

ASSEMBLY BILL NO. 632—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF BOARD OF ARCHITECTURE, INTERIOR DESIGN
AND RESIDENTIAL DESIGN)

MARCH 22, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing architects, registered interior designers and residential designers. (BDR 54-404)

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 professions; making various changes to provisions governing architects, registered interior designers and residential designers; providing that certificates of registration for such professions must be renewed annually; deleting certain obsolete provisions concerning the state board of architecture, interior design and residential design; increasing the civil penalty that may be imposed by the board; 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.** Chapter 623 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *“Responsible control” means that amount of control over and detailed*
4 *knowledge of the content of technical submissions during their*
5 *preparation as is ordinarily exercised by registered architects, registered*
6 *interior designers or residential designers, as applicable, applying the*
7 *normal standard of professional care.*
8 **Sec. 2.** NRS 623.015 is hereby amended to read as follows:
9 623.015 As used in this chapter, unless the context otherwise requires,
10 the words and terms defined in NRS 623.017 to 623.027, inclusive, *and*
11 *section 1 of this act* have the meanings ascribed to them in those sections.

1 **Sec. 3.** NRS 623.025 is hereby amended to read as follows:

2 623.025 The “practice of residential design” consists of rendering
3 services embracing the scientific, esthetic or orderly coordination of
4 processes which enter into ~~{the}~~ :

5 1. *The* production of ~~{completed}~~ :

6 (a) *Completed* single-family dwelling units ~~{and multifamily}~~ ; or

7 (b) *Multifamily* dwelling structures that do not exceed two stories in
8 height , ~~{and}~~ are composed of not more than four units in each structure ~~{~~
9 ~~or the}~~ *and have as their principal purpose human habitation or*
10 *occupancy; and*

11 2. *The* utilization of space within and surrounding those units or
12 structures,
13 performed through the medium of plans, specifications, administration of
14 construction, preliminary studies, consultations, evaluations, investigations,
15 contract documents and advice and direction.

16 **Sec. 4.** NRS 623.050 is hereby amended to read as follows:

17 623.050 1. The state board of architecture, interior design and
18 residential design, consisting of nine members appointed by the governor,
19 is hereby created.

20 2. The governor shall appoint:

21 (a) Five members who are registered architects and have been in the
22 active practice of architecture in the State of Nevada for not less than 3
23 years preceding their appointment.

24 (b) One member who is a registered residential designer.

25 (c) Two members who are registered interior designers and who are not
26 registered architects or residential designers.

27 (d) One member who is a representative of the general public.

28 3. Members of the board must have been residents of this state for not
29 less than 2 years preceding their appointment.

30 4. The governor may, upon *a* bona fide complaint, and for good cause
31 shown, after 10 days’ notice to any member against whom charges may be
32 filed, and after opportunity for hearing, remove the member for
33 inefficiency, neglect of duty or malfeasance in office.

34 ~~{5.—The member who is a residential designer shall not participate in~~
35 ~~the investigation or acceptance of his application or in the grading or~~
36 ~~certification of his examination.~~

37 ~~—6.—The members who are registered interior designers shall not~~
38 ~~participate in the investigation or acceptance of their applications or in the~~
39 ~~grading or certification of their examinations.}~~

40 **Sec. 5.** NRS 623.180 is hereby amended to read as follows:

41 623.180 1. No person may practice:

42 (a) Architecture or use the title of architect;

43 (b) Residential design or use the title of residential designer; or

(c) As a registered interior designer or use the title of registered interior designer, in this state without having a certificate of registration issued to him pursuant to the provisions of this chapter.

2. Whenever the requirements for registration pursuant to the provisions of this chapter have been fully complied with and fulfilled by an applicant, the board shall issue to the successful applicant a certificate as a registered architect, registered interior designer or residential designer. ~~If the certificate will be issued after the beginning of a biennium,~~ *The certificate must expire on June 30 next following the date of issuance, and the applicant shall pay the full fee ~~which~~ that is prescribed ~~is~~, regardless of the date of issuance.*

3. The certificate is synonymous with registration with a serial number and seal. A person who is issued a certificate may practice architecture or residential design or may practice as a registered interior designer in this state, subject to the provisions of this chapter and the regulations of the board.

