

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 25

Senator Armbruster

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A BILL

To amend sections 153.65, 153.67, 4743.05, and 1
4745.01 and to enact sections 4768.01 to 4768.10 2
and 4768.99 of the Revised Code to permit interior 3
designers who meet certain requirements to be 4
certified as Ohio Certified Interior Designers by 5
the State Board for Certified Interior Designers, 6
which is created. 7

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

Section 1. That sections 153.65, 153.67, 4743.05, and 4745.01 8
be amended and sections 4768.01, 4768.02, 4768.03, 4768.04, 9
4768.05, 4768.06, 4768.07, 4768.08, 4768.09, 4768.10, and 4768.99 10
of the Revised Code be enacted to read as follows: 11

Sec. 153.65. As used in sections 153.65 to 153.71 of the 12
Revised Code: 13

(A) "Public authority" means the state, a county, township, 14
municipal corporation, school district, or other political 15
subdivision, or any public agency, authority, board, commission, 16
instrumentality, or special district of the state or a county, 17
township, municipal corporation, school district, or other 18
political subdivision. 19

(B) "Professional design firm" means any person legally 20

engaged in rendering professional design services.

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(C) "Professional design services" means services within the scope of practice of an architect or landscape architect registered under Chapter 4703. of the Revised Code ~~or~~ a professional engineer or surveyor registered under Chapter 4733. of the Revised Code, or an interior designer certified under Chapter 4768. of the Revised Code.

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(D) "Qualifications" means all of the following:

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(1) Competence of the professional design firm to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the employees within the firm who would be assigned to perform the services;

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(2) Ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services competently and expeditiously;

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(3) Past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines;

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(4) Any other relevant factors as determined by the public authority.

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Sec. 153.67. Each public authority planning to contract for professional design services shall publicly announce all contracts available from it for such services. The announcements shall comply with all of the following:

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(A) Be made in a uniform and consistent manner and shall be made sufficiently in advance of the time that responses must be received from qualified professional design firms for the firms to

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have an adequate opportunity to submit a statement of interest in 51
the project; 52

(B) Include a general description of the project, a statement 53
of the specific professional design services required, and a 54
description of the qualifications required for the project; 55

(C) Indicate how qualified professional design firms may 56
submit statements of qualifications in order to be considered for 57
a contract to design the project; 58

(D) Be sent to either of the following: 59

(1) Each professional design firm that has a current 60
statement of qualifications on file with the public authority and 61
is qualified to perform the required professional design services; 62

(2) Architect, landscape architect, engineer, ~~and~~ surveyor, 63
and interior designer trade associations, the news media, and any 64
publications or other public media that the public authority 65
considers appropriate. 66

Sec. 4743.05. Except as otherwise provided in sections 67
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 68
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 69
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 70
4741., 4753., 4755., 4757., 4758., 4759., 4761., ~~4768.~~ 4771., 71
4779., and 4781. of the Revised Code shall be paid into the state 72
treasury to the credit of the occupational licensing and 73
regulatory fund, which is hereby created for use in administering 74
such chapters. 75

At the end of each quarter, the director of budget and 76
management shall transfer from the occupational licensing and 77
regulatory fund to the nurse education assistance fund created in 78
section 3333.28 of the Revised Code the amount certified to the 79
director under division (B) of section 4723.08 of the Revised 80

Code. 81

At the end of each quarter, the director shall transfer from 82
the occupational licensing and regulatory fund to the certified 83
public accountant education assistance fund created in section 84
4701.26 of the Revised Code the amount certified to the director 85
under division (H)(2) of section 4701.10 of the Revised Code. 86

Sec. 4745.01. (A) "Standard renewal procedure," as used in 87
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 88
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3731., 3742., 89
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4143., 4169., 90
4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 91
4727., 4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 92
4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 93
4766., 4768., 4773., and 4775. of the Revised Code, means the 94
license renewal procedures specified in this chapter. 95

