**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 85 TO TITLE 40 SO AS TO ENACT THE “REGISTERED INTERIOR DESIGNER PRACTICE ACT”, TO PROVIDE FOR THE APPLICABILITY AND PURPOSE OF THE CHAPTER, TO DEFINE NECESSARY TERMS, TO CREATE THE SOUTH CAROLINA REGISTERED INTERIOR DESIGNERS BOARD, TO PROVIDE FOR THE COMPOSITION, TERMS, DUTIES, AND POWERS OF THE BOARD, TO PROVIDE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATION OF A REGISTERED INTERIOR DESIGNER, TO PROVIDE CONTINUING EDUCATION REQUIREMENTS, TO PROVIDE EXCLUSIONS, AND TO REQUIRE THE OBTAINING AND USE OF A SEAL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 85

Registered Interior Designers

Section 40‑85‑110. Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to the profession regulated pursuant to this chapter, registered interior designers; however, if there is a conflict between this chapter and Article 1, Chapter 1, the provisions of this chapter control.

Section 40‑85‑120. For the purposes of this chapter:

(1) ‘Building shell’ means a building envelope, including all components that separate the interior spaces within a structure from the surrounding exterior areas. The shell may be composed of many different features, including roofing, footers, foundations, and exterior walls, windows, and doors. A building shell may be composed of various materials, but will typically be made from some form of wood, stone, metal, or concrete. A building shell helps to protect the interior spaces in the building from exterior elements such as rain, wind, and snow. It also acts as a barrier to keep out noise, insects, and intruders. In addition to its role in protecting the interior of the building, a shell provides structural stability for the remaining building components, plays a major role in temperature control, while allowing occupants to regulate levels within the building, and acts as a security feature to protect occupants and assets.

(2) ‘CEU’ means a continuing education unit that equals one contact hour of education as approved by the Interior Design Continuing Education Council or its successor organization as determined by the board. CEU quantity and health, safety, and welfare requirements must be determined by the board by regulation.

(3) ‘Registered interior design’ means the rendering of or the offering to render designs, consultations, studies, space planning, construction documents, or the administration of interior construction relating to nonloadbearing interior construction of a building.

(4) ‘NCIDQ’ means the National Council for Interior Design Qualification.

(5) ‘Nonloadbearing interior construction’ means the construction of elements which do not include a load‑bearing wall, a load‑bearing column, or other load‑bearing elements of a building essential to the structural integrity of the building.

Section 40‑85‑130. (A) There is created the South Carolina Registered Interior Designers Board under the administration of the Department of Labor, Licensing and Regulation, composed of five members to be appointed by the Governor with the advice and consent of the Senate. These members must consist of:

(1) two members from the public at large who must not be registered interior designers, an agent or employee of a person engaged in the profession of registered interior design, or the spouse of such an individual;

(2) one member who is an Interior Design Educator at a university or college in this State with tenure or six years full‑time teaching experience with NCIDQ certification; and

(3) two members who are current NCIDQ certificate holders with primary residence in this State.

(B) Board members shall serve terms of four years and until their successors are appointed and qualified. A person may serve more than two consecutive terms.

(C) Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

(D) Members of the panel must be compensated for their services at the usual rate for mileage, subsistence, and per diem as provided by law for members of state boards, committees, and commissions and must be reimbursed for actual and necessary expenses incurred in connection with and as a result of their work as members of the panel. Compensation and reimbursements paid to panel members under this subsection must be paid as an expense of the panel in the administration of this chapter.

(E) The Governor may remove a member of the board in accordance with Section 1‑3‑240.

Section 40‑85‑140. (A) In order to safeguard public health, welfare, safety, and property and to promote public good, a person seeking the title of registered interior designer shall submit evidence of education, experience, and examination to the board that he is qualified to practice registered interior design.

(B) A person who identifies himself as a registered interior designer must be registered pursuant to this chapter within four years following the establishment of the board.

(C) A registration issued pursuant to this title is valid for two years and is renewable on dates as established by the board by regulation.

Section 40‑85‑150. (A) In addition to the provisions of Sections 40‑1‑70, 40‑1‑80, and 40‑1‑90, the duties of the board are to:

(1) advise the department in the development of regulations, statutory revisions, and other matters as the department may request concerning the administration of this chapter; and

(2) conduct hearings on alleged violations of this chapter and regulations promulgated pursuant to this chapter, mediate consumer complaints where appropriate and possible, and discipline persons registered pursuant to this chapter in the manner provided for in this chapter.

(B) One board member shall serve as a delegate to the NCIDQ Board and in that role secure state compliance with NCIDQ testing procedures and requirements.

Section 40‑85‑160. (A) A registered interior designer must biennially renew registration by submitting to the department a completed renewal form provided by the department, documenting satisfaction of continuing education requirements, and a fee prescribed by the board.

(B) The board shall promulgate regulations to provide for the publishing of a schedule of fees for examination, registration, renewal, and other assessments.

Section 40‑85‑170. The board may adopt rules governing its proceedings and shall elect a chair and vice chair who shall serve a term of one year. The board shall design and adopt a seal with which all its official documents must be sealed.

Section 40‑85‑180. In addition to the powers and duties provided for in this chapter, the board has those powers and duties set forth in Section 40‑1‑70.

Section 40‑85‑190. The board may revoke, fine, suspend, or restrict the authorization to practice registered interior design and use of the title ‘registered interior designer’ in this State.

