

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 504

Representative Pelanda

**Cosponsors: Representatives Cera, Patton, Slaby, Roegner, Fedor, Carfagna,
Reineke, Lang, Rezabek, Boggs**

A BILL

To enact sections 4714.01, 4714.02, 4714.03, 1
4714.04, 4714.05, 4714.06, 4714.07, 4714.08, and 2
4714.09 of the Revised Code regarding interior 3
designers. 4

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

Section 1. That sections 4714.01, 4714.02, 4714.03, 5
4714.04, 4714.05, 4714.06, 4714.07, 4714.08, and 4714.09 of the 6
Revised Code be enacted to read as follows: 7

Sec. 4714.01. As used in this chapter: 8

(A) "Board" or "the board" means the board of building 9
standards under the department of commerce. 10

(B) "Building" means a nonresidential building as defined 11
in section 3781.06 of the Revised Code and includes the 12
structural, mechanical, and electrical systems, utility 13
services, and other facilities required for the structure. 14

(C) "Nonresidential building code" means the 15
nonresidential building code adopted by the board of building 16

standards pursuant to section 3781.10 of the Revised Code. 17

(D) (1) "Practice of interior design" means the preparation 18
of a plan or specifications for, or the supervision of, the new 19
construction, alteration, or repair of an interior space within 20
a building when the core and shell structural elements of the 21
building are not going to be changed and when such work takes 22
place independent of an architect. 23

(2) "Practice of interior design" does not include making 24
changes or additions to any of the following: 25

(a) Foundations, beams, trusses, columns, or other primary 26
structural framing members or seismic systems; 27

(b) Structural concrete slabs, roof framing structures, or 28
load-bearing and shear walls; 29

(c) Opening in roofs, exterior walls, or bearing and shear 30
walls; 31

(d) Exterior doors, windows, awnings, canopies, sunshades, 32
signage, or similar exterior building elements; 33

(e) As described in the nonresidential building code, life 34
safety equipment, including smoke, fire, or carbon dioxide 35
sensors or detectors, or other overhead building elements; 36

(f) Heating, ventilating, or air conditioning equipment or 37
distribution systems, building management systems, high or 38
medium voltage electrical distribution systems, standby or 39
emergency power systems or distribution systems, plumbing or 40
plumbing distribution systems, fire alarm systems, fire 41
sprinkler systems, security or monitoring systems, or related 42
building systems. 43

Sec. 4714.02. (A) (1) Except as otherwise provided in this 44

chapter, a person shall not represent himself or herself as a 45
certified interior designer unless that person holds a current, 46
valid certificate to engage in the practice of interior design 47
under this chapter. 48

(2) Except as otherwise provided in this chapter, no 49
person shall engage in the practice of interior design, 50
represent oneself to be practicing or engaging in, or attempt to 51
practice or engage in interior design if the person is 52
restricted from doing so by a suspended, revoked, restricted, 53
temporary, probationary, or inactive certificate. 54

(3) Notwithstanding division (A) (2) of this section, a 55
person whose certificate has been suspended, revoked, 56
restricted, placed on probation, or made inactive may engage in 57
the practice of interior design under division (B) (2) of section 58
4714.05 of the Revised Code as an employee, subordinate, 59
associate, or drafter of another certified interior designer or 60
under division (B) (3) of section 4715.05 of the Revised Code. 61

(4) Notwithstanding division (A) (1) or (2) of this 62
section, the following persons may engage in the following acts 63
or practices without being a certified interior designer under 64
this chapter: 65

(a) A person licensed to practice architecture under 66
Chapter 4703. of the Revised Code, who is practicing 67
architecture or performing architecture acts or interior design; 68

(b) A person providing plans and specifications for the 69
purposes of approval under section 3781.10 of the Revised Code, 70
if allowed under Chapter 3781. of the Revised Code and the 71
nonresidential building code; 72