(B) "Licensing agency," as used in this chapter, means any 96
department, division, board, section of a board, or other state 97
governmental unit subject to the standard renewal procedure, as 98
defined in this section, and authorized by the Revised Code to 99
issue a license to engage in a specific profession, occupation, or 100
occupational activity, or to have charge of and operate certain 101
specified equipment, machinery, or premises. 102

(C) "License," as used in this chapter, means a license, 103
certificate, permit, card, or other authority issued or conferred 104
by a licensing agency by authority of which the licensee has or 105
claims the privilege to engage in the profession, occupation, or 106
occupational activity, or to have control of and operate certain 107
specific equipment, machinery, or premises, over which the 108
licensing agency has jurisdiction. 109

(D) "Licensee," as used in this chapter, means either the 110

person to whom the license is issued or renewed by a licensing agency, or the person, partnership, or corporation at whose request the license is issued or renewed.

(E) "Renewal" and "renewed," as used in this chapter and in the chapters of the Revised Code specified in division (A) of this section, includes the continuing licensing procedure provided in Chapter 3748. of the Revised Code and rules adopted under it and in sections 1321.05 and 3921.33 of the Revised Code, and as applied to those continuing licenses any reference in this chapter to the date of expiration of any license shall be construed to mean the due date of the annual or other fee for the continuing license.

Sec. 4768.01. As used in this chapter:

(A) "National council for interior design qualification" means the national organization responsible for establishing minimum standards for the qualification of professional interior designers.

(B)(1) "Ohio certified interior designer" means a person who does all of the following:

(a) Maintains a certificate pursuant to section 4768.06 or 4768.07 of the Revised Code;

(b) Provides design services for nonstructural elements or nonloadbearing, lateral-load design elements within and surrounding interior spaces of buildings, but specifically excluding mechanical, plumbing, sprinkler, electrical, and heating, ventilating, and air conditioning systems except for specification of fixtures and their location within interior spaces;

(c) Consults and prepares documents throughout the phases of the interior design project, including the fabrication,

procurement, and installation phases, in connection with reflected 141
ceiling plans, space planning, finishes, interior details, 142
illumination, furniture, and furnishings. 143

(2) "Ohio certified interior designer" does not mean a person 144
who provides any of the following: 145

(a) Services that require performance by an architect or 146
landscape architect as defined in Chapter 4703. of the Revised 147
Code; 148

(b) Services that require performance by an engineer or 149
surveyor as defined in Chapter 4733. of the Revised Code; 150

(c) Services to construct one-, two-, or three-family 151
dwelling houses. 152

Sec. 4768.02. (A) No individual shall use the title "Ohio 153
certified interior designer" or any title, sign, card, or device 154
indicating or tending to indicate, or representing in any manner 155
that the individual is certified as an Ohio interior designer, 156
unless the individual currently is certified as an Ohio interior 157
designer pursuant to section 4768.06 or 4768.07 of the Revised 158
Code. 159

(B) Except as provided in this chapter, nothing in this 160
section prohibits a person who is not certified as an Ohio 161
interior designer from providing interior design services or from 162
using any title, sign, card, or device indicating or tending to 163
indicate, or representing in any manner, that the individual 164
provides interior design services. 165

(C) This chapter does not apply to the following persons, 166
provided that those persons do not refer to themselves as "Ohio 167
certified interior designers" unless certified under section 168
4768.06 or 4768.07 of the Revised Code: 169

