



In bill text the following has special meaning

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1521

Session of  
2009

INTRODUCED BY SOLOBAY, BRIGGS, CALTAGIRONE, CASORIO, CIVERA, CUTLER,  
DALLY, DEASY, DERMODY, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, JOSEPHS, W.  
KELLER, KORTZ, KOTIK, KULA, MAHER, MATZIE, MELIO, MUNDY, MUSTIO, READSHAW,  
ROEBUCK, STURLA, THOMAS, VULAKOVICH, WALKO AND WATERS, MAY 26, 2009

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 26, 2009

AN ACT

Providing for Interior Design licensure; establishing the State Board  
of Interior Designers; providing for powers and duties of the board;  
establishing fees, fines and civil penalties; and making an  
appropriation.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the State Board of Interior Designers Act.

Section 1.1. Purpose.

The purpose of this act is to protect all citizens of the Commonwealth of Pennsylvania occupying public and private interior spaces by providing for professional interior design licensure.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Biennium." The period from June 1 of an odd-numbered year to May 31 of the next odd-numbered year.

"Board." The State Board of Interior Designers established under this act.

"Clock hour." Fifty minutes of instruction or participation in an approved course, not including keynote speeches, luncheon speeches or breaks and marketing or product presentations.

"Commissioner." The Commissioner of Professional and Occupational Affairs of the Commonwealth.

"Diversified interior design experience." Relates to the skills and tasks listed in accordance with the definition of interior design.

"Electronic presentation." Transmittal of information by means of applications such as computer technology, telecommunications, television and like means.

"Interior design." A multifaceted profession in which creative and technical solutions are applied within a structure to enhance the quality and function of an interior space designed for human habitation, use or occupancy. Designs are created in response to and coordinated with the building shell, acknowledging the physical location and social context. The term must adhere to all applicable codes and regulatory requirements and encourage the principles of environmental sustainability, designs, consultations, studies, drawings, specifications and administration of design construction contracts relating to nonstructural interior elements of a building or structure, reflected ceiling plans, space planning, furnishings and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. The term specifically excludes the design of or the responsibility for architectural and engineering work except for specifications for fixtures and their location within interior spaces. The term specifically excludes the design of any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical and vertical transportation systems that materially affect life safety pertaining to fire safety protection.

"Interior Design Continuing Education Council" or "IDCEC." Serving as central entity for the sharing of continuing education information, approval, accreditation and registration.

"Interior Design Education Program" or "IDEP." Serving as a monitored, documented experience program administered by the National Council for Interior Design Qualification for entry-level interior designers.

"Interior designer." A person who is not licensed under this act and who performs nonregulated interior design services.

"Kitchen and bath retailer." An individual who works predominantly in the design planning, retailing, installation and sale of residential kitchens and baths. These individuals may also provide nonregulated interior design services.

"License." Certificate granted by the State Board of Interior Designers qualifying the licensee for registration and practice of interior design in this Commonwealth.

"Licensed." Process by which an interior designer may submit an application form and fee, conditional to qualifications and performing services as a licensed interior designer in Pennsylvania.

"Licensed interior designer" or "registered interior designer." A person licensed under this act who is a licensed design professional qualified by education, experience and examination to affect the health, safety, welfare, function and quality of interior spaces practicing interior design and rendering or offering to render regulated interior design services.

"National Council for Interior Design Qualification" or "NCIDQ." Serves to establish standards of competence in the practice of interior design. The National Council for Interior Design Qualification serves to identify to the public those interior designers who have met the minimum standards, through examination, for professional practice by passing the NCIDQ examination. The NCIDQ examination tests the full body of interior design knowledge.

"Nonregulated interior design services." The term includes the selection, placement and assistance in selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures and furnishings not subject to regulation under applicable building codes.

"Office management." Activity supportive of administrative or business activities and not related to professional practice, including bookkeeping, business development, finance, marketing, taxes, human resources and the use of office equipment.

"Provider." A person, agency, organization, institution or association approved by the Interior Design State Licensure Board to offer a continuing education organized course (third-party qualifier).

