

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1068

Introduced by Hunt, 8.

Read first time January 21, 2020

Committee:

- 1 A BILL FOR AN ACT relating to interior designers; to amend section
- 2 84-617, Reissue Revised Statutes of Nebraska; to adopt the Interior
- 3 Design Voluntary Registration Act; to provide penalties; to
- 4 harmonize provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 11 of this act shall be known and may be
2 cited as the Interior Design Voluntary Registration Act.

3 Sec. 2. In order to safeguard life, health, and property, to
4 promote the public welfare, and to recognize the need for design
5 professionals to obtain government-issued permits or approval that may
6 only be obtained with a construction document stamp, the profession of
7 interior design is declared to be subject to regulation in the public
8 interest. It shall be unlawful for any person to hold oneself out to be a
9 registered interior designer unless the person is registered under the
10 Interior Design Voluntary Registration Act.

11 Sec. 3. For purposes of the Interior Design Voluntary Registration
12 Act:

13 (1) Building equipment means any mechanical, plumbing, electrical,
14 or structural components, including a conveyance, designed for or located
15 in a building or structure;

16 (2) Conveyance means any elevator, dumbwaiter, vertical
17 reciprocating conveyor, escalator, or other motorized vertical
18 transportation system;

19 (3)(a) Interior design practice includes the:

20 (i) Programming, planning, predesign analysis, and conceptual design
21 of interior nonstructural elements, including, but not limited to, the
22 selection of materials, furniture, and fixtures;

23 (ii) Alteration or construction of interior nonstructural elements
24 and any interior technical submissions related to such alteration or
25 construction; and

26 (iii) Preparation of a physical plan of space, within a proposed or
27 existing building or structure, including (A) determinations of internal
28 circulation systems or patterns, (B) determinations of the location of
29 internal exit requirements based on occupancy loads, and (C) assessment
30 and analysis of all factors to comply with building codes and design
31 standards related to interior nonstructural elements; and

1 (b) Interior design practice does not include designing,
2 constructing, or making additions to (i) foundations, beams, trusses,
3 columns, or other primary structural framing members, or seismic systems,
4 (ii) structural concrete slabs, roof-framing structures, or load-bearing
5 and shear walls, (iii) openings in roofs, exterior walls, or load-bearing
6 and shear walls, (iv) exterior penetrations, such as windows and doors,
7 or (v) the engineering of heating, ventilating, or air conditioning
8 equipment or distribution systems, building management systems, high-
9 voltage or medium-voltage electrical distribution systems, standby or
10 emergency power or distribution systems, plumbing or plumbing monitoring
11 systems, or related building systems;

12 (4) Interior nonstructural element means an interior design element
13 that does not require structural bracing and that is not a load-bearing
14 element of a structure that is essential to structural or seismic
15 integrity;

16 (5) Interior technical submission means a design, drawing,
17 specification, or study provided to a client, employer, or project
18 coordinator to convey the intended design requested of an interior
19 designer; and

20 (6) Registered interior designer means an individual who is listed
21 on the interior designer registry operated by the State Treasurer.
22 Registration is not required for the practice of interior design except
23 as provided in the Interior Design Voluntary Registration Act.

24 Sec. 4. (1) To be a registered interior designer, an individual
25 shall:

26 (a) Make application to the State Treasurer in a form prescribed by
27 the State Treasurer;

28 (b) Pay an application fee determined by the State Treasurer;

29 (c) Have passed a competency examination approved by the State
30 Treasurer; and

31 (d) Declare in the application, under penalty of refusal,

1 suspension, or revocation of registration, that:

2 (i) The applicant is not attempting to obtain registration as a
3 registered interior designer by fraudulent misrepresentation;

4 (ii) The applicant has not committed any violation of professional
5 ethical standards as determined by the department;

6 (iii) The applicant has not been convicted of, including a
7 conviction based on a plea of guilty or nolo contendere, a crime that
8 indicates the applicant is unfit or incompetent to practice interior
9 design, including a crime that indicates the applicant has deceived or
10 defrauded the public; and

11 (iv) The statements made in the application are true, correct, and
12 complete to the best of the individual's knowledge and belief.

13 (2) The State Treasurer shall develop an application for listing an
14 applicant on the interior designer registry. The application shall
15 include the following information about the applicant:

16 (a) Name;

17 (b) Date of birth;

18 (c) Contact information;

19 (d) State and county of residence;

20 (e) Employer's name and contact information, if the applicant is
21 employed at the time of application;

22 (f) Any other jurisdiction in which the applicant has been licensed,
23 certified, or registered to practice interior design, including any
24 denial, revocation, or suspension of or restriction imposed on such
25 practice;

26 (g) Proof of professional liability insurance for the practice of
27 interior design; and

28 (h) Proof that the applicant has successfully passed an interior
29 design competency examination approved by the State Treasurer.

