

STATE OF NEW YORK

864--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. JAFFEE, O'DONNELL, SKOUFIS, RIVERA, GALEF, GUNTHER, D'URSO, ORTIZ, CRESPO, MONTESANO, HOOPER, BARRON, DICKENS, HARRIS, SEAWRIGHT -- Multi-Sponsored by -- M. of A. COOK, SIMON -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommended 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 Section 8302 of the education law is REPEALED and a new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 § 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

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

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1 by him or her or under his or her responsible supervising control or by
2 another certified interior designer and reviewed, approved or modified
3 and adopted by him or her as his or her own work according to rules
4 adopted by the board.

5 2. Notwithstanding provisions of law to the contrary, a certified
6 interior designer with a valid license or limited permit under this
7 article may submit sealed, stamped construction documents and instru-
8 ments of service within their definition of practice to any official of
9 this state or any city, town or county charged with enforcement of laws,
10 ordinances, or regulations. No official of this state or of any county,
11 city, town or village therein, charged with the enforcement of laws,
12 ordinances or regulations relating to certified interior design prac-
13 tices, shall reject or deny any plans or specifications for the sole
14 reason that they are stamped:

15 (a) with the seal of a certified interior designer registered in this
16 state and bearing the authorized facsimile of the signature of such
17 certified interior designer; or

18 (b) with the official seal and authorized facsimile of the signature
19 of a certified interior designer not a resident of this state, but who
20 is legally qualified to practice as such in his or her own state or
21 country, provided that such person holds a limited permit issued by the
22 department, and provided further that the plans or specifications are
23 accompanied by and have attached thereto written authorization issued by
24 the department for the specific project.

25 3. To all plans, specifications, construction documents and instru-
26 ments of service to which the seal of a certified interior designer has
27 been applied, there shall also be applied a stamp with appropriate word-
28 ing, warning that it is a violation of this law for any person, unless
29 he or she is acting under the direction of a certified interior design-
30 er, to alter them in any way. If an item bearing the seal of a certified
31 interior designer is altered, the altering certified interior designer
32 shall affix to the item his or her seal and the notion "altered by"
33 followed with his or her signature and the date of such alteration, and
34 a specific description of the alteration.

35 4. Nothing contained in this section shall be construed to authorize a
36 certified interior designer to submit plans, specifications,
37 construction documents and instruments of service that are outside of
38 the definition of practice of interior design as described in section
39 eighty-three hundred three of this article.

40 5. Nothing contained in article one hundred forty-five or article one
41 hundred forty-seven of this title shall be construed to prevent a certi-
42 fied interior designer from submitting plans, specifications,
43 construction documents and instruments of service that are within the
44 definition of practice of interior design, as described in section
45 eighty-three hundred three of this article, to any official of this
46 state or of any county, city, town or village.

47 § 2. The education law is amended by adding a new section 8302-a to
48 read as follows:

49 § 8302-a. Continuing education; renewal or restoration of the title
50 "certified interior designer". 1. An applicant for renewal of registra-
51 tion for certification to use the title "certified interior designer"
52 shall submit proof, as determined by the board, of having completed
53 twenty-four continuing education units from a board approved continuing
54 education provider during the term of their registration. An applicant
55 shall prove completion of continuing education units by submitting with
56 the renewal application the following information:

1 (a) Official documentation from a continuing education unit provider
2 that shall include:

3 (i) The name and address of the continuing education unit provider;

4 (ii) The date or dates on which the applicant attended the provider's
5 continuing education unit course;

6 (iii) The name of the continuing education unit and a description of
7 the subject matter covered; and

8 (iv) The hours of credit earned by the applicant due to their success-
9 ful completion of the continuing education unit; and

10 (b) Satisfactory documentation that a combined total of at least
11 sixteen continuing education unit's addressed one or more of the follow-
12 ing subject matters:

13 (i) The health, wellness or overall consumer protection of building
14 occupants;

15 (ii) Public safety, with an emphasis on the impact and application of
16 the state, county, and local building codes, especially those pertaining
17 to fire safety within interior spaces of a building and/or structure;
18 and

19 (iii) The impact and application of the Americans with Disabilities
20 Act and New York state, county, and local accessibility standards, ordi-
21 nances, laws, and regulations pertaining to accessibility.

22 2. An individual with an expired registration of more than one year
23 seeking to restore such registration shall be required to meet the same
24 continuing education requirements as individuals applying for renewal of
25 their registration provided in subdivision one of this section.

26 3. The board may approve only those continuing education providers
27 that have substantial experience and an established record of offering
28 and providing continuing education unit course offerings on an annual
29 basis that contribute to individuals' growth of professional competence
30 in the practice of interior design as it pertains to upholding health,
31 safety and welfare within interior spaces of a building or structure.

32 4. (a) The board may, in its discretion, grant extensions of no more
33 than one year for renewal after expiration of an applicant's registra-
34 tion, if such applicant's failure to submit proof of completion of
35 required continuing education unit's was due to an emergency or hardship
36 including, but not limited to:

37 (i) Serious and protracted illness of the applicant;

38 (ii) The death or serious and protracted illness of a member of the
39 applicant's immediate family; or

40 (iii) The applicant and or the applicant's spouse being on extended
41 active military duty.

42 (b) An extension granted under this subdivision shall not relieve a
43 certified interior designer from complying with the continuing education
44 requirements to renew their registration provided for in this section.

45 § 3. This act shall take effect on the one hundred twentieth day after
46 it shall have become a law.