

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Interior Design Title Act is amended by changing Sections 2, 3, 4, 4.5, 5, 6, 8, 9, 13, 25, and 26 and by adding Section 3.5 as follows:

(225 ILCS 310/2) (from Ch. 111, par. 8202)

(Section scheduled to be repealed on January 1, 2012)

Sec. 2. Public policy. Interior design in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be of public interest to recognize and define the separate discipline of residential interior design. It is further declared to be a matter of public interest and concern that the interior design and residential interior design professions merit and receive the confidence of the public and that only qualified persons be permitted to use the title of registered interior designer or registered residential interior designer in the State of Illinois. This Act shall be liberally construed to carry out these objectives and purposes.

(Source: P.A. 88-650, eff. 9-16-94.)

(225 ILCS 310/3) (from Ch. 111, par. 8203)

(Section scheduled to be repealed on January 1, 2012)

Sec. 3. Definitions. As used in this Act:

"Department" means the ~~Illinois~~ Department of Financial and Professional Regulation.

"Secretary Director" means the Secretary Director of Financial and Professional Regulation ~~the Department of~~ Professional Regulation.

"Board" means the Board of Registered Interior Design Professionals established under Section 6 of this Act.

"Public member" means a person who is not an interior designer, educator in the field, architect, structural engineer, or professional engineer. For purposes of board membership, any person with a significant financial interest in the design or construction service or profession is not a public member.

"Registered interior ~~Interior~~ designer" means a person who has received registration under Section 8 of this Act.

"Registered residential ~~Residential~~ interior designer" means a person who is registered under this Act to provide design services for single family private dwellings, including single family private residences or dwellings within a multiple residence, excluding the common areas.

"Family" means one or more persons who are living together in a single dwelling and maintaining a common household.

"Multiple residence" means a building containing 2 or more living units with independent cooking and bathroom facilities

whether designated as an apartment house, condominium, co-op, tenement, or garden apartment, or called by any other name.

"Common area" means an area that is held out for use by all tenants and owners in a multiple residence including but not limited to a lobby, elevator, hallway, laundry room, swimming pool, storage room, or recreation area.

"The profession of interior design", within the meaning and intent of this Act, refers to persons qualified by education, experience, and examination, who administer contracts for fabrication, procurement, or installation in the implementation of designs, drawings, and specifications for any interior design project and offer or furnish professional services, such as consultations, studies, drawings, and specifications in connection with the location of lighting fixtures, lamps and specifications of ceiling finishes as shown in reflected ceiling plans, space planning, furnishings, or the fabrication of non-loadbearing structural elements within and surrounding interior spaces of buildings but specifically excluding mechanical and electrical systems, except for specifications of fixtures and their location within interior spaces.

A person represents himself or herself to be a an "registered interior designer" within the meaning of this Act if he or she holds himself or herself out to the public by any title incorporating the words "~~interior design~~", "registered interior designer"~~,~~ or any title that includes the words

"registered interior design". A person represents himself or herself to be a "registered residential interior designer" within the meaning of this Act if he or she holds himself or herself out to the public by any title incorporating the words "~~residential interior design~~", "registered residential interior designer"~~7~~ or any title that includes the words "registered residential interior design".

(Source: P.A. 88-650, eff. 9-16-94.)

(225 ILCS 310/3.5 new)

Sec. 3.5. References to Department or Director of Professional Regulation. References in this Act (i) to the Department of Professional Regulation are deemed, in appropriate contexts, to be references to the Department of Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

(225 ILCS 310/4) (from Ch. 111, par. 8204)

(Section scheduled to be repealed on January 1, 2012)

Sec. 4. Title; application of Act.

