

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1068**

Introduced by Hunt, 8.

Read first time January 21, 2020

Committee:

- 1 A BILL FOR AN ACT relating to interior designers; to amend section
- 2 84-617, Reissue Revised Statutes of Nebraska; to adopt the Interior
- 3 Design Voluntary Registration Act; to provide penalties; to
- 4 harmonize provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 11 of this act shall be known and may be  
2 cited as the Interior Design Voluntary Registration Act.

3           Sec. 2. In order to safeguard life, health, and property, to  
4 promote the public welfare, and to recognize the need for design  
5 professionals to obtain government-issued permits or approval that may  
6 only be obtained with a construction document stamp, the profession of  
7 interior design is declared to be subject to regulation in the public  
8 interest. It shall be unlawful for any person to hold oneself out to be a  
9 registered interior designer unless the person is registered under the  
10 Interior Design Voluntary Registration Act.

11           Sec. 3. For purposes of the Interior Design Voluntary Registration  
12 Act:

13           (1) Building equipment means any mechanical, plumbing, electrical,  
14 or structural components, including a conveyance, designed for or located  
15 in a building or structure;

16           (2) Conveyance means any elevator, dumbwaiter, vertical  
17 reciprocating conveyor, escalator, or other motorized vertical  
18 transportation system;

19           (3)(a) Interior design practice includes the:

20           (i) Programming, planning, predesign analysis, and conceptual design  
21 of interior nonstructural elements, including, but not limited to, the  
22 selection of materials, furniture, and fixtures;

23           (ii) Alteration or construction of interior nonstructural elements  
24 and any interior technical submissions related to such alteration or  
25 construction; and

26           (iii) Preparation of a physical plan of space, within a proposed or  
27 existing building or structure, including (A) determinations of internal  
28 circulation systems or patterns, (B) determinations of the location of  
29 internal exit requirements based on occupancy loads, and (C) assessment  
30 and analysis of all factors to comply with building codes and design  
31 standards related to interior nonstructural elements; and

1       (b) Interior design practice does not include designing,  
2 constructing, or making additions to (i) foundations, beams, trusses,  
3 columns, or other primary structural framing members, or seismic systems,  
4 (ii) structural concrete slabs, roof-framing structures, or load-bearing  
5 and shear walls, (iii) openings in roofs, exterior walls, or load-bearing  
6 and shear walls, (iv) exterior penetrations, such as windows and doors,  
7 or (v) the engineering of heating, ventilating, or air conditioning  
8 equipment or distribution systems, building management systems, high-  
9 voltage or medium-voltage electrical distribution systems, standby or  
10 emergency power or distribution systems, plumbing or plumbing monitoring  
11 systems, or related building systems;

12       (4) Interior nonstructural element means an interior design element  
13 that does not require structural bracing and that is not a load-bearing  
14 element of a structure that is essential to structural or seismic  
15 integrity;

16       (5) Interior technical submission means a design, drawing,  
17 specification, or study provided to a client, employer, or project  
18 coordinator to convey the intended design requested of an interior  
19 designer; and

20       (6) Registered interior designer means an individual who is listed  
21 on the interior designer registry operated by the State Treasurer.  
22 Registration is not required for the practice of interior design except  
23 as provided in the Interior Design Voluntary Registration Act.

24       Sec. 4. (1) To be a registered interior designer, an individual  
25 shall:

26       (a) Make application to the State Treasurer in a form prescribed by  
27 the State Treasurer;

28       (b) Pay an application fee determined by the State Treasurer;

29       (c) Have passed a competency examination approved by the State  
30 Treasurer; and

31       (d) Declare in the application, under penalty of refusal,

1 suspension, or revocation of registration, that:

2 (i) The applicant is not attempting to obtain registration as a  
3 registered interior designer by fraudulent misrepresentation;

4 (ii) The applicant has not committed any violation of professional  
5 ethical standards as determined by the department;

6 (iii) The applicant has not been convicted of, including a  
7 conviction based on a plea of guilty or nolo contendere, a crime that  
8 indicates the applicant is unfit or incompetent to practice interior  
9 design, including a crime that indicates the applicant has deceived or  
10 defrauded the public; and

11 (iv) The statements made in the application are true, correct, and  
12 complete to the best of the individual's knowledge and belief.

13 (2) The State Treasurer shall develop an application for listing an  
14 applicant on the interior designer registry. The application shall  
15 include the following information about the applicant:

16 (a) Name;

17 (b) Date of birth;

18 (c) Contact information;

19 (d) State and county of residence;

20 (e) Employer's name and contact information, if the applicant is  
21 employed at the time of application;

22 (f) Any other jurisdiction in which the applicant has been licensed,  
23 certified, or registered to practice interior design, including any  
24 denial, revocation, or suspension of or restriction imposed on such  
25 practice;

26 (g) Proof of professional liability insurance for the practice of  
27 interior design; and

28 (h) Proof that the applicant has successfully passed an interior  
29 design competency examination approved by the State Treasurer.

