

SUBSTITUTE FOR
HOUSE BILL NO. 4311

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 303a and 601 (MCL 339.303a and 339.601),
section 303a as amended by 1995 PA 183 and section 601 as amended
by 2005 PA 278, and by adding article 28; and to repeal acts and
parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303a. The terms provided for in this act shall commence
2 on the following dates:

3	Accountancy	July 1
4	Architects	April 1
5	Athletic board of control	April 1
6	Barbers	October 1
7	Collection agencies	July 1

1	Community planners	July 1
2	Cosmetology	January 1
3	Employment agencies	October 1
4	Foresters	April 1
5	Hearing aid dealers	October 1
6	INTERIOR DESIGN	JANUARY 1
7	Land surveyors	April 1
8	Landscape architects	July 1
9	Marriage counselors	October 1
10	Mortuary science	July 1
11	Nursing home administrators	January 1
12	Professional engineers	April 1
13	Real estate appraisers	July 1
14	Real estate brokers and salespersons	July 1
15	Residential builders	April 1
16	Social workers	October 1

17 Sec. 601. (1) A person shall not engage in or attempt to
18 engage in the practice of an occupation regulated under this act
19 or use a title designated in this act unless the person possesses
20 a license or registration issued by the department for the
21 occupation.

22 (2) A school, institution, or person shall not operate or
23 attempt to operate a barber college, school of cosmetology, or
24 real estate school unless the school, institution, or person is
25 licensed or approved by the department.

26 (3) A person, school, or institution that violates
27 subsection (1) or (2) is guilty of a misdemeanor, punishable by a
28 fine of not more than \$500.00, or imprisonment for not more than

1 90 days, or both.

2 (4) A person, school, or institution that violates
3 subsection (1) or (2) a second or any subsequent time is guilty
4 of a misdemeanor, punishable, except as provided in section 735,
5 by a fine of not more than \$1,000.00, or imprisonment for not
6 more than 1 year, or both.

7 (5) Notwithstanding the existence and pursuit of any other
8 remedy, an affected person may maintain injunctive action to
9 restrain or prevent a person from violating subsection (1) or
10 (2). If successful in obtaining injunctive relief, the affected
11 person shall be entitled to actual costs and attorney fees.

12 (6) This act does not apply to a person engaging in or
13 practicing the following:

14 ~~——(a) Interior design.~~

15 (A) ~~—(b)—~~ Building design.

16 (B) ~~—(c)—~~ Any activity for which the person is licensed
17 under the state plumbing act, 2002 PA 733, MCL 338.3511 to
18 338.3569.

19 (C) ~~—(d)—~~ Any activity for which the person is licensed
20 under the Forbes mechanical contractors act, 1984 PA 192, MCL
21 338.971 to 338.988.

22 (D) ~~—(e)—~~ Any activity for which the person is licensed
23 under the electrical administrative act, 1956 PA 217, MCL 338.881
24 to 338.892.

25 (7) As used in subsection (5), "affected person" means a
26 person directly affected by the actions of a person suspected of
27 violating subsection (1) or (2) and includes, but is not limited

1 to, a licensee or registrant, a board established ~~pursuant to~~
 2 **UNDER** this act, a person who has utilized the services of the
 3 person engaging in or attempting to engage in an occupation
 4 regulated under this act or using a title designated by this act
 5 without being licensed or registered by the department, or a
 6 private association composed primarily of members of the
 7 occupation in which the person is engaging in or attempting to
 8 engage in or in which the person is using a title designated
 9 under this act without being registered or licensed by the
 10 department.

11 (8) An investigation may be conducted under article 5 to
 12 enforce this section. A person who violates this section shall be
 13 subject to this section and section 506.

14 (9) The remedies under this section are independent and
 15 cumulative. The use of 1 remedy by a person shall not bar the use
 16 of other lawful remedies by that person or the use of a lawful
 17 remedy by another person.