(a) No individual shall, without a valid registration as an interior designer issued by the Department, in any manner hold himself or herself out to the public as a registered ~~an~~ interior designer or attach the title "registered interior

designer" or any other name or designation which would in any way imply that he or she is able to use the title "registered interior designer" as defined in this Act. No individual shall, without a valid registration as a registered residential interior designer issued by the Department, in any manner hold himself or herself out to the public as a registered residential interior designer, or use the title "registered residential interior designer" or any name or designation that would in any way imply that he or she is able to use the title "registered residential interior designer" as defined in this Act.

(a-5) Nothing in this Act shall be construed as preventing or restricting the services offered or advertised by an interior designer who is registered under this Act.

(b) Nothing in this Act shall prevent the employment, by a registered ~~an~~ interior designer or registered residential interior designer, association, partnership, or a corporation furnishing interior design or residential interior design services for remuneration, of persons not registered as interior designers or residential interior designers to perform services in various capacities as needed, provided that the persons do not represent themselves as, or use the title of, "~~interior designer~~", "registered interior designer", "~~residential interior designer~~" or "registered residential interior designer".

(c) Nothing in this Act shall be construed to limit the

activities and use of the title "interior designer" or "residential interior designer" on the part of a person not registered under this Act who is a graduate of an interior design program and a full-time employee of a duly chartered institution of higher education insofar as such person engages in public speaking, with or without remuneration, provided that such person does not represent himself or herself to be an interior designer or use the title "registered interior designer" or "registered residential interior designer".

(d) Nothing contained in this Act shall restrict any person not registered under this Act from carrying out any of the activities listed in the definition of "the profession of interior design" in Section 3 if such person does not represent himself or herself or his or her services in any manner prohibited by this Act.

(e) Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of any person licensed in this State under any other law from engaging in the profession or occupation for which he or she is licensed.

(f) Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of engineers licensed under the Professional Engineering Practice Act of 1989 or the Structural Engineering Practice Act of 1989; architects licensed pursuant to the Illinois Architectural Practice Act of 1989; any interior decorator or individual offering interior decorating services including, but not

limited to, the selection of surface materials, window treatments, wall coverings, furniture, accessories, paint, floor coverings, and lighting fixtures; or builders, home furnishings salespersons, and similar purveyors of goods and services relating to homemaking.

(g) Nothing in this Act or any other Act shall prevent a licensed architect from practicing interior design services ~~or from using the title "interior designer" or "residential interior designer"~~. Nothing in this Act shall be construed as requiring the services of a registered ~~an~~ interior designer or registered residential interior designer for the interior designing of a single family residence.

(h) Nothing in this Act shall authorize registered interior designers or registered residential interior designers to perform services, including life safety services that they are prohibited from performing, or any practice (i) that is restricted in the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, or the Structural Engineering Practice Act of 1989, or (ii) that they are not authorized to perform under the Environmental Barriers Act.

(Source: P.A. 91-91, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

(225 ILCS 310/4.5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 4.5. Unregistered practice; violation; civil penalty.

(a) Any person who holds himself or herself out to be a registered ~~an~~ interior designer without being registered under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any illegal use of the title of registered interior designer or registered residential interior designer.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-104, eff. 7-20-01.)

(225 ILCS 310/5) (from Ch. 111, par. 8205)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers, and duties:

(a) To conduct or authorize examinations to ascertain the

fitness and qualifications of applicants for registration and issue certificates of registration to those who are found to be fit and qualified.

(b) To prescribe rules and regulations for a method of examination of candidates. The Department shall designate as its examination for registered interior designers the National Council for Interior Design Qualification examination. The Department shall designate as its examination for registered residential interior designers the Council for Qualification of Residential Interior Designers Examination.

(c) To adopt as its own rules relating to education requirements, those guidelines published from time to time by the Foundation for Interior Design Education Research or its equivalent.

(d) To conduct hearings on proceedings to revoke, suspend, or refuse to issue certificates of registration.

(e) To promulgate rules and regulations required for the administration of this Act.

(Source: P.A. 88-650, eff. 9-16-94.)

