

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 623

By: Morgan

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 46.4, as amended by Section 1, Chapter 30, O.S.L. 2004 (59 O.S. Supp. 2004, Section 46.4), which relates to the Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma; modifying name of the board; modifying membership; providing member requirements; enacting the Oklahoma Registered Interior Designers Act; providing definitions; establishing joint board; requiring certain seal; providing seal shall be on certain documents as evidence of authenticity; authorizing certain filing; prohibiting affixing seal or signature on certain documents; providing for surrendering seal under certain circumstances; providing for return of seal under certain circumstances; providing for design and content of seal; requiring certain signature on stamp; requiring identification of certain documents; providing design; providing for reciprocity; providing licensure requirements; providing requirements for grandfathering; providing certain exemptions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2001, Section 46.4, as amended by Section 1, Chapter 30, O.S.L. 2004 (59 O.S. Supp. 2004, Section 46.4), is amended to read as follows:

Section 46.4 There is hereby re-created, to continue until July 1, 2010, in accordance with the provisions of the Oklahoma Sunset Law a Board to be known as "The Board of Governors of the Licensed Architects, ~~and~~ Landscape Architects and Registered Interior Designers of Oklahoma", hereinafter referred to as the Board. The Board shall be composed of nine (9) members, including ~~six~~ four persons who have been duly licensed to practice architecture, and are actively engaged in the practice of architecture in this state

or are teaching professors of architecture and duly licensed to practice architecture in this state, two persons who have been duly licensed to practice landscape architecture, and are actively engaged in the practice of landscape architecture in this state or are teaching professors of landscape architecture and duly licensed to practice landscape architecture in this state, two persons who shall become duly licensed after the initial appointment and any new appointees thereafter shall have been duly licensed to practice interior design, and are actively engaged in the practice of interior design in this state or are teaching professors of interior design and duly licensed to practice interior design in this state, and one lay member. Each member of the Board shall be a qualified elector of this state, and the architect or designer members shall have had five (5) years' experience in the application or the study of the principles of architecture or design after initial registration. Re-creation of the Board shall not alter existing staggered terms. Board members, other than the lay member, shall be appointed for a period of five (5) years thereafter; provided that nothing herein shall affect the tenure of office of anyone who is a member of the Board on the effective date of this act. A member may be reappointed to succeed such membership. The persons engaged in the practice of architecture and landscape architecture, or who are teaching professors of architecture, ~~or~~ landscape architecture or interior design, may be appointed by the Governor from a list of nominees submitted by respective professional societies of this state. Membership in a professional society shall not be a prerequisite to appointment to the Board. The lay member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. Provided, the lay member may continue to serve after the expiration of the ~~member's~~ term of the member until such time as a successor is appointed. Vacancies which may occur in the

membership of the Board shall be filled by appointment by the Governor. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member the person shall succeed was appointed and until a successor, in turn, has been appointed and shall have qualified. Each member of the Board, before entering upon the discharge of the duties of the member, shall make and file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties. Each member of the Board shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

Sections 2 through 9 of this act shall be known and may be cited as the "Oklahoma Registered Interior Designers Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Registered interior designer" means a person registered under this act who is a professional qualified by education, experience and examination to affect the function, safety and quality of interior spaces through interior design;

2. "Board" means The Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma";

3. "Interior design" means and includes a wide scope of services performed by a professional, qualified by education, experience and examination, to protect and enhance the life, health, safety and welfare of the public. These services may include any or all of the following tasks:

- a. programming including research and analysis of the requirements and goals of the client, and development of documents, drawings and diagrams which outline those needs,
- b. preparation of schematic designs including preliminary space plans and two- and/or three-dimensional design concept studies and sketches that integrate the program needs of the client and are based on knowledge of the principles of interior design and human behavior,
- c. design development of the plans and design concepts so that the resulting interior spaces are safe, functional, aesthetically appropriate, and meet all public health, safety and welfare requirements, including code, accessibility, environmental and sustainability issues,
- d. selection of materials and finishes to meet functional, maintenance and life-cycle performance, and environmental and safety requirements,
- e. selection, specification and documentation of furniture, furnishings, equipment and millwork, including layout drawings and detailed product description; and contract documentation to facilitate pricing, procurement and installation,
- f. provision of project management services, including preparation of project budgets and schedules,
- g. preparation of construction documents, consisting of plans, elevations, details and specifications, to illustrate nonstructural and/or nonseismic partition layouts; power and communications locations; reflected ceiling plans and lighting designs; materials and

finishes; and furniture, fixtures and equipment layouts,

- h. preparation of construction documents that adhere to regional building and fire codes, municipal codes, and any other jurisdictional statutes, regulations and guidelines that are applicable to the interior space,
- i. coordination and collaboration with other allied design professionals who may be retained to provide consulting services, including, but not limited to, architects; structural, mechanical and electrical engineers; and various specialty consultants,
- j. confirmation that construction documents for nonstructural and/or nonseismic construction are signed and sealed by the responsible interior designer, and are filed with code enforcement officials, as applicable to meet jurisdictional requirements,
- k. administration of contract documents, bids and negotiations as the agent of the client, and
- l. review and reporting on the implementation of projects while in progress and upon completion, as a representative of and on behalf of the client; and conducting postoccupancy evaluation reports;

4. "Diversified interior design experience" means experience which substantially encompasses the various elements of interior design services pursuant to the definition of "interior design" in this section;

5. "Nonstructural or nonseismic" means interior elements or components that are not load bearing or do not assist in the seismic design and do not require design computations for the structure of a building. It excludes the structural frame system supporting a building. Common nonstructural elements or components, include, but

are not limited to, ceiling and partition systems. These items employ normal and typical bracing conventions and are not part of the structural integrity of the building;

6. "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if it were projected downward and may include lighting and other elements;

7. "Space planning" means the analysis and design of spatial occupancy and egress requirements;

8. "Partition" means a wall which does not support a vertical load of a structure other than its own weight, but may support loads attached to it such as cabinetry, shelving, grab bars and other components and does not extend further than from the floor of an interior area of a structure designed for human habitation or occupancy to the underside of the deck of that structure;

9. "Responsible control" means that the amount of control and detailed knowledge of the content of technical submissions during preparation of the designer as is ordinarily exercised by the registered interior designer applying the required professional standard of care;

10. "Accessibility" means features of buildings or spaces that enable use by people regardless of their level of ability;

11. "Construction documents" means the detailed working drawings that define the work to be constructed. This may include partition plans, power and communications plans, reflected ceiling plans, material and finishes plans, and furniture layout plans, as well as elevations, sections and details, along with the drawings of associated consultants;

12. "Contract documents" means the set of documents that form a part of the legal contract for services between two or more parties. These typically include detailed instructions to the contractor, tender forms, construction documents and specifications;

13. "Contract administration" means the set of services which may include developing and monitoring schedules and construction costs; ensuring construction is completed in conformance with contracts and design intent; liaison with contractors and consultants throughout the course of construction; reviewing shop drawings and submissions from the contractor; reviewing and commenting on construction progress; monitoring move-in and furniture installation; and conducting required postoccupancy evaluations;

14. "Environmental" means the aggregate of the physical conditions of the interior environment that affects the health and safety of the occupants, including air quality and circulation, temperature control, ergonomic layout, physical circulation plan and related matters;

15. "Maintenance" means the ability of a product or material to be kept to its proper condition, and the work required to sustain that condition over the life of that material;

16. "Programming" means the scope of work which includes, but is not limited to, conducting research; identifying and analyzing the needs and goals of the client and/or any occupant of the space; evaluating existing documentation and conditions; assessing project resources and limitations; identifying life, safety and code requirements; and developing project schedules and budgets;

17. "Specifications" means the detailed written description of construction, workmanship and materials of the work to be undertaken; and

