

S. 4660

A. 6717

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

April 17, 2013

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

IN ASSEMBLY -- Introduced by M. of A. O'DONNELL -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the practice of certified interior design

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 8300 of the education law, as added by chapter 905  
2     of the laws of 1990, is amended to read as follows:  
3     S 8300. Application. This article applies to the [use of a title by a  
4     certified interior designer] PRACTICE OF CERTIFIED INTERIOR DESIGN. The  
5     general provisions for all professions contained in article one hundred  
6     thirty of this title apply to this article.  
7     S 2. Section 8301 of the education law, as added by chapter 905 of the  
8     laws of 1990, is amended to read as follows:  
9     S 8301. [Use] PRACTICE OF CERTIFIED INTERIOR DESIGN AND USE of the  
10    title "certified interior designer". Only a person certified pursuant  
11    to this article may PRACTICE CERTIFIED INTERIOR DESIGN AND use the title  
12    "certified interior designer". Authorization contained within this  
13    article to PRACTICE CERTIFIED INTERIOR DESIGN AND use the title "certi-  
14    fied interior designer" shall not be construed to permit the practice of  
15    engineering, as described in article one hundred forty-five of this  
16    title, or the practice of architecture, as described in article one  
17    hundred forty-seven of this title, by persons not otherwise authorized  
18    to engage in such practices.  
19    S 3. Section 8302 of the education law is REPEALED and a new section  
20    8302 is added to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 S 8302. SPECIAL PROVISIONS. EVERY CERTIFIED INTERIOR DESIGNER SHALL  
2 HAVE A SEAL, APPROVED BY THE BOARD, WHICH SHALL CONTAIN THE NAME OF THE  
3 CERTIFIED INTERIOR DESIGNER AND EITHER THE WORDS "CERTIFIED INTERIOR  
4 DESIGNER" OR SUCH OTHER WORDS OR FIGURES AS THE BOARD MAY DEEM NECES-  
5 SARY. ALL WORKING DRAWINGS AND SPECIFICATIONS, PREPARED BY SUCH CERTI-  
6 FIED INTERIOR DESIGNER OR BY A FULL-TIME OR PART-TIME SUBORDINATE  
7 EMPLOYED UNDER HIS OR HER SUPERVISION, SHALL BE STAMPED WITH SUCH SEAL  
8 AND SHALL ALSO BE SIGNED ON THE ORIGINAL WITH THE PERSONAL SIGNATURE OF  
9 SUCH CERTIFIED INTERIOR DESIGNER WHEN FILED WITH PUBLIC OFFICIALS.  
10 EXCEPT FOR PLANS AND SPECIFICATIONS EXCLUDED FROM THE PROVISIONS OF THIS  
11 ARTICLE BY SECTION EIGHTY-THREE HUNDRED SIX-A OF THIS ARTICLE, NO OFFI-  
12 CIAL OF THIS STATE, OR OF ANY COUNTY, CITY, TOWN OR VILLAGE THEREIN,  
13 CHARGED WITH THE ENFORCEMENT OF LAWS, ORDINANCES OR REGULATIONS RELATING  
14 TO CERTIFIED INTERIOR DESIGN PRACTICES, SHALL ACCEPT OR APPROVE ANY  
15 PLANS OR SPECIFICATIONS THAT ARE NOT STAMPED:

16 1. WITH THE SEAL OF A CERTIFIED INTERIOR DESIGNER REGISTERED IN THIS  
17 STATE AND BEARING THE AUTHORIZED FACSIMILE OF THE SIGNATURE OF SUCH  
18 CERTIFIED INTERIOR DESIGNER; OR

19 2. WITH THE OFFICIAL SEAL AND AUTHORIZED FACSIMILE OF THE SIGNATURE OF  
20 A CERTIFIED INTERIOR DESIGNER NOT A RESIDENT OF THIS STATE, BUT WHO IS  
21 LEGALLY QUALIFIED TO PRACTICE AS SUCH IN HIS OR HER OWN STATE OR COUN-  
22 TRY, PROVIDED THAT SUCH PERSON HOLDS A LIMITED PERMIT ISSUED BY THE  
23 DEPARTMENT, AND PROVIDED FURTHER THAT THE PLANS OR SPECIFICATIONS ARE  
24 ACCOMPANIED BY AND HAVE ATTACHED THERETO WRITTEN AUTHORIZATION ISSUED BY  
25 THE DEPARTMENT FOR THE SPECIFIC PROJECT.

