

1 HB440  
2 118221-7  
3 By Representative Black  
4 RFD: Boards and Commissions  
5 First Read: 26-JAN-10

1  
2 ENROLLED, An Act,

3 To establish the Alabama Interior Design  
4 Registration Act of 2010 and to create a new Chapter 15C,  
5 Title 34, relating to the regulation of registered interior  
6 designers by the Alabama Board for Registered Interior  
7 Designers; to repeal Chapter 15B, Title 34, commencing with  
8 Section 34-15B-1, Code of Alabama 1975, formerly providing for  
9 the Alabama State Board of Registration for Interior Design;  
10 to transition the membership of the Alabama State Board of  
11 Registration for Interior Design to the Alabama Board for  
12 Registered Interior Designers; to provide for the Alabama  
13 Board for Registered Interior Designers and the regulation of  
14 registered interior designers pursuant to a new Chapter 15C,  
15 Title 34, Code of Alabama 1975; to continue the board as  
16 constituted on the effective date of this act; to provide for  
17 the nomination and appointment of new members to the new  
18 board; to provide for the hiring of employees; to provide for  
19 the powers and duties of the board; to provide for the  
20 registration and regulation of registered interior designers;  
21 to provide further for the powers of the board and the review  
22 of board rules pursuant to the Administrative Procedure Act;  
23 to require continuing education; to provide penalties; to  
24 clarify the earlier repeal of Chapter 15A, Title 34, Code of  
25 Alabama 1975; and in connection therewith to have as its

1 purpose or effect the requirement of a new or increased  
2 expenditure of local funds within the meaning of Amendment 621  
3 of the Constitution of Alabama of 1901, now appearing as  
4 Section 111.05 of the Official ReCompilation of the  
5 Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. The existence and functioning of the  
8 Alabama State Board of Registration for Interior Design,  
9 formerly created and functioning pursuant to Sections 34-15B-1  
10 to 34-15B-18, inclusive, Code of Alabama 1975, is continued  
11 pursuant to the newly created Chapter 15C, Title 34, Code of  
12 Alabama 1975, contained in this act. All rights, duties,  
13 property, real or personal, and all other effects existing in  
14 the name of the Alabama State Board of Registration for  
15 Interior Design, or in any other name by which the board has  
16 been known, shall continue in the name of the Alabama Board  
17 for Registered Interior Designers. Any reference to the  
18 Alabama State Board of Registration for Interior Design, or  
19 any other name by which the board has been known, in any  
20 existing law, contract, or other instrument shall constitute a  
21 reference to the Alabama Board for Registered Interior  
22 Designers as created in this act. All actions of the Alabama  
23 State Board of Registration for Interior Design lawfully done  
24 prior to the effective date of this act, by the board or by  
25 the executive director or administrative assistant, are

1 approved, ratified, and confirmed. The board as constituted on  
2 the effective date of this act shall constitute the board  
3 under the new Chapter 15C, Title 34.

4 Section 2. (a) Chapter 15B of Title 34, commencing  
5 with Section 34-15B-1, Code of Alabama 1975, relating to the  
6 Alabama State Board of Registration for Interior Design and  
7 the regulation of interior designers, is repealed.

8 (b) Chapter 15C of Title 34 is added to the Code of  
9 Alabama 1975, to read as follows:

10 Section 34-15C-1.

11 This chapter shall be known and may be cited as the  
12 Alabama Interior Design Registration Act of 2010.

13 Section 34-15C-2.

14 The Legislature finds and declares that this chapter  
15 is not intended to restrict the practice of interior design or  
16 the use of the terms "design," "designer," "interior design,"  
17 or "interior designer" in this state. The Legislature declares  
18 that the purpose of this chapter is to establish a  
19 registration process for those interior designers who choose  
20 to obtain the credentials required to seal and submit  
21 construction documents for commercial interior projects in  
22 certain spaces less than 5,000 contiguous square feet within a  
23 building ~~of any size~~ which has a total area of 2,500 square  
24 feet or more to building officials for review and permitting  
25 purposes. The Legislature further finds and declares that this