"Regulated Interior design services." Services of interior design that may only be performed by registered design professionals or as regulated by abiding codes and laws in this Commonwealth. Services may include any or all of the following tasks:

(1) designs, consultations, studies, drawings, specifications, space planning, furnishings, contract documents, interior construction documents and the signing and sealing of those documents;

(2) the administration of design construction contracts relating to nonstructural or nonseismic interior elements of a building structure; and

(3) research and analysis of the client's goals and requirements, development of documents, assessment of codes, drawings and diagrams that outline those needs.

"Satellite seminar." A course provided at a central location and viewed at remote sites by electronic transmission.

### Section 3. State Board of Interior Designers.

(a) Establishment.--There is established the State Board of Interior Designers within the Department of State under the Bureau of Occupational Affairs, licensed business entities.

(b) Composition.--The board shall consist of the following:

- (1) The commissioner.
- (2) Two public members.
- (3) Five licensed interior design professionals.

Professional members shall have been actively engaged in providing design services in this Commonwealth for at least five years immediately preceding appointment and be duly licensed under this act meeting all qualifications as required under section 11. One professional member shall reside in a county of the first class. One professional member shall reside in a county of the second class.

(4) A representative from the Office of the Attorney General, Bureau of Consumer Protection.

(c) Meeting.--The board shall meet within 30 days after the appointment of its first members and shall set up operating procedures and develop application forms for licensure. It shall be the responsibility of the board to circulate the forms and educate the public regarding the requirements of this act and regulated interior design services in this Commonwealth.

(d) Term of membership.--Public members shall be appointed by the Governor with the advice and consent of the Senate.

Professional and public members shall be citizens of the United States and residents of this Commonwealth. Except as provided under subsection (e), professional and public members shall serve a term of four years, or until a successor has been appointed and qualified but in no event longer than six months beyond the four-year period. In the event that a member dies or resigns or is otherwise disqualified during the term of office, a successor shall be appointed in the same way and with the same qualifications and shall hold office for the remainder of the unexpired term. A professional or public member shall not be eligible to hold more than two consecutive terms.

(e) Appointments.--For professional and public members initially appointed to the board under this act, the term of office shall be as follows:

- (1) Five members shall serve for a term of four years.
- (2) Two members shall serve for a term of three years.
- (3) One member shall serve for a term of two years.

(f) Professional members and initial appointments.--A professional member initially appointed to the board under this act need not be licensed at the time of appointment but, at the time of appointment, must have satisfied eligibility requirements for licensure as provided in section 11(b)(4).

(g) Quorum.--A majority of the members of the board shall constitute a quorum. Except for temporary and automatic suspensions under sections 18 and 19, a member may not be counted as part of a quorum or vote on any issue unless the member is physically in attendance at the meeting or on a conference system.

(h) Chairman.--The board shall select annually a chairman from among its members. The board, with the approval of the commissioner, shall select and fix the compensation of an executive secretary that will be responsible for the day-to-day operation of the board and administration of the board's activities.

(i) Expenses.--With the exception of the commissioner, each member of the board shall receive \$60 per diem when actually attending to the work of the board. A member shall also receive the amount of reasonable travel, hotel and other necessary expenses incurred in the performance of the member's duties in accordance with Commonwealth regulations.

(j) Forfeiture.--A professional or public member who fails to attend three consecutive meetings shall forfeit his seat unless the commissioner, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.

(k) Training seminars.--A public member who fails to attend two consecutive statutorily mandated training seminars in accordance with section 813(e) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall forfeit his seat unless the commissioner, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

(l) Frequency of meetings.--The board shall meet at least four times a year in the City of Harrisburg and at such additional times as may be necessary to conduct the business of the board.

#### Section 4. Powers and duties of board.

(a) General rule.--The board shall have the following powers and duties:

(1) To provide for and regulate the licensing of individuals engaging in providing regulated interior design services.

(2) To issue, renew, reinstate, refuse to renew, suspend and revoke licenses as provided for in this act.

(3) To administer and enforce the provisions of this act.

(4) To create and distribute a universal seal to be used by all licensed interior designers.

(5) To contract with an approved examination administrator, which may include the NCIDQ.

(6) To investigate applications for licensure and to determine the eligibility of an individual applying for licensure.

(7) To promulgate and enforce regulations, not inconsistent with this act, as necessary only to carry into effect the provisions of this act. This paragraph includes the setting of fees and the amount of liability insurance required by licensed interior designers. Regulations shall be adopted in conformity with the provisions of the act of July 31, 1968 (P.L. 769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(8) To keep minutes and records of all its transactions and proceedings.