26 S 4. The education law is amended by adding a new section 8303-a to  
27 read as follows:

28 S 8303-A. PRACTICE OF CERTIFIED INTERIOR DESIGN. IN ADDITION TO THE  
29 SERVICES DEFINED IN SECTION EIGHTY-THREE HUNDRED THREE OF THIS ARTICLE,  
30 A CERTIFIED INTERIOR DESIGNER MAY, IF REQUIRED BY A PERMITTING BODY,  
31 SUBMIT, FOR THE ISSUANCE OF A BUILDING PERMIT FOR INTERIOR CONSTRUCTION,  
32 INTERIOR DESIGN DOCUMENTS WHICH PERTAIN TO THE PLANNING AND DESIGN OF  
33 INTERIOR SPACES INCLUDING FURNISHINGS, LAYOUTS, FIXTURES, CABINETRY,  
34 LIGHTING, FINISHES, MATERIALS, AND INTERIOR CONSTRUCTION NOT MATERIALLY  
35 RELATED TO OR MATERIALLY AFFECTING THE BUILDING SYSTEMS, ALL OF WHICH  
36 SHALL COMPLY WITH APPLICABLE LAWS, CODES, REGULATIONS, AND STANDARDS.  
37 THE SCOPE OF WORK DESCRIBED IN THIS SECTION SHALL NOT BE CONSTRUED AS  
38 AUTHORIZING THE PLANNING AND DESIGN OF ENGINEERING AND ARCHITECTURAL  
39 INTERIOR CONSTRUCTION AS RELATED TO THE BUILDING SYSTEMS, INCLUDING  
40 STRUCTURAL, ELECTRICAL, PLUMBING, HEATING, VENTILATING, AIR CONDITIONING  
41 OR MECHANICAL SYSTEMS AND SHALL NOT BE CONSTRUED AS AUTHORIZING THE  
42 PRACTICE OF ENGINEERING OR ARCHITECTURE AS DESCRIBED IN ARTICLE ONE  
43 HUNDRED FORTY-FIVE OR ONE HUNDRED FORTY-SEVEN OF THIS TITLE. THE INTERI-  
44 OR DESIGN PLANS AS DESCRIBED ABOVE ARE NOT TO BE CONSTRUED AS THOSE  
45 REQUIRED TO BE FILED WITH LOCAL MUNICIPALITIES OR BUILDING DEPARTMENTS  
46 AS REQUIRED BY THIS CHAPTER REGULATING THE PRACTICES OF ARCHITECTURE OR  
47 ENGINEERING.

48 S 5. Subdivision 1 of section 8306 of the education law, as added by  
49 chapter 905 of the laws of 1990, is amended to read as follows:

50 1. On recommendation of the board, the department may issue a limited  
51 permit, valid for a period of two years and renewable once on the recom-  
52 mendation of the board, for PRACTICE OF CERTIFIED INTERIOR DESIGN AND  
53 use of the title "certified interior designer" in accordance with this  
54 article by one who is not a resident of this state and has no estab-  
55 lished business in this state. This individual shall (a) be qualified to  
56 practice or engage, under such title, in the practice of interior design

1 in his or her own country or state, (b) submit evidence satisfactory to  
2 the board of established and recognized professional standing in his or  
3 her own country or state, and (c) submit satisfactory certifications as  
4 to his or her qualifications.

5 S 6. The education law is amended by adding a new section 8306-a to  
6 read as follows:

7 S 8306-A. EXEMPT PERSONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO  
8 AFFECT OR PREVENT:

9 1. THE PREPARATION OF DETAILS AND SHOP DRAWINGS BY PERSONS, OTHER THAN  
10 CERTIFIED INTERIOR DESIGNERS, FOR USE IN CONNECTION WITH THE EXECUTION  
11 OF THEIR WORK.

12 2. EMPLOYEES OF THOSE LAWFULLY PRACTICING AS CERTIFIED INTERIOR  
13 DESIGNERS UNDER THE PROVISIONS OF THIS ARTICLE FROM ACTING UNDER THE  
14 INSTRUCTION, CONTROL AND SUPERVISION OF THEIR EMPLOYERS.

15 3. BUILDERS, OR SUPERINTENDENTS EMPLOYED BY SUCH BUILDERS, FROM SUPER-  
16 VISING THE CONSTRUCTION OR STRUCTURAL ALTERATION OF BUILDINGS OR STRUC-  
17 TURES.

18 4. THE PRACTICE OF ARCHITECTURE, ENGINEERING OR LAND SURVEYING BY AN  
19 ARCHITECT, ENGINEER OR LAND SURVEYOR LICENSED IN THIS STATE, OR THE  
20 PRACTICE OF LANDSCAPE ARCHITECTURE BY A LANDSCAPE ARCHITECT LICENSED IN  
21 THIS STATE, PROVIDED THAT NO SUCH ARCHITECT, ENGINEER, LAND SURVEYOR OR  
22 LANDSCAPE ARCHITECT SHALL USE THE DESIGNATION "CERTIFIED INTERIOR  
23 DESIGNER" OR "CERTIFIED INTERIOR DESIGN" UNLESS REGISTERED AS A CERTI-  
24 FIED INTERIOR DESIGNER IN THIS STATE.

