As Introduced

133rd General Assembly
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H. B. No. 402

Representatives Lang, Sweeney
Cosponsors: Representatives Carfagna, Riedel, Green, Cera, Edwards, Lipps, Lepore-Hagan, West

A BILL

To amend sections 3791.04, 4703.50, 4703.52, and 4703.53 and to enact sections 4703.60, 4703.61, 4703.62, 4703.63, 4703.64, 4703.65, 4703.66, 4703.67, 4703.68, 4703.69, 4703.70, 4703.71, and 4703.72 of the Revised Code to create the Ohio Interior Design Examiners Board to certify and regulate interior designers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3791.04, 4703.50, 4703.52, and 4703.53 be amended and sections 4703.60, 4703.61, 4703.62, 4703.63, 4703.64, 4703.65, 4703.66, 4703.67, 4703.68, 4703.69, 4703.70, 4703.71, and 4703.72 of the Revised Code be enacted to read as follows:

Sec. 3791.04. (A) (1) Before beginning the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code applies, including all industrialized units, the owner of that building, in addition to any other submission required by law, shall submit plans or drawings, specifications, and data prepared for the
construction, erection, equipment, alteration, or addition that indicate the portions that have been approved pursuant to section 3781.12 of the Revised Code and for which no further approval is required, to the municipal, township, or county building department having jurisdiction unless one of the following applies:

(a) If no municipal, township, or county building department certified for nonresidential buildings pursuant to division (E) of section 3781.10 of the Revised Code has jurisdiction, the owner shall make the submissions described in division (A)(1) of this section to the superintendent of industrial compliance.

(b) If no certified municipal, township, or county building department certified for residential buildings pursuant to division (E) of section 3781.10 of the Revised Code has jurisdiction, the owner is not required to make the submissions described in division (A)(1) of this section.

(2)(a) The seal of an architect registered under Chapter 4703. of the Revised Code or an engineer registered under Chapter 4733. of the Revised Code is required for any plans, drawings, specifications, or data submitted for approval, unless the plans, drawings, specifications, or data are permitted to be prepared by persons other than registered architects pursuant to division (C) or (D) of section 4703.18 of the Revised Code, or by persons other than registered engineers pursuant to division (C) or (D) of section 4733.18 of the Revised Code.

(b) No seal is required for any plans, drawings, specifications, or data submitted for approval for any residential buildings, as defined in section 3781.06 of the Revised Code, or erected as industrialized one-, two-, or three-
family units or structures within the meaning of "industrialized unit" as defined in section 3781.06 of the Revised Code.

(c) No seal is required for approval of the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced. No seal is required for approval for any new construction, improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code if the proposed work does not involve technical design analysis, as defined by rule adopted by the board of building standards.

(d) No seal is required for approval of any interior technical submission if the interior technical submission is within the scope of practice of interior design and bears the signature and certificate number of a certified interior designer in accordance with section 4703.68 of the Revised Code.

(B) No owner shall proceed with the construction, erection, alteration, or equipment of any building until the plans or drawings, specifications, and data have been approved as this section requires, or the industrialized unit inspected at the point of origin. No plans or specifications shall be approved or inspection approval given unless the building represented would, if constructed, repaired, erected, or equipped, comply with Chapters 3781. and 3791. of the Revised Code and any rule made under those chapters.

(C) The approval of plans or drawings and specifications or data pursuant to this section is invalid if construction, erection, alteration, or other work upon the building has not commenced within twelve months of the approval of the plans or drawings and specifications. One extension shall be granted for
an additional twelve-month period if the owner requests at least ten days in advance of the expiration of the permit and upon payment of a fee not to exceed one hundred dollars. If in the course of construction, work is delayed or suspended for more than six months, the approval of plans or drawings and specifications or data is invalid. Two extensions shall be granted for six months each if the owner requests at least ten days in advance of the expiration of the permit and upon payment of a fee for each extension of not more than one hundred dollars. Before any work may continue on the construction, erection, alteration, or equipment of any building for which the approval is invalid, the owner of the building shall resubmit the plans or drawings and specifications for approval pursuant to this section.