1 chapter is not intended to prohibit any person from making  
2 plans and specifications for or administering the erection,  
3 enlargement, or alteration of any building upon any farm for  
4 the use of any farmer, any single family residence of any  
5 size, ~~or any other space totaling less than 2,500 square feet~~  
6 ~~in a building of any size~~ or of any other type building which  
7 has a total area of less than 2,500 square feet, provided the  
8 building is not a school, church, auditorium, or other  
9 building intended for the assembly occupancy of people. Except  
10 as expressly provided in Section 34-15C-9, nothing in this  
11 chapter shall be interpreted to prohibit any person who is not  
12 a registered interior designer from conducting any activity  
13 not prohibited by any other state law. Further, registration  
14 under this chapter may not be required by this state or by any  
15 city, town, county, or other governmental entity or official  
16 for the submission, review, approval, or issuance of permits  
17 for plans and specifications for or to administer the  
18 erection, enlargement, or alteration of any building upon any  
19 farm for the use of any farmer, any single family residence of  
20 any size, ~~or any other space totaling less than 2,500 square~~  
21 ~~feet in a building of any size~~ or of any other type building  
22 which has a total area of less than 2,500 square feet,  
23 provided the building is not a school, church, auditorium, or  
24 other building intended for the assembly occupancy of people,  
25 nor for any activity other than the submission to building

1 officials of construction documents for commercial interior  
2 projects in certain spaces up to 5,000 contiguous square feet,  
3 within a building which has a total area of 2,500 square feet  
4 or more.

5 Section 34-15C-3.

6 For the purposes of this chapter, the following  
7 terms shall have the following meanings:

8 (1) BOARD. The Alabama Board for Registered Interior  
9 Designers.

10 (2) NCIDQ. The National Council for Interior Design  
11 Qualification.

12 (3) REGISTERED INTERIOR DESIGNER. An interior design  
13 professional, as defined by the NCIDQ, who is approved and  
14 registered by the board and the Secretary of State.

15 Section 34-15C-4.

16 (a) There is created the Alabama Board for  
17 Registered Interior Designers, to be comprised of seven  
18 members appointed by the Governor in the manner set forth in  
19 this section. The members of the Alabama State Board of  
20 Registration for Interior Design serving on the effective date  
21 of this amendatory act pursuant to former Section 34-15B-4,  
22 shall immediately serve as board members of the Alabama Board  
23 for Registered Interior Designers created by this chapter. For  
24 continuity purposes, a board member serving on the effective  
25 date of this amendatory act shall continue to serve under this

1 chapter for the remainder of his or her term, and according to  
2 the appointment schedule, for which he or she was appointed by  
3 the Governor pursuant to former Section 34-15B-4.

4 (b) All appointments occurring after the effective  
5 date of this amendatory act shall be for terms of four years,  
6 except an appointment to fill a vacancy, which shall be for  
7 the unexpired term only. No member shall serve more than two  
8 consecutive terms of office. All members shall continue to  
9 serve until a successor is appointed by the Governor.

10 (c) The composition of the board shall be as  
11 follows:

12 (1) Five members of the board shall be registered  
13 interior designers, shall be engaged in the full-time practice  
14 of interior design, and shall be appointed from districts  
15 provided in subsection (e).

16 (2) One member shall be a professional educator, who  
17 teaches in a college or university level interior design  
18 program, and who is a registered interior designer or was  
19 previously registered or certified by the former Alabama State  
20 Board of Registration for Interior Design. If no educator with  
21 these qualifications is willing and able to serve on the  
22 board, this position shall be filled by an educator who has  
23 the necessary credentials to be registered and who agrees to  
24 apply for a certificate of registration within the first year  
25 of his or her service on the board.

1           (3) One member shall be a consumer who is not a  
2 design professional. The consumer member may not be employed  
3 in the fields of construction, architecture, engineering,  
4 interior design, interior decorating, or any related field.

