



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1738

Introduced 2/17/2021, by Rep. Nicholas K. Smith and Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

See Index

Amends the Registered Interior Designers Act. Provides that all applicants and registrants under the Act shall provide a valid address and email address to the Department of Financial and Professional Regulation, which shall serve as the address of record and email address of record. Provides that nothing in the Act shall authorize registered interior designers to advertise services that they are prohibited to perform, including architecture or engineering services. Makes changes in provisions concerning the Board of Registered Interior Design Professionals; board recommendations; investigations and notice of hearings; restoration of registrations; the Illinois Administrative Procedure Act; confidentiality of information; and the General Professions Dedicated Fund. Makes other changes. Amends the Regulatory Sunset Act. Extends the repeal date of the Registered Interior Designers Act to January 1, 2032. Effective January 1, 2022, except provisions amending the Regulatory Sunset Act take effect immediately.

LRB102 00350 SPS 10352 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 The Collateral Recovery Act.

12 The Community Association Manager Licensing and
13 Disciplinary Act.

14 The Crematory Regulation Act.

15 The Detection of Deception Examiners Act.

16 The Home Inspector License Act.

17 The Illinois Health Information Exchange and Technology
18 Act.

19 The Medical Practice Act of 1987.

20 ~~The Registered Interior Designers Act.~~

21 The Massage Licensing Act.

22 The Petroleum Equipment Contractors Licensing Act.

23 The Radiation Protection Act of 1990.

1 The Real Estate Appraiser Licensing Act of 2002.

2 The Water Well and Pump Installation Contractor's License
3 Act.

4 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;
5 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

6 (5 ILCS 80/4.41 new)

7 Sec. 4.41. Act repealed on January 1, 2032. The following
8 Act is repealed on January 1, 2032:

9 The Registered Interior Designers Act.

10 Section 10. The Registered Interior Designers Act is
11 amended by changing Section 3, 4, 4.5, 6, 7, 11, 14, 20, 23,
12 29, 30 and by adding Section 3.1 as follows:

13 (225 ILCS 310/3) (from Ch. 111, par. 8203)

14 (Section scheduled to be repealed on January 1, 2022)

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

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's application file or the
18 registrant's registration file as maintained by the
19 Department's licensure maintenance unit.

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

22 "Department" means the Department of Financial and
23 Professional Regulation.

1 "Email address of record" means the designated email
2 address recorded by the Department in the applicant's
3 application file or the registrant's registration file as
4 maintained by the Department's licensure maintenance unit.

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

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

26 "Registered interior designer" means a person who has

1 received registration under Section 8 of this Act. A person
2 represents himself or herself to be a "registered interior
3 designer" within the meaning of this Act if he or she holds
4 himself or herself out to the public by any title
5 incorporating the words "registered interior designer" or any
6 title that includes the words "registered interior design".

7 "Secretary" means the Secretary of Financial and
8 Professional Regulation.

9 (Source: P.A. 100-920, eff. 8-17-18.)

10 (225 ILCS 310/3.1 new)

11 Sec. 3.1. Address of record; email address of record. All
12 applicants and registrants shall:

13 (1) provide a valid address and email address to the
14 Department, which shall serve as the address of record and
15 email address of record, respectively, at the time of
16 application for registration or renewal of a registration;
17 and

18 (2) inform the Department of any change of address of
19 record or email address of record within 14 days after
20 such change either through the Department's website or by
21 contacting the Department's licensure maintenance unit.

22 (225 ILCS 310/4) (from Ch. 111, par. 8204)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 4. Title; application of Act.

1 (a) No individual shall, without a valid registration as
2 an interior designer issued by the Department, in any manner
3 hold himself or herself out to the public as a registered
4 interior designer or attach the title "registered interior
5 designer" or any other name or designation which would in any
6 way imply that he or she is able to use the title "registered
7 interior designer" as defined in this Act.

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

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

18 (c) Nothing in this Act shall be construed to limit the
19 activities and use of the title "interior designer" on the
20 part of a person not registered under this Act who is a
21 graduate of an interior design program and a full-time
22 employee of a duly chartered institution of higher education
23 insofar as such person engages in public speaking, with or
24 without remuneration, provided that such person does not
25 represent himself or herself to be a registered interior
26 designer or use the title "registered interior designer".

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

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

12 (f) Nothing in this Act shall be construed as preventing
13 or restricting the practice, services, or activities of
14 engineers licensed under the Professional Engineering Practice
15 Act of 1989 or the Structural Engineering Practice Act of
16 1989; architects licensed pursuant to the Illinois
17 Architectural Practice Act of 1989; any interior decorator or
18 individual offering interior decorating services including,
19 but not limited to, the selection of surface materials, window
20 treatments, wall coverings, furniture, accessories, paint,
21 floor coverings, and lighting fixtures; or builders, home
22 furnishings salespersons, and similar purveyors of goods and
23 services relating to homemaking.