(D) Subject to section 3791.042 of the Revised Code, the board of building standards or the legislative authority of a municipal corporation, township, or county, by rule, may regulate the requirements for the submission of plans and specifications to the respective enforcing departments and for processing by those departments. The board of building standards or the legislative authority of a municipal corporation, township, or county may adopt rules to provide for the approval, subject to section 3791.042 of the Revised Code, by the department having jurisdiction of the plans for construction of a foundation or any other part of a building or structure before the complete plans and specifications for the entire building or structure are submitted. When any plans are approved by the department having jurisdiction, the structure and every particular represented by and disclosed in those plans shall, in the absence of fraud or a serious safety or sanitation hazard, be conclusively presumed to comply with Chapters 3781. and 3791.
of the Revised Code and any rule issued pursuant to those chapters, if constructed, altered, or repaired in accordance with those plans and any rule in effect at the time of approval.

(E) The approval of plans and specifications, including inspection of industrialized units, under this section is a "license" and the failure to approve plans or specifications as submitted or to inspect the unit at the point of origin within thirty days after the plans or specifications are filed or the request to inspect the industrialized unit is made, the disapproval of plans and specifications, or the refusal to approve an industrialized unit following inspection at the point of origin is "an adjudication order denying the issuance of a license" requiring an "adjudication hearing" as provided by sections 119.07 to 119.13 of the Revised Code and as modified by sections 3781.031 and 3781.19 of the Revised Code. An adjudication order denying the issuance of a license shall specify the reasons for that denial.

(F) The board of building standards shall not require the submission of site preparation plans or plot plans to the division of industrial compliance when industrialized units are used exclusively as one-, two-, or three-family dwellings.

(G) Notwithstanding any procedures the board establishes, if the agency having jurisdiction objects to any portion of the plans or specifications, the owner or the owner's representative may request the agency to issue conditional approval to proceed with construction up to the point of the objection. Approval shall be issued only when the objection results from conflicting interpretations of the rules of the board of building standards rather than the application of specific technical requirements of the rules. Approval shall not be issued where the correction
of the objection would cause extensive changes in the building
design or construction. The giving of conditional approval is a
"conditional license" to proceed with construction up to the
point where the construction or materials objected to by the
agency are to be incorporated into the building. No construction
shall proceed beyond that point without the prior approval of
the agency or another agency that conducts an adjudication
hearing relative to the objection. The agency having
jurisdiction shall specify its objections to the plans or
specifications, which is an "adjudication order denying the
issuance of a license" and may be appealed pursuant to sections
119.07 to 119.13 of the Revised Code and as modified by sections
3781.031 and 3781.19 of the Revised Code.

(H) A certified municipal, township, or county building
department having jurisdiction, or the superintendent, as
appropriate, shall review any plans, drawings, specifications,
or data described in this section that are submitted to it or to
the superintendent.

(I) No owner or persons having control as an officer, or
as a member of a board or committee, or otherwise, of a building
to which section 3781.06 of the Revised Code is applicable, and
no architect, designer, engineer, builder, contractor,
subcontractor, or any officer or employee of a municipal,
township, or county building department shall violate this
section.

(J) Whoever violates this section shall be fined not more
than five hundred dollars.

(K) As used in this section, "interior technical
submission" and "practice of interior design" have the same
meanings as in section 4703.60 of the Revised Code.
Sec. 4703.50. All receipts of the architects board and the Ohio landscape architects board, and the Ohio interior design examiners board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.

Sec. 4703.52. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the architects board and the Ohio landscape architects board, and the Ohio interior design examiners board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

Sec. 4703.53. The architects board and the Ohio landscape architects board, and the Ohio interior design examiners board shall comply with section 4776.20 of the Revised Code.

Sec. 4703.60. As used in sections 4703.60 to 4703.72 of the Revised Code:

(A) "Building" means a nonresidential building as defined in section 3781.06 of the Revised Code and includes the structural, mechanical, and electrical systems, utility services, and other facilities required for the structure.

(B) "Certified interior designer" means a person who holds a certificate issued under section 4703.66 or 4703.67 of the Revised Code or renewed under section 4703.69 of the Revised Code.

(C) "Interior alteration or construction project" means a project for an interior space or area within a proposed or existing building or structure, including construction, modification, renovation, rehabilitation, or historic preservation, that involves changing or altering any of the
following:

(1) The design function or layout of rooms;

(2) The state of permanent fixtures or equipment;

(3) The interior space or area if the change or alteration requires verification of the compliance of the interior space or area with a building code, fire code, the federal Americans with Disabilities Act, or any state or local regulations;

(4) Nonstructural elements of the interior space or area.

(D) "Interior designer certificate" means a certificate issued pursuant to section 4703.66 or 4703.67 of the Revised Code or renewed under section 4703.69 of the Revised Code.

