
A BILL FOR AN ACT

RELATING TO INTERIOR DESIGNERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 INTERIOR DESIGNERS

6 § -1 **Definitions.** As used in this chapter, unless the
7 context clearly indicates otherwise, the following terms shall
8 have the following meanings:

9 "Board" means the interior design board.

10 "Interior design" means services that do not necessarily
11 require performance by an architect, such as administering
12 contracts for fabrication, procurement or installation in the
13 implementation of designs, drawings and specifications for any
14 project relating to the design of the interior of a structure,
15 and consultations, studies, drawings and specifications in
16 connection with reflected ceiling plans, space utilization,
17 furnishings or the fabrication of nonstructural elements within
18 and surrounding interior spaces of buildings, but specifically



1 excluding mechanical and electrical systems, except for
2 specifications of fixtures and their location within interior
3 spaces.

4 "Licensed interior designer" or "licensed designer" means a
5 person licensed pursuant to this chapter.

6 **§ -2 Board.** There is created the interior design board.

7 (a) The board shall be administratively attached to the
8 department of commerce and consumer affairs. The board shall
9 consist of five members appointed by the governor pursuant to
10 section 26-34; provided that the initial appointments shall be
11 for staggered terms so that not more than two members' terms
12 expire on December 31 of any year. Thereafter, members shall be
13 appointed for terms of three years. A vacancy shall be filled
14 by appointment by the governor for the unexpired term. A board
15 member shall not serve consecutive terms.

16 (b) All members of the board shall be residents of the
17 State. No more than two members shall be appointed from the
18 same county. Three members of the board shall be licensed
19 interior designers and two members shall be chosen to represent
20 the public and shall not have been licensed as interior
21 designers or have a significant financial interest, direct or
22 indirect, in the occupation regulated.



1 (c) Three members of the board shall constitute a quorum
2 for the transaction of business, but no final action shall be
3 taken unless at least three members vote in favor of a proposal.

4 **§ -3 Powers and duties of the board.** The board:

5 (1) Shall administer, coordinate, and enforce this chapter
6 and investigate allegations of violations of this
7 chapter;

8 (2) Shall adopt rules under chapter 91 to carry out the
9 purposes and policies of the chapter, including rules
10 relating to professional conduct, standards of
11 performance, and professional examination and
12 licensure, reasonable license, application, renewal
13 and late fees, and the establishment of ethical
14 standards of practice for a licensed interior designer
15 in the State;

16 (3) Shall require a licensee, as a condition of the
17 renewal of the license, to undergo continuing
18 education requirements as set forth in this chapter;

19 (4) Shall maintain an official roster showing the name,
20 address, and license number of each interior designer
21 licensed pursuant to the chapter;



- 1 (5) Shall conduct hearings and keep records and minutes
- 2 necessary to carry out its functions;
- 3 (6) May adopt a common seal for use by licensed interior
- 4 designers; and
- 5 (7) Shall do all things reasonable and necessary to carry
- 6 out the purposes of this chapter.

7 **§ -4 Requirements for licensure.** Each applicant for
8 licensure shall apply to the board. Except as otherwise
9 provided, each applicant shall take and pass a nationally
10 standardized examination. The board may adopt substantially all
11 or part of the examination and grading procedures of the
12 national council for interior design qualifications. Prior to
13 examination, the applicant shall provide substantial evidence to
14 the board that the applicant:

- 15 (1) Is a graduate of a five-year interior design program
- 16 from an accredited institution and has completed at
- 17 least one year of diversified interior design
- 18 experiences;
- 19 (2) Is a graduate of a four-year interior design program
- 20 from an accredited institution and has completed at
- 21 least two years of diversified interior design
- 22 experience;



1 (3) Has completed at least three years of an interior
2 design curriculum from an accredited institution and
3 has completed three years of diversified interior
4 design experience;

5 (4) Is a graduate of a two-year interior design program
6 from an accredited institution and has completed four
7 years of diversified interior design experience; or

8 (5) Has apprenticed under a designer who has passed the
9 national council for interior design qualification
10 examination or a licensed designer for a minimum of
11 eight years.

12 **§ -5 License without examination.** (a) If any person
13 applies for licensure within one year after the effective date
14 of this chapter and that person has either successfully
15 completed the National Council of Interior Design qualification
16 examination or has completed at least eight years of full-time,
17 diversified experience in the practice of interior design, that
18 person may be issued a license without examination. Licensure
19 pursuant to this subsection shall be subject to the board's
20 discretionary review of the experience qualification.

21 (b) The board may accept, in lieu of examination,
22 satisfactory evidence of licensure in another state or country



1 where the qualifications are equal to or exceed those required
2 by this chapter, provided that the applicant holds a current
3 license in the other jurisdiction and has complied with all
4 other requirements of this chapter.

5 (c) The board may accept, in lieu of examination,
6 satisfactory evidence of licensure or certification by the
7 national council for interior design qualifications.

8 **§ -6 License; issuance; renewal; denial, suspension or**
9 **revocation.** (a) A license shall be issued to every person who
10 presents satisfactory evidence of possessing the qualifications
11 of education, experience, and as appropriate, the examination
12 performance required by this chapter, provided that the
13 applicant has reached the age of majority and pays the required
14 fees.