4. The unauthorized use or display of a certificate of registration is unlawful.

Sec. 6. NRS 623.185 is hereby amended to read as follows:

623.185 1. Upon being issued a certificate of registration, each registered architect, registered interior designer or residential designer shall obtain a seal of the design authorized by the board, bearing the architect's, registered interior designer's or residential designer's name, the number of his certificate of registration, and the legend "Registered Architect," "Registered Interior Designer" or "Residential Designer."

2. Plans, specifications, reports and other documents issued by a registered architect, registered interior designer or residential designer for official use must be signed, sealed and dated ~~on the title page~~ by the architect or designer.

3. It is unlawful for a person to stamp or seal any plans, specifications, reports or other documents with the seal after the certificate of registration of the architect, registered interior designer or residential designer, named therein, has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.

4. Any plan, drawing, specification or other document prepared by a registered interior designer must contain a statement that the plan, study, drawing, specification or other document was prepared by a registered interior designer registered pursuant to the provisions of this chapter.

Sec. 7. NRS 623.190 is hereby amended to read as follows:

623.190 1. Any person who is at least 21 years of age and of good moral character and who meets the requirements for education and practical

1 training established by the board by regulation may apply to the board for
2 registration pursuant to this section as an architect.

3 2. Each year of study, up to and including 5 years of study,
4 satisfactorily completed in an architectural program accredited by the
5 National Architectural Accrediting Board ~~[- any program of architecture in~~
6 ~~the State of Nevada]~~ or any architectural program approved by the state
7 board of architecture, interior design and residential design is considered
8 equivalent to 1 year of experience in architectural work for the purpose of
9 registration as an architect.

10 3. The board shall, by regulation, establish standards for examinations
11 which must be consistent with standards employed by other states. The
12 board may adopt the standards of the National Council of Architectural
13 Registration Boards, and the examination and grading procedure of that
14 organization, as they exist on the date of adoption. Examinations may
15 include tests in such technical and professional subjects as are prescribed
16 by the board.

17 4. If the board adopts the examination of the National Council of
18 Architectural Registration Boards, an applicant for registration as an
19 architect who wishes to:

20 (a) Take the examination must pay to the entity which administers the
21 examination the fee charged by that entity for taking the examination and
22 pay to the board a processing fee as provided in NRS 623.310.

23 (b) Retake any part or parts of the examination which he previously
24 failed must pay to the entity which administers the examination the fee
25 charged by that entity for retaking such part or parts.

26 5. Any person who is at least 21 years of age and of good moral
27 character and who has a total of 5 years of credit for education or practical
28 training, or a combination thereof which is acceptable to the board, may
29 apply to the board for registration as a residential designer. The board shall,
30 by regulation, establish the amount of credit allowed for education,
31 practical training or a combination thereof.

32 6. The board shall, by regulation, establish the standards for the
33 examination to qualify as a residential designer. ~~[- which may be required~~
34 ~~as part of the examination to be an architect.]~~ The examination must consist
35 of at least ~~[-~~

36 ~~-(a) A]~~ a written examination covering:

37 ~~[(1)]~~ (a) Structural technology;

38 ~~[(2)]~~ (b) Materials and methods of construction;

39 ~~[(3)]~~ (c) Systems for environmental control; and

40 ~~[(4)]~~ (d) Graphic design. ~~[- and~~

41 ~~(b) An oral interview of the applicant by the board upon the successful~~
42 ~~completion of the written portion of the examination.]~~

1 7. *An applicant for registration as an architect or residential*
2 *designer must personally appear before the board for the granting of a*
3 *certificate of registration.*

4 8. Any application to the board may be denied for any violation of this
5 chapter.

6 **Sec. 8.** NRS 623.192 is hereby amended to read as follows:

7 623.192 1. An applicant for a certificate of registration to practice as
8 a registered interior designer must be of good moral character and submit
9 to the board:

10 (a) An application on a form provided by the board;

11 (b) The fees required pursuant to NRS 623.310;

12 (c) The statement required pursuant to NRS 623.225;

13 (d) Proof which is satisfactory to the board that he has completed:

14 (1) At least 5 years of education in a program of interior design or an
15 equivalent number of credits and at least 1 year of experience in interior
16 design;

17 (2) At least 4 years of education in a program of interior design or an
18 equivalent number of credits and at least 2 years of experience in interior
19 design;

20 (3) At least 3 years of education in a program of interior design or an
21 equivalent number of credits and at least 3 years of experience in interior
22 design;

23 (4) At least 2 years of education in a program of interior design or an
24 equivalent number of credits and at least 4 years of experience in interior
25 design; or

26 (5) At least 6 consecutive years of experience in the practice of
27 interior design; and

28 (e) A certificate issued by the National Council for Interior Design
29 Qualification as proof that he has passed the examination prepared and
30 administered by that organization.

