

# HOUSE BILL No. 6052

June 24, 2004, Introduced by Reps. Meisner, Huizenga, Steil, Gaffney, Hopgood, Condino, Wojno, Lipsey, Bieda and Stewart and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending sections 303a and 601 (MCL 339.303a and 339.601),  
section 303a as amended by 1995 PA 183 and section 601 as amended  
by 1998 PA 250, and by adding article 28; and to repeal acts and  
parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 303a. The terms provided for in this act shall

2       commence on the following dates:

3	Accountancy	July 1
4	Architects	April 1
5	Athletic board of control	April 1
6	Barbers	October 1
7	Collection agencies	July 1
8	Community planners	July 1

1	Cosmetology	January 1
2	Employment agencies	October 1
3	Foresters	April 1
4	Hearing aid dealers	October 1
5	<b>Interior design</b>	<b>January 1</b>
6	Land surveyors	April 1
7	Landscape architects	July 1
8	Marriage counselors	October 1
9	Mortuary science	July 1
10	Nursing home administrators	January 1
11	Professional engineers	April 1
12	Real estate appraisers	July 1
13	Real estate brokers and salespersons	July 1
14	Residential builders	April 1
15	Social workers	October 1
16	Sec. 601. (1) A person shall not engage in or attempt to	
17	engage in the practice of an occupation regulated under this act	
18	or use a title designated in this act unless the person possesses	
19	a license or registration issued by the department for the	
20	occupation.	
21	(2) A school, institution, or person shall not operate or	
22	attempt to operate a barber college, school of cosmetology, or	
23	real estate school unless the school, institution, or person is	
24	licensed or approved by the department.	
25	(3) A person, school, or institution which violates	
26	subsection (1) or (2) is guilty of a misdemeanor, punishable by a	
27	fine of not more than \$500.00, or imprisonment for not more than	

1 90 days, or both.

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

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

12 (6) ~~Nothing in this~~ **This** act ~~shall~~ **does not** apply to a  
13 person engaging in or practicing the following:

14 ~~(a) Interior design.~~

15 **(a)** ~~(b)~~ Building design.

16 **(b)** ~~(c)~~ Any activity for which the person is licensed under  
17 ~~1929 PA 266, MCL 338.901 to 338.917~~ **the state plumbing act,**  
18 **2002 PA 733, MCL 338.3511 to 338.3569.**

19 **(c)** ~~(d)~~ Any activity for which the person is licensed under  
20 the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971  
21 to 338.988.

22 **(d)** ~~(e)~~ Any activity for which the person is licensed under  
23 the electrical administrative act, 1956 PA 217, MCL 338.881 to  
24 338.892.

25 (7) As used in subsection (5), "affected person" means a  
26 person directly affected by the actions of a person suspected of  
27 violating subsection (1) or (2) and includes, but is not limited

1 to, a board established pursuant to this act, a person who has  
 2 utilized the services of the person engaging in or attempting to  
 3 engage in an occupation regulated under this act or using a title  
 4 designated by this act without being licensed or registered by  
 5 the department, or a private association composed primarily of  
 6 members of the occupation in which the person is engaging in or  
 7 attempting to engage in or in which the person is using a title  
 8 designated under this act without being registered or licensed by  
 9 the department.

10 (8) An investigation may be conducted under article ~~-6-~~ 5 to  
 11 enforce this section. A person who violates this section shall  
 12 be subject to the strictures prescribed in this section and  
 13 section 506.

14 (9) The remedies under this section are independent and  
 15 cumulative. The use of 1 remedy by a person shall not bar the  
 16 use of other lawful remedies by that person or the use of a  
 17 lawful remedy by another person.

18 ~~(10) An interior designer may perform services in connection~~  
 19 ~~with the design of interior spaces including preparation of~~  
 20 ~~documents relative to finishes, systems furniture, furnishings,~~  
 21 ~~fixtures, equipment, and interior partitions that do not affect~~  
 22 ~~the building mechanical, structural, electrical, or fire safety~~  
 23 ~~systems.~~

#### 24 **ARTICLE 28**

25 **Sec. 2801. As used in this article:**

26 (a) "Interior design services" means services in connection  
 27 with the design of interior spaces, including the preparation of

1 design documents, relative to finishes, systems furniture,  
2 furnishings, fixtures, equipment, lighting outlets and switching,  
3 and non-load-bearing interior partitions that do not materially  
4 affect the building mechanical, structural, electrical, or fire  
5 safety systems.

6 (b) "Interior designer" means a person performing interior  
7 design services.

8 (c) "Materially affect" means activity that is either or both  
9 of the following:

10 (i) Has a substantial and negative impact on the health,  
11 safety, and welfare of the occupants of the interior space after  
12 installation of the finishes, systems furniture, furnishings,  
13 fixtures, equipment, lighting, and interior building partitions  
14 based upon placement or material composition.

15 (ii) Is incompatible with the applicable building code or  
16 fire safety code to such a degree that more than a minor  
17 modification of the interior design documents is needed to  
18 correct that incompatibility with the building or fire safety  
19 code.

20 Sec. 2803. (1) There is created a board of interior  
21 design.

22 (2) The terms of the board members and their qualifications  
23 are as prescribed by section 303.

24 Sec. 2805. (1) Except as otherwise provided in subsection  
25 (2), a person shall not use a term or title "licensed interior  
26 designer", "interior designer", or other term or title connoting  
27 licensure under this article unless licensed under this article.

