

**Representative Fred C. Cox** proposes the following substitute bill:

**DESIGN PROFESSIONALS - AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Fred C. Cox**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill modifies the Division of Occupational and Professional Licensing Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates a professional license for the practice of interior design;
- ▶ describes the practice of interior design;
- ▶ creates an Interior Designer Licensing Board;
- ▶ describes the requirements to obtain an interior designer license; and
- ▶ provides a sunset date.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63I-1-258**, as last amended by Laws of Utah 2014, Chapters 25, 72, and 181

ENACTS:



- 26 [58-85-101](#), Utah Code Annotated 1953
- 27 [58-85-102](#), Utah Code Annotated 1953
- 28 [58-85-103](#), Utah Code Annotated 1953
- 29 [58-85-201](#), Utah Code Annotated 1953
- 30 [58-85-301](#), Utah Code Annotated 1953
- 31 [58-85-302](#), Utah Code Annotated 1953
- 32 [58-85-303](#), Utah Code Annotated 1953
- 33 [58-85-304](#), Utah Code Annotated 1953
- 34 [58-85-305](#), Utah Code Annotated 1953
- 35 [58-85-401](#), Utah Code Annotated 1953
- 36 [58-85-501](#), Utah Code Annotated 1953
- 37 [58-85-502](#), Utah Code Annotated 1953
- 38 [58-85-601](#), Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **58-85-101** is enacted to read:

42 **CHAPTER 85. INTERIOR DESIGNER LICENSING ACT**

43 **Part 1. General Provisions**

44 **58-85-101. Title and scope.**

45 (1) This chapter is known as the "Interior Designer Licensing Act."

46 (2) Except for those practices specifically described in the definition of practice of  
47 interior design in Section [58-85-102](#), this chapter does not require that a person obtain an  
48 interior designer license to engage in an activity traditionally performed by an interior designer  
49 or other design professional.

50 (3) This chapter does not limit the scope of practice of a person licensed to practice:

51 (a) architecture under Title 58, Chapter 3a, Architects Licensing Act; or

52 (b) professional engineering under Title 58, Chapter 22, Professional Engineers and  
53 Professional Land Surveyors Licensing Act.

54 Section 2. Section **58-85-102** is enacted to read:

55 **58-85-102. Definitions.**

56 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

57 (1) "Board" means the Interior Designer Licensing Board created in Section [58-85-201](#).

58 (2) "Building" means an enclosed structure, including the structural, mechanical, and  
59 electrical systems, utility services, and other facilities required for the structure, that has human  
60 occupancy or habitation as its principal purpose and is subject to the State Construction Code  
61 or an approved code under Title 15A, State Construction and Fire Codes Act.

62 (3) (a) "Practice of interior design" means, in relation to obtaining a building permit  
63 independent of an architect licensed under Title 58, Chapter 3a, Architects Licensing Act, the  
64 preparation of a plan or specification for, or supervising the alteration of or repair to, an interior  
65 space within a new or existing building if structural elements of the building are not going to  
66 be changed, including:

67 (i) foundations, beams, and columns; and

68 (ii) structural slabs, floor and roof structures, bearing and shear walls, and trusses.

69 (b) "Practice of interior design" only includes the preparation of a plan or specification  
70 for, or supervising the alteration of or repair to, a building to be used for the following  
71 occupancy groups as described in the edition of the International Building Code, issued by the  
72 International Code Council, most recently adopted by the state in Section [15A-2-103](#):

73 (i) [A-2](#) and [A-3](#);

74 (ii) [B](#);

75 (iii) [I-1](#);

76 (iv) [M](#); and

77 (v) [R-1](#), [R-2](#), [R-3](#), and [R-4](#).

78 (c) "Practice of interior design" does not include providing commercial construction  
79 documents, independent of a licensed architect, for a space that:

80 (i) does not already have base building life-safety components installed or designed,  
81 including required exit stairs and enclosures, ramps, horizontal exit passageways, and base fire  
82 suppression systems; or

83 (ii) is undergoing a change of occupancy.

84 (4) "Unlawful conduct" means the same as that term is defined in Sections [58-1-501](#)  
85 and [58-85-501](#).

86 Section 3. Section **58-85-103** is enacted to read:

87 **58-85-103. Rulemaking.**

88 When exercising rulemaking authority under this chapter, the division shall collaborate  
89 with the board and comply with the requirements of Title 63G, Chapter 3, Utah Administrative  
90 Rulemaking Act.

91 Section 4. Section **58-85-201** is enacted to read:

92 **Part 2. Board**

93 **58-85-201. Board.**

94 (1) There is created the Interior Designer Licensing Board consisting of three licensed  
95 interior designers, one building official, and one member of the general public.

96 (2) The board shall be appointed and serve in accordance with Section [58-1-201](#).

97 (3) The duties and responsibilities of the board shall be in accordance with Sections  
98 [58-1-202](#) and [58-1-203](#).