(225 ILCS 310/6) (from Ch. 111, par. 8206)

(Section scheduled to be repealed on January 1, 2012)

Sec. 6. Board of Registered Interior Design Professionals. There is created a Board of Registered Interior Design Professionals to be composed of persons designated from time to time by the Director, as follows:

(a) For the first year, 5 persons, 4 of whom have been interior designers for a period of 5 years or more who would qualify upon application to the Department under this Act to be registered interior designers, and one public member. After the initial appointments, each interior design member shall hold a valid registration as a registered interior design registration. After the effective date of this amendatory Act of 1994, 2 additional persons shall be appointed to the Board who have been residential interior designers for a period of 5 years or more and who would qualify upon application under this Act to be registered as a residential interior designer. After the initial appointments of the 2 additional members, each residential interior designer member shall hold a valid registration as a registered residential interior designer registration. The Board shall annually elect a chairman.

(b) Terms for all members shall be 3 years. For initial appointments, one member shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years, and the remaining shall be appointed to serve for 3 years and until their successors are appointed and qualified. Initial terms shall begin on the effective date of this Act. For the initial appointments of the 2 additional members added by this amendatory Act of 1994, one shall be appointed to serve for one year and the other to serve for 2 years, and until their successors are appointed and qualified. Partial terms over 2 years in length shall be considered as full terms. A member may

be reappointed for a successive term, but no member shall serve more than 2 full terms.

(c) The membership of the Board should reasonably reflect representation from the various geographic areas of the State.

(d) In making appointments to the Board, the Director shall give due consideration to recommendations by national and state organizations of the interior design profession and the residential interior design profession, and shall promptly give due notice to such organizations of any vacancy in the membership of the Board. The Director may terminate the appointment of any member for any cause, which in the opinion of the Director, reasonably justifies such termination.

(e) A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

(f) The members of the Board shall each receive as compensation a reasonable sum as determined by the Director for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred in attending the meeting of the Board.

(g) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(Source: P.A. 88-650, eff. 9-16-94.)

(Section scheduled to be repealed on January 1, 2012)

Sec. 8. Requirements for registration.

(a) Each applicant for registration shall apply to the Department in writing on a form provided by the Department. Except as otherwise provided in this Act, each applicant shall take and pass the examination approved by the Department. Prior to registration, the applicant shall provide substantial evidence to the Board that the applicant:

(1) is a graduate of a 5 year interior design program from an accredited institution and has completed at least 2 years of full time diversified interior design experience;

(2) is a graduate of a 4 year interior design program from an accredited institution and has completed at least 2 years of full time diversified interior design experience;

(3) has completed at least 3 years of interior design curriculum from an accredited institution and has completed 3 years of full time diversified interior design experience;

(4) is a graduate of a 2 year interior design program from an accredited institution and has completed 4 years of full time diversified interior design experience; or

(5) holds a high school diploma or GED and has completed 5 years of full time diversified residential interior design experience.

(b) In addition to providing evidence of meeting the requirements of subsection (a):

(1) Each applicant for registration as a registered ~~an~~ interior designer shall provide substantial evidence that he or she has successfully completed the examination administered by the National Council for Interior Design Qualifications.

(2) Each applicant for registration as a registered residential interior designer shall provide substantial evidence that he or she has successfully completed the examination administered by the Council for Qualification of Residential Interior Designers.

Examinations for applicants under this Act may be held at the direction of the Department from time to time but not less than once each year. The scope and form of the examination shall conform to the National Council for Interior Design Qualification examination for interior designers and the Council for Qualification of Residential Interior Designers for residential interior designers.

Each applicant for registration who possesses the necessary qualifications shall pay to the Department the required registration fee, which is not refundable.

An individual applying for registration shall have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied and the fee forfeited. The applicant may reapply, but shall meet the requirements in effect at the time of reapplication.