18 ~~—— (10) An interior designer may perform services in connection~~
 19 ~~with the design of interior spaces including preparation of~~
 20 ~~documents relative to finishes, systems furniture, furnishings,~~
 21 ~~fixtures, equipment, and interior partitions that do not affect~~
 22 ~~the building mechanical, structural, electrical, or fire safety~~
 23 ~~systems.~~

24 **ARTICLE 28**

25 **SEC. 2801. AS USED IN THIS ARTICLE:**

26 **(A) "INTERIOR DESIGN SERVICES" MEANS SERVICES IN CONNECTION**
 27 **WITH THE DESIGN OF INTERIOR SPACES, INCLUDING THE PREPARATION OF**

1 DESIGN DOCUMENTS, RELATIVE TO FINISHES, SYSTEMS FURNITURE,
2 FURNISHINGS, FIXTURES, EQUIPMENT, LIGHTING, OUTLETS AND
3 SWITCHING, AND NON-LOAD-BEARING INTERIOR PARTITIONS THAT DO NOT
4 MATERIALLY AFFECT THE BUILDING MECHANICAL, STRUCTURAL,
5 ELECTRICAL, OR FIRE SAFETY SYSTEMS.

6 (B) "INTERIOR DESIGNER" MEANS A PERSON PERFORMING INTERIOR
7 DESIGN SERVICES.

8 (C) "MATERIALLY AFFECT" MEANS ACTIVITY THAT IS EITHER OR
9 BOTH OF THE FOLLOWING:

10 (i) HAS A SUBSTANTIAL AND NEGATIVE IMPACT ON THE HEALTH,
11 SAFETY, AND WELFARE OF THE OCCUPANTS OF THE INTERIOR SPACE AFTER
12 INSTALLATION OF THE FINISHES, SYSTEMS FURNITURE, FURNISHINGS,
13 FIXTURES, EQUIPMENT, LIGHTING, AND INTERIOR BUILDING PARTITIONS
14 BASED UPON PLACEMENT OR MATERIAL COMPOSITION.

15 (ii) IS INCOMPATIBLE WITH THE APPLICABLE BUILDING CODE OR
16 FIRE SAFETY CODE TO SUCH A DEGREE THAT MORE THAN A MINOR
17 MODIFICATION OF THE INTERIOR DESIGN DOCUMENTS IS NEEDED TO
18 CORRECT THAT INCOMPATIBILITY WITH THE BUILDING OR FIRE SAFETY
19 CODE.

20 SEC. 2803. (1) THERE IS CREATED A BOARD OF INTERIOR DESIGN.

21 (2) THE TERMS OF THE BOARD MEMBERS AND THEIR QUALIFICATIONS
22 ARE AS PRESCRIBED BY SECTION 303.

23 SEC. 2805. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
24 (2), A PERSON SHALL NOT USE A TERM OR TITLE "REGISTERED INTERIOR
25 DESIGNER", "INTERIOR DESIGNER", OR OTHER TERM OR TITLE CONNOTING
26 REGISTRATION UNDER THIS ARTICLE UNLESS REGISTERED UNDER THIS
27 ARTICLE.

House Bill No. 4311 (H-3) as amended February 7, 2006

1 (2) THIS ARTICLE DOES NOT PROHIBIT AN INDIVIDUAL CERTIFIED
2 OR OTHERWISE QUALIFIED OR APPROVED BY A PRIVATE ORGANIZATION FROM
3 USING A TERM OR TITLE COPYRIGHTED OR OTHERWISE PROTECTED UNDER
4 LAW BY THE CERTIFYING ORGANIZATION SO LONG AS THE USE DOES NOT
5 CONNOTE REGISTRATION UNDER THIS ARTICLE.

6 SEC. 2807. [] AN INDIVIDUAL NOT REGISTERED UNDER THIS
7 ARTICLE MAY PROVIDE OR OFFER TO PROVIDE INTERIOR DESIGN SERVICES
8 SO LONG AS HE OR SHE DOES NOT USE THE TERMS "REGISTERED INTERIOR
9 DESIGNER", "INTERIOR DESIGNER", OR OTHER TERM OR TITLE CONNOTING
10 REGISTRATION UNDER THIS ARTICLE.

