

- SUBJECT:** Registration of interior designers
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 5 ayes — Flores, Geren, Chisum, D. Jones, Quintanilla  
0 nays  
4 absent — Goolsby, Hamilton, Homer, Morrison
- WITNESSES:** For — Susan Castor Wilson; Dan Lee; Pat McLaughlin, Texas Association for Interior Design; Donna Vining, Texas Association for Interior Design  
  
Against — Mary Ames, Interior Decorators of Texas ; Annette Currah, Interior Decorators of Texas ; Shelly Ellard, Interior Decorators of Texas ; Priscilla Laffey; David Lancaster, Texas Society of Architects; Sandra Paret, Texas Society of Architects; Stacy Paulson, Interior Decorators of Texas; Emmet Perry, Interior Decorators of Texas; Donna Stockton-Hicks, Interior Decorators of Texas; Heather Toolin, Wholesale Showroom & Interior Decorators of Texas  
  
On — Cathy Hendricks, Texas Board of Architectural Examiners; Gordon Landreth, Texas Board of Architectural Examiners; David Mintz, Texas Institute of Building Design
- BACKGROUND:** Only those individuals who have been registered by the Texas Board of Architectural Examiners (TBAE) may legally call themselves interior designers. Current requirements for registration include education from an accredited school, passage of a national exam, and two years of internship. A grandfather clause allowed individuals that had practiced at least six years beginning prior to 1991 to obtain a certificate of registration even if they did not meet the testing requirements.
- DIGEST:** CSHB 1649 would require that an applicant for renewal of a certificate of registration to practice as an interior designer pass a national examination recognized by TBAE. This requirement would not apply to interior designers who had practiced interior design for at least 20 years before

September 1, 1991, or three years under the supervision of an architect or interior designer.

The title act governing interior designers would not apply to architects unless they used the term “registered interior designer.”

An employee of a retail establishment would not be prohibited from providing consultations regarding interior decoration or furnishings on the premises of the retail establishment or in furtherance of a retail sale or prospective retail sale.

The bill would not restrict the activities of a person who provided decorative services or assistance in the selection of surface materials, window coverings, wall coverings, paint, floor coverings, surface-mounted fixtures, or loose furnishings not subject to regulation.

The bill would not prevent or restrict a person licensed or registered in Texas from practicing his occupation.

A person other than an interior designer could not practice interior design for direct or indirect compensation or represent that the person could engage in interior design without supervision.

To be certified, a person would have to pass a recognized national exam, hold a professional degree in interior design conferred by an accredited program, and have completed an internship program or two years of experience.

The board could waive registration requirements for certain out-of-state applicants.

Each interior design office would be required to have an interior designer responsible for the work at the location. That person would supervise nonregistered workers and ensure compliance. Each interior designer would practice in compliance with applicable codes and regulations implemented to prohibit practice by a person who did not meet competency requirements or presented a danger to the public.

A person who knowingly violating these regulations would commit a misdemeanor punishable by a fine of not less than \$250 or more than \$5,000 for each day of violation.

The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

HB 1649 would provide the Interior Design profession with a practice act that would standardize educational requirements and provide the public with the knowledge to choose the appropriate design professional. Under the current title act, many unqualified persons practice interior design “under the radar” and make decisions that could threaten the health, safety, and welfare of the public. Particularly in commercial settings, improper decisions over the use of materials could lead to dangerous situations, such as fires, obstruction of exits, barriers to the mobility of the disabled, and toxic fumes. Designers ensure that proper flame-resistant materials are used in finishes and furnishings for commercial projects. Statistics show that more people die in fires as a result of inhaling toxic fumes and smoke than from the flames themselves. Only interior designers have the adequate education and experience to avoid such harmful occurrences.

Additionally, individuals practicing interior design without appropriate education and training are misleading the public and other design professionals who retain their services as to their qualifications and abilities. A practice act draws a bright line for consumers, delineating those who have undergone additional education to practice. This allows for fair competition among practitioners.

Without the practice act, the board would not have the appropriate enforcement authority. Without the ability to regulate and discipline a profession, the agency cannot protect the public from incompetent or unethical designers. A practice act helps provide standards of practice embodied in an enforceable code of ethics, which incorporates professional fiduciary responsibilities.

The wording of the bill is not ambiguous. Part of its intent is to protect the ability of an interior decorator to practice in a home setting. Because most interior decorators do residential work, their livelihoods would not be harmed, and showroom owners subsequently would not see reduced business either. These showroom owners also would be protected in their ability to conduct retail transactions.

Finally, the bill would incorporate a grandfather clause, in which all interior designers with less than 20 years experience would have until

2011 to pass the exam so they would have time, if they elected, to seek additional education.

OPPONENTS  
SAY:

This bill is unclear in expressing the intended outcomes and is open to broad interpretation. This ambiguity could prove detrimental to the livelihoods of both interior decorators and showroom and workroom owners. Regardless of the stated intent of the bill, it could be interpreted to imply that interior decorators could not work with regulated materials. Because these regulated materials are not further defined, it could be left to interpretation which collection of codes and standards would constitute regulation and hence prohibit a decorator from working with a particular material needed to accomplish a job.

The section that appears to protect the right of an interior decorator to perform residential work also could be interpreted to govern regulated materials, in which case the bill would not expressly permit interior decorators to continue to conduct their business in consumers' homes. This would not only jeopardize the livelihood of interior decorators but also that of showroom owners who count on decorators to provide a large majority of their business.

Finally, this bill would allow the imposition of penalties without a mechanism for appeal. This could harm a decorator unjustly accused of carrying out an offense by providing no means to clear himself or herself of the false accusation and related penalty.

NOTES:

The original bill would have changed the composition of TBAE and removed the option to take 15 hours of continuing education classes in lieu of the exam. The original did not include the added grandfather clause, requirements for passage of the national exam, or the clarification that the bill would apply only to person engaging in interior design for direct or indirect compensation.