24 (g) Nothing in this Act or any other Act shall prevent a
25 licensed architect from practicing interior design services.
26 Nothing in this Act shall be construed as requiring the

1 services of a registered interior designer for the interior
2 designing of a single family residence.

3 (h) Nothing in this Act shall authorize registered
4 interior designers to perform services, including life safety
5 services that they are prohibited from performing, or any
6 practice (i) that is restricted in the Illinois Architecture
7 Practice Act of 1989, the Professional Engineering Practice
8 Act of 1989, or the Structural Engineering Practice Act of
9 1989, or (ii) that they are not authorized to perform under the
10 Environmental Barriers Act.

11 (i) Nothing in this Act shall authorize registered
12 interior designers to advertise services that they are
13 prohibited to perform, including architecture or engineering
14 services, nor to use the title "architect" in any form.

15 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

16 (225 ILCS 310/4.5)

17 (Section scheduled to be repealed on January 1, 2022)

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

19 (a) Any person who holds himself or herself out to be a
20 registered interior designer without being registered under
21 this Act shall, in addition to any other penalty provided by
22 law, pay a civil penalty to the Department in an amount not to
23 exceed \$5,000 for each offense as determined by the
24 Department. The civil penalty shall be assessed by the
25 Department after a hearing is held in accordance with the

1 provisions set forth in this Act regarding the provision of a
2 hearing for the discipline of a registrant licensee.

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

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

11 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

12 (225 ILCS 310/6) (from Ch. 111, par. 8206)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 6. Board of Registered Interior Design Professionals.
15 The Secretary shall appoint a Board of Registered Interior
16 Design Professionals consisting of 5 members who shall serve
17 in an advisory capacity to the Secretary. All members of the
18 Board shall be residents of Illinois. Four members shall (i)
19 hold a valid registration as an interior designer in Illinois
20 and have held the registration under this Act for the
21 preceding 10 years; and (ii) not have been disciplined within
22 the preceding 10 years under this Act. In addition to the 4
23 registered interior designer members, there shall be one
24 public member. The public member shall be a voting member and
25 shall not be licensed or registered under this Act or any other

1 design profession licensing Act that the Department
2 administers.

3 Board members shall serve 5-year terms and until their
4 successors are appointed and qualified. In appointing members
5 to the Board, the Secretary shall give due consideration to
6 recommendations by members and organizations of the interior
7 design profession.

8 The membership of the Board should reasonably reflect
9 representation from the geographic areas in this State.

10 No member shall be reappointed to the Board for a term that
11 would cause his or her continuous service on the Board to be
12 longer than 2 consecutive 5-year terms.

13 Appointments to fill vacancies shall be made in the same
14 manner as original appointments for the unexpired portion of
15 the vacated term.

16 Three members of the Board shall constitute a quorum. A
17 quorum is required for Board decisions.

18 The Secretary may remove any member of the Board for
19 misconduct, incompetence, or neglect of duty or for reasons
20 prescribed by law for removal of State officials.

21 The Secretary may remove a member of the Board who does not
22 attend 2 consecutive meetings.

23 Notice of proposed rulemaking may be transmitted to the
24 Board and the Department may review the response of the Board
25 and any recommendations made therein. The Department may, at
26 any time, seek the expert advice and knowledge of the Board on

1 any matter relating to the administration or enforcement of
2 this Act.

3 Members of the Board are not liable for damages in any
4 action or proceeding as a result of activities performed as
5 members of the Board, except upon proof of actual malice.

6 Members of the Board shall be reimbursed for all
7 legitimate, necessary, and authorized expenses.

8 ~~There is created a Board of Registered Interior Design~~
9 ~~Professionals to be composed of persons designated from time~~
10 ~~to time by the Director, as follows:~~

11 ~~(a) For the first year, 5 persons, 4 of whom have been~~
12 ~~interior designers for a period of 5 years or more who~~
13 ~~would qualify upon application to the Department under~~
14 ~~this Act to be registered interior designers, and one~~
15 ~~public member. After the initial appointments, each~~
16 ~~interior design member shall hold a valid registration as~~
17 ~~a registered interior designer. The Board shall annually~~
18 ~~elect a chairman.~~