(E) "Interior life safety" means the analysis, development, interpretation, review, and employment of space plans or interior components for existing or proposed interior spaces to provide for compliance with a building code or other law, ordinance, or rule to eliminate, reduce, or control life-threatening or health-threatening situations, including to provide for egress or ingress to horizontal fire exit ways leading to predetermined vertical fire exit ways.

(F) "Interior technical submission" means a design, drawing, specification, study, or other technical report or calculation that establishes the details of a project within the practice of interior design, including a description of standards of quality for materials, skilled labor, equipment, and construction systems, and that is signed and sealed by a certified interior designer in compliance with this chapter.

(G) "Nonresidential building code" means the nonresidential building code adopted by the board of building
standards pursuant to section 3781.10 of the Revised Code.

(H) "Nonstructural elements" include ceiling and partition systems that employ normal and typical bracing conventions and that are not part of the structural integrity of the building.

(I)(1) "Practice of interior design" means the preparation of an interior technical submission for, or the supervision of, an interior alteration or construction project, including the preparation of documents relating to interior life safety, interior construction, materials, finishes, space planning, furnishings, fixtures, equipment, lighting, and reflected ceiling plans, and the preparation of interior technical submissions relating to interior construction that does not substantially affect the existing mechanical or structural systems of a building and when the exterior elements of the building are not going to be changed.

(2) "Practice of interior design" does not include making changes or additions to any of the following:

(a) Foundations, beams, trusses, columns, or other primary structural framing members or seismic systems;

(b) Structural concrete slabs, roof framing structures, or load-bearing and shear walls;

(c) Opening in roofs, exterior walls, or load-bearing and shear walls;

(d) Exterior doors, windows, awnings, canopies, sunshades, signage, or similar exterior building elements;

(e) As described in the nonresidential building code, life safety equipment, including smoke, fire, or carbon dioxide sensors or detectors, or other overhead building elements;
(f) Heating, ventilating, or air conditioning equipment or
distribution systems, building management systems, high or
medium voltage electrical distribution systems, standby or
emergency power systems or distribution systems, plumbing or
plumbing distribution systems, fire alarm systems, fire
sprinkler systems, security or monitoring systems, or related
building systems;

(g) All aspects of an interior life safety plan, as
defined in rules adopted by the Ohio interior design examiners
board, that are unrelated to the practice of interior design.

Sec. 4703.61. (A) A person shall not represent the
person's self as a certified interior designer unless that
person holds a current, valid interior designer certificate.

(B)(1) Except as otherwise provided in division (B)(2) of
this section, no person who has been issued an interior designer
certificate shall engage in the practice of interior design,
represent the person's self to be practicing or engaging in, or
attempt to practice or engage in interior design if the person
is restricted from doing so by a suspended, revoked, restricted,
temporary, probationary, or inactive certificate.

(2) A person whose interior designer certificate has been
suspended, revoked, restricted, placed on probation, or made
inactive may engage in the practice of interior design under
division (B)(2) of section 4703.68 of the Revised Code as an
employee, subordinate, associate, or drafter of another
certified interior designer or under division (B)(3) of section
4703.68 of the Revised Code.

(C) A certified interior designer shall not recklessly
engage in conduct described as unprofessional conduct by the
board in rule.

(D) No certified interior designer shall fail to comply with section 4703.68 of the Revised Code.

(E) No certified interior designer shall knowingly do any of the following:

(1) Impersonate another certified interior designer under a false or assumed name, except as permitted by law;

(2) For a certified interior designer who has had a certificate under this chapter reinstated following disciplinary action taken under section 4703.71 of the Revised Code, practice interior design using a name different than the one used before the disciplinary action, except as permitted by law and after notice to, and approval by, the board;

(3) Permit the certified interior designer's signature and certificate number to be attached to a final interior technical submission, except as permitted under section 4703.68 of the Revised Code or otherwise permitted by law.

(F) No certified interior designer or applicant for an interior designer certificate shall knowingly do any of the following through the use of fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission:

(1) Obtain a passing score on a certificate examination, as required in division (A)(3)(b) of section 4703.66 of the Revised Code;

(2) Apply for or obtain a certificate;

(3) Otherwise deal with the board.

Sec. 4703.62. (A) Nothing in sections 4703.60 to 4703.72
of the Revised Code shall be construed as doing either of the following:

(1) Requiring a person to obtain an interior designer certificate to engage in an activity traditionally performed by an interior designer or other design professional;

(2) Preventing or restricting the practices, services, or activities of any person licensed in this state under any other law from engaging in the profession or occupation for which the person is licensed.