(1) Architects or landscape architects licensed pursuant to 170

<u>Chapter 4703. of the Revised Code;</u>	171
<u>(2) Engineers or surveyors licensed pursuant to Chapter 4733.</u>	172
<u>of the Revised Code;</u>	173
<u>(3) Persons providing services to construct one-, two-, or</u>	174
<u>three-family dwelling houses.</u>	175
<u>Sec. 4768.03. (A) There is hereby created the state board for</u>	176
<u>certified interior designers, consisting of five members to be</u>	177
<u>appointed by the governor with the advice and consent of the</u>	178
<u>senate. Each member shall have performed interior design services</u>	179
<u>described in division (B)(1)(b) or (c) of section 4768.01 of the</u>	180
<u>Revised Code for at least ten years, shall have been a resident of</u>	181
<u>this state for at least five years, and shall be certified by the</u>	182
<u>national council for interior design qualification or its</u>	183
<u>successor.</u>	184
<u>The governor shall make initial appointments to the board</u>	185
<u>within ninety days after the effective date of this section. Of</u>	186
<u>the initial appointments made to the board, one shall be for a</u>	187
<u>term ending two years after the effective date of this section,</u>	188
<u>two shall be for a term ending three years after the effective</u>	189
<u>date of this section, and two shall be for a term ending five</u>	190
<u>years after the effective date of this section. Thereafter, terms</u>	191
<u>of office shall be for five years, with each term ending on the</u>	192
<u>same day of the month as did the term that it succeeds.</u>	193
<u>Each member shall hold office from the date of the member's</u>	194
<u>appointment until the end of the term for which the member was</u>	195
<u>appointed. Members may be reappointed. Vacancies shall be filled</u>	196
<u>in the manner provided for original appointments. Any member</u>	197
<u>appointed to fill a vacancy occurring prior to the expiration date</u>	198
<u>of the term for which the member's predecessor was appointed shall</u>	199
<u>hold office as a member for the remainder of that term.</u>	200

A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. 201
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The governor may remove a member for misconduct, incompetency, neglect of duty, or for other sufficient cause. 205
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(B) Each member of the board shall be reimbursed for all actual traveling, hotel, and other expenses necessarily incurred in carrying out sections 4768.01 to 4768.10 of the Revised Code. 207
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Sec. 4768.04. (A)(1) The state board for certified interior designers shall adopt all necessary rules and bylaws, in accordance with Chapter 119. of the Revised Code, and not inconsistent with this chapter, and the constitutions and laws of this state or of the United States, to govern its times and places of meetings for organization and reorganization and for governing all other matters requisite to the exercise of its powers, the performance of its duties, and the transaction of its business. The board shall adopt and have an official seal. 210
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(2) The board may establish guidelines for the practice of providing interior design services. 219
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(B) The board shall hold at least two regular meetings each year. Special meetings shall be held at the time provided in the bylaws of the board. Notice of all meetings shall be given in the manner provided for in the bylaws. The board shall elect or appoint annually from its members, the following officers: a chairperson, a vice-chairperson, and a secretary. The board annually shall appoint an executive director. A quorum of the board shall consist of not less than three members, and no action at any meeting shall be taken without at least three votes being in accord. 221
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(C) The board shall keep a record of its proceedings and a record of all applications for certification. The records of the board shall be prima-facie evidence of its proceedings and a transcript thereof, duly certified by the executive director under seal, shall be admissible in evidence as if the original were produced. 231
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(D) All fees and receipts collected by the board under this chapter shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the board chairperson or executive director, or both, as authorized by the board. 237
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(E) The executive director and any clerical or other assistant of the board whom it may designate shall give a surety bond to this state in such sum as the board determines. The premiums on the bonds shall be regarded as a proper and necessary expense of the board, and shall be paid in the same manner as other expenditures of the board. The board may employ such clerical or other assistants as are necessary for the proper performance of its work and may make expenditures for any purpose that in the opinion of the board is reasonably necessary for the proper performance of its duties. 242
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Sec. 4768.05. The state board for certified interior designers shall do all of the following: 252
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(A) Administer and enforce the provisions of this chapter and rules that the board adopts under it; 254
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(B) Establish a fee for the issuance of a certificate or renewal certificate to an interior designer under this chapter, which fee shall be prorated to reflect the fee for part of a year as provided in rules adopted by the board in accordance with Chapter 119. of the Revised Code; 256
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<u>(C) Maintain an official roster of all Ohio certified interior designers;</u>	261
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<u>(D) Require an Ohio certified interior designer to include the interior designer's certificate number on all business and advertising documents;</u>	263
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<u>(E) Review all applications of individuals applying for certificates under this chapter and approve the certification of those individuals who meet the requirements of this chapter;</u>	266
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<u>(F) Adopt rules in accordance with Chapter 119. of the Revised Code that the board determines necessary to accomplish the purposes of this chapter, including rules regarding the use of an Ohio certified interior designer's signature or certificate number on documents, plans, reports, drawings, or specifications.</u>	269
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<u>Sec. 4768.06. (A) Except as provided in division (B) of this section, the state board for certified interior designers shall issue an Ohio interior designer certificate and a certificate number to any individual who meets all of the following requirements:</u>	274
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<u>(1) Files an application with the board on a form prescribed by the board;</u>	279
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<u>(2) Submits the fee for issuance of a certificate described in division (B) of section 4768.05 of the Revised Code to the board;</u>	281
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<u>(3) Submits proof that the individual successfully has passed the national council for interior design qualification examination.</u>	284
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<u>(B) The board shall not issue an Ohio interior designer certificate to an individual who has violated section 4768.02 of the Revised Code for a period of five years after the individual violated section 4768.02 of the Revised Code.</u>	287
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(C) The board, upon proper application and payment of the fee 291
for issuance of a certificate described in division (A) of this 292
section, shall issue an Ohio interior designer certificate and a 293
certificate number to an individual certified to perform interior 294
design services under the laws of any other country or state or 295
territory of the United States, provided that, the requirements 296
for that certification under the laws of the other country or 297
state or territory of the United States are substantially equal, 298
in the opinion of the board, to the requirements for certification 299
enforced in this state. 300