15 (b) Each original license shall authorize the holder to
16 use the title of and be known as a licensed interior designer
17 from the date of issuance to the next renewal date unless the
18 license is suspended or revoked.

19 (c) All licenses shall expire annually and shall be
20 renewed by submitting a completed renewal application,
21 accompanied by the required fees.



1 (d) A license may not be renewed until the licensee
2 submits satisfactory evidence to the board that, during the last
3 year, the licensee has participated in not less than eight hours
4 of continuing education approved by the board. The board shall
5 approve only continuing education that builds upon basic
6 knowledge of interior design. The board may make exceptions
7 from the continuing education requirement in emergency or
8 hardship cases.

9 (e) The holder of a license that has expired through
10 failure to renew may renew the license at any time within two
11 years from the date on which the license expired, upon approval
12 of the board.

13 (f) The board may adopt policies and procedures providing
14 for the establishment of an inactive status for licensees
15 temporarily not engaged in the practice of interior design.

16 (g) The board may deny, refuse to renew, suspend, or
17 revoke a license or impose probationary conditions when the
18 licensee has:

- 19 (1) Obtained the license by means of fraud,
20 misrepresentation, or concealment of material facts;
- 21 (2) Committed an act of fraud or deceit in professional
22 conduct or been convicted of a felony;

1 (3) Made any representation as being a licensed interior
2 designer prior to being issued a license, except as
3 authorized under this chapter;

4 (4) Been found by the board to have aided or abetted an
5 unlicensed person in violating this chapter; or

6 (5) Failed to comply with this chapter or the rules
7 adopted pursuant thereto.

8 **§ -7 License required; penalty.** (a) No person shall
9 knowingly:

10 (1) Use the name or title of licensed interior designer
11 when the person is not the holder of a current, valid
12 license issued pursuant to this chapter;

13 (2) Use or present as the person's own the license of
14 another;

15 (3) Give false or forged evidence to the board or a board
16 member for the purpose of obtaining a license;

17 (4) Use or attempt to use an interior design license that
18 has been suspended, revoked, or placed on inactive
19 status; or

20 (5) Conceal information relative to violations of this
21 chapter.



1 (b) A person who violates this section is guilty of a
2 misdemeanor.

3 **§ -8 Penalties levied by the board.** Upon a finding by
4 the board of a violation of this chapter, the board may:

- 5 (1) Refuse to approve an application for licensure;
- 6 (2) Refuse to renew an existing license;
- 7 (3) Revoke or suspend a license;
- 8 (4) Impose an administrative fine;
- 9 (5) Issue a reprimand;
- 10 (6) Assess the costs of disciplinary proceedings; or
- 11 (7) Invoke any combination of the above listed penalties.

12 **§ -9 Exemptions.** (a) Nothing in this chapter shall be
13 construed as preventing or restricting the practice, services,
14 or activities of:

- 15 (1) Professional engineers licensed pursuant to chapter
16 464;
- 17 (2) Architects licensed pursuant to chapter 464;
- 18 (3) Contractors licensed pursuant to chapter 444;
- 19 (4) Any interior decorator or individual offering interior
20 decorating services, including but not limited to,
21 selection of surface materials, window treatments,



1 wall coverings, paint, floor coverings and lighting
2 fixtures; and

3 (5) Builders, home furnishings salespersons, and similar
4 purveyors of goods and services relating to
5 homemaking.

6 (b) Nothing contained in this chapter shall prevent any
7 person from rendering or offering to render any of the services
8 that constitute the practice of interior design; provided that
9 the person shall not be permitted to use or be identified by the
10 title "licensed interior designer" unless licensed in accordance
11 with this chapter.

12 (c) Nothing in this chapter shall be construed to permit a
13 licensed interior designer to engage in the practice of
14 professional engineering as licensed in chapter 464.

15 **§ -10 License fees.** The fees for an original license,
16 renewal of license, late charges, or any other fees authorized
17 by this chapter shall be set by rule. The fee for initial
18 licensure shall not exceed \$.

19 **§ -11 Disclosure requirements.** (a) Interior design
20 documents prepared by a licensed interior designer shall contain
21 a statement that the document is not an architectural or
22 engineering study, drawing, specification, or design and is not



1 to be used as the basis for construction of any load-bearing
2 framing, wall, or structure construction.

3 (b) Before entering into a contract, a licensed interior
4 designer shall clearly determine the scope and nature of the
5 project and the methods of compensation. The licensed interior
6 designer may offer professional services to the client as a
7 consultant, specifier, or supplier on the basis of a fee,
8 percentage, or mark-up. The licensed interior designer shall
9 have the responsibility of fully disclosing to the client the
10 manner in which all compensation is to be paid.

11 (c) A licensed interior designer shall not accept any form
12 of compensation from a supplier of goods and services in cash or
13 in kind, unless the licensed interior designer first informs the
14 client of the compensation."

15 SECTION 2. This Act shall take effect on January 1, 2009.

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INTRODUCED BY:



JAN 23 2008



Report Title:

Interior Designers; Licensing

Description:

Requires interior designers to be licensed.

