Reprinted
February 24, 2009

SENATE BILL No. 337

DIGEST OF SB 337 (Updated February 23, 2009 5:04 pm - DI 110)

Citations Affected: IC 25-1; IC 25-20.7; IC 34-30; noncode.

Synopsis: Professional licensing and registration; interior designers. Requires the professional licensing agency to create an electronic registry for interior designers. Establishes registration criteria for interior designers. Provides that the professional licensing agency is not liable for misrepresentations, fraud, or omissions caused by an individual who is registered on the registry. Establishes the professional licensing study committee.

Effective: Upon passage; July 1, 2009.

Kruse, Mishler, Stutzman

January 8, 2009, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.
February 19, 2009, amended, reported favorably — Do Pass.
February 23, 2009, read second time, amended, ordered engrossed.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 337

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.3-2008, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.
(2) Architects and landscape architects.
(3) Dry cleaners.
(4) Professional engineers.
(5) Land surveyors.
(6) Real estate brokers.
(7) Real estate agents.

(8) Security dealers' licenses issued by the securities commissioner.
(9) Dental hygienists.
(10) Dentists.
(11) Veterinarians.
(12) Physicians.
(13) Chiropractors.
(14) Physical therapists.
(15) Optometrists.
(16) Pharmacists and assistants, drugstores or pharmacies.
(17) Motels and mobile home community licenses.
(18) Nurses.
(19) Podiatrists.
(20) Occupational therapists and occupational therapy assistants.
(21) Respiratory care practitioners.
(22) Social workers, marriage and family therapists, and mental health counselors.
(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
(24) Wholesale legend drug distributors.
(25) Physician assistants.
(26) Dietitians.
(27) Hypnotists.
(28) Athlete agents.
(29) Manufactured home installers.
(30) Home inspectors.
(31) Massage therapists.
(32) Interior designers.

SECTION 2. IC 25-1-5-4, AS AMENDED BY P.L.206-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

(1) notice of board meetings and other communication services;
(2) recordkeeping of board meetings, proceedings, and actions;
(3) recordkeeping of all persons licensed, regulated, or certified by a board;
(4) administration of examinations; and
(5) administration of license or certificate issuance or renewal.

(b) In addition, the agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;

C o p y

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; ~~and~~

(3) may consolidate, where feasible, office space, recordkeeping, and data processing services; **and**

(4) shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

(1) the applicant continues to meet the minimum requirements for licensure; and

(2) the applicant is not in violation of:

(A) the statute regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

(1) not later than ten (10) days after the agency receives all required forms and evidence; or

(2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for

C o p y

renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

(1) Deny the license renewal following a personal appearance by the applicant before the board.

(2) Issue the license renewal upon satisfaction of all other conditions for renewal.

(3) Issue the license renewal and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2), or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger

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license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

SECTION 3. IC 25-1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 5.5. Electronic Registry of Professions

Sec. 1. The electronic registry of professions is established.

Sec. 2. As used in the chapter:

(1) "Applicant" refers to a person who applies for a registration in the electronic registry of professions.

(2) "Executive director" refers to the executive director of the licensing agency appointed under IC 25-1-5-5.

(3) "Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

(4) "Registrant" means an individual who is registered in the electronic registry of professions as an interior designer under IC 25-20.7.

(5) "Registry" refers to the electronic registry of professions established by section 1 of this chapter.

Sec. 3. (a) The registry shall be maintained by the licensing agency.

(b) The registry must:

(1) be maintained in an electronic format;

(2) allow an applicant to electronically input information to certify, under penalty of perjury, the successful completion of any education, experience, and examination required for the applicant to become registered;

(3) allow for payment of registration fees through only electronic means;

(4) include each registrant's:

(A) name;

(B) city and state of residence;

(C) qualifications for registration;

(D) registration number;

C o p y

(E) date the applicant was registered;
(F) place of business; and
(G) date the registration expires; and
(5) be made available to the public on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

Sec. 4. The licensing agency is not:
(1) responsible for performing or required to perform any due diligence or review of the veracity of the information represented by an applicant under this chapter;
(2) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by an applicant who applies for registration under this chapter; or
(3) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by any individual who is registered under this chapter.