Sec. 4768.07. (A) A certificate issued pursuant to section 301
4768.06 of the Revised Code expires annually thirty days after the 302
certificate holder's birthday, except that an initial certificate 303
issued pursuant to that section expires thirty days after the 304
certificate holder's birthday in the immediately succeeding 305
calendar year after the calendar year in which it is issued. For 306
purposes of this section, the birthday of any certificate holder 307
born on the twenty-ninth day of February shall be deemed the first 308
day of March in any year in which there is no twenty-ninth day of 309
February. A certificate may be renewed in accordance with the 310
standard renewal procedure of Chapter 4745. of the Revised Code by 311
filing an application for renewal on a form prescribed by the 312
state board for certified interior designers, payment of the 313
renewal fee established by the board pursuant to division (B) of 314
section 4768.05 of the Revised Code, and submission of proof that 315
the Ohio certified interior designer has completed the continuing 316
education requirement under division (B) of this section. 317

(B) Each individual who wishes to renew a certificate as an 318
Ohio certified interior designer successfully shall complete at 319
least one unit of continuing education within the broad range of 320
subjects pertinent to the practice of interior design services 321

during the twelve-month period immediately preceding the 322
expiration date of the individual's certificate. The individual 323
shall include proof of completion of such education from the 324
national council for interior design qualification, or its 325
successor, on forms prescribed by the board, with the individual's 326
renewal application and renewal fee. 327

(C) If an Ohio certified interior designer fails to renew the 328
interior designer's certificate before it expires, the board, upon 329
the interior designer's submission of an application with the 330
proper renewal fee and proof of completion of the continuing 331
education as provided in division (B) of this section, may renew 332
the certificate anytime within one year after the date of its 333
expiration. A certificate that has expired for more than one year, 334
but less than three years, may be restored, if the applicant 335
submits an application; the issuance fee for a renewal 336
certificate, plus a penalty of ten per cent of the renewal fee 337
times each year the renewal was not obtained; and proof of 338
completion of the continuing education as provided in division (B) 339
of this section. If more than three years have elapsed since the 340
certificate was renewed, the interior designer shall comply with 341
division (A) of section 4768.06 of the Revised Code to obtain a 342
certificate. 343

Sec. 4768.08. (A) Any documents, plans, reports, drawings, 344
and specifications prepared or issued by an Ohio certified 345
interior designer and filed for public record, shall bear the 346
signature and certificate number of the Ohio certified interior 347
designer who prepared or approved those documents and the date on 348
which the documents were signed. The signature, date, and 349
certificate number are evidence of the authenticity of those 350
documents, plans, reports, drawings, and specifications. 351

