S T A T E O F N E W Y O R K

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

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:

Section 1. Section 8300 of the education law, as added by chapter 905 of the laws of 1990, is amended to read as follows:

S 8300. Application. This article applies to the [use of a title by a certified interior designer] PRACTICE OF CERTIFIED INTERIOR DESIGN. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

S 2. Section 8301 of the education law, as added by chapter 905 of the laws of 1990, is amended to read as follows:

S 8301. [Use] PRACTICE OF CERTIFIED INTERIOR DESIGN AND USE of the title "certified interior designer". Only a person certified pursuant to this article may PRACTICE CERTIFIED INTERIOR DESIGN AND use the title "certified interior designer". Authorization contained within this article to PRACTICE CERTIFIED INTERIOR DESIGN AND use the title "certified interior designer" shall not be construed to permit the practice of engineering, as described in article one hundred forty-five of this title, or the practice of architecture, as described in article one hundred forty-seven of this title, by persons not otherwise authorized to engage in such practices.

S 3. Section 8302 of the education law is REPEALED and a new section 8302 is added to read as follows: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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S 8302. SPECIAL PROVISIONS. EVERY CERTIFIED INTERIOR DESIGNER SHALL HAVE A SEAL, APPROVED BY THE BOARD, WHICH SHALL CONTAIN THE NAME OF THE CERTIFIED INTERIOR DESIGNER AND EITHER THE WORDS "CERTIFIED INTERIOR DESIGNER" OR SUCH OTHER WORDS OR FIGURES AS THE BOARD MAY DEEM NECESSARY. ALL WORKING DRAWINGS AND SPECIFICATIONS, PREPARED BY SUCH CERTIFIED INTERIOR DESIGNER OR BY A FULL-TIME OR PART-TIME SUBORDINATE EMPLOYED UNDER HIS OR HER SUPERVISION, SHALL BE STAMPED WITH SUCH SEAL AND SHALL ALSO BE SIGNED ON THE ORIGINAL WITH THE PERSONAL SIGNATURE OF SUCH CERTIFIED INTERIOR DESIGNER WHEN FILED WITH PUBLIC OFFICIALS. EXCEPT FOR PLANS AND SPECIFICATIONS EXCLUDED FROM THE PROVISIONS OF THIS ARTICLE BY SECTION EIGHTY-THREE HUNDRED SIX-A OF THIS ARTICLE, NO OFFICIAL OF THIS STATE, OR OF ANY COUNTY, CITY, TOWN OR VILLAGE THEREIN, CHARGED WITH THE ENFORCEMENT OF LAWS, ORDINANCES OR REGULATIONS RELATING TO CERTIFIED INTERIOR DESIGN PRACTICES, SHALL ACCEPT OR APPROVE ANY PLANS OR SPECIFICATIONS THAT ARE NOT STAMPED:

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

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

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

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

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

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

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

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

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

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

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

3. BUILDERS, OR SUPERINTENDENTS EMPLOYED BY SUCH BUILDERS, FROM SUPERVISING THE CONSTRUCTION OR STRUCTURAL ALTERATION OF BUILDINGS OR STRUCTURES.

4. THE PRACTICE OF ARCHITECTURE, ENGINEERING OR LAND SURVEYING BY AN ARCHITECT, ENGINEER OR LAND SURVEYOR LICENSED IN THIS STATE, OR THE PRACTICE OF LANDSCAPE ARCHITECTURE BY A LANDSCAPE ARCHITECT LICENSED IN THIS STATE, PROVIDED THAT NO SUCH ARCHITECT, ENGINEER, LAND SURVEYOR OR LANDSCAPE ARCHITECT SHALL USE THE DESIGNATION "CERTIFIED INTERIOR DESIGNER" OR "CERTIFIED INTERIOR DESIGN" UNLESS REGISTERED AS A CERTIFIED INTERIOR DESIGNER IN THIS STATE.

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

6. A CONSULTANT RETAINED BY A CERTIFIED INTERIOR DESIGNER FROM PROVIDING CONSULTATION.

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

A. DECORATIVE ACCESSORIES.

B. WALLPAPER, WALL COVERINGS, OR PAINT.

C. LINOLEUM, TILE, CARPETING OR FLOOR COVERINGS.

D. DRAPERIES, BLINDS OR WINDOW COVERINGS.

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

F. FURNITURE OR EQUIPMENT.

8. AN EMPLOYEE OF A RETAIL ESTABLISHMENT FROM 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.

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

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

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

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

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

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

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

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