Sec. 5. The licensing agency may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 6. (a) Beginning in July of 2014, and each five (5) years thereafter, the agency shall review the use of the registry by each profession on the registry to determine whether there is sufficient use of the registry to justify continuing the registry of each profession.

(b) If new professions are required by the general assembly to be registered by the agency, five (5) years after the addition of each profession, the agency shall review the use of the profession of the registry to determine whether there is sufficient use of the registry to justify continuing the registry of the profession.

(c) After a review required under subsections (a) and (b), the agency shall prepare a report with recommendations for the general assembly. A report under this subsection shall be submitted to the legislative council by October 1 of the year in which the report is required. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

SECTION 4. IC 25-20.7 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

ARTICLE 20.7. INTERIOR DESIGNERS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this

C o p y

article.

Sec. 2. "Agency" means the Indiana professional licensing agency established by IC 25-1-5-3.

Sec. 3. "Applicant" means an interior designer who applies for a registration under this article.

Sec. 4. "ARE" refers to the Architectural Registration Exam.

Sec. 5. (a) "Interior design" means client consultation and preparation and administration of design documents that include:

(1) design studies;
(2) drawings;
(3) schedules;
(4) specifications; and
(5) contracts;

relating to nonstructural and nonseismic interior elements of a building or structure.

(b) The term includes design documents for space plans, reflected ceiling plans, egress, ergonomics, and the design or specification of fixtures, furnishings, equipment, cabinetry, lighting, materials, finishes, and interior design that does not materially affect the building system.

(c) The term does not include construction documents for construction (as defined in 675 IAC 12-6-2(c)) that are prepared only by architects and engineers and filed for state design release.

Sec. 6. "Interior designer" means a person who practices interior design.

Sec. 7. "NCIDQ" refers to the National Council for Interior Design Qualification.

Sec. 8. "Nonstructural or nonseismic" means interior elements or components that:

(1) are not load bearing or do not assist in the seismic design of a building;
(2) do not require design computations for the structure of a building; and
(3) do not include the structural frame system supporting a building.

The term includes ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of the building.

Sec. 9. "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if the ceiling were projected downward and may include lighting elements.

Sec. 10. "Registered interior designer" means a person

C o p y

registered under this article.

Sec. 11. "Space planning" means the analysis of design or spatial and occupancy requirements, including space layouts and final planning.

Chapter 2. Registration Requirements

Sec. 1. This article applies to a person who practices interior design after December 31, 2009.

Sec. 2. This article does not apply to an owner or employee of a manufacturing, wholesale, or retail establishment who provides consultation regarding interior decoration or furnishing:

(1) on the premises of the establishment;

(2) for purposes of an actual or prospective retail sale; or

(3) in the design, construction, ordering, or sale of:

(A) recreational vehicles;

(B) manufactured homes certified through the United States Department of Housing and Urban Development; or

(C) industrialized building systems certified through the department of homeland security.

Sec. 3. This article does not apply to a person who:

(1) does not profess to be a registered interior designer; and

(2) is:

(A) an architect registered under IC 25-4; or

(B) a professional engineer registered under IC 25-31.

Sec. 4. The agency shall maintain an electronic registry of all interior designers who:

(1) electronically apply for and meet the registration requirements under this article;

(2) swear or affirm under penalty of perjury that the interior designer's representations and information provided to the agency are true; and

(3) pay the fees under IC 25-20.7-3.

Sec. 5. Except as provided in section 8 of this chapter, the agency shall electronically register only an applicant who does the following:

(1) Electronically applies for the registration on a form prescribed by the agency.

(2) Meets the requirements of this article.

(3) Except as provided in section 6 or 8 of this chapter, passes:

(A) the examination administered by the NCIDQ; or

(B) the ARE.

(4) Pays the registration fee under IC 25-20.7-3.

Sec. 6. The examination requirement under section 5(3) of this

C o p y

chapter is waived if the applicant holds a current certificate issued by the NCIDQ or documentation of the successful completion of the ARE.