1       (2) This article does not prohibit an individual certified or  
2 otherwise qualified or approved by a private organization from  
3 using a term or title copyrighted or otherwise protected under  
4 law by the certifying organization so long as the use does not  
5 connote licensure under this article.

6       Sec. 2807. (1) An individual shall not provide or offer to  
7 provide interior design services unless licensed under this  
8 article or exempt from licensure under subsection (2).

9       (2) The following are exempt from licensure under this  
10 article:

11       (a) A person licensed under another regulated or licensed  
12 occupation or profession who is engaging in interior design  
13 services that are within the scope of practice of that person's  
14 occupation or profession so long as he or she does not hold  
15 himself or herself out as an interior designer.

16       (b) An employee of a retail establishment providing interior  
17 design services on the premises of a retail establishment or in  
18 the furtherance of a retail sale, so long as he or she does not  
19 advertise, or represent himself or herself, as an interior  
20 designer.

21       (c) A person engaging in interior design services on property  
22 owned or leased by that person so long as he or she does not hold  
23 himself or herself out as an interior designer.

24       (d) A person engaging in interior design services without  
25 compensation on property of another person so long as he or she  
26 does not hold himself or herself out as an interior designer.

27       (e) A person providing interior design services in a detached

1 1- or 2-family residence, which residence does not exceed 3,500  
2 square feet of calculated floor area, so long as he or she does  
3 not hold himself or herself out as an interior designer. As used  
4 in this subdivision, "calculated floor area" means that term as  
5 defined in section 2012.

6 (f) An individual engaging in interior design services  
7 without a license but under the supervision of 1 or more  
8 licensees solely for the purpose of obtaining the experience  
9 required under section 2809(3).

10 Sec. 2809. (1) An applicant for licensure under this  
11 article shall submit a completed application to the department on  
12 a form supplied by the department and pay the appropriate  
13 application and per-year license fee. Except as otherwise  
14 provided in this section, the applicant shall meet the  
15 examination requirements of subsection (3).

16 (2) Upon approval of an application properly submitted, the  
17 department shall issue a license only to an individual for a term  
18 of 3 years.

19 (3) Beginning the effective date of the amendatory act that  
20 added this article and until the expiration of 1 year after that  
21 effective date, the department shall issue a license to an  
22 individual that submits, by affidavit, proof of 6 years of  
23 combined education and experience in providing interior design  
24 services, with at least 2 of those 6 years being practical  
25 experience. A person on the list compiled under former section  
26 601a is eligible for a license under this act if he or she  
27 applies for licensure within 1 year after the effective date of

1 the amendatory act that added this article and pays the  
2 appropriate license fee.

3       (4) For applicants not applying for licensure under  
4 subsection (3), the complete 2003 examination offered by the  
5 national council for interior design qualification and the  
6 qualifications to sit for that examination are adopted by  
7 reference. The board, by promulgation of a rule, may adopt  
8 another version of the national council for interior design  
9 qualification examination and the qualifications to sit for that  
10 examination or another examination considered by the board to be  
11 the equivalent of the most recent national council for interior  
12 design qualification examination and the qualifications to sit  
13 for that examination.

14       Sec. 2811. The department shall issue a license to an  
15 individual from another jurisdiction, state, or country upon a  
16 determination of the board that the other jurisdiction, state, or  
17 country has substantially similar requirements for licensure and  
18 allows reciprocity to Michigan licensees.

19       Sec. 2813. The department, in consultation with the board  
20 and by adoption of a rule, shall establish standards of conduct  
21 for licensed interior designers.

22       Sec. 2815. (1) Beginning the license renewal cycle after  
23 the effective date of the rules promulgated under this section,  
24 an individual licensed under this article shall meet the  
25 continuing education requirements of this section when renewing  
26 his or her license.

27       (2) The department, in consultation with the board, shall



1 promulgate rules to require a licensee seeking renewal to furnish  
2 evidence that during the 3 years immediately preceding  
3 application for renewal, the licensee attended continuing  
4 education courses or programs related to the practice of interior  
5 design and designed to further educate licensees.

6 (3) The department, in consultation with the board, shall  
7 establish by rule the total number of course or program clock  
8 hours at a minimum of 45 clock hours in any 3-year license  
9 renewal cycle. A portion of those clock hours must be in  
10 ethics.

11 (4) The department shall ensure that all approved continuing  
12 education courses include defined measurements of preknowledge  
13 and postknowledge or skill improvements, or both, as a result of  
14 the continuing education program.

15 Sec. 2817. (1) An individual, upon being licensed, shall  
16 obtain a seal authorized by the board bearing the licensee's name  
17 and a legend indicating "licensed interior designer".

18 (2) A plan, report, or specification issued by a licensee  
19 shall be sealed when filed with a public authority.

20 Sec. 2819. A person who violates this article or rules  
21 promulgated under this article or who does 1 or more of the  
22 following is subject to the penalties set forth in article 6:

23 (a) Presents or attempts to use, as the person's own, the  
24 license or seal of another.

25 (b) Uses a term protected by this article without being  
26 licensed under this article.

27 (c) Submits to a public official in this state or a political

1 subdivision of this state for approval a permit or a plan,  
2 report, or specification for filing as a public record that does  
3 not bear a seal of a licensee as required by this article.

4 Enacting section 1. Section 601a of the occupational code,  
5 1980 PA 299, MCL 339.601a, is repealed.

6 Enacting section 2. This amendatory act does not take  
7 effect unless all of the following bills of the 92nd Legislature  
8 are enacted into law:

9 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 6054  
10 (request no. 04171'03 a).

11 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 6053  
12 (request no. 04171'03 b).