18. "Sustainability" means the use of resources in such a way that they are not depleted; a method of practice or use of materials that is capable of being continued with minimal long-term effect on the environment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma shall be a joint board as prescribed by Section 46.4 of Title 59 of the Oklahoma Statutes and shall abide by the powers and duties pursuant to Sections 46.6 and 46.7 of Title 59 of the Oklahoma Statutes.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Each registered interior designer shall obtain a seal as prescribed by the Board. Any interior design construction documents, which may include drawings, plans, specifications, or reports prepared or issued by the registered interior designer and being filed for public record with any jurisdiction or local building department for the purpose of obtaining a building permit shall bear the signature and seal of the interior designer who prepared or approved the document and the date on which they were sealed. The seal shall be evidence of the authenticity of the document. Interior design construction documents bearing the seal of a registered interior designer shall be accepted for filing by the appropriate jurisdiction or local building department.

B. No registered interior designer shall affix or permit to be affixed, their seal or signature to any plan, specification, drawing, or other document which depicts work which they are not competent or certified to perform.

C. No registered interior designer shall affix their signature or seal to any plan, specification or other document which was not prepared by them or under their responsible control or by another interior designer and reviewed, approved or modified and adopted under their responsible control according to the rules adopted by the Board.

D. When the registration of a registered interior designer has been revoked or suspended by the Board, the registered interior

designer shall surrender their seal to the secretary-treasurer of the Board within a period of thirty (30) days after the revocation or suspension has become effective. If the registration of the interior designer has been suspended for a period of time, their seal shall be returned upon expiration of the suspension period.

E. The stamp shall be of a unique design and shall contain the name of the licensee and registration license number, the title "Registered Interior Designer", expiration date, and the jurisdiction.

F. The registered interior designer, when affixing their stamp to plans, drawings, specifications, or other instruments of services, shall affix their name, by handwritten signature across the printed image of the stamp.

G. All plans, drawings, specifications, or other instruments of services shall be identified as interior design documents.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board may waive the requirements of this act for an individual who holds a current valid registration from another registration authority or jurisdiction and who holds a current certificate number issued by National Council for Interior Design Qualification, where the qualifications required by that jurisdiction are equivalent or more stringent, as determined by the Board, to those required in this jurisdiction.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.6 of Title 59, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided in this act, no license shall be issued to any person to practice interior design in this state unless the person:

1. Holds an accredited professional degree in interior design from an interior design program accredited by the Foundation for Interior Design Education Research or from an interior design program determined by the Board to be substantially equivalent to an accredited program;

2. Provides proof of a minimum of two (2) years of full-time diversified experience within established standards as the Board shall prescribe; and

3. Provides to the Board proof of passage of the examination administered by the National Council for Interior Design Qualification.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.7 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any person who applies for registration and remits the application and initial fees within one (1) year after the effective date of this act shall be registered by the Board provided that the applicant meets the following:

1. In lieu of the requirement of an accredited professional degree, the Board may register an applicant who demonstrates, in accordance with such standards and requirements as the Board adopts by regulation, that applicant has the interior design education that the Board deems equivalent to an accredited professional degree in interior design;

2. In lieu of the requirement of any professional degree, the Board may register applicants who provide documented proof of diversified and appropriate experience in the practice of interior design for a period of six (6) years; and

3. The applicant has previously passed the examination of the National Council for Interior Design Qualification or the National Council Architectural Registration Board.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.8 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. This act shall not apply to licensed architects registered under applicable state laws providing that the architects shall not refer to themselves as "Registered Interior Designers" unless registered under the provisions of this act.

B. This act shall not apply to an employee of a retail establishment providing consultation regarding interior decoration or furnishings on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale.

C. This act shall not apply to a person who provides decorative services or assistance in the selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted fixtures, and loose furnishings not subject to regulation pursuant to applicable provisions of jurisdictional codes, regulations, or the jurisdictional fire codes.

SECTION 10. This act shall become effective November 1, 2005.

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