5           (d) Of the seven members listed in subsection (c),  
6 at least one shall be a member of a minority race, and the  
7 total membership of the board shall reflect the racial,  
8 gender, urban/rural, and economic diversity of the state.

9           (e) The five registered interior design members of  
10 the board, appointed by district, shall be appointed as  
11 follows:

12           (1) Five districts shall be created: Northern,  
13 Central, Western, Eastern, and Southern. One practicing  
14 registered interior designer shall be appointed from each  
15 district.

16           a. The Northern District shall be comprised of  
17 Lauderdale, Colbert, Lawrence, Limestone, Morgan, Cullman,  
18 Marshall, Madison, Jackson, DeKalb, Cherokee, Etowah, Calhoun,  
19 and Cleburne Counties.

20           b. The Central District shall be comprised of  
21 Blount, Jefferson, St. Clair, and Talladega Counties.

22           c. The Western District shall be comprised of  
23 Marion, Winston, Lamar, Fayette, Franklin, Walker, Pickens,  
24 Tuscaloosa, Sumter, Greene, Hale, Bibb, Perry, Dallas,  
25 Marengo, Choctaw, Lowndes, Shelby, and Wilcox Counties.



1           d. The Eastern District shall be comprised of  
2     Randolph, Clay, Chilton, Coosa, Tallapoosa, Chambers, Autauga,  
3     Elmore, Lee, Macon, Montgomery, Bullock, Pike, Coffee, Dale,  
4     Henry, Barbour, Russell, and Crenshaw Counties.

5           e. The Southern District shall be comprised of  
6     Butler, Covington, Conecuh, Escambia, Houston, Monroe, Clarke,  
7     Washington, Mobile, Geneva, and Baldwin Counties.

8           (2) When appropriate, the chair of the board shall  
9     notify in writing each registered interior designer, by  
10    district of residence, of the time and place for a district  
11    nomination meeting. The purpose of the district nomination  
12    meeting shall be to select members to serve on a statewide  
13    nominating committee. The district nomination meeting, held  
14    for the purpose of selecting new members to serve on the  
15    statewide nominating committee, shall be held every four  
16    years, or as required, for the purpose of filling vacancies on  
17    the statewide nominating committee.

18          (3) At the district nomination meeting, the members  
19    of each district shall select a chair for their respective  
20    district for that meeting, shall proceed according to Robert's  
21    Rules of Order, as most recently revised, and shall select one  
22    person to serve on the statewide nominating committee. Minutes  
23    of the meeting shall be recorded, signed by the chair of the  
24    meeting, and a copy of the signed minutes shall be provided to  
25    the chair of the board and the chair of the statewide

1 nominating committee. The person shall be selected by a  
2 plurality of the vote and shall be a registered interior  
3 designer who resides in the district.

4 (f) (1) The statewide nominating committee shall be  
5 composed of one person from each of the five districts listed  
6 in subsection (e). Each person selected for the statewide  
7 nominating committee shall immediately notify the chair of the  
8 board and the chair of the statewide nominating committee of  
9 his or her selection.

10 (2) A new statewide nominating committee shall be  
11 elected every four years for the purpose of filling any  
12 vacancies or expired terms which may occur on the board. The  
13 statewide nominating committee shall be convened, by call of  
14 the chair of the statewide nominating committee or notice from  
15 a majority of the members thereof, as soon as practical  
16 whenever a vacancy occurs on the board or at any time within  
17 60 days preceding the expiration of the term of a board  
18 member. All appointments to the board shall be made in the  
19 manner provided in this section.

20 (3) If a vacancy occurs on the statewide nominating  
21 committee, the chair of the statewide nominating committee  
22 shall notify the chair of the board, who shall call a district  
23 nominating committee meeting to fill the vacancy. Only  
24 practicing registered interior designers may vote in a

1 district nomination meeting or serve upon the statewide  
2 nominating committee.