19 ~~(b) Terms for all members shall be 3 years. For~~
20 ~~initial appointments, one member shall be appointed to~~
21 ~~serve for one year, 2 shall be appointed to serve for 2~~
22 ~~years, and the remaining shall be appointed to serve for 3~~
23 ~~years and until their successors are appointed and~~
24 ~~qualified. Initial terms shall begin on the effective date~~
25 ~~of this Act. Partial terms over 2 years in length shall be~~
26 ~~considered as full terms. A member may be reappointed for~~

1 ~~a successive term, but no member shall serve more than 2~~
2 ~~full terms.~~

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

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

14 ~~(e) Three members shall constitute a quorum. A quorum~~
15 ~~is required for all Board decisions.~~

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

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

25 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

1 (225 ILCS 310/7) (from Ch. 111, par. 8207)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 7. Board recommendations. The Secretary ~~Director~~
4 shall consider the recommendations of the Board in
5 establishing guidelines for professional conduct, for the
6 conduct of formal disciplinary proceedings brought under this
7 Act, and for establishing guidelines for qualifications of
8 applicants. Notice of proposed rulemaking may ~~shall~~ be
9 transmitted to the Board and the Department shall review the
10 response of the Board and any recommendations made in their
11 response. The Department, at any time, may seek the expert
12 advice and knowledge of the Board on any matter relating to the
13 administration or enforcement of this Act.

14 (Source: P.A. 86-1404.)

15 (225 ILCS 310/11) (from Ch. 111, par. 8211)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 11. Fees. The Department shall provide by rule for a
18 schedule of fees for the administration and enforcement of
19 this Act, including but not limited to original registration
20 ~~licensure~~, renewal, and restoration. The fees shall be
21 nonrefundable.

22 All fees collected under this Act shall be deposited into
23 the General Professions Dedicated Fund and shall be
24 appropriated to the Department for the ordinary and contingent
25 expenses of the Department in the administration of this Act.

1 (Source: P.A. 91-454, eff. 1-1-00.)

2 (225 ILCS 310/14) (from Ch. 111, par. 8214)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 14. Investigations; Notice of hearing. Upon the
5 motion of either the Department or the Board, or upon the
6 verified complaint in writing of any person setting forth
7 facts which, if proven, would constitute grounds for refusal,
8 suspension, or revocation of registration under this Act, the
9 Board shall investigate the actions of any person, hereinafter
10 called the "registrant", who holds or represents that he holds
11 a certificate of registration. All such motions or complaints
12 shall be brought to the Board.

13 The Director shall, before suspending, revoking, placing
14 on probationary status, or taking any other disciplinary
15 action as the Director may deem proper with regard to any
16 registration, at least 30 days prior to the date set for the
17 hearing, notify the registrant in writing of any charges made
18 and the time and place for a hearing on the charges before the
19 Board. The Board shall also direct the registrant to file his
20 written answer to the charges with the Board under oath within
21 20 days after the service on him of such notice, and inform him
22 that if he fails to file such answer, his certificate of
23 registration may be suspended, revoked, placed on probationary
24 status or other disciplinary action may be taken with regard
25 thereto, as the Director may deem proper.

1 The written notice and any notice in such proceeding may
2 be served by delivery personally to the registrant, by email,
3 or by registered or certified mail to the address specified by
4 the registrant in his last notification to the Director.

5 The Department, at its expense, shall preserve a record of
6 all proceedings at the formal hearing of any case involving
7 the refusal to issue or renew a registration, or discipline of
8 a registrant. The notice of hearing, complaint, and all other
9 documents in the nature of pleadings and written motions filed
10 in the proceedings, the transcript of testimony, the report of
11 the Board, and the orders of the Department shall be the record
12 of such proceedings.

13 (Source: P.A. 86-1404.)

14 (225 ILCS 310/20) (from Ch. 111, par. 8220)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 20. Restoration. At any time after suspension,
17 revocation, placement on probationary status, or the taking of
18 any other disciplinary action with regard to any registration,
19 the Department may restore the certificate of registration, or
20 take any other action to reinstate the registration to good
21 standing, without further examination, ~~upon the written~~
22 ~~recommendation of the Board.~~

23 (Source: P.A. 86-1404.)