31 2. Each program of interior design must be accredited by the
32 Foundation for Interior Design Education Research or approved by the
33 board.

34 3. The board shall, by regulation, adopt the standards of the National
35 Council for Interior Design Qualification for the experience and equivalent
36 credits required pursuant to subsection 1 as those standards exist on the
37 date of the adoption of the regulation.

38 4. *An applicant for a certificate of registration to practice as a*
39 *registered interior designer must personally appear before the board for*
40 *the granting of the certificate.*

41 5. Any application submitted to the board may be denied for any
42 violation of the provisions of this chapter.

1 **Sec. 9.** NRS 623.250 is hereby amended to read as follows:

2 623.250 1. Each architect, registered interior designer or residential
3 designer who ~~{holds}~~ *wishes to renew* a certificate of registration *issued to*
4 *him* pursuant to the provisions of this chapter ~~{shall, before or during the~~
5 ~~month of December of each year preceding a biennium during which he~~
6 ~~desires to continue:~~

7 ~~—(a) The practice of architecture or residential design; or~~

8 ~~—(b) To practice as a registered interior designer,~~

9 ~~submit a renewal fee pursuant to the provisions of this chapter,}~~ *must*

10 *submit to the board all required fees for renewal of the certificate,* proof
11 of compliance with all of the requirements established by the board for
12 continuing education for the renewal of the certificate and the statement
13 required pursuant to NRS 623.225.

14 2. Upon receipt of the *required fees for* renewal, ~~{fee,}~~ proof
15 satisfactory to the board of compliance with all of the requirements
16 established by the board for continuing education and the statement, the
17 secretary of the board shall execute and issue a certificate renewal card to
18 the applicant, certifying that his certificate of registration is renewed for the
19 term of ~~{a biennium.}~~ *1 year after its date of expiration.* The certificate
20 renewal card must bear a serial number and the signature or a facsimile
21 thereof of the secretary of the board or the executive director and must bear
22 the seal of the board.

23 3. The renewal must be recorded, together with its serial number, by
24 the secretary of the board in the official register of the board pursuant to
25 NRS 623.230.

26 **Sec. 10.** NRS 623.270 is hereby amended to read as follows:

27 623.270 1. The board may place the holder of any certificate of
28 registration issued pursuant to this chapter on probation, reprimand him,
29 ~~{fine him not more than \$10,000,}~~ *impose a civil penalty upon him*
30 *pursuant to NRS 623.365,* suspend or revoke his license, impose the costs
31 of investigation and prosecution upon him or take any combination of these
32 disciplinary actions, if proof satisfactory to the board is presented that:

33 (a) The certificate was obtained by fraud or concealment of a material
34 fact.

35 (b) The holder of the certificate has been found guilty by the board or by
36 a court of justice of any fraud, deceit or concealment of a material fact in
37 his professional practice, or has been convicted by a court of justice of a
38 crime involving moral turpitude.

39 (c) The holder of the certificate has been found guilty by the board of
40 incompetency, negligence or gross negligence in:

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

42 (2) His practice as a registered interior designer.

(d) The holder of a certificate has affixed his signature or seal to plans, drawings, specifications or other instruments of service which have not been prepared by him or in his office, or under his ~~direct supervision,~~ **responsible control**, or has permitted the use of his name to assist any person who is not a registered architect, registered interior designer or residential designer to evade any provision of this chapter.

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

(1) Architecture or residential design; or

(2) As a registered interior designer.

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

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

(2) Practice as a registered interior designer.

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

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

~~2-3~~ **3.** The conditions for probation imposed pursuant to subsection 1 may include, but are not limited to:

(a) Restriction on the scope of professional practice.

(b) Peer review.

(c) Required education or counseling.

(d) Payment of restitution to all ~~parties~~ **persons** who suffered harm or loss.

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

~~3-3~~ **4.** As used in this section:

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

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

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

(2) Practice as a registered interior designer,

demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

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

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

(2) Practice as a registered interior designer.

1 **Sec. 11.** NRS 623.333 is hereby amended to read as follows:

2 623.333 **1.** An architect ~~for a residential designer~~ who is registered
3 pursuant to the provisions of this chapter is not required to obtain a
4 certificate of registration to practice as a registered interior designer.