3 (4) The statewide nominating committee shall be  
4 convened, by call of the chair of the statewide nominating  
5 committee or notice from a majority of the members thereof, as  
6 soon as practical whenever a vacancy occurs on the board or at  
7 any time within 60 days preceding the expiration of the term  
8 of a board member. All appointments to the board shall be made  
9 in the manner provided in this section.

10 (5) Each board member nominated by the statewide  
11 nominating committee shall reside in the district from which  
12 he or she is appointed.

13 (6) The statewide nominating committee shall select  
14 and submit the names of at least two registered interior  
15 designers to the Governor no later than 60 days of the  
16 expiration of the term of a board member, or no later than 60  
17 days of any vacancy on the board.

18 (g) The Governor may remove any member of the board  
19 for misconduct, incapacity, incompetence, or neglect of duty  
20 after the member so charged has been served with a written  
21 notice of the same and has been given an opportunity to be  
22 heard by the Governor. Absence from any three consecutive  
23 meetings of the board, without cause acceptable to the  
24 Governor, shall be deemed cause for removal of any member.

1           (h) Each member of the board shall receive the same  
2 per diem, travel, and expense allowance as is paid by law to  
3 state employees for the time spent in the performance of his  
4 or her duties and in necessary travel.

5           (i) The board shall hold two or more meetings per  
6 year for the purpose of performing its duties pursuant to this  
7 chapter. A simple majority of the members of the board shall  
8 constitute a quorum at any meeting. A simple majority vote of  
9 the members present shall be sufficient to transact the  
10 business of the board. A new chair shall be elected 60 days  
11 before the end of the term of the previous chair. If no new  
12 chair is elected before the end of the term of the previous  
13 chair, the previous chair shall continue to serve until a  
14 successor is elected. Vacancies in such chair position shall  
15 be filled by act of the board.

16           (j) The chair may appoint a full-time or part-time  
17 executive director or administrative assistant to the board,  
18 with the consent of the majority of the members of the board.  
19 The executive director or administrative assistant shall serve  
20 at the pleasure of the board. The salary of the executive  
21 director or administrative assistant salary shall be set by  
22 the board. The executive director or administrative assistant  
23 shall serve as the executive officer to the board, but shall  
24 not be a member of the board. The board, by majority vote of  
25 its members, may employ additional persons, who shall serve at

1 the pleasure of the board, to assist the board and the  
2 executive director or administrative assistant in the keeping  
3 of the records and in the performance of its duties, subject  
4 to available funding.

5 Section 34-15C-5.

6 The board shall perform the following duties,  
7 subject to the other provisions of this chapter:

8 (1) Administer fully this chapter and any rules,  
9 regulations, or guidelines promulgated by the board pursuant  
10 to this chapter.

11 (2) Prescribe, make, adopt, and amend such rules and  
12 regulations pursuant to the Alabama Administrative Procedure  
13 Act as the board deems necessary to carry out the provisions  
14 of this chapter.

15 (3) For the purpose of enforcing this chapter,  
16 conduct investigations and hearings concerning charges against  
17 registered interior designers, at any time or place within the  
18 state, and administer oaths and affirmations, examine  
19 witnesses, and receive evidence in the course of any such  
20 hearings.

21 (4) Issue, in conjunction with the Secretary of  
22 State, any documentation necessary to prove that a registered  
23 interior designer is practicing in accordance with and abiding  
24 by the requirements of this chapter, for which an annual fee,

1 in an amount determined by the board, shall be assessed and  
2 collected.

3 (5) Institute legal proceedings pursuant to  
4 subsection (c) of Section 34-15C-12.

5 (6) Grant, deny, revoke, suspend, or reinstate  
6 certificates of registration.

7 (7) Keep a record of its proceedings and make an  
8 annual report thereon to the Governor and the Legislature.

9 (8) Establish standards and requirements of  
10 continuing education for registered interior designers.

11 (9) Maintain an official roster of registered  
12 interior designers including, but not limited to, information  
13 required by the board for enforcement of this chapter.