99 (4) The board shall designate one of its members on a permanent or rotating basis to:

100 (a) assist the division in reviewing complaints concerning the unlawful or  
101 unprofessional conduct of a licensee; and

102 (b) advise the division in its investigation of these complaints.

103 (5) A board member who has, under Subsection (4), reviewed a complaint or advised  
104 in its investigation may be disqualified from participating with the board when the board serves  
105 as a presiding officer in an adjudicative proceeding concerning the complaint.

106 Section 5. Section **58-85-301** is enacted to read:

107 **Part 3. Licensing**

108 **58-85-301. Licensure required -- License classification.**

109 (1) A license is required to engage in the practice of interior design except as  
110 specifically provided in Section [58-1-307](#) or [58-85-305](#).

111 (2) The division shall issue a license to a person who qualifies under this chapter to  
112 engage in the practice of interior design as a licensed interior designer.

113 Section 6. Section **58-85-302** is enacted to read:

114 **58-85-302. Qualifications for licensure.**

115 Each applicant for licensure as an interior designer shall:

116 (1) submit an application in a form prescribed by the division;

117 (2) pay a fee determined by the department under Section [63J-1-504](#); and

118 (3) provide satisfactory evidence of:

- 119           (a) good moral character; and
- 120           (b) current certification in good standing from the National Council for Interior Design
- 121 Qualification, or an equivalent body as determined by division rule.

122           Section 7. Section **58-85-303** is enacted to read:

123           **58-85-303. Term of license -- Expiration -- Renewal.**

124           (1) (a) The division shall issue each license under this chapter in accordance with a

125 two-year renewal cycle established by rule.

126           (b) The division may by rule extend or shorten a renewal period by as much as one year

127 to stagger the renewal cycles it administers.

128           (2) At the time of renewal, the licensee shall:

129           (a) submit an application in a form prescribed by the division;

130           (b) pay a fee determined by the department under Section [63J-1-504](#); and

131           (c) provide satisfactory evidence of:

132           (i) completion of continuing education as required under Section [58-85-304](#); and

133           (ii) current certification in good standing from the National Council for Interior Design

134 Qualification, or an equivalent body as determined by division rule.

135           (3) If the certification from the National Council for Interior Design Qualification, or

136 an equivalent body as determined by division rule, of a person licensed under this chapter is

137 suspended, placed on probation, revoked, or expires for any reason, the person shall:

138           (a) suspend representing to others that the person is a licensed interior designer; and

139           (b) inform the division within two weeks of the suspension, probation, revocation, or

140 expiration of the certification.

141           (4) When the division is informed that a licensed interior designer's certification has

142 been suspended, put on probation, revoked, or expired as described in Subsection (3), that

143 person's license shall be revoked and may not be reinstated unless the person meets the

144 requirements and again applies for a license as described in Section [58-85-302](#).

145           (5) Each license automatically expires on the expiration date shown on the license

146 unless the licensee renews it in accordance with Section [58-1-308](#).

147           Section 8. Section **58-85-304** is enacted to read:

148           **58-85-304. Continuing education.**

149           (1) As a condition of renewal of a license under this chapter, each licensee shall, during

150 each two-year licensure cycle or other cycle defined by division rule, complete continuing  
151 professional education in accordance with standards defined by division rule.

152 (2) If a renewal period is extended or shortened under Section 58-85-303, the division  
153 shall proportionately increase or decrease the continuing education hours required for licensure  
154 renewal under this section.

155 Section 9. Section 58-85-305 is enacted to read:

156 **58-85-305. Exemptions from licensure.**

157 In addition to the exemptions from licensure in Section 58-1-307, the following may  
158 engage in the stated acts or practices without being licensed under this chapter:

159 (1) a person licensed to practice architecture under Title 58, Chapter 3a, Architects  
160 Licensing Act, practicing architecture or performing architecture acts or interior design;

161 (2) a person providing permit drawings if allowed under Section 58-3a-304 or  
162 58-22-305; and

163 (3) a person providing construction related documents not required for a building  
164 permit.

165 Section 10. Section 58-85-401 is enacted to read:

166 **Part 4. License Denial and Discipline**

167 **58-85-401. Grounds for denial of license -- Disciplinary proceedings.**

168 Grounds for refusing to issue a license to an applicant, for refusing to renew the license  
169 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a  
170 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and  
171 desist order shall be in accordance with Section 58-1-401.

172 Section 11. Section 58-85-501 is enacted to read:

173 **Part 5. Unlawful Conduct**

174 **58-85-501. Unlawful conduct.**

175 "Unlawful conduct" includes:

176 (1) using the title "licensed interior designer" if the person has not been licensed under  
177 this chapter; or

178 (2) engaging in the practice of interior design unless exempted from licensure under  
179 Section 58-1-307 or 58-85-305.

