

ASSEMBLY BILL NO. 610—COMMITTEE ON COMMERCE AND LABOR

MARCH 18, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions regarding practice of interior design. (BDR 54-1619)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to interior design; providing for the exemption of certain practices from regulation by the state board of architecture; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 623.270 is hereby amended to read as follows:
2 623.270 1. The board may place the holder of any certificate of
3 registration issued pursuant to this chapter on probation, reprimand him,
4 fine him not more than \$10,000, suspend or revoke his license, impose the
5 costs of investigation and prosecution upon him or take any combination of
6 these disciplinary actions, if proof satisfactory to the board is presented
7 that:
8 (a) The certificate was obtained by fraud or concealment of a material
9 fact.
10 (b) The holder of the certificate has been found guilty by the board or by
11 a court of justice of any fraud, deceit or concealment of a material fact in
12 his professional practice, or has been convicted by a court of justice of a
13 crime involving moral turpitude.
14 (c) The holder of the certificate has been found guilty by the board of
15 incompetency, negligence or gross negligence in:
16 (1) The practice of architecture or residential design; or
17 (2) His practice as a registered interior designer.

1 (d) ~~[The]~~ *Except as otherwise provided in subparagraph (3) of*
2 *paragraph (e) of subsection 1 of NRS 623.330, the* holder of a certificate
3 has affixed his signature or seal to plans, drawings, specifications or other
4 instruments of service which have not been prepared by him or in his
5 office, or under his direct supervision, or has permitted the use of his name
6 to assist any person who is not a registered architect, registered interior
7 designer or residential designer to evade any provision of this chapter.

8 (e) The holder of a certificate has aided or abetted any unauthorized
9 person to practice:

10 (1) Architecture or residential design; or

11 (2) As a registered interior designer.

12 (f) The holder of the certificate has violated any law, regulation or code
13 of ethics pertaining to:

14 (1) The practice of architecture or residential design; or

15 (2) Practice as a registered interior designer.

16 (g) The holder of a certificate has failed to comply with an order issued
17 by the board or has failed to cooperate with an investigation conducted by
18 the board.

19 If discipline is imposed pursuant to this section, the costs of the proceeding,
20 including investigative costs and attorney's fees, may be recovered by the
21 board.

22 2. The conditions for probation imposed pursuant to subsection 1 may
23 include, but are not limited to:

24 (a) Restriction on the scope of professional practice.

25 (b) Peer review.

26 (c) Required education or counseling.

27 (d) Payment of restitution to all parties who suffered harm or loss.

28 (e) Payment of all costs of the administrative investigation and
29 prosecution.

30 3. As used in this section:

31 (a) "Gross negligence" means conduct which demonstrates a reckless
32 disregard of the consequences affecting the life or property of another
33 person.

34 (b) "Incompetency" means conduct which, in:

35 (1) The practice of architecture or residential design; or

36 (2) Practice as a registered interior designer,
37 demonstrates a significant lack of ability, knowledge or fitness to discharge
38 a professional obligation.

39 (c) "Negligence" means a deviation from the normal standard of
40 professional care exercised generally by other members in:

41 (1) The profession of architecture or residential design; or

42 (2) Practice as a registered interior designer.

Sec. 2. NRS 623.330 is hereby amended to read as follows:

623.330 1. The following persons are exempt from the provisions of this chapter:

(a) A person engaging in architectural work as an employee of a registered architect or residential designer, if the work does not include responsible charge of design or supervision, or a consultant retained by a registered architect or residential designer.

(b) A person hired by the Federal Government to practice architecture on federal land.

(c) A professional engineer licensed pursuant to the provisions of chapter 625 of NRS who designs buildings as permitted by chapter 625 of NRS.

(d) A contractor licensed pursuant to the provisions of chapter 624 of NRS who provides his own drawings for his own construction activities.

(e) Any person who prepares plans, drawings or specifications for:

(1) Buildings for his own private residential use; ~~or~~

(2) Farm or ranch buildings used as such ~~is~~; *or*

(3) Buildings owned by that person or his employer when an architect, a registered interior designer, a residential designer or a licensed professional engineer is also engaged by that person or his employer who will, as applicable, stamp and take responsibility for all construction documents for work on that building.

(f) A person engaging in work related to interior design as an employee of a registered interior designer, if the work does not include responsible charge of interior design or supervision, or a consultant retained by a registered interior designer.

(g) Any person who prepares drawings of the layout of materials or furnishings used in interior design or provides assistance in the selection of materials or furnishings used in interior design, including, without limitation:

(1) Decorative accessories;

(2) Wallpaper, wallcoverings or paint;

(3) Linoleum, tile, carpeting or floor coverings;

(4) Draperies, blinds or window coverings;

(5) Lighting *fixtures* which ~~is~~ *are* not part of a structure;

(6) Plumbing fixtures which are not a part of a structure; and

(7) Furniture or equipment,

if the preparation or implementation of those drawings or the installation of those materials or furnishings is not regulated by any building code or other law, ordinance, rule or regulation governing the alteration or construction

of a structure.

1 *(h) Any person who holds a certificate of registration issued by the*
2 *state fire marshal to provide approved interior materials and furnishings*
3 *used in interior design to the extent authorized by the certificate.*

4 2. Any person exempted by the provisions of this section is not thereby
5 absolved from any civil or criminal liability that might otherwise accrue.

6 3. The exemptions provided by this section do not entitle any person
7 who does not hold a certificate of registration to hold himself out to the
8 public or advertise himself as an architect, registered interior designer or
9 residential designer.

10 **Sec. 3.** Chapter 477 of NRS is hereby amended by adding thereto a
11 new section to read as follows:

12 1. *The state fire marshal shall, by regulation, provide for the*
13 *registration of qualified interior designers who provide interior materials*
14 *and furnishings regulated by a building code.*

15 2. *The regulations must set forth:*

16 (a) *The qualifications necessary for the issuance of a certificate of*
17 *registration pursuant to this section, including, without limitation, the*
18 *submission of evidence of the successful completion of a course of study*
19 *approved by the state fire marshal regarding applicable building codes*
20 *and other related information.*

21 (b) *The criteria for approving instructors and courses of study*
22 *regarding applicable building codes and other related information.*

23 (c) *Any continuing education necessary for the renewal of a*
24 *certificate of registration issued pursuant to this section.*

25 3. *A person licensed or registered by the state board of architecture*
26 *pursuant to chapter 623 of NRS is not eligible for the issuance of a*
27 *certificate of registration pursuant to this section.*

28 **Sec. 4.** This act becomes effective upon passage and approval.