11 [

12

13

14

]

15 SEC. 2809. (1) AN APPLICANT FOR REGISTRATION UNDER THIS
16 ARTICLE SHALL SUBMIT A COMPLETED APPLICATION TO THE DEPARTMENT ON
17 A FORM SUPPLIED BY THE DEPARTMENT AND PAY THE APPROPRIATE
18 APPLICATION AND PER-YEAR REGISTRATION FEE. EXCEPT AS OTHERWISE
19 PROVIDED IN THIS SECTION, THE APPLICANT SHALL MEET THE
20 EXAMINATION REQUIREMENTS OF SUBSECTION (3).

21 (2) UPON APPROVAL OF AN APPLICATION PROPERLY SUBMITTED, THE
22 DEPARTMENT SHALL ISSUE A REGISTRATION ONLY TO AN INDIVIDUAL FOR A
23 TERM OF 3 YEARS.

24 (3) BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
25 ADDED THIS ARTICLE AND UNTIL THE EXPIRATION OF 1 YEAR AFTER THAT
26 EFFECTIVE DATE, THE DEPARTMENT SHALL ISSUE A REGISTRATION TO AN
27 INDIVIDUAL THAT SUBMITS, BY AFFIDAVIT, PROOF OF 6 YEARS OF

1 COMBINED EDUCATION AND EXPERIENCE IN PROVIDING INTERIOR DESIGN
2 SERVICES, WITH AT LEAST 2 OF THOSE 6 YEARS BEING PRACTICAL
3 EXPERIENCE. A PERSON ON THE LIST COMPILED UNDER FORMER SECTION
4 601A IS ELIGIBLE FOR A REGISTRATION UNDER THIS ARTICLE IF HE OR
5 SHE APPLIES FOR REGISTRATION WITHIN 1 YEAR AFTER THE EFFECTIVE
6 DATE OF THE AMENDATORY ACT THAT ADDED THIS ARTICLE AND PAYS THE
7 APPROPRIATE REGISTRATION FEE.

8 (4) FOR APPLICANTS NOT APPLYING FOR REGISTRATION UNDER
9 SUBSECTION (3), THE COMPLETE 2003 EXAMINATION OFFERED BY THE
10 NATIONAL COUNCIL FOR INTERIOR DESIGN QUALIFICATION AND THE
11 EDUCATION, EXPERIENCE, AND OTHER QUALIFICATIONS TO SIT FOR THAT
12 EXAMINATION ARE ADOPTED BY REFERENCE. THE BOARD, BY PROMULGATION
13 OF A RULE, MAY ADOPT ANOTHER VERSION OF THE NATIONAL COUNCIL FOR
14 INTERIOR DESIGN QUALIFICATION EXAMINATION AND THE EDUCATION,
15 EXPERIENCE, AND OTHER QUALIFICATIONS TO SIT FOR THAT EXAMINATION
16 OR ANOTHER EXAMINATION CONSIDERED BY THE BOARD TO BE THE
17 EQUIVALENT OF THE MOST RECENT NATIONAL COUNCIL FOR INTERIOR
18 DESIGN QUALIFICATION EXAMINATION AND THE EDUCATION, EXPERIENCE,
19 AND OTHER QUALIFICATIONS TO SIT FOR THAT EXAMINATION.

20 SEC. 2811. THE DEPARTMENT SHALL ISSUE A REGISTRATION TO AN
21 INDIVIDUAL FROM ANOTHER JURISDICTION, STATE, OR COUNTRY UPON A
22 DETERMINATION OF THE BOARD THAT THE OTHER JURISDICTION, STATE, OR
23 COUNTRY HAS SUBSTANTIALLY SIMILAR REQUIREMENTS FOR REGISTRATION
24 OR LICENSURE AND ALLOWS RECIPROCITY TO MICHIGAN REGISTRANTS.