14 (10) When necessary, require the attendance of  
15 witnesses and the production of all necessary papers, books,  
16 records, documentary evidence, and materials in any hearing,  
17 investigation, or other proceeding before the board, by means  
18 of discovery as provided in the Alabama Rules of Civil  
19 Procedure.

20 (11) Employ attorneys, accountants, and other  
21 persons as may be necessary to assist the board in carrying  
22 out this chapter when there is a need for such services and  
23 when funds are available for such services.

24 (12) Adopt rules providing for a registered interior  
25 designer to be classified as inactive and to avoid the payment

1 of annual fees, so long as the inactive registered interior  
2 designer does not use the titles, stamps, or seals restricted  
3 by subsection (a) or subsection (b) of Section 34-15C-9 during  
4 inactive status.

5 (13) Establish, by administrative rule, procedures  
6 for the assessment of fees for the administration of this  
7 chapter.

8 Section 34-15C-6.

9 (a) Applications for registration shall be submitted  
10 on forms prescribed and furnished by the board. The board  
11 shall promptly notify any applicant of the requirements and  
12 the schedule of fees established by the board for  
13 registration.

14 (b) The board shall register an applicant to become  
15 a registered interior designer, and to use the title of  
16 registered interior designer in the State of Alabama, only if  
17 the applicant satisfies all of the following requirements:

18 (1) The applicant is determined by the board to be  
19 of good ethical character.

20 (2) The applicant either:

21 a. Has satisfied all requirements, including all  
22 education and experience requirements, for eligibility to take  
23 ~~the NCIDQ examination, or satisfies substantially equivalent~~  
24 ~~education and experience requirements and successfully~~  
25 ~~completes an examination accepted and approved by the board~~

1 ~~based on the standards set by the NCIDQ; or the NCIDQ~~  
2 ~~examination; or~~

3           b. Holds a degree from a National Architectural  
4 Accreditation Board (NAAB) accredited school and has met NCIDQ  
5 eligibility requirements to take the NCIDQ examination, ~~or~~  
6 ~~satisfies substantially equivalent education and experience~~  
7 ~~requirements and successfully completes an examination~~  
8 ~~accepted and approved by the board, or is a registered~~  
9 architect who satisfies NCIDQ eligibility requirements to take  
10 the NCIDQ examination. Such applicants may take the NCIDQ  
11 examination.

12           (3) The applicant has successfully passed the NCIDQ  
13 ~~examination, or an equivalent examination, accepted and~~  
14 ~~approved by the board. examination.~~

15           (4) The applicant is at least 21 years of age.

16           (c) Notwithstanding the requirements of subsection  
17 (b), any person registered with the Alabama State Board of  
18 Registration for Interior Design on the effective date of this  
19 act shall be registered by the Alabama Board for Registered  
20 Interior Designers, as created by this chapter, on the  
21 effective date of this act, without penalty, for the time  
22 remaining on the certificate of registration of the registered  
23 interior designer and any renewals of that certificate.



1           (d) Certificates of registration shall expire on  
2           September 30 of each year, and shall become invalid on October  
3           1 of each year, unless renewed.

4           (e) Renewal of a certificate of registration may be  
5           accomplished at any time prior to and during the month of  
6           September by:

7           (1) The payment of an annual fee, as prescribed by  
8           the board, through such procedures as may be developed by the  
9           board.

10          (2) Submission of proof, on forms approved by the  
11          board, of compliance with all continuing education  
12          requirements established by the board.

13          (f) A certificate of registration held by a  
14          registered interior designer serving in the Armed Forces of  
15          the United States shall not expire until September 30  
16          following his or her discharge or final separation from the  
17          Armed Forces of the United States.

18          (g) A registered interior designer shall maintain  
19          and post his or her certificate of registration in the primary  
20          business office where he or she practices.

21                 Section 34-15C-7.

22                 The board may waive the requirements for  
23                 registration and grant registration to any applicant who  
24                 submits proof of current registration as an interior designer  
25                 in another state, the District of Columbia, or a territory of

1 the United States that requires standards for registration  
2 which are substantially equivalent to those required in this  
3 state and gives similar reciprocity to registered interior  
4 designers of this state.