5 **2.** *A residential designer who is registered pursuant to the provisions*
6 *of this chapter is not required to obtain a certificate of registration to*
7 *practice as a registered interior designer with respect to:*

8 **(a)** *A single-family dwelling; or*

9 **(b)** *Multifamily dwelling structures that do not exceed two stories in*
10 *height and are composed of not more than four units in each structure.*

11 **Sec. 12.** NRS 623.350 is hereby amended to read as follows:

12 623.350 **1.** Every office or place of business *in this state* of any
13 partnership, corporation, limited-liability company or other business
14 organization or association engaged in the practice of architecture , *interior*
15 *design or residential design* pursuant to the provisions of NRS 623.349
16 shall have , *respectively*, an architect , *registered interior designer or*
17 *residential designer* who is a ~~resident of this state~~ *full-time employee* and
18 holds a certificate of registration issued pursuant to this chapter regularly
19 working in the office or place of business and directly responsible for the
20 administration of , *respectively*, the architectural , *interior design or*
21 *residential design* work conducted in the office or place of business. The
22 provisions of this subsection do not apply to partnerships, corporations,
23 limited-liability companies or other business organization or associations
24 engaged in the practice of architecture , *interior design or residential*
25 *design* at offices established for construction administration.

26 **2.** A registrant or licensee practicing in a business organization or
27 association which holds a certificate issued pursuant to NRS 623.349
28 remains subject to NRS 89.220.

29 **3.** If a person who is not registered or licensed, or a registrant or
30 licensee who is not an owner, and who is employed by or affiliated with a
31 business organization or association which holds a certificate issued
32 pursuant to NRS 623.349 is found by the board to have violated a provision
33 of this chapter or a regulation of the board, the board may hold the business
34 organization or association and the registrants and licensees who are
35 owners responsible for the violation.

36 **Sec. 13.** NRS 623.353 is hereby amended to read as follows:

37 623.353 A residential designer shall not engage in rendering services
38 for any building or structure not specified in NRS 623.025 unless he does
39 so under the ~~direct supervision~~ *responsible control* of a registered
40 architect. In such cases , the architect is the sole contracting party, has full
41 responsibility for the work performed by the residential designer, shall
42 supervise any work performed by the residential designer and shall file the

1 agreement between the residential designer and the architect with the
2 secretary of the board within 10 days after the execution of the agreement.

3 **Sec. 14.** NRS 623.365 is hereby amended to read as follows:

4 623.365 In addition to any other civil penalty provided by law, a
5 person who violates any provision of this chapter or any regulation adopted
6 by the board is subject to a civil penalty of not more than ~~[\$10,000]~~
7 **\$15,000** for each violation. Any such penalty must be imposed by the board
8 at a hearing for which written notice has been given not less than 30 days
9 before the hearing.

10 **Sec. 15.** NRS 89.040 is hereby amended to read as follows:

11 89.040 1. One or more persons may organize a professional
12 corporation in the manner provided for organizing a private corporation
13 pursuant to chapter 78 of NRS. Each person organizing the corporation
14 must, except as otherwise provided in subsection 2 of NRS 89.050 ~~[.]~~ **and**
15 **NRS 623.349**, be authorized to perform the professional service for which
16 the corporation is organized. The articles of incorporation must contain the
17 following additional information:

18 (a) The profession to be practiced by means of the professional
19 corporation.

20 (b) The names and post office ~~[box]~~ **boxes** or street addresses, either
21 residence or business, of the original stockholders and directors of the
22 professional corporation.

23 (c) A certificate from the regulating board of the profession to be
24 practiced showing that each of the directors, and each of the stockholders
25 who is a natural person, is licensed to practice the profession.

26 2. The corporate name of a professional corporation must contain the
27 words "Professional Corporation" or the abbreviation "Prof. Corp.," or the
28 word "Chartered" or "Limited" or the abbreviation "Ltd." The corporate
29 name must contain the last name of one or more of its stockholders. The
30 corporation may render professional services and exercise its authorized
31 powers under a fictitious name if the corporation has first registered the
32 name in the manner required by chapter 602 of NRS.