24 (225 ILCS 310/23) (from Ch. 111, par. 8223)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 23. Confidentiality. ~~Confidential information;~~
3 ~~Disclosure.~~ All information collected by the Department in the
4 course of an examination or investigation of a registrant or
5 applicant, including, but not limited to, any complaint
6 against a registrant filed with the Department and information
7 collected to investigate any such complaint, shall be
8 maintained for the confidential use of the Department and may
9 not be disclosed. The Department may not disclose the
10 information to anyone other than law enforcement officials,
11 other regulatory agencies that have an appropriate regulatory
12 interest as determined by the Secretary, or a party presenting
13 a lawful subpoena to the Department. Information and documents
14 disclosed to a federal, State, county, or local law
15 enforcement agency may not be disclosed by the agency for any
16 purpose to any other agency or person. A formal complaint
17 filed by the Department against a registrant or applicant is a
18 public record, except as otherwise prohibited by law. In
19 ~~hearings conducted under this Act, information presented into~~
20 ~~evidence that was acquired by an interior designer in serving~~
21 ~~any individual in a professional capacity, and necessary to~~
22 ~~professionally serve such individual, shall be deemed strictly~~
23 ~~confidential and shall only be made available either as part~~
24 ~~of the record of a hearing hereunder or otherwise:~~

25 (a) ~~when the record is required, in its entirety, for~~
26 ~~purposes of judicial review;~~

1 ~~(b) upon the express written consent of the individual~~
2 ~~served, or in the case of his or her death or disability, the~~
3 ~~consent of his or her personal representative.~~

4 (Source: P.A. 86-1404.)

5 (225 ILCS 310/29) (from Ch. 111, par. 8229)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 29. Illinois Administrative Procedure Act. The
8 Illinois Administrative Procedure Act is hereby expressly
9 adopted and incorporated herein as if all of the provisions of
10 that Act were included in this Act, except that the provision
11 of subsection (d) of Section 10-65 of the Illinois
12 Administrative Procedure Act that provides that at hearings
13 the registrant has the right to show compliance with all
14 lawful requirements for retention, continuation, or renewal of
15 the registration is specifically excluded. For the purposes of
16 this Act, the notice required under Section 10-25 of the
17 Illinois Administrative Procedure Act is deemed sufficient
18 when mailed or emailed to the last known address of a party.

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

20 (225 ILCS 310/30) (from Ch. 111, par. 8230)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 30. Fund; appropriations; investments; audits
23 ~~Interior Design Administration and Investigation Fund.~~ All of
24 the fees collected pursuant to this Act shall be deposited

1 into the General Professions Dedicated Fund.

2 ~~On January 1, 2000 the State Comptroller shall transfer~~
3 ~~the balance of the monies in the Interior Design~~
4 ~~Administration and Investigation Fund into the General~~
5 ~~Professions Dedicated Fund. Amounts appropriated for fiscal~~
6 ~~year 2000 out of the Interior Design Administration and~~
7 ~~Investigation Fund may be paid out of the General Professions~~
8 ~~Dedicated Fund.~~

9 The moneys ~~monies~~ deposited in the General Professions
10 Dedicated Fund may be used for the expenses of the Department
11 in the administration of this Act.

12 Moneys from the Fund may also be used for direct and
13 allocable indirect costs related to the public purposes of the
14 Department of Professional Regulation. Moneys in the Fund may
15 be transferred to the Professions Indirect Cost Fund as
16 authorized by Section 2105-300 of the Department of
17 Professional Regulation Law ~~(20 ILCS 2105/2105-300)~~.

18 Upon the completion of any audit of the Department as
19 prescribed by the Illinois State Auditing Act that includes an
20 audit of the General Professions Dedicated Fund ~~Interior~~
21 ~~Design Administration and Investigation Fund~~, the Department
22 shall make the audit open to inspection by any interested
23 person. The copy of the audit report required to be submitted
24 to the Department by this Section is in addition to copies of
25 audit reports required to be submitted to other State officers
26 and agencies by Section 3-14 of the Illinois State Auditing

1 Act.

2 (Source: P.A. 91-239, eff. 1-1-00; 91-454, eff. 1-1-00; 92-16,
3 eff. 6-28-01.)

4 Section 99. Effective date. This Act takes effect January
5 1, 2022, except that this Section and Section 5 take effect
6 upon becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	5 ILCS 80/4.32	
4	5 ILCS 80/4.41 new	
5	225 ILCS 310/3	from Ch. 111, par. 8203
6	225 ILCS 310/3.1 new	
7	225 ILCS 310/4	from Ch. 111, par. 8204
8	225 ILCS 310/4.5	
9	225 ILCS 310/6	from Ch. 111, par. 8206
10	225 ILCS 310/7	from Ch. 111, par. 8207
11	225 ILCS 310/11	from Ch. 111, par. 8211
12	225 ILCS 310/14	from Ch. 111, par. 8214
13	225 ILCS 310/20	from Ch. 111, par. 8220
14	225 ILCS 310/23	from Ch. 111, par. 8223
15	225 ILCS 310/29	from Ch. 111, par. 8229
16	225 ILCS 310/30	from Ch. 111, par. 8230