5 Section 34-15C-8.

6 (a) A registered interior designer shall obtain a  
7 seal bearing the name of the registered interior designer, a  
8 design authorized by the board, the legend "Registered  
9 Interior Designer," the words "State of Alabama," and the  
10 registration number of the registered interior designer.

11 (b) Plans, specifications, and other documents  
12 prepared and issued by a registered interior designer shall be  
13 stamped with the seal of the registered interior designer only  
14 if the certificate of registration is valid.

15 Section 34-15C-9.

16 (a) Any person who is not a registered interior  
17 designer who uses the title "registered interior designer" on  
18 any sign, card, listing, advertising, business name,  
19 stationery, or in any other manner knowingly implies or  
20 indicates that he or she is a registered interior designer  
21 shall be guilty of a Class A misdemeanor.

22 (b) Any person who is not a registered interior  
23 designer who stamps or seals any document with a stamp or seal  
24 containing the term "registered interior designer" shall be  
25 guilty of a Class A misdemeanor.

1           (c) Any registered interior designer who stamps or  
2 allows to be stamped any document that is not prepared under  
3 his or her supervision and control shall be guilty of a Class  
4 A misdemeanor.

5           Section 34-15C-10.

6           (a) Nothing in this chapter shall be interpreted to  
7 prohibit any person from making plans and specifications for  
8 or administering the erection, enlargement, or alteration of  
9 any building upon any farm for the use of any farmer, any  
10 single family residence of any size, ~~or any other space~~  
11 ~~totaling less than 2,500 square feet in a building of any size~~  
12 or of any other type building which has a total area of less  
13 than 2,500 square feet, provided the building is not a school,  
14 church, auditorium, or other building intended for the  
15 assembly occupancy of people.

16           (b) Registration under this chapter may not be  
17 required by this state or by any city, town, county, or other  
18 governmental entity or official for the submission, review,  
19 approval, or issuance of permits for plans and specifications  
20 for or to administer the erection, enlargement, or alteration  
21 of any building upon any farm for the use of any farmer, any  
22 single family residence of any size, ~~or any other space~~  
23 ~~totaling less than 2,500 square feet in a building of any size~~  
24 or of any other type building which has a total area of less  
25 than 2,500 square feet, provided the building is not a school,

1 church, auditorium, or other building intended for the  
 2 assembly occupancy of people , nor for any activity other than  
 3 the submission to building officials of construction documents  
 4 for commercial interior projects in certain spaces up to 5,000  
 5 contiguous square feet, within a building which has a total  
 6 area of 2,500 square feet or more.

7 (c) Except as expressly provided in subsection (a)  
 8 or subsection (b) of Section 34-15C-9, nothing in this chapter  
 9 shall be interpreted to prohibit any person who is not a  
 10 registered interior designer from conducting any activity not  
 11 prohibited by any other state law.

12 (d) The board shall have no jurisdiction over any  
 13 person who is not a registered interior designer.

14 (e) The board may not conduct any disciplinary  
 15 proceeding against any person who is not a registered interior  
 16 designer.

17 (f) The board may not conduct any disciplinary  
 18 proceeding or initiate any other action based upon the use of  
 19 the term "design," "designer," "interior design," or "interior  
 20 designer" by any person, business, or firm at any time before  
 21 or after the effective date of this act.

22 Section 34-15C-11.

23 The board may revoke, suspend, or refuse to issue a  
 24 certificate of registration, issue a private or public  
 25 reprimand regarding a registered interior designer, assess and

1 collect administrative fines against a registered interior  
2 designer not exceeding two thousand dollars (\$2,000), or  
3 proceed with any combination of the foregoing, for any of the  
4 following conduct:

5 (1) Fraud, deceit, dishonesty, or misrepresentation,  
6 whether knowing or unknowing, in the pursuit of his or her  
7 practice or in obtaining any certificate of registration.

8 (2) Gross negligence, misconduct, or incompetence in  
9 the pursuit of his or her practice.