Sec. 7. To qualify for registration under this article, an applicant must not have a conviction for:

(1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(2) a felony that has a direct bearing on the applicant's ability to practice competently.

Sec. 8. The agency shall register an applicant who:

(1) applies for registration under this article before December 31, 2011;

(2) meets all the registration requirements under this article other than the requirement under section 5(3) of this chapter; and

(3) meets one (1) or more of the following:

(A) Has:

(i) received at least two (2) years of interior design education; and

(ii) practiced in the field of interior design for at least ten (10) years.

(B) Has practiced interior design for at least fifteen (15) years.

Sec. 9. The agency shall renew a registration of a registered interior designer only if the registered interior designer meets the following conditions:

(1) The applicant successfully completes the continuing education requirements under this chapter.

(2) The applicant pays the renewal fee under IC 25-20.7-3.

(3) Except for an applicant who is registered under section 8 of this chapter, the applicant:

(A) has documentation of successful completion of the examination administered by the ARE; or

(B) holds a current certificate issued by the NCIDQ.

Sec. 10. A registered interior designer must complete at least twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design for the renewal of a certificate of registration under this chapter.

Sec. 11. A registered interior designer who continues to actively practice interior design shall:

(1) renew the registration not more than ninety (90) days before the expiration of the registration; and

C o p y

(2) pay the renewal fee under IC 25-20.7-3.

Sec. 12. Nothing in this article is intended to relieve a registered interior designer from complying with any rule promulgated under IC 22-13-2-13.

Chapter 3. Fees

Sec. 1. (a) The agency shall collect the following fees under this article:

(1) An initial registration fee of one hundred dollars ($100).

(2) A biennial renewal fee of one hundred dollars ($100).

(3) A restoration fee of one hundred dollars ($100).

(b) The fees collected by the agency under this article shall be deposited by the agency in the same manner as other fees collected by the agency are deposited.

Chapter 4. Expiration of Registration

Sec. 1. A registered interior designer who fails to renew the interior designer's certificate of registration for a period of not more than five (5) years after the date the registration expires may renew the registration at any time within the five (5) year period after the registration expires by:

(1) electronically applying to the agency for renewal of the registration;

(2) completing twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design within the two (2) years immediately preceding the interior designer's application for renewal of registration under this section; and

(3) paying the biennial renewal fee and the restoration fee under IC 25-20.7-3-1.

Sec. 2. After the five (5) year period referred to in section 1 of this chapter, the following apply:

(1) The agency may not restore the expired registration of an interior designer.

(2) To again be registered under this chapter, an interior designer must:

(A) make the same application to the agency as an applicant who has not been previously registered; and

(B) meet all the requirements set forth in this article for an initial registration.

Chapter 5. Unlawful Practice

Sec. 1. (a) A person may not use the title "registered interior designer" or any title designation sign, card, or device indicating that the person is a registered interior designer unless the person

C o p y

is registered with the agency under this article.

(b) A person may not:

(1) present as the person's own registration under this article the registration of another person;

(2) make any false statement, representation, or make a material omission of fact of any kind in obtaining a registration;

(3) impersonate any other registered interior designer; or

(4) use an expired, suspended, or revoked registration.

(c) A person who recklessly, knowingly, or intentionally violates this section commits a Class B misdemeanor.

Sec. 2. This article does not prevent a person from practicing interior design if the person does not use a title or designation under this chapter.

Sec. 3. (a) If a civil judgment is entered against an interior designer by a court with jurisdiction in a civil judicial proceeding for negligence, recklessness, willful misconduct, or other breach of a standard of care in the practice of interior design, the interior designer must, within a reasonable time, remove the designer's name from the electronic registry maintained by the agency.

(b) An interior designer against whom a civil judgment described in subsection (a) has been entered may not be registered under this article.

SECTION 5. IC 34-30-2-98.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 98.1. IC 25-1-5.5-4 (Concerning registry maintained by the Indiana professional licensing agency concerning certain professions.)**

SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" means a board, commission, or committee.**

(b) As used in this SECTION, "committee" refers to the professional licensing study committee established under this SECTION.

(c) The professional licensing study committee is established.

