

6783--A

I N   S E N A T E

February 22, 2016

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Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to continuing education requirements for certified interior designer certification

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

1     Section 1. The education law is amended by adding a new section 8305-a  
2     to read as follows:  
3     S 8305-A. MANDATORY CONTINUING EDUCATION FOR CERTIFIED INTERIOR  
4     DESIGNERS. 1. (A) EACH CERTIFIED INTERIOR DESIGNER REQUIRED UNDER THIS  
5     ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE  
6     STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING  
7     EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION  
8     EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION.  
9     CERTIFIED INTERIOR DESIGNERS WHO DO NOT SATISFY THE MANDATORY CONTINUING  
10    EDUCATION REQUIREMENTS SHALL NOT USE THE TITLE CERTIFIED INTERIOR  
11    DESIGNER UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND HAVE BEEN ISSUED A  
12    REGISTRATION CERTIFICATE, EXCEPT THAT A CERTIFIED INTERIOR DESIGNER MAY  
13    PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A  
14    CONDITIONAL REGISTRATION CERTIFICATE PURSUANT TO SUBDIVISION THREE OF  
15    THIS SECTION.  
16    (B) IN ACCORD WITH THE INTENT OF THIS SECTION, ADJUSTMENT TO THE  
17    MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPART-  
18    MENT FOR REASONS OF HEALTH CERTIFIED BY AN APPROPRIATE HEALTH CARE  
19    PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE  
20    UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT  
21    WHICH MAY PREVENT COMPLIANCE.  
22    (C) A CERTIFIED INTERIOR DESIGNER NOT ENGAGED IN PRACTICE AS DETER-  
23    MINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING  
24    EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT  
25    DECLARING SUCH STATUS. ANY CERTIFICATE HOLDER WISHING TO USE THE TITLE  
26    CERTIFIED INTERIOR DESIGNER WHO RETURNS TO THE PRACTICE OF INTERIOR  
27    DESIGN DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPART-  
28    MENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY

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

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1 EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF THE  
2 COMMISSIONER.

3 (D) CERTIFIED INTERIOR DESIGNERS SHALL BE EXEMPT FROM THE MANDATORY  
4 CONTINUING EDUCATION REQUIRED BY THIS SECTION FOR THE TRIENNIAL REGIS-  
5 TRATION PERIOD DURING WHICH THEY ARE FIRST REGISTERED.

6 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-  
7 TRATION SHALL COMPLETE A MINIMUM OF TWENTY HOURS OF ACCEPTABLE CONTINU-  
8 ING EDUCATION, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION,  
9 PROVIDED, HOWEVER, THAT A MINIMUM OF SIXTEEN HOURS OF SUCH CONTINUING  
10 EDUCATION SHALL CONSIST OF COURSES IN THE STATE BUILDING CODE AND FIRE  
11 SAFETY CODE AND RELATED SUBJECTS. ANY INTERIOR DESIGNER WHOSE FIRST  
12 REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS  
13 LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER JANUARY  
14 FIRST, TWO THOUSAND SEVENTEEN, SHALL COMPLETE CONTINUING EDUCATION HOURS  
15 ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH FOR THE PERIOD  
16 BEGINNING JANUARY FIRST, TWO THOUSAND SIXTEEN UP TO THE FIRST REGISTRA-  
17 TION DATE THEREAFTER. A CERTIFICATE HOLDER WHO HAS NOT SATISFIED THE  
18 MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIEN-  
19 NIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT USE THE  
20 TITLE CERTIFIED INTERIOR DESIGNER UNLESS AND UNTIL A CONDITIONAL REGIS-  
21 TRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE OF  
22 THIS SECTION. WITH THE EXCEPTION OF CONTINUING EDUCATION HOURS TAKEN  
23 DURING THE REGISTRATION PERIOD IMMEDIATELY PRECEDING THE EFFECTIVE DATE  
24 OF THIS SECTION, CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM  
25 MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

26 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-  
27 TRATION TO A CERTIFICATE HOLDER WHO FAILS TO MEET THE CONTINUING EDUCA-  
28 TION REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO  
29 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION  
30 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-  
31 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-  
32 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL  
33 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY  
34 CERTIFICATE HOLDER WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR  
35 FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED  
36 CONTINUING EDUCATION AND WHO USES THE TITLE CERTIFIED INTERIOR DESIGNER  
37 WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO DISCIPLINARY PROCEEDINGS  
38 PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

39 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE CONTINUING  
40 EDUCATION" SHALL MEAN COURSES OF LEARNING AND OTHER ACTIVITIES WHICH  
41 CONTRIBUTE TO THE PROFESSION OR PRACTICE OF INTERIOR DESIGN AND WHICH  
42 MEET THE REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN ITS  
43 DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE  
44 PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN  
45 SPECIFIC SUBJECTS. SUCH COURSES OF LEARNING MUST BE TAKEN FROM A SPONSOR  
46 APPROVED BY THE DEPARTMENT, PURSUANT TO REGULATIONS OF THE COMMISSIONER.

47 5. CERTIFIED INTERIOR DESIGNERS SHALL MAINTAIN ADEQUATE DOCUMENTATION  
48 OF COMPLETION OF ACCEPTABLE CONTINUING EDUCATION AND SHALL PROVIDE SUCH  
49 DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT.

50 6. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE THIRTY DOLLARS AND  
51 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-  
52 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION  
53 FEE REQUIRED BY PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION EIGHTY-THREE  
54 HUNDRED FIVE OF THIS ARTICLE.

55 S 2. This act shall take effect on the first of January next succeed-  
56 ing the date on which it shall have become a law.