10 (3) Conviction of a felony, until civil rights are  
11 restored.

12 (4) Incompetency as adjudged by a court having  
13 jurisdiction.

14 (5) Violating or directly or indirectly aiding or  
15 abetting in a violation of Section 34-15C-9.

16 (6) Practicing in this state in violation of any  
17 standards of professional conduct as may be established by  
18 rule of the board.

19 (7) Failure to pay any fee or fine assessed by the  
20 board.

21 (8) Failure to comply with any order of the board.  
22 Section 34-15C-12.

23 (a) Any time that the board has reason to believe  
24 that a registered interior designer is subject to discipline,  
25 notice of the charges placed against the registered interior

1 designer and the time and place of the hearing of such charges  
2 by the board shall be served on the accused, pursuant to the  
3 Alabama Rules of Civil Procedure, not less than 45 days before  
4 the date fixed for the hearing. The notice shall inform the  
5 registered interior designer that he or she is entitled to  
6 respond to the charges within 30 days, be represented by  
7 counsel of his or her choosing at the hearing, have witnesses  
8 testify in his or her behalf at the hearing, confront and  
9 cross-examine witnesses at the hearing, and testify in his or  
10 her behalf at the hearing. The board may provide further for  
11 any procedure not herein enumerated that is consistent with  
12 the Alabama Administrative Procedure Act.

13 (b) In all cases of disciplinary action taken by the  
14 board, the accused may appeal the disciplinary action to the  
15 Circuit Court of Montgomery County, Alabama, or to the circuit  
16 court for the county of residence of the accused. Either party  
17 has the right to appeal from the final decree of the circuit  
18 court as provided by law.

19 (c) If the board determines that any person is  
20 violating the title restrictions contained in Section  
21 34-15C-9, or that any registered interior designer is  
22 violating any other provision of this chapter, the board, in  
23 its own name, may seek an injunction in the circuit court for  
24 the county of residence of the accused, and the court may  
25 enjoin such person from violating this chapter, regardless of

1 whether the proceedings have been or may be instituted before  
2 the board or whether criminal proceedings have been or may be  
3 instituted.

4 Section 34-15C-13.

5 (a) The registered interior designer shall attempt  
6 to avoid all conflicts of interest with a client or employer.  
7 If a conflict of interest is unavoidable, the registered  
8 interior designer shall immediately inform the client or  
9 employer of any business association, interest, or  
10 circumstance which may influence the professional judgment,  
11 decisions, practices, or quality of services provided by the  
12 registered interior designer.

13 (b) The registered interior designer may not solicit  
14 or accept any gratuity, material favor, or benefit of any  
15 substantial nature from any party, agent, servant, or employee  
16 who is not a client or employer in connection with any project  
17 for which the registered interior designer is performing, or  
18 has contracted to perform, interior design services. This  
19 solicitation or acceptance includes, but is not limited to,  
20 any act, article, money, or other item which is of such value  
21 in proportion to the interior design services that its  
22 acceptance creates a clandestine obligation on the part of the  
23 registered interior designer or otherwise compromises the  
24 ability of the registered interior designer to exercise  
25 independent judgment.

1           (c) Notwithstanding subsection (b), a registered  
2 interior designer may receive a fee or commission for the sale  
3 or the supervision of installation of personal property or  
4 fixtures, but may not receive both a fee and a commission  
5 without the express consent of the client.

6           Section 34-15C-14.

7           All fees received by the board shall be deposited  
8 into a fund in the State Treasury known as the Alabama Board  
9 for Registered Interior Designers Fund, which is hereby  
10 established. The fund shall be utilized, in the discretion of  
11 the board, to regulate the practice of registered interior  
12 designers and to pay any necessary expenses of the board,  
13 including the cost of employees, legal expenses,  
14 administrative expenses, and other expenses associated with  
15 enforcing and administering this chapter. All fees collected  
16 prior to August 1, 2010, and collected pursuant to former  
17 Chapter 15A or former Chapter 15B of this title are ratified,  
18 validated, and transferred to the fund.

