**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 40 SO AS TO ENACT THE “INTERIOR DESIGN CONSUMER PROTECTION ACT”; TO PROVIDE CERTAIN DEFINITIONS; TO REQUIRE A PERSON RENDERING AN INTERIOR DESIGN SERVICE TO REGISTER WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE REQUIREMENTS FOR REGISTRATION AND RENEWAL OF REGISTRATION; AND TO FURTHER PROVIDE FOR THE REGISTRATION AND REGULATION OF INTERIOR DESIGNERS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 62

Interior Design Consumer Protection Act

Section 40‑62‑10. This Chapter may be cited as the ‘Interior Design Consumer Protection Act’.

Section 40‑62‑20. (1) ‘CEU’ means a continuing education unit that equals one contact hour of education as approved by NCIDQ. A unit must be filed with the NCIDQ if the unit is used to satisfy NCIDQ requirements to maintain a current NCIDQ Certificate.

(2) ‘Construction document’ means a working drawing that defines the work to be constructed. A construction document includes a plan for space planning; a partition; power and communications; a reflected ceiling; a material; a finish; a furniture layout; an elevation, section, or detail; or a related drawing supplied by an associated consultant.

(3) ‘Contract document’ means a document that forms part of the legal contract for services between multiple parties. A contract document typically includes detailed instructions to the contractor, tender forms, construction documents, and specifications.

(4) ‘Department’ means the Department of Labor, Licensing and Regulation.

(5) ‘Interior design service’ includes, but is not limited to:

(a) providing a design, consultation, study, drawing, specification, or the administration of design construction contract relating to a nonstructural interior element of a building or structure; and

(b) providing a space planning service, finishes, furnishings, or the design for fabrication of a nonstructural element within and surrounding an interior space of a building.

(6) An interior design service specifically excludes the:

(a) designing or being responsible for architectural and engineering work except for a specification for a fixture and its location within an interior space; and

(b) constructing a structural, mechanical, plumbing, heating, air conditioning, ventilation, vertical transportation, or electrical system; a fire‑rated vertical shaft in a multi‑story structure; the fire‑related protection of a structural element; smoke evacuation and compartmentalization; an emergency sprinkler system; or an emergency alarm system.

(7) ‘NCIDQ’ means the National Council for Interior Design Qualification.

(8) ‘Nonstructural’ or ‘nonseismic’ interior element or component:

(a) means an interior element or component that employs normal and typical bracing conventions, is not load‑bearing, is not part of the structural integrity of a building, does not assist in the seismic design of a building, and does not require a design computation for the structure of a building;

(b) includes, but is not limited to, a ceiling partition system; and

(c) specifically excludes the structural frame system that supports a building.

(9) ‘Reflected ceiling plan’ means a design illustrating a ceiling that appears projected downward and may include lighting or another element.

(10) ‘Registered interior designer’ means an interior designer registered pursuant to this chapter and professionally qualified by education, experience, and examination to affect the function, safety, and quality of an interior space.

(11) ‘Responsible supervisory control’ means the direct responsibility for supervising work and the decision making process, including the review, control, and enforcement of compliance with design criteria and a life safety requirement. A person with responsible supervisory control may be physically located in a place other than the interior designer’s office if he maintains control of the work.

(12) ‘Space planning’ means to analyze the design of a spatial or occupancy requirement including, but not limited to, a space layout or final plan.

(13) ‘Specification’ means the detailed, written description of construction, workmanship, and materials of work to be undertaken.

Section 40‑62‑30. A person who renders an interior design service or identifies himself as an interior designer must be registered pursuant to this chapter before July 1, 2010.

Section 40‑62‑40. (A) A person seeking to become a registered interior designer must:

(1) apply to the department on a form provided by the department;

(2) pay an application fee to the department;

(3) hold a current NCIDQ certification; and

(4)(a) possess at least six years of combined interior design education and interior design experience, two years of which must be interior design education from a program accredited by the Council of Interior Design Accreditation (CIDA) or another program that the department deems substantially equivalent to a program accredited by CIDA; or

(b) pass Section One of the NCIDQ examination.

(B) A person who performs an interior design service on July 1, 2009, has until June 30, 2010, to apply to the department to become a registered interior designer. A person seeking registration pursuant to this subsection must:

(1) apply to the department on a form provided by the department;

(2) pay an application fee to the department; and

(3)(a) possess at least ten years of combined interior design education and interior design experience, two years of which must be interior design education from a program accredited by the Council of Interior Design Accreditation (CIDA) or another program that the department deems substantially equivalent to a program accredited by CIDA; or

(b) pass Section One of the NCIDQ examination.

(C) The department shall:

(1) issue a registration certificate and registration number to an applicant upon the applicant’s submission of a complete application form, the application fee, and appropriate documentation supporting compliance with items 3 and 4 of subsection A of this section; and

(2) maintain a roster of registrants and make the roster available for public inspection upon request and payment of a minimal fee that does not exceed the cost of printing the roster.

Section 40‑62‑50. A registered interior designer shall comply with a requirement of this chapter, an applicable building code, an applicable fire code, and an applicable local regulation.

Section 40‑62‑60. A registered interior designer must biennially renew his registration by submitting to the department a completed renewal form provided by the department, documentation indicating satisfaction of continuing education requirements, and a fee a prescribed by the department in a regulation.

Section 40‑62‑70. (A) A document such as a plan, report, drawing, or specification related to an interior design service and prepared or approved by a registered interior designer may not be filed as a public record unless the document bears his signature, the date of his signature, his registration number issued by the department, and, if applicable, his NCIDQ certificate number.

(B) A county or municipal building department shall accept and file as a public record a document such as a plan, report, drawing, or specification related to an interior design service and prepared or approved by a registered interior designer if the document otherwise meets the county or municipality’s requirements for filing.

Section 40‑62‑80. A registered interior designer shall provide their registration number provided by the department and, if applicable, their NCIDQ certificate number on a written communication with the public, in a business communication, and in a paid advertisement.

Section 40‑62‑90. The provisions of this chapter do not apply to:

(1) an architect or engineer licensed under a law of this State who is not a registered interior designer and does not refer to himself as an interior designer;

(2) a person who provides a decorating service or assists in selecting surface materials, window treatments, wall coverings, paint, floor coverings, surface‑mounted fixtures, or loose furnishings not subject to an applicable provision of a building code, fire code, or local ordinance; or

(3) an employee of a retail establishment that provides consultation regarding interior decoration or furnishings during a retail sale or prospective retail sale.

Section 40‑62‑100. The department shall provide administrative or investigative services it considers necessary to implement and enforce a provision of this chapter.

Section 40‑62‑110. The department shall promulgate regulations necessary to carry out provisions of this chapter.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect on July 1, 2009.

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