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

3446--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 22, 2015

Introduced by M. of A. O'DONNELL, COOK, CRESPO, GOTTFRIED, JAFFEE, McDONOUGH, MONTESANO, RIVERA, SKOUFIS -- Multi-Sponsored by -- M. of A. GALEF, KEARNS, MARKEY, MILLER, MOSLEY -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the practice of certified interior design; and repealing certain provisions of such law relating thereto

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

Section 1. Section 8302 of the education law is REPEALED and a new section 8302 is added to read as follows:

S 8302. SPECIAL PROVISIONS: SEALS; AUTHORIZATION TO SUBMIT CONSTRUCTION DOCUMENTS. 1. (A) THE BOARD SHALL PRESCRIBE, BY RULE, ONE OR MORE FORMS OF SEALS TO BE USED BY CERTIFIED INTERIOR DESIGNERS HOLDING VALID LICENSURE UNDER THIS ARTICLE.

(B) EACH CERTIFIED INTERIOR DESIGNER SHALL OBTAIN ONE SEAL IN THE FORM APPROVED BY RULES OF THE BOARD. ALL ORIGINAL CONSTRUCTION DOCUMENTS AND INSTRUMENTS OF SERVICE INCLUDING DRAWINGS, PLANS, SPECIFICATIONS, OR REPORTS PREPARED OR ISSUED BY THE CERTIFIED INTERIOR DESIGNER OR BY A FULL-TIME OR PART-TIME SUBORDINATE EMPLOYED UNDER HIS OR HER SUPERVISION, AND BEING FILED WITH PUBLIC OFFICIALS SHALL BEAR THE SIGNATURE, DATE AND SEAL OF THE CERTIFIED INTERIOR DESIGNER WHO PREPARED OR APPROVED THE DOCUMENT AND THE DATE ON WHICH THEY WERE SEALED.

(C) NO CERTIFIED INTERIOR DESIGNER SHALL AFFIX, OR PERMIT TO BE AFFIXED, HIS OR HER SEAL OR SIGNATURE TO ANY PLAN, SPECIFICATION, DRAWING, OR OTHER DOCUMENT WHICH DEPICTS WORK WHICH HE OR SHE IS NOT COMPETENT OR LICENSED TO PERFORM.

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

LBD02234-03-6

(D) NO CERTIFIED INTERIOR DESIGNER SHALL AFFIX HIS OR HER SIGNATURE OR SEAL TO ANY PLANS, SPECIFICATIONS, OR DOCUMENTS WHICH WERE NOT PREPARED BY HIM OR HER OR UNDER HIS OR HER RESPONSIBLE SUPERVISING CONTROL OR BY ANOTHER CERTIFIED INTERIOR DESIGNER AND REVIEWED, APPROVED OR MODIFIED AND ADOPTED BY HIM OR HER AS HIS OR HER OWN WORK ACCORDING TO RULES ADOPTED BY THE BOARD.

2. NOTWITHSTANDING PROVISIONS OF LAW TO THE CONTRARY, A CERTIFIED INTERIOR DESIGNER WITH A VALID LICENSE OR LIMITED PERMIT UNDER THIS ARTICLE MAY SUBMIT SEALED, STAMPED CONSTRUCTION DOCUMENTS AND INSTRUMENTS OF SERVICE WITHIN THEIR DEFINITION OF PRACTICE TO ANY OFFICIAL OF THIS STATE OR ANY CITY, TOWN OR COUNTY CHARGED WITH ENFORCEMENT OF LAWS, ORDINANCES, OR REGULATIONS. 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 REJECT OR DENY ANY PLANS OR SPECIFICATIONS FOR THE SOLE REASON THAT THEY ARE STAMPED:

(A) 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

(B) 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.

3. TO ALL PLANS, SPECIFICATIONS, CONSTRUCTION DOCUMENTS AND INSTRUMENTS OF SERVICE TO WHICH THE SEAL OF A CERTIFIED INTERIOR DESIGNER HAS BEEN APPLIED, THERE SHALL ALSO BE APPLIED A STAMP WITH APPROPRIATE WORDING, WARNING THAT IT IS A VIOLATION OF THIS LAW FOR ANY PERSON, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A CERTIFIED INTERIOR DESIGNER, TO ALTER THEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF A CERTIFIED INTERIOR DESIGNER IS ALTERED, THE ALTERING CERTIFIED INTERIOR DESIGNER SHALL AFFIX TO THE ITEM HIS OR HER SEAL AND THE NOTION "ALTERED BY" FOLLOWED WITH HIS OR HER SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

4. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE A CERTIFIED INTERIOR DESIGNER TO SUBMIT PLANS, SPECIFICATIONS, CONSTRUCTION DOCUMENTS AND INSTRUMENTS OF SERVICE THAT ARE OUTSIDE OF THE DEFINITION OF PRACTICE OF INTERIOR DESIGN AS DESCRIBED IN SECTION EIGHTY-THREE HUNDRED THREE OF THIS ARTICLE.

5. NOTHING CONTAINED IN ARTICLE ONE HUNDRED FORTY-FIVE OR ARTICLE ONE HUNDRED FORTY-SEVEN OF THIS TITLE SHALL BE CONSTRUED TO PREVENT A CERTIFIED INTERIOR DESIGNER FROM SUBMITTING PLANS, SPECIFICATIONS, CONSTRUCTION DOCUMENTS AND INSTRUMENTS OF SERVICE THAT ARE WITHIN THE DEFINITION OF PRACTICE OF INTERIOR DESIGN, AS DESCRIBED IN SECTION EIGHTY-THREE HUNDRED THREE OF THIS ARTICLE, TO ANY OFFICIAL OF THIS STATE OR OF ANY COUNTY, CITY, TOWN OR VILLAGE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.