

1 **COMMERCIAL INTERIOR DESIGN CERTIFICATION**

2 **MODIFICATIONS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Luz Escamilla**

6 House Sponsor: Mike Schultz

7

8 **LONG TITLE**

9 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ creates a state certification for the practice of commercial interior design;
- 15 ▶ describes the practice of commercial interior design;
- 16 ▶ describes the requirements to obtain state certification as a state certified

17 commercial interior designer; and

- 18 ▶ provides a sunset date.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63I-1-258**, as last amended by Laws of Utah 2015, Chapters 40, 186, 187, 320, 367,
26 and 432

27 ENACTS:



- 28 [58-86-101](#), Utah Code Annotated 1953
- 29 [58-86-102](#), Utah Code Annotated 1953
- 30 [58-86-103](#), Utah Code Annotated 1953
- 31 [58-86-201](#), Utah Code Annotated 1953
- 32 [58-86-202](#), Utah Code Annotated 1953
- 33 [58-86-203](#), Utah Code Annotated 1953
- 34 [58-86-204](#), Utah Code Annotated 1953
- 35 [58-86-205](#), Utah Code Annotated 1953
- 36 [58-86-206](#), Utah Code Annotated 1953
- 37 [58-86-301](#), Utah Code Annotated 1953
- 38 [58-86-302](#), Utah Code Annotated 1953
- 39 [58-86-401](#), Utah Code Annotated 1953

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

42 Section 1. Section **58-86-101** is enacted to read:

43 **CHAPTER 86. STATE CERTIFICATION OF COMMERCIAL**
 44 **INTERIOR DESIGNERS ACT**

45 **Part 1. General Provisions**

46 **58-86-101. Title and scope.**

47 (1) This chapter is known as the "State Certification of Commercial Interior Designers
48 Act."

49 (2) Except for those practices specifically described in the definition of practice of
50 commercial interior design in Section [58-86-102](#), this chapter does not require that a person
51 obtain state certification as a state certified commercial interior designer to engage in an
52 activity traditionally performed by an interior designer or other design professional.

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

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

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

57 Section 2. Section **58-86-102** is enacted to read:

58 **58-86-102. Definitions.**

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

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

64 (2) "International Building Code" means the edition of the International Building Code,
65 issued by the International Code Council, most recently adopted by the state in Section
66 [15A-2-103](#).

67 (3) (a) "Practice of commercial interior design" means, in relation to obtaining a
68 building permit independent of an architect licensed under Title 58, Chapter 3a, Architects
69 Licensing Act, the preparation of a plan or specification for, or the supervision of new
70 construction, alteration, or repair of, an interior space within a newly constructed or existing
71 building when the core and shell structural elements are not going to be changed.

72 (b) "Practice of commercial interior design" only includes the preparation of a plan or
73 specification for, or the supervision of new construction, alteration, or repair of, a building to
74 be used for the following occupancy groups as described in the International Building Code:

75 (i) B; and

76 (ii) M.

77 (c) "Practice of commercial interior design" does not include:

78 (i) providing commercial construction documents, independent of a licensed architect,
79 for a space that:

80 (A) does not already have base building life safety components installed or designed
81 and permitted, including required exit stairs and enclosures, paths of travel, ramps, horizontal
82 exit passageways, disabled access, fire alarm systems, and base building fire suppression
83 systems; or

84 (B) is undergoing a change of occupancy classification as described in the International
85 Building Code; or

86 (ii) changes to or the addition of:

87 (A) foundations, beams, trusses, columns, or other primary structural framing members
88 or seismic systems;

89 (B) structural concrete slabs, floor and roof framing structures, or bearing and shear

90 walls;

91 (C) opening in roofs, floors, exterior walls, or bearing and shear walls;

92 (D) exterior doors, windows, awnings, canopies, sunshades, signage, or similar exterior
93 building elements;

94 (E) as described in the International Building Code, life safety equipment, including
95 smoke, fire, or carbon dioxide sensors or detectors, or other overhead building elements;

96 (F) as described in the International Building Code, partition mounted casework and
97 shelving, bracing for partial height partitions, or equipment anchored to partial height
98 partitions, if the top of the casework, shelving, or partition is more than eight feet above the
99 floor; or

100 (G) heating, ventilating, or air conditioning equipment or distribution systems, building
101 management systems, high or medium voltage electrical distribution systems, standby or
102 emergency power systems or distribution systems, plumbing or plumbing distribution systems,
103 fire alarm systems, fire sprinklers systems, security or monitoring systems, or related building
104 systems.