~~(c) (Blank). If any applicant applies for registration between January 1, 1993, and January 31, 1993, and had completed by June 30, 1992 at least 8 years of full time, diversified professional experience in interior design or a combination of full time experience and interior design education to equal 8 years, the applicant may be issued a certificate of registration without examination. Registration under this subsection shall be subject to the Board's discretionary review of the experience qualification.~~

~~Notwithstanding any other provisions in this Act, anyone who has submitted an application within 5 days after the effective date of this amendatory Act of 1994 and has completed at least 15 years of full-time, diversified professional experience in interior design may be issued a certificate of registration without examination.~~

~~(c-5) (Blank). If any applicant applies for registration as a residential interior designer within one year after the effective date of this amendatory Act of 1994 and has completed at least 5 years of full time, diversified professional experience in residential interior design or a combination of full time experience and residential interior design education equal to 5 years, the applicant may be issued a certificate of registration without examination. Registration under this subsection shall be subject to the Board's discretionary review of the experience qualification.~~

(d) Upon payment of the required fee, which shall be

determined by rule, an applicant who is an architect licensed under the laws of this State may, without examination, be granted registration as a registered ~~an~~ interior designer or registered residential interior designer by the Department provided the applicant submits proof of an active architectural license in Illinois.

(e) An interior designer registered under the laws of this State may, without examination or re-application, use the title "Registered Residential Interior Designer".

(Source: P.A. 87-756; 87-1237; 87-1269; 88-45; 88-650, eff. 9-16-94.)

(225 ILCS 310/9) (from Ch. 111, par. 8209)

(Section scheduled to be repealed on January 1, 2012)

Sec. 9. Expiration; renewal; restoration.

(a) The expiration date and renewal period for each certificate of registration issued under this Act shall be set by rule. A registrant may renew such registration during the month preceding its expiration date by paying the required renewal fee.

(b) Inactive status.

(1) Any registrant who notifies the Department in writing on forms prescribed by the Department may elect to place his or her certificate of registration on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she

notifies the Department in writing of his or her desire to resume active status.

(2) Any registrant requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her registration.

(3) Any registrant whose registration is on inactive status shall not use the title "registered interior designer" or "registered residential interior designer" in the State of Illinois.

(4) Any registrant who uses the title "registered interior designer" or "registered residential interior designer" while his or her certificate of registration is lapsed or inactive shall be considered to be using the title without a registration which shall be grounds for discipline under Section 13 of this Act.

(c) Any registrant whose registration has expired may have his or her certificate of registration restored at any time within 5 years after its expiration, upon payment of the required fee.

(d) Any person whose registration has been expired for more than 5 years may have his or her registration restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her registration restored, including sworn evidence certifying to active lawful practice in another jurisdiction,

and by paying the required restoration fee. A person using the title "registered interior designer" or "registered residential interior designer" on an expired registration is deemed to be in violation of this Act.

(e) If a person whose certificate of registration has expired has not maintained active status in another jurisdiction, the Department shall determine, by an evaluation process established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated practical experience, and may require successful completion of an examination.

(f) Any person whose certificate of registration has expired while he or she has been engaged (1) in federal or State service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her registration restored without paying any lapsed renewal or restoration fee if, within 2 years after termination of such service, training or education, he or she furnishes the Department with satisfactory proof that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(g) An individual applying for restoration of a registration shall have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied and the

fee forfeited. The applicant may reapply, but shall meet the requirement in effect at the time of reapplication.

(Source: P.A. 87-756; 88-650, eff. 9-16-94.)

(225 ILCS 310/13) (from Ch. 111, par. 8213)

(Section scheduled to be repealed on January 1, 2012)

Sec. 13. Refusal, revocation or suspension of registration. The Department may refuse to issue, renew, or restore or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed \$5,000 for each violation, with regard to any registration for any one or combination of the following causes:

(a) Fraud in procuring the certificate of registration.

(b) Habitual intoxication or addiction to the use of drugs.