(c) A person providing other construction-related 73

| | |
|---|-----|
| <u>documents not required for approval of plans and specifications</u> | 74 |
| <u>under section 3781.10 of the Revised Code;</u> | 75 |
| <u>(d) A person exempted by the board in rule.</u> | 76 |
| <u>(B) A certified interior designer shall not recklessly</u> | 77 |
| <u>engage in conduct described as unprofessional conduct by the</u> | 78 |
| <u>board in rule.</u> | 79 |
| <u>(C) No certified interior designer shall fail to comply</u> | 80 |
| <u>with section 4714.05 of the Revised Code.</u> | 81 |
| <u>(D) No person shall knowingly do any of the following:</u> | 82 |
| <u>(1) Impersonate another certified interior designer under</u> | 83 |
| <u>a false or assumed name, except as permitted by law;</u> | 84 |
| <u>(2) For a certified interior designer who has had a</u> | 85 |
| <u>certificate under this chapter reinstated following disciplinary</u> | 86 |
| <u>action taken under section 4714.08 of the Revised Code, practice</u> | 87 |
| <u>interior design using a name different than the one used before</u> | 88 |
| <u>the disciplinary action, except as permitted by law and after</u> | 89 |
| <u>notice to, and approval by, the board;</u> | 90 |
| <u>(3) Permit the person's authority to practice or engage in</u> | 91 |
| <u>any activity authorized under this chapter to be used by</u> | 92 |
| <u>another, except as permitted under section 4714.05 of the</u> | 93 |
| <u>Revised Code or otherwise permitted by law;</u> | 94 |
| <u>(4) Obtain a passing score on a certificate examination,</u> | 95 |
| <u>as required in division (A) (3) (b) of section 4714.04 of the</u> | 96 |
| <u>Revised Code, applying for or obtaining a certificate, or</u> | 97 |
| <u>otherwise dealing with the board through the use of fraud,</u> | 98 |
| <u>forgery, or intentional deception, misrepresentation,</u> | 99 |
| <u>misstatement, or omission.</u> | 100 |
| <u>Sec. 4714.03. (A) This chapter shall not be construed as</u> | 101 |

requiring a person to obtain an interior designer certificate to 102
engage in an activity traditionally performed by an interior 103
designer or other design professional, except for those 104
practices specifically included in the definition of "practice 105
of interior design." 106

(B) This chapter shall not be construed as limiting the 107
scope of practice of a person licensed to practice either of the 108
following: 109

(1) Architecture, under Chapter 4703. of the Revised Code; 110

(2) Engineering, under Chapter 4733. of the Revised Code. 111

Sec. 4714.04. (A) A person seeking to be certified to 112
engage in the practice of interior design shall provide all of 113
the following to the board: 114

(1) An application in a form prescribed in rule adopted by 115
the board; 116

(2) Payment of a fee set by the board in rule; 117

(3) Satisfactory evidence of both of the following: 118

(a) The applicant's good moral character; 119

(b) The applicant's having qualified to take and having 120
passed the examination of the national council for interior 121
design qualification or the examination of an equivalent entity, 122
as determined by the board in rule. 123

(B) The board shall issue a certificate to a person who 124
meets the requirements of division (A) of this section and 125
provide each certified interior designer with a unique 126
certificate number. 127

Sec. 4714.05. (A) A final plan or specification for an 128

interior design that is prepared by or under the supervision of 129
a certified interior designer shall bear the signature and the 130
certificate number of the certified interior designer when 131
submitted to a client or a building official for the purpose of 132
obtaining approval of plans and specifications pursuant to 133
Chapter 3781. of the Revised Code and the nonresidential 134
building code. 135

(B) A certified interior designer may only include the 136
designer's signature and certificate number on a final plan or 137
specification that is within the scope of practice of interior 138
design and when the plan or specification meets one of the 139
following: 140

(1) It is personally prepared by the certified interior 141
designer. 142

(2) It is prepared by an employee, subordinate, associate, 143
or drafter under the direct supervision of the certified 144
interior designer, and the certified interior designer assumes 145
responsibility for the plan or specification. 146

(3) It is prepared by another certified interior designer 147
in this state or a similarly qualified designer in another 148
state, provided that the certified interior designer attaching 149
the designer's signature and certificate number does all of the 150
following: 151

(a) Performs a thorough review of all work for compliance 152
with all applicable laws, rules, and standards of the 153
profession; 154

(b) Makes any necessary corrections before submitting the 155
final plan or specification to either of the following: 156