25 5. CONTRACTORS OR BUILDERS FROM ENGAGING IN CONSTRUCTION MANAGEMENT  
26 AND ADMINISTRATION OF CONSTRUCTION CONTRACTS.

27 6. A CONSULTANT RETAINED BY A CERTIFIED INTERIOR DESIGNER FROM PROVID-  
28 ING CONSULTATION.

29 7. A PERSON FROM PREPARING DRAWINGS OF THE LAYOUT OF MATERIALS OR  
30 FURNISHINGS USED IN CERTIFIED INTERIOR DESIGN OR PROVIDING ASSISTANCE IN  
31 THE SELECTION OF MATERIALS OR FURNISHINGS USED IN CERTIFIED INTERIOR  
32 DESIGN, IF THE PREPARATION OR IMPLEMENTATION OF THOSE DRAWINGS, OR THE  
33 INSTALLATION OF THOSE MATERIALS OR FURNISHINGS, IS NOT REGULATED BY A  
34 BUILDING CODE OR OTHER LAW, ORDINANCE, RULE, OR REGULATION GOVERNING THE  
35 ALTERATION OR CONSTRUCTION OF A STRUCTURE. THE PERSONS EXEMPT FROM THIS  
36 ARTICLE PURSUANT TO THIS PARAGRAPH INCLUDE, BUT ARE NOT LIMITED TO A  
37 PERSON WHO PREPARES DRAWINGS OF THE LAYOUT OF, OR PROVIDES ASSISTANCE IN  
38 THE SELECTION OF, ANY OF THE FOLLOWING MATERIALS:

39 A. DECORATIVE ACCESSORIES.

40 B. WALLPAPER, WALL COVERINGS, OR PAINT.

41 C. LINOLEUM, TILE, CARPETING OR FLOOR COVERINGS.

42 D. DRAPERIES, BLINDS OR WINDOW COVERINGS.

43 E. LIGHTING OR PLUMBING FIXTURES THAT ARE NOT PART OF A STRUCTURE.

44 F. FURNITURE OR EQUIPMENT.

45 8. AN EMPLOYEE OF A RETAIL ESTABLISHMENT FROM PROVIDING CONSULTATION  
46 REGARDING INTERIOR DECORATION OR FURNISHINGS ON THE PREMISES OF THE  
47 RETAIL ESTABLISHMENT OR IN THE FURTHERANCE OF A RETAIL SALE OR PROSPEC-  
48 TIVE RETAIL SALE.

49 9. ANY PERSON FROM PREPARING PLANS, DRAWINGS OR SPECIFICATIONS FOR ANY  
50 OF THE FOLLOWING:

51 A. SINGLE-FAMILY DWELLINGS OF WOODFRAME CONSTRUCTION NOT MORE THAN TWO  
52 STORIES AND BASEMENT IN HEIGHT.

53 B. MULTIPLE DWELLINGS CONTAINING NO MORE THAN FOUR DWELLING UNITS OF  
54 WOODFRAME CONSTRUCTION NOT MORE THAN TWO STORIES AND BASEMENT IN HEIGHT.

55 C. GARAGES OR OTHER STRUCTURES APPURTENANT TO BUILDINGS OF WOODFRAME  
56 CONSTRUCTION NOT MORE THAN TWO STORIES AND BASEMENT IN HEIGHT.

1 D. AGRICULTURAL AND RANCH BUILDINGS OF WOODFRAME CONSTRUCTION, UNLESS  
2 THE BUILDING OFFICIAL HAVING JURISDICTION DEEMS THAT AN UNDUE RISK TO  
3 THE PUBLIC HEALTH, SAFETY OR WELFARE IS INVOLVED.

4 S 7. Paragraph e of subdivision 1 of section 7306 of the education  
5 law, as added by chapter 994 of the laws of 1971, is amended to read as  
6 follows:

7 e. The practice of engineering or land surveying by an engineer or  
8 land surveyor licensed in this state, or the practice of landscape  
9 architecture by a landscape architect licensed in this state, OR THE  
10 PRACTICE OF CERTIFIED INTERIOR DESIGN BY A CERTIFIED INTERIOR DESIGNER  
11 REGISTERED IN THIS STATE, provided that no such engineer, land surveyor  
12 [or], landscape architect OR CERTIFIED INTERIOR DESIGNER shall use the  
13 designation "architect," or "architectural" or "architecture" unless  
14 licensed as an architect in this state.

15 S 8. This act shall take effect on the thirtieth day after it shall  
16 have become a law.