19           Section 34-15C-15.

20           (a) Notwithstanding any provision of law to the  
21 contrary, a registered interior designer may submit sealed,  
22 stamped drawings to building officials for a commercial  
23 interior project in any space of less than 5,000 contiguous  
24 square feet within a building of any size provided that all of  
25 the following requirements are satisfied:



1           (1) The space may not be intended for use as a  
2 school, church, auditorium, or other space intended for the  
3 assembly occupancy of people.

4           (2) Unless the drawings utilize, reference, and  
5 incorporate documents prepared by architects, engineers, or  
6 other related professionals, the drawings may not include the  
7 design or modification of architectural and engineering  
8 interior construction relating to building systems, such as  
9 building structural support, fire rated assemblies,  
10 stairwells, means of egress components, elevators, elevator  
11 shafts, plumbing, heating, ventilation, air conditioning, fire  
12 protection, and mechanical and electrical systems, except for  
13 the scope of interior services as defined by the NCIDQ or for  
14 the coordination of the aesthetic requirements of fixtures.

15           (b) Any official of this state or of any city, town,  
16 or county charged with the enforcement of laws, ordinances, or  
17 regulations relating to the construction or alteration of  
18 buildings may accept or approve and issue permits based upon  
19 any of the following:

20           (1) Plans or specifications prepared by any person  
21 registered pursuant to this chapter, provided the plans or  
22 specifications are consistent with this chapter.

23           (2) Plans and specifications for the erection,  
24 enlargement, or alteration of any building upon any farm for  
25 the use of any farmer, of any single family residence of any

1 size, or of any other ~~space totaling less than 2,500 square~~  
 2 ~~feet in a building of any size~~ type building which has a total  
 3 area of less than 2,500 square feet, provided the building is  
 4 not a school, church, auditorium, or other building intended  
 5 for the assembly occupancy of people.

6 (3) Plans and specifications which such official is  
 7 not prohibited from accepting pursuant to any other state law  
 8 on the effective date of the act adding this subdivision.

9 Section 34-15C-16.

10 It shall be lawful for any person registered  
 11 pursuant to this chapter to participate as owners with  
 12 architects or professional engineers, or both, in  
 13 partnerships, corporations, professional corporations,  
 14 professional associations, and other business entity  
 15 relationships. Such participation may include, where  
 16 applicable, and without limitation, service as an officer,  
 17 director, shareholder, voting or nonvoting, and any other  
 18 participation allowed under the laws of the State of Alabama.

19 Section 34-15C-17.

20 It is the intent of the Legislature that the board  
 21 shall be subject to the Alabama Administrative Procedure Act.

22 Section 34-15C-18.

23 The board shall be subject to the Alabama Sunset  
 24 Law, as provided in Chapter 20, Title 41, as an enumerated  
 25 agency as provided in Section 41-20-3, and shall have a

1 termination date of October 1, 2013, and every four years  
2 thereafter, unless continued pursuant to the Alabama Sunset  
3 Law.

4 Section 3. All laws or parts of laws which conflict  
5 with this act are repealed, and specifically, Chapter 15A of  
6 Title 34, Code of Alabama 1975, formerly repealed by Act  
7 2001-660, and Chapter 15B of Title 34, Code of Alabama 1975,  
8 are repealed.

9 Section 4. Although this bill would have as its  
10 purpose or effect the requirement of a new or increased  
11 expenditure of local funds, the bill is excluded from further  
12 requirements and application under Amendment 621, now  
13 appearing as Section 111.05 of the Official Recompilation of  
14 the Constitution of Alabama of 1901, as amended, because the  
15 bill defines a new crime or amends the definition of an  
16 existing crime.

17 Section 5. This act shall become effective August 1,  
18 2010, following its passage and approval by the Governor, or  
19 its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 04-MAR-10, as amended.

Greg Pappas  
Clerk

Senate	22-APR-10	Amended and Passed
House	22-APR-10	Concurred in Senate Amendment