30 (3) Registration as an interior designer shall expire two years
31 after the date the registration becomes effective. Registration as an

1 interior designer shall be renewed biennially in a manner determined by
2 the State Treasurer.

3 (4) A registered interior designer renewing such registration shall:

4 (a) Make a renewal application to the State Treasurer in a form
5 prescribed by the State Treasurer;

6 (b) Provide proof of professional liability insurance for the
7 practice of interior design;

8 (c) Provide proof of completion, during the two-year period prior to
9 such renewal, of at least twenty-four continuing education units approved
10 by the State Treasurer, of which twelve continuing education units shall
11 include subject matter on public health, safety, and welfare;

12 (d) Declare in the application, under penalty of refusal,
13 suspension, or revocation of registration, that the:

14 (i) Applicant is not attempting to obtain registration as a
15 registered interior designer by fraudulent misrepresentation;

16 (ii) Applicant has not committed any violation of professional
17 ethical standards as determined by the department;

18 (iii) Applicant has not been convicted of, including a conviction
19 based on a plea of guilty or nolo contendere, a crime that indicates the
20 applicant is unfit or incompetent to practice interior design, including
21 a crime that indicates the applicant has deceived or defrauded the
22 public; and

23 (iv) Statements made in the application are true, correct, and
24 complete to the best of the applicant's knowledge and belief; and

25 (e) Pay an application fee determined by the State Treasurer.

26 Sec. 5. The State Treasurer may list on the interior designer
27 registry an applicant who is an interior designer licensed, certified, or
28 registered under the laws of another state or jurisdiction if the
29 requirements for an interior design license, certificate, or registration
30 in such other state or jurisdiction are substantially equal to or
31 stricter than the requirements for registration under the Interior Design

1 Voluntary Registration Act. An applicant under this section shall submit
2 an application developed under subsection (2) of section 4 of this act
3 and shall pay a fee of fifty dollars and shall pass a jurisprudence
4 examination approved by the State Treasurer to demonstrate familiarity
5 with building and construction codes applicable in this state.

6 Sec. 6. (1) No person shall:

7 (a) Affix a registered interior designer's signature or seal to any
8 interior technical submission without the permission of the registrant;

9 (b) Use or attempt to use the interior design registration or seal
10 of another;

11 (c) Impersonate a registered interior designer;

12 (d) Obtain or attempt to obtain registration under the Interior
13 Design Voluntary Registration Act by fraud; or

14 (e) Make any willfully false oath or affirmation under the Interior
15 Design Voluntary Registration Act.

16 (2) Any person who intentionally violates subsection (1) of this
17 section is guilty of a Class II misdemeanor.

18 Sec. 7. (1) A registered interior designer shall avoid conflicts of
19 interest. If an unavoidable conflict of interest arises, the registrant
20 shall:

21 (a) Immediately inform the client or employer of all circumstances
22 that may interfere with or impair the registrant's obligation to provide
23 professional services;

24 (b) Notify the client or employer and withdraw from employment at
25 any time that it is not possible to faithfully discharge the
26 responsibilities and duties owed to the client or employer;

27 (c) Not agree to perform professional interior design services for a
28 client or employer if the registrant has a significant financial or other
29 interest that would impair or interfere with the registrant's
30 responsibility to faithfully discharge professional interior design
31 services on behalf of the client or employer;

1 (d) Not accept payment from any party other than a client or
2 employer for a particular project and not have any direct or indirect
3 financial interest in a service or phase of a service to be provided as
4 part of a project unless the client or employer approves of the conflict;

5 (e) Not solicit or accept anything of value from material or
6 equipment suppliers in return for specifying or endorsing a product;

7 (f) Not violate the confidences of a client or employer except as
8 otherwise required by law; and

9 (g) Not perform services for a client or employer while a full-time
10 employee of another employer without notifying all parties concerned.

11 (2) Nothing in the Interior Design Voluntary Registration Act shall
12 limit a registered interior designer's professional responsibility to an
13 owner of a project when the registered interior designer is employed by a
14 person under contract to practice interior design for such project.

15 Sec. 8. (1) A registered interior designer shall possess the
16 authority to sign and seal any interior technical submission covering the
17 scope of the practice of interior design and shall have the authority to
18 submit such interior technical submission to a state or local
19 governmental entity for the purpose of obtaining any requisite permit for
20 an interior alteration or construction project.