(d) The committee shall do the following:

(1) Study all of the boards that regulate occupations or professions under the Indiana professional licensing agency or the state department of health.

(2) Make recommendations concerning any changes that should be made to a board described under subdivision (1) or the regulation of a profession or occupation by a board described under subdivision (1), including the following

C o p y

recommendations:

(A) Eliminating the board.

(B) Having the board continue regulating the profession or occupation in the same manner that the profession or occupation is currently regulated by the board.

(C) Requiring registration of a profession or occupation through the electronic registry of professions.

(D) Requiring national certification or registration of a profession or occupation.

(E) Restructuring the board.

(F) Merging two (2) or more boards.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) Before November 1, 2009, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

(g) This SECTION expires December 31, 2009.

SECTION 7. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 337, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 2. IC 25-1-5-4, AS AMENDED BY P.L.206-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

(1) notice of board meetings and other communication services;

(2) recordkeeping of board meetings, proceedings, and actions;

(3) recordkeeping of all persons licensed, regulated, or certified by a board;

(4) administration of examinations; and

(5) administration of license or certificate issuance or renewal.

(b) In addition, the agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; ~~and~~

(3) may consolidate, where feasible, office space, recordkeeping, and data processing services; **and**

(4) shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application

C o p y

to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

(1) the applicant continues to meet the minimum requirements for licensure; and

(2) the applicant is not in violation of:

(A) the statute regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

(1) not later than ten (10) days after the agency receives all required forms and evidence; or

(2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

(1) Deny the license renewal following a personal appearance by the applicant before the board.

(2) Issue the license renewal upon satisfaction of all other conditions for renewal.

(3) Issue the license renewal and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under

C o p y

subsection (g)(1), (g)(2), or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

SECTION 3. IC 25-1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 5.5. Electronic Registry of Professions

Sec. 1. The electronic registry of professions is established.

Sec. 2. As used in the chapter:

(1) "Applicant" refers to a person who applies for a registration in the electronic registry of professions.

(2) "Executive director" refers to the executive director of the licensing agency appointed under IC 25-1-5-5.

(3) "Licensing agency" means the Indiana professional

C o p y

licensing agency created by IC 25-1-5-3.

(4) "Registrant" means an individual who is registered in the electronic registry of professions as an interior designer under IC 25-20.7.

(5) "Registry" refers to the electronic registry of professions established by section 1 of this chapter.

Sec. 3. (a) The registry shall be maintained by the licensing agency.

(b) The registry must:

(1) be maintained in an electronic format;

(2) allow an applicant to electronically input information to certify, under penalty of perjury, the successful completion of any education, experience, and examination required for the applicant to become registered;

(3) allow for payment of registration fees through only electronic means;

(4) include each registrant's:

(A) name;

(B) city and state of residence;

(C) qualifications for registration;

(D) registration number;

(E) date the applicant was registered;

(F) place of business; and

(G) date the registration expires; and

(5) be made available to the public on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

Sec. 4. The licensing agency is not:

(1) responsible for performing or required to perform any due diligence or review of the veracity of the information represented by an applicant under this chapter;

(2) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by an applicant who applies for registration under this chapter; or

(3) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by any individual who is registered under this chapter.

Sec. 5. The licensing agency may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 6. (a) Beginning in July of 2014, and each five (5) years

C o p y

thereafter, the agency shall review the use of the registry by each profession on the registry to determine whether there is sufficient use of the registry to justify continuing the registry of each profession.

(b) If new professions are required by the general assembly to be registered by the agency, five (5) years after the addition of each profession, the agency shall review the use of the profession of the registry to determine whether there is sufficient use of the registry to justify continuing the registry of the profession.

(c) After a review required under subsections (a) and (b), the agency shall prepare a report with recommendations for the general assembly. A report under this subsection shall be submitted to the legislative council by October 1 of the year in which the report is required. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

SECTION 4. IC 25-20.7 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

ARTICLE 20.7. INTERIOR DESIGNERS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" means the Indiana professional licensing agency established by IC 25-1-5-3.

Sec. 3. "Applicant" means an interior designer who applies for a registration under this article.