105 (4) "State certification" means a designation granted by the division on behalf of the
106 state to an individual who has met the requirements for state certification related to an
107 occupation or profession described in this chapter.

108 (5) "State certified" means, when used in conjunction with an occupation or profession
109 described in this chapter, a title that:

110 (a) may be used by a person who has met the state certification requirements related to
111 that occupation or profession described in this chapter; and

112 (b) may not be used by a person who has not met the state certification requirements
113 related to that occupation or profession described in this chapter.

114 (6) "Unlawful conduct" means the same as that term is defined in Sections [58-1-501](#)
115 and [58-86-301](#).

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

117 **58-86-103. Rulemaking.**

118 When exercising rulemaking authority under this chapter, the division shall comply
119 with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

120 Section 4. Section **58-86-201** is enacted to read:

121 **Part 2. State Certification**

122 **58-86-201. State certification required -- Classification.**

123 (1) State certification is required to engage in the practice of commercial interior
124 design except as specifically provided in Section 58-1-307 or 58-86-206.

125 (2) The division shall grant state certification to a person who qualifies under this
126 chapter to engage in the practice of commercial interior design as a state certified commercial
127 interior designer.

128 Section 5. Section **58-86-202** is enacted to read:

129 **58-86-202. Qualifications for state certification.**

130 Each applicant for state certification as a state certified commercial interior designer
131 shall:

- 132 (1) submit an application in a form prescribed by the division;
- 133 (2) pay a fee determined by the department under Section 63J-1-504; and
- 134 (3) provide satisfactory evidence of:
 - 135 (a) good moral character; and
 - 136 (b) having qualified to take and having passed the examination of the National Council
 - 137 for Interior Design Qualification, or an equivalent body as determined by division rule.

138 Section 6. Section **58-86-203** is enacted to read:

139 **58-86-203. Term of state certification -- Expiration -- Renewal.**

140 (1) (a) The division shall grant state certification under this chapter in accordance with
141 a two-year renewal cycle established by rule.

142 (b) The division may by rule extend or shorten a renewal period by as much as one year
143 to stagger the renewal cycles it administers.

144 (2) At the time of renewal, an applicant for renewal shall:

- 145 (a) submit an application in a form prescribed by the division;
- 146 (b) pay a fee determined by the department under Section 63J-1-504; and
- 147 (c) provide satisfactory evidence of having completed the continuing education
148 requirements described in Section 58-86-204.

149 Section 7. Section **58-86-204** is enacted to read:

150 **58-86-204. Continuing education.**

151 (1) As a condition for the renewal of state certification under this chapter, a state

152 certified commercial interior designer, during each two-year state certification cycle, shall
153 complete 20 hours of continuing education that is offered or approved by the Interior Design
154 Continuing Education Council, or another entity as determined by division rule.

155 (2) At least 10 of the continuing education hours described in Subsection (1) shall
156 primarily emphasize health and safety.

157 (3) If a renewal cycle is extended or shortened under Section 58-86-203, the continuing
158 education hours required for renewal under this section shall be increased or decreased
159 proportionally.

160 Section 8. Section 58-86-205 is enacted to read:

161 **58-86-205. Grounds for denial of state certification -- Disciplinary proceedings.**

162 Grounds for refusing to issue state certification to an applicant, for refusing to renew
163 state certification to an applicant, for revoking, suspending, restricting, or placing on probation
164 the state certification of an individual certified under this chapter, for issuing a public or private
165 reprimand to an individual certified under this chapter, and for issuing a cease and desist order
166 shall be in accordance with Section 58-1-401.

167 Section 9. Section 58-86-206 is enacted to read:

168 **58-86-206. Exemptions from state certification.**

169 In addition to the exemptions from licensure in Section 58-1-307, the following may
170 engage in the stated acts or practices without being a state certified commercial interior
171 designer under this chapter:

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

174 (2) a person providing permit drawings, if allowed under Section 58-3a-304 or
175 58-22-305; and

176 (3) a person providing construction related documents not required for a building
177 permit.

178 Section 10. Section 58-86-301 is enacted to read:

179 **Part 3. Unlawful Conduct**

180 **58-86-301. Unlawful conduct.**

181 "Unlawful conduct" includes:

182 (1) using the title "state certified commercial interior designer" if the person is not a

183 state certified commercial interior designer in good standing under this chapter; or

184 (2) engaging in the practice of commercial interior design unless exempted from
185 licensure or state certification under Section 58-1-307 or 58-86-206.