(c) Making any misrepresentations or false promises, directly or indirectly, to influence, persuade, or induce patronage.

(d) Professional connection or association with, or lending his or her name, to another for illegal use of the title "registered interior designer" or "registered residential interior designer", or professional connection or association with any person, firm, or corporation holding itself out in any manner contrary to this Act.

(e) Obtaining or seeking to obtain checks, money, or any other items of value by false or fraudulent representations.

(f) Use of the title under a name other than his or her own.

(g) Improper, unprofessional, or dishonorable conduct of a character likely to deceive, defraud, or harm the public.

(h) Conviction in this or another state, or federal court, of any crime which is a felony, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(i) A violation of any provision of this Act or its rules.

(j) Revocation by another state, the District of Columbia, territory, or foreign nation of an interior design or residential interior design registration if at least one of the grounds for that revocation is the same as or the equivalent of one of the grounds for revocation set forth in this Act.

(k) Mental incompetence as declared by a court of competent jurisdiction.

(l) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon

proof by clear and convincing evidence that the registrant has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

The Department shall deny a registration or renewal authorized by this Act to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a certificate of registration or renewal if such person has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

The Department may refuse to issue or may suspend the registration of any person who fails to file a return, or to pay the tax, penalty, or interest showing in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

The entry of a decree by any circuit court establishing that any person holding a certificate of registration under this Act is a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code shall operate as a suspension of that registration. That person may resume using the title "registered interior designer" or "registered residential interior designer" only upon a finding by the Board that he or she has been determined to be no longer subject to involuntary admission by the court and upon the

Board's recommendation to the Director that he or she be permitted to resume using the title "registered interior designer" or "registered residential interior designer".

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 310/25) (from Ch. 111, par. 8225)

(Section scheduled to be repealed on January 1, 2012)

Sec. 25. Injunctions. The use of the title "registered interior designer" or "registered residential interior designer", as defined in Section 3, by any person not holding a valid and current registration under this Act is declared to be inimical to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Director, the Attorney General, the State's Attorney of any county in the State, or any person may maintain an action in the name of the People of the State of Illinois, and may apply for an injunction in the circuit court to enjoin any such person from engaging in the unlawful use of the title "registered interior designer" or "registered residential interior designer". Upon the filing of a verified petition, the court or any judge, if satisfied by affidavit or otherwise that such person has been engaged in such use without a valid and current registration, may issue a temporary injunction without notice or bond, enjoining the defendant from any such further use. Only the showing of the person's lack of registration, by affidavit or otherwise, is necessary in order for a temporary

injunction to issue. A copy of the verified complaint shall be served upon the defendant and the proceedings shall be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been or is engaged in any such unlawful use, the court or any judge may enter an order or judgment perpetually enjoining the defendant from further such use. In all proceedings under this Section, the court, in its discretion, may apportion the costs among the parties interested in the suit, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorney's fees. In case of violation of any injunction issued under this Section, the court or any judge may summarily try and punish the offender for contempt of court. Such injunction proceedings are in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(Source: P.A. 88-650, eff. 9-16-94.)

(225 ILCS 310/26) (from Ch. 111, par. 8226)

(Section scheduled to be repealed on January 1, 2012)

Sec. 26. Unlawful use; second offenses. Any person who uses the title "registered interior designer" or "registered residential interior designer" in this State without being registered under this Act, or whose registration has been suspended, inactive, or revoked, or who violates any of the provisions of this Act is guilty of a Class A misdemeanor. Any

Public Act 095-1023

HB4845 Enrolled

LRB095 15327 RAS 41315 b

person who has been previously convicted of violating this Act and who subsequently violates any of the provisions of this Act is guilty of a Class 4 felony. In addition, whenever any person is punished as a subsequent offender under this Section, the Director may proceed to obtain a permanent injunction against such person under Section 25 of this Act.

(Source: P.A. 88-650, eff. 9-16-94.)