

A bill for an act
relating to licensing; changing certification for interior designers to licensing
requirements; amending Minnesota Statutes 2008, section 326.02, subdivision
4b.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 326.02, subdivision 4b, is amended to read:

Subd. 4b. **Certified Licensed interior designer.** ~~(a) For the purposes of sections 326.02 to 326.15, "certified interior designer" means a person who is certified under section 326.10, to use the title certified interior designer and who provides services in connection with the design of public interior spaces, including preparation of documents relative to non-load-bearing interior construction, space planning, finish materials, and furnishings.~~

~~(b) No person may use the title certified interior designer unless that person has been certified as an interior designer or has been exempted by the board. Registered architects may be certified without additional testing. Persons represent themselves to the public as certified interior designers if they use a title that incorporates the words certified interior designer.~~

~~(c) Nothing in this section prohibits the use of the title interior designer or the term interior design by persons not certified by the board.~~

~~(d) Nothing in this section restricts persons not certified by the board from providing interior design services and from saying that they provide such services, as long as they do not use the title certified interior designer.~~

~~(e) Nothing in this section authorizes certified interior designers to engage in the practice of architecture as defined in subdivision 2 or the practice of engineering as defined in subdivision 3.~~

(a) Any person shall be deemed to be practicing licensed interior design within the meaning of sections 326.02 to 326.15 who holds out as being able to perform or does perform any professional service in connection with the planning, design, or administration of construction for the purpose of ensuring compliance with specifications and design of any private or public interior spaces, including preparation of documents relative to non-load-bearing interior construction, programming, space planning, finishes, materials, and furnishings where the safeguarding of the occupants' life, health, safety, and welfare is concerned or involved, when the professional service requires the application of design theories related to human behavior and aesthetics, acquired by education and experience. Licensed interior designers are design professionals who are qualified by means of education, experience, and examination. For the purposes of this paragraph the following terms have the meanings given them.

(1) "Administration" means a professional service as distinguished from superintending of construction and means the performance of reasonable and ordinary on-site observations to determine that the interior construction substantially complies with the approved drawings, plans, and specifications.

(2) "Non-load-bearing interior construction" means an interior element or component that does not require design computations for a building's structure and does not support a vertical load of a structure other than its own weight, but it may support loads attached to it such as cabinetry, shelving, or grab bars.

(3) "Human behavior" means the characteristics and behaviors of individuals and groups that relate to the physical environments in which they function, and to the processes of environmental modification and change.

(b) Nothing contained in sections 326.02 to 326.15 concerning the practice of licensed interior design applies to:

(1) an architect licensed under the laws of this state;

(2) an employee or owner of a retail establishment providing consultation in the furtherance of a retail sale or prospective retail sale regarding interior finishes, furnishings, or cabinetry on behalf of the retail establishment;

(3) a person who provides services or assistance in selection, sale, lease, or supply of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted fixtures, and loose furnishings for the interiors of exempt buildings as described in section 326.03; or

(4) a person who advertises and performs services in connection with any of the following buildings:

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(i) dwellings for single families, and outbuildings in connection therewith, such as barns and private garages;

(ii) two-family dwellings;

(iii) any farm building or accessory thereto; or

(iv) temporary buildings or sheds used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters.

(c) The designation "licensed interior designer" or any title or device indicating or representing that the person is a licensed interior designer or is practicing licensed interior design shall only be used by a person licensed under the provisions of sections 326.02 to 326.15.

(d) Licensed interior designers shall not engage in the practice of architecture as defined in subdivision 2 or the practice of engineering as defined in subdivision 3.

Sec. 2. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the term "certified," or similar terms, to "licensed," or similar terms, wherever they appear in Minnesota Statutes and Minnesota Rules when referring to interior design regulated under Minnesota Statutes, chapter 326.