(B) An interior designer certificate issued under this chapter does not authorize a person to practice either of the following:

(1) Architecture, under this chapter;

(2) Engineering, under Chapter 4733. of the Revised Code.

Sec. 4703.63. (A) There is hereby created the Ohio interior design examiners board, consisting of five members appointed by the governor. Three of the members of the board shall be interior designers who have engaged in the practice of interior design for not less than five years before appointment to the board and who are certified interior designers. One member shall have a valid certificate to practice architecture or be registered as a professional engineer under Chapter 4733. of the Revised Code. One member shall represent the public.

The governor shall make initial appointments to the board not later than ninety days after the effective date of this section. Of the initial appointments to the board, the governor shall appoint one member to a term ending one year after the effective date of this section, two members to a term ending three years after that date, and two members to a term ending
five years after that date. Thereafter, all appointments made to the board shall be for a five-year term with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term to which the member was appointed. Members may be reappointed. Any member shall continue in office after the expiration date of the member's term until the member's successor is appointed, or until a period of sixty days has elapsed, whichever occurs first. Any member of the board may be removed by the governor at any time for cause.

(B) In the event of a vacancy in the office of a member of the board other than by reason of the expiration of a term, the governor, not later than ninety days after the vacancy occurs, shall appoint a person to hold office for the remainder of the unexpired term.

(C) The board shall elect from its members a president and a secretary who shall hold those offices for one year. The secretary of the board shall be responsible for keeping a true and complete record of all proceedings of the board.

(D) Each member of the board shall receive as a part of the expense of the board an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day actually employed in the discharge of official duties, along with other necessary expenses.

(E) The board shall meet at least twice each calendar year for purposes of transacting regular business and may hold other meetings on the call of the president or a majority of the members of the board after reasonable notice to the other board members of the time and place of the meeting. Three members of the board constitute a quorum for the transaction of business.
(F) The board shall utilize the physical facilities and administrative staff of the architects board for the discharge of all the Ohio interior design examiners board's administrative duties in connection with the administration and enforcement of sections 4703.60 to 4703.72 of the Revised Code. The Ohio interior design examiners board shall bear a proportionate share of the cost of those administrative services, which shall not exceed its revenue.

Sec. 4703.64. (A) The Ohio interior design examiners board shall adopt all rules, in accordance with Chapter 119. of the Revised Code, and bylaws necessary to implement sections 4703.60 to 4703.72 of the Revised Code. The rules shall govern the standards of education, service, conduct, and practice of certified interior designers and include all of the following:

1. Conduct that constitutes unprofessional conduct for the purposes of division (C) of section 4703.61 of the Revised Code;

2. The application form for a certificate and the amount of an application fee, as described in division (A) of section 4703.66 of the Revised Code;

3. The application form for renewal of a certificate and the amount of a renewal fee, as described in division (B) of section 4703.69 of the Revised Code;

4. Standards that providers of continuing education shall meet for approval under division (A) of section 4703.70 of the Revised Code;

5. Designations of examinations of entities that are equivalent to the examination of the national council for interior design qualification;
(6) What happens to a certificate if the certificate holder fails to timely renew the certificate;

(7) Procedures for reinstating a certificate that has been revoked, suspended, or restricted or placed on inactive status;

(8) Procedures for placing a certificate on inactive status;

(9) The standards of practice for certified interior designers;

(10) Requirements regarding financial responsibility and professional liability insurance;

(11) The definition of "interior life safety plan" for purposes of sections 4703.60 to 4703.72 of the Revised Code;

(12) The aspects of an interior life safety plan, as defined by the board, that are related and unrelated to the practice of interior design.

(B) In adopting the rules under division (A)(4) of this section, the board shall model the standards for continuing education providers on continuing education recommendations established by the national council of interior design qualification or a similar successor organization.

(C) The board may adopt rules in accordance with Chapter 119. of the Revised Code regarding any of the following:

(1) Extending or shortening renewal cycles in accordance with division (A)(2) of section 4703.69 of the Revised Code;

(2) Temporary certificates;

(3) Citations;

(4) Any other matter the board considers pertinent.
(D) The board shall enforce sections 4703.60 to 4703.72 of the Revised Code and the rules adopted by the board. The board may subpoena witnesses and records in connection with its investigations and may incur any expenses that are necessary.

Sec. 4703.65. (A) Beginning one year after the effective date of this section, and every year thereafter, the Ohio interior design examiners board shall file with the governor, after the close of each fiscal year, a full report of its operations as of the thirtieth day of June of that year, together with a statement of receipts and expenditures.