Sec. 4. "ARE" refers to the Architectural Registration Exam.

Sec. 5. (a) "Interior design" means client consultation and preparation and administration of design documents that include:

(1) design studies;
(2) drawings;
(3) schedules;
(4) specifications; and
(5) contracts;

relating to nonstructural and nonseismic interior elements of a building or structure.

(b) The term includes design documents for space plans, reflected ceiling plans, egress, ergonomics, and the design or specification of fixtures, furnishings, equipment, cabinetry, lighting, materials, finishes, and interior design that does not materially affect the building system.

(c) The term does not include construction documents for

C o p y

construction (as defined in 675 IAC 12-6-2(c)) that are prepared only by architects and engineers and filed for state design release.

Sec. 6. "Interior designer" means a person who practices interior design.

Sec. 7. "NCIDQ" refers to the National Council for Interior Design Qualification.

Sec. 8. "Nonstructural or nonseismic" means interior elements or components that:

(1) are not load bearing or do not assist in the seismic design of a building;

(2) do not require design computations for the structure of a building; and

(3) do not include the structural frame system supporting a building.

The term includes ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of the building.

Sec. 9. "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if the ceiling were projected downward and may include lighting elements.

Sec. 10. "Registered interior designer" means a person registered under this article.

Sec. 11. "Space planning" means the analysis of design or spatial and occupancy requirements, including space layouts and final planning.

Chapter 2. Registration Requirements

Sec. 1. This article applies to a person who practices interior design after December 31, 2009.

Sec. 2. This article does not apply to an owner or employee of a manufacturing, wholesale, or retail establishment who provides consultation regarding interior decoration or furnishing:

(1) on the premises of the establishment;

(2) for purposes of an actual or prospective retail sale; or

(3) in the design, construction, ordering, or sale of:

(A) recreational vehicles;

(B) manufactured homes certified through the United States Department of Housing and Urban Development; or

(C) industrialized building systems certified through the department of homeland security.

Sec. 3. This article does not apply to a person who:

(1) does not profess to be a registered interior designer; and

(2) is:

C o p y

(A) an architect registered under IC 25-4; or

(B) a professional engineer registered under IC 25-31.

Sec. 4. The agency shall maintain an electronic registry of all interior designers who:

(1) electronically apply for and meet the registration requirements under this article;

(2) swear or affirm under penalty of perjury that the interior designer's representations and information provided to the agency are true; and

(3) pay the fees under IC 25-20.7-3.

Sec. 5. Except as provided in section 8 of this chapter, the agency shall electronically register only an applicant who does the following:

(1) Electronically applies for the registration on a form prescribed by the agency.

(2) Meets the requirements of this article.

(3) Except as provided in section 6 or 8 of this chapter, passes:

(A) the examination administered by the NCIDQ; or

(B) the ARE.

(4) Pays the registration fee under IC 25-20.7-3.

Sec. 6. The examination requirement under section 5(3) of this chapter is waived if the applicant holds a current certificate issued by the NCIDQ or documentation of the successful completion of the ARE.

Sec. 7. To qualify for registration under this article, an applicant must not have a conviction for:

(1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(2) a felony that has a direct bearing on the applicant's ability to practice competently.

Sec. 8. The agency shall register an applicant who:

(1) applies for registration under this article before December 31, 2011;

(2) meets all the registration requirements under this article other than the requirement under section 5(3) of this chapter; and

(3) meets one (1) or more of the following:

(A) Has:

(i) received at least two (2) years of interior design education; and

(ii) practiced in the field of interior design for at least ten (10) years.

C o p y

(B) Has practiced interior design for at least fifteen (15) years.

Sec. 9. The agency shall renew a registration of a registered interior designer only if the registered interior designer meets the following conditions:

(1) The applicant successfully completes the continuing education requirements under this chapter.

(2) The applicant pays the renewal fee under IC 25-20.7-3.

(3) Except for an applicant who is registered under section 8 of this chapter, the applicant:

(A) has documentation of successful completion of the examination administered by the NCIDQ or the ARE; or

(B) holds a current certificate issued by the NCIDQ.