(i) A building official for the purpose of obtaining 157

| | |
|---|-----|
| <u>approval of plans and specifications pursuant to Chapter 3781.</u> | 158 |
| <u>of the Revised Code and the nonresidential building code;</u> | 159 |
| <u>(ii) To a client, when the certified interior designer</u> | 160 |
| <u>represents, or can reasonably expect the client to consider, the</u> | 161 |
| <u>plan or specification to be complete and final.</u> | 162 |
| <u>Sec. 4714.06.</u> (A) (1) <u>Except as provided in division (A) (2)</u> | 163 |
| <u>of this section, a certificate issued under this chapter shall</u> | 164 |
| <u>expire two years after the date of issuance and shall be renewed</u> | 165 |
| <u>as prescribed in this section.</u> | 166 |
| <u>(2) The board may adopt rules extending or shortening a</u> | 167 |
| <u>renewal cycle by as much as one year to stagger the renewal</u> | 168 |
| <u>cycles it administers under this chapter.</u> | 169 |
| <u>(B) A person seeking to renew an interior design</u> | 170 |
| <u>certificate shall provide all of the following to the board</u> | 171 |
| <u>prior to the expiration of the certificate:</u> | 172 |
| <u>(1) An application made on a form prescribed in rule by</u> | 173 |
| <u>the board;</u> | 174 |
| <u>(2) Payment of a fee as set by the board in rule;</u> | 175 |
| <u>(3) Satisfactory evidence of having completed continuing</u> | 176 |
| <u>education as required under section 4714.07 of the Revised Code.</u> | 177 |
| <u>Sec. 4714.07.</u> (A) <u>Except as provided in division (C) of</u> | 178 |
| <u>this section, as a condition for the renewal of an interior</u> | 179 |
| <u>design certificate, a certified interior designer, during each</u> | 180 |
| <u>two-year certificate cycle, shall complete twenty hours of</u> | 181 |
| <u>continuing education that is offered or approved by the board.</u> | 182 |
| <u>(B) At least ten of the continuing education hours shall</u> | 183 |
| <u>primarily emphasize health and safety.</u> | 184 |

(C) If a renewal cycle is extended or shortened under 185
division (A) (2) of section 4714.06 of the Revised Code, the 186
board shall increase or decrease the continuing education hours 187
required for renewal under this section proportionally. 188

Sec. 4714.08. (A) If, upon inspection or investigation, 189
the board believes that a person has violated section 4714.02 of 190
the Revised Code, a rule adopted by the board, or an order 191
issued by the board, the board may take any of the following 192
actions: 193

(1) Issue a warning to the person; 194

(2) Issue a citation to the person according to this 195
chapter and any pertinent rules adopted by the board; 196

(3) Attempt to negotiate a stipulated settlement; 197

(4) Order the person to appear at an administrative 198
hearing conducted under Chapter 119. of the Revised Code. 199

(B) (1) A citation issued under this section shall adhere 200
to all of the following: 201

(a) Be in writing; 202

(b) Describe with particularity the alleged violation in 203
question, including a reference to the law, rule, or order 204
alleged to have been violated; 205

(c) Clearly state that the allegations may be contested 206
through an administrative hearing, that the person must notify 207
the board of an intent to contest within twenty days of receipt 208
of the citation, and how the person may request such an 209
administrative hearing; 210

(d) Clearly explain the administrative actions that will 211

be taken, or fines that will be levied, against the citation 212
recipient if the recipient either fails to contest the 213
allegations or if the board, after an administrative hearing, 214
makes a finding against the recipient. 215

(2) If the citation recipient shows cause, the board may 216
extend the period in which the citation recipient may request an 217
administrative hearing to contest the citation. 218

(C) Any of the following shall be grounds for the board to 219
make a finding against a person and issue an order pursuant to 220
division (D) of this section: 221

(1) A person violates a stipulated settlement. 222

(2) A person fails to request an administrative hearing to 223
contest a citation within twenty days of the citation being 224
delivered, or before the end of an extension period. 225

(3) After an administrative hearing held in accordance 226
with Chapter 119. of the Revised Code, the board makes a finding 227
against the person in question. 228

(D) For any of the grounds prescribed in division (C) of 229
this section, the board shall issue a final order. The board, in 230
the order, may take any of the following disciplinary 231
administrative actions against the person: 232