(B) In each even-numbered year, the board shall prepare a roster, showing the name, certificate number, and address of all certified interior designers who are in good standing as of the first day of April of that even-numbered year.

Sec. 4703.66. (A) A person seeking to receive an interior designer certificate shall submit all of the following to the Ohio interior design examiners board:

(1) An application in a form prescribed in rule adopted by the board;

(2) Payment of a fee set by the board in rule;

(3) Satisfactory evidence of all of the following:

(a) The applicant's good moral character;

(b) The applicant's having qualified to take and having passed the examination of the national council for interior design qualification or the examination of an equivalent entity;

(c) The applicant's ability to satisfy the requirements regarding financial responsibility and professional liability insurance adopted by the board under section 4703.64 of the
Revised Code.

(B) The board shall issue a certificate to a person who meets the requirements of division (A) of this section and provide each certified interior designer with a unique certificate number.

Sec. 4703.67. The Ohio interior design examiners board shall adopt rules to grant an interior design certificate to any individual who provides evidence satisfactory to the board that the individual is a certified, registered, or licensed interior designer in another state or country in which the qualifications, at the time of certification, registration, or licensure, were substantially equal, in the opinion of the board, to the requirements for an interior design certificate in this state. The board shall require that an applicant for certification under this section has passed the examination of the national council for interior design qualification or the examination of an equivalent entity, as determined by the board in rule.

Sec. 4703.68. (A) An interior technical submission for an interior alteration or construction project that is prepared by or under the supervision of a certified interior designer shall bear the signature and the certificate number of the certified interior designer when submitted to a client or a building official for the purpose of obtaining approval of plans and specifications pursuant to Chapter 3781. of the Revised Code and the nonresidential building code.

(B) A certified interior designer may only include the designer's signature and certificate number on an interior technical submission that is within the scope of practice of interior design and when the interior technical submission meets
one of the following requirements:

(1) It is personally prepared by the certified interior designer.

(2) It is prepared by an employee, subordinate, associate, or drafter under the direct supervision of the certified interior designer, and the certified interior designer assumes responsibility for the interior technical submission.

(3) It is prepared by another certified interior designer in this state or a similarly qualified designer in another state, provided that the certified interior designer attaching the designer's signature and certificate number does all of the following:

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

(b) Receives written permission to submit the plan or specification to a client or a building official from the original designer of the interior technical submission;

(c) Makes any necessary corrections before submitting the interior technical submission to either of the following:

(i) A building official for the purpose of obtaining approval of plans and specifications pursuant to Chapter 3781 of the Revised Code and the nonresidential building code;

(ii) A client, when the certified interior designer represents, or can reasonably expect the client to consider, the interior technical submission to be complete and final.

(d) As the supervising certified interior designer, assumes all responsibility and liability for the interior
technical submission.

Sec. 4703.69. (A)(1) Except as provided in division (A)(2) of this section, an interior designer certificate expires two years after the date of issuance.

(2) The Ohio interior design examiners board may adopt rules extending or shortening a renewal cycle by as much as one year to stagger the renewal cycles it administers under this chapter.

(B) A person seeking to renew an interior designer certificate shall provide all of the following to the board before the certificate expires:

(1) An application made on a form prescribed in rule by the board;

(2) Payment of a fee as set by the board in rule;

(3) Satisfactory evidence of having completed continuing education as required under section 4703.70 of the Revised Code.

(C) The board shall renew a person's certificate if the person satisfies the requirements of division (B) of this section.

Sec. 4703.70. (A) Except as provided in division (B) of this section, as a condition for the renewal of an interior designer certificate, a certified interior designer, during each two-year certificate cycle, shall complete twenty hours of continuing education that is offered or approved by the Ohio interior design examiners board. The continuing education hours shall primarily emphasize health, welfare, and safety.

(B) If a renewal cycle is extended or shortened under division (A)(2) of section 4703.69 of the Revised Code, the
board shall increase or decrease the continuing education hours required for renewal under this section proportionally.

Sec. 4703.71. (A) If, on inspection or investigation, the Ohio interior design examiners board believes that an applicant for an interior designer certificate or a certified interior designer has violated divisions (B) to (F) of section 4703.61 of the Revised Code, a rule adopted by the board, or an order issued by the board, the board may take any of the following actions:

(1) Issue a warning to the applicant or designer;

(2) Issue a citation to the applicant or designer according to this chapter and any pertinent rules adopted by the board;

(3) Attempt to negotiate a stipulated settlement;

(4) Order the applicant or designer to appear at an administrative hearing conducted under Chapter 119. of the Revised Code.