25 SEC. 2813. THE DEPARTMENT, IN CONSULTATION WITH THE BOARD
26 AND BY ADOPTION OF A RULE, SHALL ESTABLISH STANDARDS OF CONDUCT
27 FOR REGISTERED INTERIOR DESIGNERS.

1 SEC. 2815. (1) BEGINNING THE REGISTRATION RENEWAL CYCLE
2 AFTER THE EFFECTIVE DATE OF THE RULES PROMULGATED UNDER THIS
3 SECTION, AN INDIVIDUAL REGISTERED UNDER THIS ARTICLE SHALL MEET
4 THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION WHEN
5 RENEWING HIS OR HER REGISTRATION.

6 (2) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL
7 PROMULGATE RULES TO REQUIRE A REGISTRANT SEEKING RENEWAL TO
8 FURNISH EVIDENCE THAT DURING THE 3 YEARS IMMEDIATELY PRECEDING
9 APPLICATION FOR RENEWAL, THE REGISTRANT ATTENDED CONTINUING
10 EDUCATION COURSES OR PROGRAMS RELATED TO THE PROVIDING OF
11 INTERIOR DESIGN SERVICES AND DESIGNED TO FURTHER EDUCATE
12 REGISTRANTS.

13 (3) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL
14 ESTABLISH BY RULE THE TOTAL NUMBER OF COURSE OR PROGRAM CLOCK
15 HOURS AT A MINIMUM OF 45 CLOCK HOURS IN ANY 3-YEAR REGISTRATION
16 RENEWAL CYCLE. A PORTION OF THOSE CLOCK HOURS MUST BE IN ETHICS.

17 (4) THE DEPARTMENT SHALL ENSURE THAT ALL APPROVED CONTINUING
18 EDUCATION COURSES INCLUDE DEFINED MEASUREMENTS OF PREKNOWLEDGE
19 AND POSTKNOWLEDGE OR SKILL IMPROVEMENTS, OR BOTH, AS A RESULT OF
20 THE CONTINUING EDUCATION PROGRAM.

21 SEC. 2817. (1) AN INDIVIDUAL, UPON BEING REGISTERED, SHALL
22 OBTAIN A SEAL AUTHORIZED BY THE BOARD BEARING THE REGISTRANT'S
23 NAME AND A LEGEND INDICATING "REGISTERED INTERIOR DESIGNER".

24 (2) A PLAN, REPORT, OR SPECIFICATION ISSUED BY A REGISTRANT
25 SHALL BE SEALED WHEN FILED WITH A PUBLIC AUTHORITY.

26 SEC. 2819. A PERSON WHO VIOLATES THIS ARTICLE OR RULES
27 PROMULGATED UNDER THIS ARTICLE OR WHO DOES 1 OR MORE OF THE

1 FOLLOWING IS SUBJECT TO THE PENALTIES SET FORTH IN ARTICLE 6:

2 (A) PRESENTS OR ATTEMPTS TO USE, AS THE PERSON'S OWN, THE
3 REGISTRATION OR SEAL OF ANOTHER.

4 (B) USES A TERM PROTECTED BY THIS ARTICLE WITHOUT BEING
5 REGISTERED UNDER THIS ARTICLE.

6 (C) SUBMITS TO A PUBLIC OFFICIAL IN THIS STATE OR A
7 POLITICAL SUBDIVISION OF THIS STATE FOR APPROVAL A PERMIT OR A
8 PLAN, REPORT, OR SPECIFICATION FOR FILING AS A PUBLIC RECORD THAT
9 DOES NOT BEAR A SEAL OF A REGISTRANT AS REQUIRED BY THIS ARTICLE.

10 Enacting section 1. Section 601a of the occupational code,
11 1980 PA 229, MCL 339.601a, is repealed.

12 Enacting section 2. This amendatory act does not take
13 effect unless all of the following bills of the 93rd Legislature
14 are enacted into law:

15 (a) House Bill No. 4262.

16 (b) House Bill No. 4312.