33 **Sec. 16.** NRS 89.050 is hereby amended to read as follows:

34 89.050 1. Except as otherwise provided in subsection 2 ~~[.]~~ **and NRS**
35 **623.349**, a professional corporation may be organized only for the purpose
36 of rendering one specific type of professional service and may not engage
37 in any business other than rendering the professional service for which it
38 was organized and services reasonably related thereto, except that a
39 professional corporation may own real and personal property appropriate to
40 its business and may invest its ~~[funds]~~ **money** in any form of real property,
41 securities or any other type of investment.

1 2. A professional corporation may be organized to render a
2 professional service relating to ~~the~~:

3 ~~—(a) Architecture, interior design, engineering and landscape architecture,~~
4 ~~or any combination thereof, and may be composed of persons:~~

5 ~~—(1) Engaged in the practice of architecture as provided in chapter 623~~
6 ~~of NRS;~~

7 ~~—(2) Practicing as a registered interior designer as provided in chapter~~
8 ~~623 of NRS;~~

9 ~~—(3) Engaged in the practice of landscape architecture as provided in~~
10 ~~chapter 623A of NRS; and~~

11 ~~—(4) Engaged in the practice of professional engineering as provided in~~
12 ~~chapter 625 of NRS.~~

13 ~~—(b) Medicine,]~~ **medicine**, homeopathy and osteopathy, and may be
14 composed of persons engaged in the practice of medicine as provided in
15 chapter 630 of NRS, persons engaged in the practice of homeopathic
16 medicine as provided in chapter 630A of NRS and persons engaged in the
17 practice of osteopathic medicine as provided in chapter 633 of NRS. Such a
18 professional corporation may market and manage additional professional
19 corporations which are organized to render a professional service relating
20 to medicine, homeopathy and osteopathy.

21 3. A professional corporation may render a professional service only
22 through its officers and employees, all of whom must be authorized to
23 render that professional service.

24 **Sec. 17.** Section 36 of chapter 512, Statutes of Nevada 1995, as last
25 amended by chapter 483, Statutes of Nevada 1997, at page 2209, is hereby
26 amended to read as follows:

27 Sec. 36. Section 9 of this act is hereby amended to read as
28 follows:

29 Sec. 9. 1. An applicant for a certificate of registration to
30 practice as a registered interior designer must be of good moral
31 character and submit to the board:

32 (a) An application on a form provided by the board;

33 (b) The fees required pursuant to NRS 623.310;

34 (c) The statement required pursuant to section 214 of this act;

35 (d) Proof which is satisfactory to the board that he has
36 completed:

37 (1) At least 5 years of education in a program of interior
38 design or an equivalent number of credits and at least 1 year of
39 experience in interior design or residential interior design; **or**

40 (2) At least 4 years of education in a program of interior
41 design or an equivalent number of credits and at least 2 years of
42 experience in interior design or residential interior design;

~~[(3) At least 3 years of education in a program of interior design or an equivalent number of credits and at least 3 years of experience in interior design or residential interior design; — (4) At least 2 years of education in a program of interior design or an equivalent number of credits and at least 4 years of experience in interior design or residential interior design; or — (5) At least 6 consecutive years of experience in the practice of interior design or residential interior design;]~~ and

(e) A certificate issued by the National Council for Interior Design Qualification as proof that he has passed the examination prepared and administered by that organization.

2. Each program of interior design must be accredited by the Foundation for Interior Design Education Research or approved by the board.

3. The board shall, by regulation, adopt the standards of the National Council for Interior Design Qualification for the experience and equivalent credits required pursuant to subsection 1 as those standards exist on the date of the adoption of the regulation.

4. An applicant for a certificate of registration to practice as a registered interior designer must personally appear before the board for the granting of the certificate.

5. Any application submitted to the board may be denied for any violation of the provisions of this chapter.

Sec. 18. Notwithstanding the provisions of sections 5 and 9 of this act to the contrary, a certificate of registration for an architect, registered interior designer or residential designer that:

1. Is issued or renewed by the state board of architecture, interior design and residential design before the effective date of those sections remains valid for the term for which it was issued or renewed.

2. Expires on December 31, 1999, must be renewed, if at all, for a period that expires on June 30, 2001. The fee for the renewal is 1 1/2 times the annual fee for renewal established by the board.

3. Expires on December 31, 2000, must be renewed, if at all, for a period that expires on June 30, 2002. The fee for the renewal is 1 1/2 times the annual fee for renewal established by the board.

Sec. 19. 1. This section and sections 5, 7, 8, 9 and 15 to 18, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, 6 and 10 to 14, inclusive, of this act become effective on October 1, 1999.