Sec. 10. A registered interior designer must complete at least twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design for the renewal of a certificate of registration under this chapter.

Sec. 11. A registered interior designer who continues to actively practice interior design shall:

(1) renew the registration not more than ninety (90) days before the expiration of the registration; and

(2) pay the renewal fee under IC 25-20.7-3.

Sec. 12. Nothing in this article is intended to relieve a registered interior designer from complying with any rule promulgated under IC 22-13-2-13.

Chapter 3. Fees

Sec. 1. (a) The agency shall collect the following fees under this article:

(1) An initial registration fee of one hundred dollars ($100).

(2) A biennial renewal fee of one hundred dollars ($100).

(3) A restoration fee of one hundred dollars ($100).

(b) The fees collected by the agency under this article shall be deposited by the agency in the same manner as other fees collected by the agency are deposited.

Chapter 4. Expiration of Registration

Sec. 1. A registered interior designer who fails to renew the interior designer's certificate of registration for a period of not more than five (5) years after the date the registration expires may renew the registration at any time within the five (5) year period after the registration expires by:

(1) electronically applying to the agency for renewal of the registration;

C o p y

(2) completing twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design within the two (2) years immediately preceding the interior designer's application for renewal of registration under this section; and

(3) paying the biennial renewal fee and the restoration fee under IC 25-20.7-3-1.

Sec. 2. After the five (5) year period referred to in section 1 of this chapter, the following apply:

(1) The agency may not restore the expired registration of an interior designer.

(2) To again be registered under this chapter, an interior designer must:

(A) make the same application to the agency as an applicant who has not been previously registered; and

(B) meet all the requirements set forth in this article for an initial registration.

Chapter 5. Unlawful Practice

Sec. 1. (a) A person may not use the title "registered interior designer" or any title designation sign, card, or device indicating that the person is a registered interior designer unless the person is registered with the agency under this article.

(b) A person may not:

(1) present as the person's own registration under this article the registration of another person;

(2) make any false statement, representation, or make a material omission of fact of any kind in obtaining a registration;

(3) impersonate any other registered interior designer; or

(4) use an expired, suspended, or revoked registration.

(c) A person who recklessly, knowingly, or intentionally violates this section commits a Class B misdemeanor.

Sec. 2. This article does not prevent a person from practicing interior design if the person does not use a title or designation under this chapter.

Sec. 3. (a) If a civil judgment is entered against an interior designer by a court with jurisdiction in a civil judicial proceeding for negligence, recklessness, willful misconduct, or other breach of a standard of care in the practice of interior design, the interior designer must, within a reasonable time, remove the designer's name from the electronic registry maintained by the agency.

(b) An interior designer against whom a civil judgment

C o p y

described in subsection (a) has been entered may not be registered under this article.

SECTION 5. IC 34-30-2-98.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 98.1. IC 25-1-5.5-4 (Concerning registry maintained by the Indiana professional licensing agency concerning certain professions.)**

SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" means a board, commission, or committee.**

(b) As used in this SECTION, "committee" refers to the professional licensing study committee established under this SECTION.

(c) The professional licensing study committee is established.

(d) The committee shall do the following:

(1) Study all of the boards that regulate occupations or professions under the Indiana professional licensing agency or the state department of health.

(2) Make recommendations concerning any changes that should be made to a board described under subdivision (1) or the regulation of a profession or occupation by a board described under subdivision (1), including the following recommendations:

(A) Eliminating the board.

(B) Having the board continue regulating the profession or occupation in the same manner that the profession or occupation is currently regulated by the board.

(C) Requiring registration of a profession or occupation through the electronic registry of professions.

(D) Requiring national certification or registration of a profession or occupation.

(E) Restructuring the board.

(F) Merging two (2) or more boards.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) Before November 1, 2009, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

(g) This SECTION expires December 31, 2009.

SECTION 7. **An emergency is declared for this act.**".

Page 2, delete lines 29 through 42.

C o p y

Delete pages 3 through 11.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 337 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 6, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 337 be amended to read as follows:
Page 9, line 33, delete "the NCIDQ or".

(Reference is to SB 337 as printed February 20, 2009.)

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