Section 40‑85‑200. The board may impose a civil fine for a violation of a provision of this chapter or a regulation promulgated under this chapter with the amount of such fines to be established by the board. A final order of the board finding that a registrant is guilty of any offense charged in a formal complaint becomes public knowledge. A complaint or an order dismissing a complaint is confidential to the board and is not made public knowledge.

Section 40‑85‑210. A person found in violation of this chapter or regulations promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case in accordance with Section 40‑1‑170.

Section 40‑85‑220. A person who represents himself as a registered interior designer or unlawfully engages in the practice of registered interior design as presented in this chapter; or who knowingly submits false information for the purpose of obtaining or renewing a license, is guilty of a misdemeanor and, upon conviction, must be fined or punished according to the laws of the State. Fines and fees must be established by the board by regulation.

Section 40‑85‑230. (A) The board shall review all applications for registered interior designers.

(B) A person seeking to become a registered interior designer following the establishment of the board shall:

(1) apply to the board on a form provided by the department;

(2) pay an application fee to the department; and

(3) submit either:

(a) documentation of current status as holding a certification from NCIDQ or its successor organization; or

(b) documentation demonstrating ten years of interior design work experience and successful completion of the codes section of the NCIDQ exam.

Section 40‑85‑240. (A) The department shall:

(1) issue a registration certificate and registration number to applicants who satisfy the requirements of Section 40‑85‑230 or 40‑85‑280; and

(2) maintain a public roster of registrants and make the roster available for public use.

Section 40‑85‑250. A registered interior designer shall comply with all requirements of this chapter, all applicable building codes, all applicable fire codes, and all applicable local regulations.

Section 40‑85‑260. (A) A registered interior designer must biennially renew registration by submitting to the department a completed renewal form provided by the department, documentation indicating satisfaction of CEU requirements, as approved by the board, and a fee prescribed by the department.

(B) If a registrant fails to provide proof of CEU compliance, fails to prove compliance when audited, or both, the board shall suspend his registration certificate until such compliance is met. From the date of suspension, the registrant has one year in which to achieve compliance, at the end of which if the registrant is still in noncompliance, his registration certificate must be revoked.

Section 40‑85‑270. (A) The provisions of this chapter do not apply to:

(1) an architect or engineer licensed under the laws of the State who is not a registered interior designer or does not refer to himself as a registered interior designer;

(2) a person who provides a decorating service or assists in residential kitchen and bath design, selecting surfaces materials, window treatments, wall coverings, paint, floor coverings, surface‑mounted fixtures, or loose furnishings not subject to an applicable provision of a building code, fire code, or local ordinance;

(3) an employee of a retail establishment that provides consultation regarding interior decoration or furnishings during a retail sale or prospective retail sale;

(4) an employee of a retail establishment providing design services on the premises of a retail establishment or in the home in the furtherance of a retail sale, so long as he does not advertise, or represent himself, as a registered interior designer; or

(5) a person providing design services on:

(a) a detached single‑family or two‑family dwelling, as defined in the International Building Code, regardless of size, with each unit having a grade level exit and shed, storage building, and garages incidental to the dwelling;

(b) a building used for farm purposes only;

(c) a building less than three stories high and containing fewer than five thousand square feet of total floor area, except buildings of assembly;

(d) institutional, educational, or commercial buildings that require a permit and hazardous occupancies as defined by the International Building Code, regardless of area; and

(e) alterations to a building to which this chapter does not apply, if the alterations do not increase the area and capacity or affect the structural safety of the building.

(B) Nothing in this chapter prohibits a general contractor or a home builder from the preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions used to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements of this chapter.

(C) Nothing in this chapter prevents or affects the practice of another profession legally recognized by this State, including but not limited to, the practice of engineering, as defined in Chapter 22, or the practice of architecture, as defined in Chapter 3.

(D) Notwithstanding another contractual, regulatory, or statutory requirement or local ordinance, nothing in this chapter prevents a homeowner, business owner, property owner, or other legal occupant of a residential or commercial domain from undertaking renovations, upgrades, or design modifications that are otherwise permitted within the premises without entering into a contractual agreement with a registered design professional including a registered interior designer.

Section 40‑85‑280. A person who provides evidence of registration or licensure as a registered interior designer in another state with requirements substantially equivalent to or in excess of the requirements of this chapter and regulations promulgated under this chapter may become registered by the department upon payment of the initial registration fee and any other applicable fees.

Section 40‑85‑290. (A) A registered interior designer upon registration shall obtain a seal of the design authorized by the board. This seal must bear the name of the registrant, number of registrant’s certificate of registration, and the legend ‘Registered Interior Designer, State of South Carolina’. This seal may be used only while the registration is in full force and effect. Nothing in this chapter may be construed to authorize the use or acceptance of the seal of the registered interior designer in lieu of the seal of another registered design professional.

(B) The seal of an individual registered interior designer in responsible charge as must appear on each drawing or sheet of drawings, and each set of specifications offered to secure a building permit and one record set for use on the construction site. The required seal identification may be a rubber stamp impression placed on original drawings and specification copies. The registered interior designer in responsible charge shall affix his signature over their seal.

(C) An electronic seal and signature may be used in lieu of an original seal and signature by applicable policy or regulation.

(D) Contract documents or interior contract documents related to a registered interior design service and prepared by a registered interior designer may not be filed as a public record unless the document bears the seal of the registrant, the registrant’s signature, the date of the signature, and the registration number issued by the department.

(E) A county or municipal building department shall accept and file as a public record any contract documents or interior contract documents related to a registered interior design service and prepared by a registered interior designer or under the direct supervision of a registered interior designer.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

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