21 (2) A registered interior designer shall have a reproducible seal or
22 facsimile, the print of which shall contain the full name and
23 registration number of the registered interior designer on file with the
24 State Treasurer, the registrant's business city and state, and the words
25 Registered Interior Designer, Nebraska. The registered interior designer
26 shall use such seal to stamp all interior technical submissions. A
27 registered interior designer may only sign and seal an interior technical
28 submission within the scope of interior design practice.

29 (3) The placement of the registered interior designer's signature
30 and seal shall indicate the document or part thereof for which the seal
31 applies. The seal and date may be affixed electronically. The registrant

1 may provide, at the registrant's sole discretion, an original signature
2 in the registrant's handwriting, a scanned copy of the document bearing
3 an original signature, or a computer-generated signature.

4 (4) No registered interior designer shall affix, or permit to be
5 affixed, the registered interior designer's registration number, seal, or
6 signature to any interior technical submission that the registrant is not
7 competent to perform.

8 (5)(a) A registered interior designer shall not sign and seal
9 technical submissions unless the technical submissions were:

10 (i) Prepared entirely by the registered interior designer; or

11 (ii) Prepared entirely under the direct supervision of the
12 registered interior designer.

13 (b) A registered interior designer may affix such registered
14 interior designer's seal to technical submissions if the registered
15 interior designer has reviewed or adapted in whole or in part such
16 submissions and integrated them into such registered interior designer's
17 work. The technical submissions not within the scope of interior design
18 as defined under the Interior Design Voluntary Registration Act, shall
19 individually be signed and sealed by the competent professional's own
20 seal before being integrated into such registered interior designer's
21 work as a set.

22 (c) A partner or corporate officer of a business registered in this
23 state, who is a registered interior designer and who has professional
24 knowledge of the content of the interior technical submission and intends
25 to be responsible for the adequacy of the interior technical submission,
26 may sign and seal an interior technical submission that was prepared by
27 or under the supervision and control of a registered interior designer
28 who is in the regular employment of such business.

29 Sec. 9. (1) The State Treasurer shall:

30 (a) Operate an interior designer registry listing registered
31 interior designers; and

1 (b) Remit fees collected under the Interior Design Voluntary
2 Registration Act for credit to the State Treasurer Administrative Fund.

3 (2) The Secretary of State may:

4 (a) List on the registry individuals meeting the qualifications
5 established under section 4 of this act and update such registry as
6 needed; and

7 (b) Adopt and promulgate rules and regulations necessary for the
8 administration of the Interior Design Voluntary Registration Act;

9 (c) Prescribe individually identifiable seals to be used by
10 registered interior designers.

11 Sec. 10. Nothing in the Interior Design Voluntary Registration Act
12 shall be construed to:

13 (1) Require a person to be a registered interior designer in order
14 to engage in an activity traditionally performed by an interior designer,
15 including any professional service limited to the planning, design, and
16 implementation of kitchen and bathroom spaces or the specification of
17 products for kitchen and bathroom areas; or

18 (2) Prevent or restrict the practice, service, or activity of any
19 person licensed to practice a profession or an occupation in this state
20 from engaging in such profession or occupation.

21 Sec. 11. Section 84-617, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 84-617 (1) There is hereby created the State Treasurer
24 Administrative Fund. Funds received by the State Treasurer pursuant to
25 his or her administrative duties shall be credited to the fund. Such
26 funds shall include:

27 (a) Payments for returned check charges or for electronic payments
28 not accepted;

29 (b) Payments for wire transfers initiated by the State Treasurer at
30 the request of state agencies;

31 (c) Payments for copies of cashed state warrants;

1 (d) Payments for copies, including microfilm, computer disk, or
2 magnetic tape, of listings relating to outstanding state warrants;~~and~~

3 (e) Payments for copies, including microfilm, computer disk, or
4 magnetic tape, of listings of owners of unclaimed property held by the
5 State Treasurer pursuant to the Uniform Disposition of Unclaimed Property
6 Act; and -

7 (f) Payments under the Interior Design Voluntary Registration Act.

8 Money in the fund received pursuant to subdivisions (1)(a) through
9 (d) of this section shall be credited to the General Fund quarterly.
10 Money in the State Treasurer Administrative Fund received pursuant to
11 subdivision (1)(e) of this section shall be credited to the Unclaimed
12 Property Cash Fund. The State Treasurer may retain such amount as he or
13 she deems appropriate in the State Treasurer Administrative Fund for
14 purposes of making change for cash payments. Any money in the fund
15 available for investment shall be invested by the state investment
16 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
17 State Funds Investment Act.

18 (2) The State Treasurer may establish a fee schedule for any of the
19 services listed in subdivisions (a) through (e) of subsection (1) of this
20 section. The fees shall approximate the cost of providing the service.

21 Sec. 12. Original section 84-617, Reissue Revised Statutes of
22 Nebraska, is repealed.