

1137--A

2015-2016 Regular Sessions

I N   S E N A T E

January 8, 2015

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Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommended to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- 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:

1     Section 1. Section 8302 of the education law is REPEALED and a new  
2     section 8302 is added to read as follows:  
3     S     8302.     SPECIAL PROVISIONS:     SEALS;     AUTHORIZATION TO SUBMIT  
4     CONSTRUCTION DOCUMENTS. 1. (A) THE BOARD SHALL PRESCRIBE, BY RULE, ONE  
5     OR MORE FORMS OF SEALS TO BE USED BY CERTIFIED INTERIOR DESIGNERS HOLD-  
6     ING VALID Licensure UNDER THIS ARTICLE.  
7     (B) EACH CERTIFIED INTERIOR DESIGNER SHALL OBTAIN ONE SEAL IN THE FORM  
8     APPROVED BY RULES OF THE BOARD. ALL ORIGINAL CONSTRUCTION DOCUMENTS AND  
9     INSTRUMENTS OF SERVICE INCLUDING DRAWINGS, PLANS, SPECIFICATIONS, OR  
10    REPORTS PREPARED OR ISSUED BY THE CERTIFIED INTERIOR DESIGNER OR BY A  
11    FULL-TIME OR PART-TIME SUBORDINATE EMPLOYED UNDER HIS OR HER SUPER-  
12    VISION, AND BEING FILED WITH PUBLIC OFFICIALS SHALL BEAR THE SIGNATURE,  
13    DATE AND SEAL OF THE CERTIFIED INTERIOR DESIGNER WHO PREPARED OR  
14    APPROVED THE DOCUMENT AND THE DATE ON WHICH THEY WERE SEALED.  
15    (C) NO CERTIFIED INTERIOR DESIGNER SHALL AFFIX, OR PERMIT TO BE  
16    AFFIXED, HIS OR HER SEAL OR SIGNATURE TO ANY PLAN, SPECIFICATION, DRAW-  
17    ING, OR OTHER DOCUMENT WHICH DEPICTS WORK WHICH HE OR SHE IS NOT COMPE-  
18    TENT OR LICENSED TO PERFORM.  
19    (D) NO CERTIFIED INTERIOR DESIGNER SHALL AFFIX HIS OR HER SIGNATURE OR  
20    SEAL TO ANY PLANS, SPECIFICATIONS, OR DOCUMENTS WHICH WERE NOT PREPARED  
21    BY HIM OR HER OR UNDER HIS OR HER RESPONSIBLE SUPERVISING CONTROL OR BY

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

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1 ANOTHER CERTIFIED INTERIOR DESIGNER AND REVIEWED, APPROVED OR MODIFIED  
2 AND ADOPTED BY HIM OR HER AS HIS OR HER OWN WORK ACCORDING TO RULES  
3 ADOPTED BY THE BOARD.

4 2. NOTWITHSTANDING PROVISIONS OF LAW TO THE CONTRARY, A CERTIFIED  
5 INTERIOR DESIGNER WITH A VALID LICENSE OR LIMITED PERMIT UNDER THIS  
6 ARTICLE MAY SUBMIT SEALED, STAMPED CONSTRUCTION DOCUMENTS AND INSTRU-  
7 MENTS OF SERVICE WITHIN THEIR DEFINITION OF PRACTICE TO ANY OFFICIAL OF  
8 THIS STATE OR ANY CITY, TOWN OR COUNTY CHARGED WITH ENFORCEMENT OF LAWS,  
9 ORDINANCES, OR REGULATIONS. NO OFFICIAL OF THIS STATE OR OF ANY COUNTY,  
10 CITY, TOWN OR VILLAGE THEREIN, CHARGED WITH THE ENFORCEMENT OF LAWS,  
11 ORDINANCES OR REGULATIONS RELATING TO CERTIFIED INTERIOR DESIGN PRAC-  
12 TICES, SHALL REJECT OR DENY ANY PLANS OR SPECIFICATIONS FOR THE SOLE  
13 REASON THAT THEY ARE STAMPED:

14 (A) WITH THE SEAL OF A CERTIFIED INTERIOR DESIGNER REGISTERED IN THIS  
15 STATE AND BEARING THE AUTHORIZED FACSIMILE OF THE SIGNATURE OF SUCH  
16 CERTIFIED INTERIOR DESIGNER; OR

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

24 3. TO ALL PLANS, SPECIFICATIONS, CONSTRUCTION DOCUMENTS AND INSTRU-  
25 MENTS OF SERVICE TO WHICH THE SEAL OF A CERTIFIED INTERIOR DESIGNER HAS  
26 BEEN APPLIED, THERE SHALL ALSO BE APPLIED A STAMP WITH APPROPRIATE WORD-  
27 ING, WARNING THAT IT IS A VIOLATION OF THIS LAW FOR ANY PERSON, UNLESS  
28 HE OR SHE IS ACTING UNDER THE DIRECTION OF A CERTIFIED INTERIOR DESIGN-  
29 ER, TO ALTER THEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF A CERTIFIED  
30 INTERIOR DESIGNER IS ALTERED, THE ALTERING CERTIFIED INTERIOR DESIGNER  
31 SHALL AFFIX TO THE ITEM HIS OR HER SEAL AND THE NOTION "ALTERED BY"  
32 FOLLOWED WITH HIS OR HER SIGNATURE AND THE DATE OF SUCH ALTERATION, AND  
33 A SPECIFIC DESCRIPTION OF THE ALTERATION.

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

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

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