(B)(1) A citation issued under this section shall be in writing, and the board shall do all of the following in the citation:

(a) Describe with particularity the alleged violation in question, including a reference to the law, rule, or order alleged to have been violated;

(b) Clearly state that the allegations may be contested through an administrative hearing, that the applicant or designer must notify the board of an intent to contest within twenty days after receipt of the citation, and how the applicant or designer may request such an administrative hearing;
(c) Clearly explain the administrative actions that will be taken, or fines that will be levied, against the citation recipient if the recipient either fails to contest the allegations or if the board, after an administrative hearing, makes a finding against the recipient.

(2) If the citation recipient shows cause, the board may extend the period in which the citation recipient may request an administrative hearing to contest the citation.

(C) Any of the following are grounds for the board to make a finding against an applicant or designer and issue an order pursuant to division (D) of this section:

(1) An applicant or a designer violates a stipulated settlement.

(2) An applicant or a designer fails to request an administrative hearing to contest a citation within twenty days of the citation being delivered, or before the end of an extension period.

(3) After an administrative hearing held in accordance with Chapter 119. of the Revised Code, the board makes a finding against the applicant or designer in question.

(D) For any of the grounds prescribed in division (C) of this section, the board shall issue a final order. The board, in the order, may take any of the following disciplinary administrative actions against the applicant or designer:

(1) Refuse to issue a certificate;

(2) Refuse to renew a certificate;

(3) Revoke, suspend, or restrict a certificate or place a certificate holder on probation;
(4) Issue a public or private reprimand to a person holding a certificate under this chapter;

(5) Issue a cease and desist order;

(6) Impose a fine, as prescribed in division (H) of this section.

(E) Notwithstanding any provision of Chapter 119. of the Revised Code to the contrary, a warning, citation, or order issued under this section, or a copy of the citation or order, may be served by mail or by personal service to either the person or the person's agent. Personal service may be made by a board employee or by a person specially designated by the board.

(F) If an applicant or designer fails to comply with an order issued by the board, the board may take additional administrative action as prescribed in division (D) of this section.

(G) The board shall not take an action described in division (A) of this section for an alleged violation of divisions (B) to (F) of section 4703.61 of the Revised Code, a rule adopted by the board, or an order issued by the board more than five years after the alleged violation occurs.

(H) The board shall assess fines according to the following:

(1) For a first offense, a fine of up to one thousand dollars;

(2) For a second offense, a fine of up to two thousand dollars;

(3) For any subsequent offense, a fine of up to two thousand dollars for each violation or each day in which a
person fails to comply with an order issued by the board.

(I) A citation issued for an offense that has not yet resulted in a final order from the board does not preclude issuance of an additional citation for a second or subsequent offense during the pendency of a preceding action.

(J) If the board imposes a fine on an applicant or designer pursuant to this section and the person fails to pay that fine within the time period prescribed by the board, the board shall forward to the attorney general the name of the applicant or designer and the amount of the fine for the purpose of collecting that fine. In addition to the fine assessed pursuant to this section, the applicant or designer also shall pay any fee assessed by the attorney general for collection of the fine.

Sec. 4703.72. (A) If, on inspection or investigation, the Ohio interior design examiners board determines that reasonable evidence exists that a person has violated division (A) of section 4703.61 of the Revised Code, the board shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees.

(B) The board shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the board, after the hearing, determines a violation has occurred, the board, upon an affirmative vote of a majority of its members, may impose a fine on the person in accordance with division (H) of section 4703.71 of the Revised Code. The board's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.
(C) If the board assesses a person a fine for a violation of division (A) of section 4703.61 of the Revised Code, the fine shall be collected in the same manner as prescribed in division (J) of section 4703.71 of the Revised Code for fines imposed against an applicant for an interior designer certificate or certified interior designer.

Section 2. That existing sections 3791.04, 4703.50, 4703.52, and 4703.53 of the Revised Code are hereby repealed.

Section 3. Not later than one hundred eighty days after the effective date of this act, the Ohio Interior Design Examiners Board shall meet and adopt the rules the Board is required to adopt under this act.

Section 4. Notwithstanding section 4703.63 of the Revised Code, as enacted by this act, persons appointed to the Ohio Interior Design Examiners Board during the first year after the effective date of this act need not have an interior designer certificate as defined in section 4703.60 of the Revised Code, as enacted by this act.