(1) Refuse to issue a certificate to an applicant; 233

(2) Refuse to renew a certificate to an applicant; 234

(3) Revoke, suspend, restrict, or place on probation a 235
certificate; 236

(4) Issue a public or private reprimand to a person 237
holding a certificate under this chapter; 238

| | |
|---|--|
| <u>(5) Issue a cease and desist order;</u> | 239 |
| <u>(6) Impose a fine, as prescribed in division (H) of this section.</u> | 240 241 |
| <u>(E) (1) Notwithstanding any provision of law 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.</u> | 242 243 244 245 246 247 |
| <u>(2) In all other regards, such a warning, citation, or order shall comply with Chapter 119. of the Revised Code.</u> | 248 249 |
| <u>(F) If a person 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.</u> | 250 251 252 |
| <u>(G) The board shall not take an action described in division (A) of this section for an alleged violation of section 4714.02 of the Revised Code, a rule adopted by the board, or an order issued by the board more than six months after the alleged violation occurs.</u> | 253 254 255 256 257 |
| <u>(H) The board shall assess fines according to the following:</u> | 258 259 |
| <u>(1) For a first offense, a fine of up to one thousand dollars;</u> | 260 261 |
| <u>(2) For a second offense, a fine of up to two thousand dollars;</u> | 262 263 |
| <u>(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.</u> | 264 265 266 |

(I) A citation issued for an offense that has not yet 267
resulted in a final order from the board does not preclude 268
issuance of an additional citation for a second or subsequent 269
offense during the pendency of a preceding action. 270

(J) (1) The board may collect a fine that has not been paid 271
by either of the following means: 272

(a) Referring the matter to a collection agency; 273

(b) Bringing an action against the person in question in 274
either of the following: 275

(i) The common pleas court of the county in which the 276
person against whom the fine is imposed resides; 277

(ii) The Franklin county court of common pleas. 278

(2) A county prosecuting attorney or the attorney general 279
shall provide legal assistance and advice to the board in an 280
action to collect a fine. 281

(3) If an action brought under division (J) of this 282
section is successful, the court shall award reasonable attorney 283
fees and legal costs to the board. 284

Sec. 4714.09. (A) The board of building standards shall 285
adopt rules in accordance with Chapter 119. of the Revised Code 286
to implement this chapter, including rules relating to all of 287
the following: 288

(1) Persons to be exempted from the application of 289
division (A) (1) or (2) of section 4714.02 of the Revised Code; 290

(2) Conduct that constitutes unprofessional conduct for 291
the purposes of division (B) of section 4714.02 of the Revised 292
Code; 293

| | |
|--|-----|
| <u>(3) The application form for a certificate and the amount</u> | 294 |
| <u>of an application fee, as described in division (A) of section</u> | 295 |
| <u>4714.04 of the Revised Code;</u> | 296 |
| <u>(4) The application form for renewal of a certificate and</u> | 297 |
| <u>the amount of a renewal fee, as described in division (B) of</u> | 298 |
| <u>section 4714.06 of the Revised Code;</u> | 299 |
| <u>(5) Standards that providers of continuing education must</u> | 300 |
| <u>meet for approval under division (A) of section 4714.07 of the</u> | 301 |
| <u>Revised Code;</u> | 302 |
| <u>(6) Designating examinations of entities that are</u> | 303 |
| <u>equivalent to the examination of the national council for</u> | 304 |
| <u>interior design qualification;</u> | 305 |
| <u>(7) What happens to a certificate if the certificate</u> | 306 |
| <u>holder fails to timely renew the certificate;</u> | 307 |
| <u>(8) Procedures for reinstating a certificate that has been</u> | 308 |
| <u>revoked, suspended, or restricted or placed on inactive status;</u> | 309 |
| <u>(9) Placing a certificate on inactive status.</u> | 310 |
| <u>(B) The board may adopt rules in accordance with Chapter</u> | 311 |
| <u>119. of the Revised Code regarding any of the following:</u> | 312 |
| <u>(1) Extending or shortening renewal cycles in accordance</u> | 313 |
| <u>with division (A) (2) of section 4714.06 of the Revised Code;</u> | 314 |
| <u>(2) Temporary certificates;</u> | 315 |
| <u>(3) Citations;</u> | 316 |
| <u>(4) Any other matter the board considers pertinent.</u> | 317 |