(B) A municipal, township, or county building department 352

shall accept any documents, plans, reports, drawings, or 353
specifications filed by an Ohio certified interior designer for 354
work that the Ohio certified interior designer is permitted to 355
perform under this chapter, if those documents, plans, reports, 356
drawings, or specifications otherwise meet the requirements for 357
filing. 358

(C) No Ohio certified interior designer knowingly shall do 359
either of the following: 360

(1) Affix, or permit to be affixed, the Ohio certified 361
interior designer's certificate number or signature to any 362
document, plan, report, drawing, or specification that depicts 363
work that the Ohio certified interior designer is not competent or 364
certified to perform; 365

(2) Affix the Ohio certified interior designer's signature or 366
certificate number to any document, plan, report, drawing, or 367
specification that was not prepared by the Ohio certified interior 368
designer; that was not prepared under the Ohio certified interior 369
designer's supervision; or that was not prepared by the Ohio 370
certified interior designer and not reviewed, approved, modified, 371
or adopted by the Ohio certified interior designer as the Ohio 372
certified interior designer's own work. 373

Sec. 4768.09. (A) The state board for certified interior 374
designers may suspend, revoke, or refuse to issue or renew the 375
certificate of any individual if, after an adjudication conducted 376
in accordance with Chapter 119. of the Revised Code, the board 377
finds any of the following: 378

(1) The certificate was obtained fraudulently. 379

(2) A judgment has been issued against the individual for 380
gross incompetence, neglect, or misconduct within the last five 381
years. 382

(3) A judgment has been issued against the individual or the individual has pleaded guilty to or been found guilty of fraud or deceit in the individual's professional duties within the last five years. 383
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(4) The individual violated or failed to comply with any provision of sections 4768.01 to 4768.10 of the Revised Code or the rules adopted under those sections. 387
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(B) Any individual may appeal a finding of the board issued pursuant to division (A) of this section in accordance with Chapter 119. of the Revised Code. 390
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(C) When the certificate of an Ohio certified interior designer has been revoked or suspended under this chapter, the Ohio certified interior designer shall surrender the interior designer's certificate to the board within thirty days after the revocation or suspension has become effective. If the certificate of the interior designer has been suspended, the interior designer's certificate shall be returned to the interior designer upon the expiration of the period of suspension. 393
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(D) No Ohio certified interior designer shall fail to comply with division (C) of this section. 401
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Sec. 4768.10. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state board for certified interior designers shall comply with section 3123.47 of the Revised Code with respect to certificates issued pursuant to section 4768.06 or 4768.07 of the Revised Code. 403
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Sec. 4768.99. (A) Whoever falsifies an application for a certificate or a renewal certificate as an Ohio certified interior designer is guilty of a misdemeanor of the first degree, and the interior designer's certificate shall be revoked for three years. 408
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(B) Whoever violates division (C) of section 4768.08 or
division (D) of section 4768.09 of the Revised Code is guilty of a
misdemeanor of the third degree.

(C) Whoever violates section 4768.02 of the Revised Code is
guilty of a misdemeanor of the first degree.

Section 2. That existing sections 153.65, 153.67, 4743.05,
and 4745.01 of the Revised Code are hereby repealed.

Section 3. (A) For a period of two years after the effective
date of this act, the State Board for Certified Interior Designers
may issue a certificate as an Ohio certified interior designer and
a certificate number to an individual who has provided interior
design services for a minimum of ten years preceding issuance of a
certificate, but does not meet the examination requirement
described in division (A)(3) of section 4768.06 of the Revised
Code, and who submits all of the following:

(1) An application on a form prescribed by the Board;

(2) The certification fee established by the Board;

(3) An affidavit signed by the applicant or any employer of
the applicant detailing the period of time that the individual has
provided interior design services as described in division
(B)(1)(b) or (c) of section 4768.01 of the Revised Code;

(4) A certificate that the applicant successfully has passed
section one of the National Council for Interior Design
Qualifications Examination.

(B) Any individual who obtains a certificate under this
section shall comply with the renewal and continuing education
requirements under section 4768.07 of the Revised Code.