30 (3) Registration as an interior designer shall expire two years  
31 after the date the registration becomes effective. Registration as an

1 interior designer shall be renewed biennially in a manner determined by  
2 the State Treasurer.

3 (4) A registered interior designer renewing such registration shall:

4 (a) Make a renewal application to the State Treasurer in a form  
5 prescribed by the State Treasurer;

6 (b) Provide proof of professional liability insurance for the  
7 practice of interior design;

8 (c) Provide proof of completion, during the two-year period prior to  
9 such renewal, of at least twenty-four continuing education units approved  
10 by the State Treasurer, of which twelve continuing education units shall  
11 include subject matter on public health, safety, and welfare;

12 (d) Declare in the application, under penalty of refusal,  
13 suspension, or revocation of registration, that the:

14 (i) Applicant is not attempting to obtain registration as a  
15 registered interior designer by fraudulent misrepresentation;

16 (ii) Applicant has not committed any violation of professional  
17 ethical standards as determined by the department;

18 (iii) Applicant has not been convicted of, including a conviction  
19 based on a plea of guilty or nolo contendere, a crime that indicates the  
20 applicant is unfit or incompetent to practice interior design, including  
21 a crime that indicates the applicant has deceived or defrauded the  
22 public; and

23 (iv) Statements made in the application are true, correct, and  
24 complete to the best of the applicant's knowledge and belief; and

25 (e) Pay an application fee determined by the State Treasurer.

26 Sec. 5. The State Treasurer may list on the interior designer  
27 registry an applicant who is an interior designer licensed, certified, or  
28 registered under the laws of another state or jurisdiction if the  
29 requirements for an interior design license, certificate, or registration  
30 in such other state or jurisdiction are substantially equal to or  
31 stricter than the requirements for registration under the Interior Design

1 Voluntary Registration Act. An applicant under this section shall submit  
2 an application developed under subsection (2) of section 4 of this act  
3 and shall pay a fee of fifty dollars and shall pass a jurisprudence  
4 examination approved by the State Treasurer to demonstrate familiarity  
5 with building and construction codes applicable in this state.

6 Sec. 6. (1) No person shall:

7 (a) Affix a registered interior designer's signature or seal to any  
8 interior technical submission without the permission of the registrant;

9 (b) Use or attempt to use the interior design registration or seal  
10 of another;

11 (c) Impersonate a registered interior designer;

12 (d) Obtain or attempt to obtain registration under the Interior  
13 Design Voluntary Registration Act by fraud; or

14 (e) Make any willfully false oath or affirmation under the Interior  
15 Design Voluntary Registration Act.

16 (2) Any person who intentionally violates subsection (1) of this  
17 section is guilty of a Class II misdemeanor.

18 Sec. 7. (1) A registered interior designer shall avoid conflicts of  
19 interest. If an unavoidable conflict of interest arises, the registrant  
20 shall:

21 (a) Immediately inform the client or employer of all circumstances  
22 that may interfere with or impair the registrant's obligation to provide  
23 professional services;

24 (b) Notify the client or employer and withdraw from employment at  
25 any time that it is not possible to faithfully discharge the  
26 responsibilities and duties owed to the client or employer;

27 (c) Not agree to perform professional interior design services for a  
28 client or employer if the registrant has a significant financial or other  
29 interest that would impair or interfere with the registrant's  
30 responsibility to faithfully discharge professional interior design  
31 services on behalf of the client or employer;

1        (d) Not accept payment from any party other than a client or  
2 employer for a particular project and not have any direct or indirect  
3 financial interest in a service or phase of a service to be provided as  
4 part of a project unless the client or employer approves of the conflict;

5        (e) Not solicit or accept anything of value from material or  
6 equipment suppliers in return for specifying or endorsing a product;

7        (f) Not violate the confidences of a client or employer except as  
8 otherwise required by law; and

9        (g) Not perform services for a client or employer while a full-time  
10 employee of another employer without notifying all parties concerned.

11        (2) Nothing in the Interior Design Voluntary Registration Act shall  
12 limit a registered interior designer's professional responsibility to an  
13 owner of a project when the registered interior designer is employed by a  
14 person under contract to practice interior design for such project.

15        Sec. 8.    (1) A registered interior designer shall possess the  
16 authority to sign and seal any interior technical submission covering the  
17 scope of the practice of interior design and shall have the authority to  
18 submit such interior technical submission to a state or local  
19 governmental entity for the purpose of obtaining any requisite permit for  
20 an interior alteration or construction project.

