
19 cumulative. The use of 1 remedy by a person shall not bar the
20 use of other lawful remedies by that person or the use of a
21 lawful remedy by another person.

22 (10) An interior designer may perform services in connection
23 with the design of interior spaces including preparation of docu-
24 ments relative to finishes, systems furniture, furnishings, fix-
25 tures, equipment, and interior partitions that do not MATERIALLY
26 affect the building mechanical, structural, electrical, or fire

1 safety systems. AS USED IN THIS SUBSECTION, "MATERIALLY AFFECT"
2 MEANS ACTIVITY THAT DOES EITHER OR BOTH OF THE FOLLOWING:

3 (A) SUBSTANTIALLY AND NEGATIVELY IMPACTS THE HEALTH, SAFETY,
4 AND WELFARE OF THE OCCUPANTS OF THE INTERIOR SPACE AFTER INSTAL-
5 LATION OF THE FINISHES, SYSTEMS FURNITURE, FURNISHINGS, FIXTURES,
6 EQUIPMENT, LIGHTING, AND INTERIOR BUILDING PARTITIONS BASED UPON
7 PLACEMENT OR MATERIAL COMPOSITION.

8 (B) VIOLATES THE APPLICABLE BUILDING CODE OR FIRE SAFETY
9 CODE.

10 Sec. 601a. (1) There is created in the department an
11 advisory subcommittee on interior design to consist of not more
12 than 5 individuals selected by the department. Of the 5 individ-
13 uals, 2 shall be licensed architects and the remaining members
14 shall be interior designers chosen from a list of interior
15 designers submitted to the department by nationally recognized
16 associations of interior designers. ~~The department shall assure~~
17 ~~that the advisory subcommittee on interior design is fully func-~~
18 ~~tional not later than 6 months after the effective date of the~~
19 ~~amendatory act that added this section and shall cease to exist~~
20 ~~after it has reviewed the last application made under~~
21 ~~subsection (4)(c). The purpose of the advisory subcommittee on~~
22 ~~interior design is to verify, by majority vote of its members,~~
23 ~~the qualifications of interior designers who have not passed an~~
24 ~~examination as further described in subsection (4)(c) but who~~
25 ~~seek qualification for the performance of services described in~~
26 ~~section 601(10) on the basis of education and experience and to~~
27 ~~recommend the qualifications of those interior designers to~~

1 ~~perform the services described in section 601(10).~~ The advisory
2 subcommittee on interior design shall ~~also~~ compile a list of
3 all individuals considered qualified to perform the services
4 described in section 601(10). The advisory subcommittee on
5 interior design shall give the list to the board of architects
6 for review and consideration of those persons determined to have
7 met the standards described in subsection (4). The approval of
8 individuals considered qualified shall occur not less than 90
9 days after the list is submitted to the board of architects. A
10 person whose qualifications are not approved by the board of
11 architects may appeal that determination to the director or his
12 or her designee. The department shall make the list of persons
13 determined to have met the standards described in subsection (4)
14 electronically available to the state or any local unit of gov-
15 ernment capable of issuing permits under the
16 STILLE-DEROSSETT-HALE SINGLE state construction code act, ~~of~~
17 ~~1972,~~ 1972 PA 230, MCL 125.1501 to 125.1531.

18 (2) The director may promulgate rules to administer this
19 section. The rules may include, but are not limited to, reason-
20 able fees charged to individuals seeking qualification for per-
21 forming services under section 601(10) and procedures for adding
22 and removing individuals from the list of qualified interior
23 designers.

24 (3) An interior designer shall have a rectangular nonem-
25bossed stamp with the interior designer's name, business address,
26 title "interior designer", and certificate number issued by the
27 national council for interior design qualification, if

1 applicable. Use of the stamp shall be accompanied by the
2 original signature of the interior designer.

3 (4) As used in this section and section 601, "interior
4 designer" means an individual engaged in the activities described
5 in section 601(10) who, ~~meets 1 or more of the following:~~

6 ~~(a) Beginning on the effective date of the amendatory act~~
7 ~~that added this subsection~~ BEGINNING OCTOBER 1, 1998, has proof
8 of passing the complete 1997 examination or other examination
9 adopted by reference by the department and offered by the
10 national council for interior design qualification OR AS OTHER-
11 WISE PROVIDED IN SUBSECTION (6). For purposes of this subsec-
12 tion, that examination and the qualifications to sit for that
13 examination are adopted by reference and any subsequent update or
14 revision of that examination or the qualifications to sit for
15 that examination may, by rule promulgated by the director, be
16 adopted by reference by the department.

17 ~~(b) Was engaged, before the effective date of the amenda-~~
18 ~~tory act that added this subsection, in the activities described~~
19 ~~in section 601(10) and has proof of passing any complete examina-~~
20 ~~tion offered by the national council for interior design~~
21 ~~qualification. Passage of any past examination offered by the~~
22 ~~national council for interior design qualification is adequate to~~
23 ~~qualify an interior designer for the exemption described in~~
24 ~~section 601(10).~~

25 ~~(c) Until the expiration of 1 year after the date of the~~
26 ~~establishment of the advisory subcommittee on interior design,~~
27 ~~demonstrates to the advisory subcommittee on interior design that~~

~~1 he or she was engaged in the activities described in
2 section 601(10) and meets the qualifications of education and
3 experience that would confer eligibility for sitting for the 1997
4 or other examination offered by the national council for interior
5 design qualification.~~

6 (5) IN ADDITION TO THE FEES IMPOSED FOR INITIAL APPLICATION
7 FOR THE LIST AS FURTHER DESCRIBED IN R 339.601 OF THE MICHIGAN
8 ADMINISTRATIVE CODE, THE DEPARTMENT SHALL IMPOSE A FEE NOT TO
9 EXCEED \$20.00 TRIENNIALLY FOR RENEWAL OF PLACEMENT ON THE LIST
10 COMPILED UNDER THIS SECTION. THE DEPARTMENT SHALL REMOVE FROM
11 THE LIST A PERSON ALREADY PLACED ON THE LIST IF THE PERSON FAILS
12 TO RENEW PLACEMENT OR IF THE DEPARTMENT IS PRESENTED EVIDENCE
13 THAT THE PERSON IS DECEASED.

14 (6) UPON SUBMISSION OF AN APPLICATION TO THE DEPARTMENT, A
15 PERSON LICENSED, REGISTERED, OR OTHERWISE REGULATED TO ENGAGE IN
16 INTERIOR DESIGN UNDER THE LAWS OF ANOTHER STATE OR COUNTRY SHALL,
17 WITHOUT EXAMINATION, BE GRANTED PLACEMENT ON THE LIST COMPILED
18 UNDER THIS SECTION IF THE REQUIREMENTS OF THE OTHER STATE OR
19 COUNTRY ARE SUBSTANTIALLY EQUAL TO THOSE IN FORCE IN THIS STATE
20 AS DETERMINED BY THE DIRECTOR. THE DIRECTOR SHALL DETERMINE THAT
21 THE EXAMINATION SUCCESSFULLY COMPLETED BY THE APPLICANT FROM THE
22 OTHER STATE OR COUNTRY IS GIVEN RECIPROCAL STATUS IN THE PLURAL-
23 ITY OF STATES AS COMPARED TO OTHER EXAMINATIONS.

24 Enacting section 1. This amendatory act does not take
25 effect unless Senate Bill No. 1216
26 of the 91st Legislature is enacted into
27 law.