

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 250

Introduced by Hunt, 8; Geist, 25.

Read first time January 11, 2021

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 10 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;

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; and

12 (c) Interior design practice does not constitute professional
13 engineering as defined in sections 81-3421 and 81-3422;

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

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

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

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

28 (a) Make application to the State Treasurer in a form prescribed by
29 the State Treasurer;

30 (b) Pay an application fee of not more than fifty dollars as
31 determined by the State Treasurer;

1 (c) Have passed a competency examination approved by the State
2 Treasurer; and

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

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

7 (ii) The applicant has not committed any violation of professional
8 ethical standards as determined by the State Treasurer;

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

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

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

19 (a) Name;

20 (b) Date of birth;

21 (c) Contact information;

22 (d) State and county of residence;

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

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

29 (g) Proof of professional liability insurance for the practice of
30 interior design; and

31 (h) Proof that the applicant has successfully passed an interior

1 design competency examination approved by the State Treasurer.

2 (3) Registration as an interior designer shall expire two years
3 after the date the registration becomes effective. Registration as an
4 interior designer may be renewed biennially in a manner determined by the
5 State Treasurer.

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

7 (a) Make a renewal application to the State Treasurer in a form
8 prescribed by the State Treasurer;

9 (b) Provide proof of professional liability insurance for the
10 practice of interior design;

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

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

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

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

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

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

28 (e) Pay an application fee of not more than fifty dollars as
29 determined by the State Treasurer.

30 Sec. 5. The State Treasurer may list on the interior designer
31 registry an applicant who is an interior designer licensed, certified, or

1 registered under the laws of another state or jurisdiction if the
2 requirements for an interior design license, certificate, or registration
3 in such other state or jurisdiction are substantially equal to or
4 stricter than the requirements for registration under the Interior Design
5 Voluntary Registration Act. An applicant under this section shall submit
6 an application developed under subsection (2) of section 4 of this act
7 and shall pay a fee of fifty dollars and shall pass a jurisprudence
8 examination approved by the State Treasurer to demonstrate familiarity
9 with building and construction codes applicable in this state.

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

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

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

15 (c) Impersonate a registered interior designer;

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

18 (e) Make any materially false statement under the Interior Design
19 Voluntary Registration Act.

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

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

25 (a) Immediately inform the client or employer of all circumstances
26 that may interfere with or impair the registrant's obligation to provide
27 professional services; and

28 (b) Notify the client or employer and withdraw from employment at
29 any time that it is not possible to faithfully discharge the
30 responsibilities and duties owed to the client or employer.

31 (2) A registrant shall not:

1 (a) Agree to perform professional interior design services for a
2 client or employer if the registrant has a significant financial or other
3 interest that would impair or interfere with the registrant's
4 responsibility to faithfully discharge professional interior design
5 services on behalf of the client or employer;

6 (b) Accept payment from any party other than a client or employer
7 for a particular project and not have any direct or indirect financial
8 interest in a service or phase of a service to be provided as part of a
9 project unless the client or employer approves of the conflict;

10 (c) Solicit or accept anything of value from material or equipment
11 suppliers in return for specifying or endorsing a product;

12 (d) Violate the confidences of a client or employer except as
13 otherwise required by law; or

14 (e) Perform services for a client or employer while a full-time
15 employee of another employer without notifying all parties concerned.

16 (3) Nothing in the Interior Design Voluntary Registration Act shall
17 limit a registered interior designer's professional responsibility to an
18 owner of a project when the registered interior designer is employed by a
19 person under contract to practice interior design for such project.

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

26 (2) A registered interior designer shall have a reproducible seal or
27 facsimile, the print of which shall contain the full name and
28 registration number of the registered interior designer on file with the
29 State Treasurer, the registrant's business city and state, and the words
30 Registered Interior Designer, Nebraska. The registered interior designer
31 shall use such seal to stamp all interior technical submissions. A

1 registered interior designer may only sign and seal an interior technical
2 submission within the scope of interior design practice.

3 (3) The placement of the registered interior designer's signature
4 and seal shall indicate the document or part thereof for which the seal
5 applies. The seal and date may be affixed electronically. The registrant
6 may provide, at the registrant's sole discretion, an original signature
7 in the registrant's handwriting, a scanned copy of the document bearing
8 an original signature, or a computer-generated signature.

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

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

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

16 (ii) Prepared entirely under the direct supervision of the
17 registered interior designer.

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

27 (c) A partner or corporate officer of a business registered in this
28 state, who is a registered interior designer and who has professional
29 knowledge of the content of an interior technical submission and intends
30 to be responsible for the adequacy of the interior technical submission,
31 may sign and seal the interior technical submission that was prepared by

1 or under the supervision and control of a registered interior designer
2 who is in the regular employment of such business.

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

4 (a) Operate an interior designer registry listing registered
5 interior designers; and

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

8 (2) The State Treasurer may:

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

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

14 (c) Prescribe individually identifiable seals to be used by
15 registered interior designers.

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

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

23 (2) Prevent any person licensed to practice a profession or an
24 occupation in this state from engaging in such profession or occupation
25 or restrict such profession or occupation.

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

28 84-617 (1) There is hereby created the State Treasurer
29 Administrative Fund. Funds received by the State Treasurer pursuant to
30 his or her administrative duties shall be credited to the fund. Such
31 funds shall include:

1 (a) Payments for returned check charges or for electronic payments
2 not accepted;

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

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

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

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

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

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

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

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