186 Section 11. Section **58-86-302** is enacted to read:

187 **58-86-302. Penalty for unlawful conduct.**

188 (1) If upon inspection or investigation the division concludes that a person has violated
189 Subsections 58-1-501(1)(a) through (d), Section 58-86-301, or a rule or order issued with
190 respect to Section 58-86-301, and that disciplinary action is appropriate, the director or the
191 director's designee may:

192 (a) issue a citation to the person according to this chapter and any pertinent rules;

193 (b) attempt to negotiate a stipulated settlement; or

194 (c) notify the person to appear at an adjudicative proceeding conducted under Title
195 63G, Chapter 4, Administrative Procedures Act.

196 (2) A person who violates Subsections 58-1-501(1)(a) through (d), Section 58-86-301,
197 or a rule or order issued with respect to Section 58-86-301, as evidenced by an uncontested
198 citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may
199 be assessed a fine pursuant to this chapter and may, in addition to or in lieu of the fine, be
200 ordered to cease and desist from violating Subsections 58-1-501(1)(a) through (d), Section
201 58-86-301, or a rule or order issued with respect to Section 58-86-301.

202 (3) A citation issued under this chapter shall:

203 (a) be in writing;

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

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

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

211 (4) The division may issue a notice in lieu of a citation.

212 (5) A citation issued under this section, or a copy of the citation, may be served upon a
213 person upon whom a summons may be served in accordance with the Utah Rules of Civil

214 Procedure and may be made by mail or may be made personally or upon the person's agent by a
215 division investigator or by a person specially designated by the director.

216 (6) (a) If within 20 calendar days from the service of the citation the person to whom
217 the citation was issued fails to request a hearing to contest the citation, the citation becomes the
218 final order of the division and is not subject to further agency review.

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

220 (7) The division may refuse to issue or renew or may suspend, revoke, or place on
221 probation the state certification of a state certified commercial interior designer who fails to
222 comply with a citation after the citation becomes final.

223 (8) The failure of an applicant for state certification to comply with a citation after the
224 citation becomes final is a ground for denial of state certification.

225 (9) No citation may be issued under this section after the expiration of six months
226 following the occurrence of a violation.

227 (10) The director or the director's designee shall assess fines according to the
228 following:

229 (a) for a first offense handled pursuant to this section, a fine of up to \$1,000;

230 (b) for a second offense handled pursuant to this section, a fine of up to \$2,000; and

231 (c) for any subsequent offense handled pursuant to this section, a fine of up to \$2,000
232 for each day of continued offense.

233 (11) An action initiated for a first or second offense that has not yet resulted in a final
234 order of the division does not preclude initiation of a subsequent action for a second or
235 subsequent offense during the pendency of a preceding action.

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

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

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

244 Section 12. Section **58-86-401** is enacted to read:

245 **Part 4. State Certification Number and Signature**246 **58-86-401. State certification number and signature.**

247 (1) The division shall provide each state certified commercial interior designer with a
248 certificate number.

249 (2) A final plan or specification for the construction of a commercial interior design
250 within a newly constructed or existing building that is prepared by or under the supervision of a
251 state certified commercial interior designer shall bear the signature and the certificate number
252 of the state certified commercial interior designer when submitted to a client or a building
253 official for the purpose of obtaining a building permit.

254 (3) A state certified commercial interior designer may only include the designer's
255 signature and certificate number on a final plan or specification that is within the scope of
256 practice of commercial interior design and when the plan or specification:

257 (a) is personally prepared by the certified interior designer;

258 (b) is prepared by an employee, subordinate, associate, or drafter under the direct
259 supervision of the state certified commercial interior designer and the state certified
260 commercial interior designer assumes responsibility for the plan or specification; or

261 (c) is prepared by another state certified commercial interior designer in the state or
262 similarly qualified designer in another state provided that the state certified commercial interior
263 designer attaching the designer's signature and certificate number:

264 (i) performs a thorough review of all work for compliance with all applicable laws,
265 rules, and standards of the profession; and

266 (ii) makes any necessary corrections before submitting the final plan or specification:

267 (A) to a building official for the purpose of obtaining a building permit; or

268 (B) to a client, when the certified commercial interior designer represents, or can
269 reasonably expect the client to consider, the plan or specification to be complete and final.

270 Section 13. Section **63I-1-258** is amended to read:

271 **63I-1-258. Repeal dates, Title 58.**

272 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
273 repealed July 1, 2026.

274 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

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

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- (4) Section [58-37-4.3](#) is repealed July 1, 2016.
- (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.
- (6) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2019.
- (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.
- (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2023.
- (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.
- (10) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.
- (11) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.
- (12) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is repealed July 1, 2021.

Legislative Review Note
Office of Legislative Research and General Counsel