180 Section 12. Section 58-85-502 is enacted to read:

181 **58-85-502. Penalty for unlawful conduct.**

182 (1) (a) If upon inspection or investigation the division concludes that a person has  
183 violated Subsections 58-1-501(1)(a) through (d) or Section 58-85-501 or a rule or order issued  
184 with respect to Section 58-85-501, and that disciplinary action is appropriate, the director or the  
185 director's designee shall promptly issue a citation to the person according to this chapter and  
186 any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear  
187 before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative  
188 Procedures Act.

189 (i) A person who violates Subsections 58-1-501(1)(a) through (d) or Section 58-85-501  
190 or a rule or order issued with respect to Section 58-85-501, as evidenced by an uncontested  
191 citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may  
192 be assessed a fine pursuant to this Subsection (1) and may, in addition to or in lieu of the fine,  
193 be ordered to cease and desist from violating Subsections 58-1-501(1)(a) through (d) or Section  
194 58-85-501 or any rule or order issued with respect to Section 58-85-501.

195 (ii) Except for a cease and desist order, the licensure sanctions referenced in Section  
196 58-85-401 may not be assessed through a citation.

197 (b) A citation shall:

198 (i) be in writing;

199 (ii) describe with particularity the nature of the violation, including a reference to the  
200 provision of the chapter, rule, or order alleged to have been violated;

201 (iii) clearly state that the recipient must notify the division in writing within 20  
202 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing  
203 conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

204 (iv) clearly explain the consequences of failure to timely contest the citation or to make  
205 payment of any fines assessed by the citation within the time specified in the citation.

206 (c) The division may issue a notice in lieu of a citation.

207 (d) Each citation issued under this section, or a copy of each citation, may be served  
208 upon a person upon whom a summons may be served in accordance with the Utah Rules of  
209 Civil Procedure and may be made by mail or may be made personally or upon the person's  
210 agent by a division investigator or by a person specially designated by the director.

211 (e) (i) If within 20 calendar days from the service of the citation the person to whom

212 the citation was issued fails to request a hearing to contest the citation, the citation becomes the  
213 final order of the division and is not subject to further agency review.

214 (ii) The period to contest a citation may be extended by the division for cause.

215 (f) The division may refuse to issue or renew or may suspend, revoke, or place on  
216 probation the license of a licensee who fails to comply with a citation after it becomes final.

217 (g) The failure of an applicant for licensure to comply with a citation after it becomes  
218 final is a ground for denial of a license.

219 (h) No citation may be issued under this section after the expiration of six months  
220 following the occurrence of a violation.

221 (i) The director or the director's designee shall assess fines according to the following:

222 (i) for a first offense handled pursuant to Subsection (1)(a), a fine of up to \$1,000;

223 (ii) for a second offense handled pursuant to Subsection (1)(a), a fine of up to \$2,000;

224 and

225 (iii) for any subsequent offense handled pursuant to Subsection (1)(a), a fine of up to  
226 \$2,000 for each day of continued offense.

227 (2) An action initiated for a first or second offense that has not yet resulted in a final  
228 order of the division does not preclude initiation of a subsequent action for a second or  
229 subsequent offense during the pendency of a preceding action.

230 (3) (a) A penalty that is not paid may be collected by the director by either referring the  
231 matter to a collection agency or by bringing an action in the district court of the county in  
232 which the person against whom the penalty is imposed resides or in the county where the office  
233 of the director is located.

234 (b) A county attorney or the attorney general of the state shall provide legal assistance  
235 and advice to the director in an action to collect the penalty.

236 (c) In an action brought to enforce the provisions of this section, reasonable attorney  
237 fees and costs shall be awarded to the division.

238 Section 13. Section **58-85-601** is enacted to read:

239 **Part 6. License Number and Signature**

240 **58-85-601. License number and signature.**

241 (1) The division shall provide each licensed interior designer with a license number.

242 (2) A final plan or specification for the interior of a new or existing building that is



243 prepared by or under the supervision of a licensed interior designer shall bear the signature and  
244 the license number of the licensed interior designer when submitted to a client or when  
245 submitted to a building official for the purpose of obtaining a building permit.

246 (3) A licensed interior designer may only include the designer's signature and license  
247 number on a final plan or specification that is within the scope of practice of interior design  
248 when the plan or specification:

249 (a) was personally prepared by the licensed interior designer; or

250 (b) was prepared by an employee, subordinate, associate, or drafter under the  
251 supervision of the licensed interior designer and the qualified interior designer assumes  
252 responsibility for the plan or specification.

253 Section 14. Section **63I-1-258** is amended to read:

254 **63I-1-258. Repeal dates, Title 58.**

255 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is  
256 repealed July 1, 2016.

257 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2015.

258 (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.

259 (4) Section [58-37-4.3](#) is repealed July 1, 2016.

260 (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

261 (6) Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act, is  
262 repealed July 1, 2019.

263 (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2015.

264 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July  
265 1, 2023.

266 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

267 (10) Section [58-69-302.5](#) is repealed on July 1, 2015.

268 (11) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

269 (12) Title 58, Chapter 85, Interior Designer Licensing Act, is repealed July 1, 2025.