21        (2) A registered interior designer shall have a reproducible seal or  
22 facsimile, the print of which shall contain the full name and  
23 registration number of the registered interior designer on file with the  
24 State Treasurer, the registrant's business city and state, and the words  
25 Registered Interior Designer, Nebraska. The registered interior designer  
26 shall use such seal to stamp all interior technical submissions. A  
27 registered interior designer may only sign and seal an interior technical  
28 submission within the scope of interior design practice.

29        (3) The placement of the registered interior designer's signature  
30 and seal shall indicate the document or part thereof for which the seal  
31 applies. The seal and date may be affixed electronically. The registrant

1 may provide, at the registrant's sole discretion, an original signature  
2 in the registrant's handwriting, a scanned copy of the document bearing  
3 an original signature, or a computer-generated signature.

4 (4) No registered interior designer shall affix, or permit to be  
5 affixed, the registered interior designer's registration number, seal, or  
6 signature to any interior technical submission that the registrant is not  
7 competent to perform.

8 (5)(a) A registered interior designer shall not sign and seal  
9 technical submissions unless the technical submissions were:

10 (i) Prepared entirely by the registered interior designer; or

11 (ii) Prepared entirely under the direct supervision of the  
12 registered interior designer.

13 (b) A registered interior designer may affix such registered  
14 interior designer's seal to technical submissions if the registered  
15 interior designer has reviewed or adapted in whole or in part such  
16 submissions and integrated them into such registered interior designer's  
17 work. The technical submissions not within the scope of interior design  
18 as defined under the Interior Design Voluntary Registration Act, shall  
19 individually be signed and sealed by the competent professional's own  
20 seal before being integrated into such registered interior designer's  
21 work as a set.

22 (c) A partner or corporate officer of a business registered in this  
23 state, who is a registered interior designer and who has professional  
24 knowledge of the content of the interior technical submission and intends  
25 to be responsible for the adequacy of the interior technical submission,  
26 may sign and seal an interior technical submission that was prepared by  
27 or under the supervision and control of a registered interior designer  
28 who is in the regular employment of such business.

29 Sec. 9. (1) The State Treasurer shall:

30 (a) Operate an interior designer registry listing registered  
31 interior designers; and



1       (b) Remit fees collected under the Interior Design Voluntary  
2 Registration Act for credit to the State Treasurer Administrative Fund.

3       (2) The Secretary of State may:

4       (a) List on the registry individuals meeting the qualifications  
5 established under section 4 of this act and update such registry as  
6 needed; and

7       (b) Adopt and promulgate rules and regulations necessary for the  
8 administration of the Interior Design Voluntary Registration Act;

9       (c) Prescribe individually identifiable seals to be used by  
10 registered interior designers.

11       Sec. 10. Nothing in the Interior Design Voluntary Registration Act  
12 shall be construed to:

13       (1) Require a person to be a registered interior designer in order  
14 to engage in an activity traditionally performed by an interior designer,  
15 including any professional service limited to the planning, design, and  
16 implementation of kitchen and bathroom spaces or the specification of  
17 products for kitchen and bathroom areas; or

18       (2) Prevent or restrict the practice, service, or activity of any  
19 person licensed to practice a profession or an occupation in this state  
20 from engaging in such profession or occupation.

21       Sec. 11. Section 84-617, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23       84-617 (1) There is hereby created the State Treasurer  
24 Administrative Fund. Funds received by the State Treasurer pursuant to  
25 his or her administrative duties shall be credited to the fund. Such  
26 funds shall include:

27       (a) Payments for returned check charges or for electronic payments  
28 not accepted;

29       (b) Payments for wire transfers initiated by the State Treasurer at  
30 the request of state agencies;

31       (c) Payments for copies of cashed state warrants;

1 (d) Payments for copies, including microfilm, computer disk, or  
2 magnetic tape, of listings relating to outstanding state warrants;~~and~~

3 (e) Payments for copies, including microfilm, computer disk, or  
4 magnetic tape, of listings of owners of unclaimed property held by the  
5 State Treasurer pursuant to the Uniform Disposition of Unclaimed Property  
6 Act; and -

7 (f) Payments under the Interior Design Voluntary Registration Act.

8 Money in the fund received pursuant to subdivisions (1)(a) through  
9 (d) of this section shall be credited to the General Fund quarterly.  
10 Money in the State Treasurer Administrative Fund received pursuant to  
11 subdivision (1)(e) of this section shall be credited to the Unclaimed  
12 Property Cash Fund. The State Treasurer may retain such amount as he or  
13 she deems appropriate in the State Treasurer Administrative Fund for  
14 purposes of making change for cash payments. Any money in the fund  
15 available for investment shall be invested by the state investment  
16 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
17 State Funds Investment Act.

18 (2) The State Treasurer may establish a fee schedule for any of the  
19 services listed in subdivisions (a) through (e) of subsection (1) of this  
20 section. The fees shall approximate the cost of providing the service.

21 Sec. 12. Original section 84-617, Reissue Revised Statutes of  
22 Nebraska, is repealed.