(9) To keep and maintain a registry of individuals licensed by the board. The board shall provide public access to the registry, including making the registry available via electronic means.

(10) To submit annually to the department an estimate of financial requirements of the board for its administrative, legal and other expenses.

(11) To submit annually a report to the Consumer Protection and Professional Licensure Committee of the Senate and the Professional Licensure Committee of the House of Representatives. The report shall include a description of the types of complaints received, status of cases, the action which has been taken and the length of time from initial complaint to final resolution.

(12) To submit annually to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives, 15 days after the Governor has submitted a budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

#### Section 5. Requirement for biennial renewal.

(a) Requirement.--As a condition of biennial renewal commencing with the 2010 biennium and continuing thereafter, licensees shall have completed during the preceding biennium ten clock hours of continuing education in acceptable courses approved under section 6.

(b) Exemption.--The board shall exempt from the continuing education requirement a licensee who receives a license within two years preceding the licensee's first application for biennial renewal.

(c) Lapsed license.--A licensee who wishes to reactivate a lapsed license or who has been on inactive status shall have completed ten hours of continuing education in the two-year period immediately prior to reactivation.

#### Section 6. Acceptable continuing education courses.

(a) Course approval.--Only courses approved by the board will be accepted for continuing education credit. The

licensee shall be responsible for ascertaining the approved status of the course before undertaking a continuing education activity.

(b) Course contents.--Acceptable subject matter for continuing education courses is limited to courses pertaining to the enhancement of the licensed interior designer's professional skills. The board shall not approve courses in office management.

(c) Hours.--Clock hours will be accepted in courses consisting of satellite seminars, electronic presentations and correspondence courses.

#### Section 7. Sources of continuing education.

Courses approved by the board may include, but are not limited to, continuing education approved by IDCEC or another board-approved service.

#### Section 8. Reporting of hours spent in continuing education.

An applicant for license renewal shall certify on the renewal application whether the applicant has completed the required number of hours of board-approved continuing education courses.

#### Section 9. Retention of records.

(a) Copies.--The licensee shall retain copies of licensure renewal forms and the certificates, transcripts or other acceptable documentation of completion of the prescribed number of clock hours for four years following completion of the course. Records and documentation shall be produced upon demand by the board or its auditing agents. The board shall utilize a random audit of renewals to determine compliance with the continuing education requirement.

(b) Transcript.--Acceptable documentation of completion for board review shall consist of a transcript prepared by the NCIDQ or other transcript provider as approved by the board.

#### Section 10. Waiver.

The board may waive all or part of the continuing education requirement for biennial renewal upon written documentation by a licensee of illness, emergency or hardship. A waiver request shall be evaluated by the board on a case-by-case basis. The board shall send written notification of its approval or denial of a waiver request.

#### Section 11. Licensure, qualifications and seal.

(a) Requirement.--Except as otherwise provided herein, a license is required in order to practice regulated interior design in the Commonwealth of Pennsylvania.

(b) Qualifications.--The board may issue a license to an applicant who complies with all of the following:

(1) The applicant must file an application.

(2) The applicant must pay a fee as established by regulation of the board.

(3) Except as set forth under section 13, an applicant must hold a baccalaureate or higher degree from a board-approved education program and have two years of full-time diversified interior design experience or completed IDEP.

(4) Except as set forth under section 13, an applicant must pass the NCIDQ examination or board-approved equivalent examination.

(c) Seals.--The board shall prescribe a seal to be used by licensed interior designers.

(1) Each licensed interior designer shall obtain a seal as prescribed by the board. A licensed interior designer may sign and seal drawings, plans, specifications and reports prepared or issued by the licensed interior designer and being filed for public record on the date they were prepared or approved. The signature, date and seal shall be evidence of the authenticity of that to which they are affixed.

(2) No licensed interior designer shall affix, or permit to be affixed, the licensed interior designer's seal or signature to any plan, specification, drawing or other document which depicts work which the licensed interior designer is not competent or licensed to perform.

(3) No licensed interior designer shall affix the licensed interior designer's seal or signature to any plan, specification, drawing or other document not prepared by the licensed interior designer or under the licensed interior designer's supervision.

(4) Interior design documents that are prepared and sealed by a licensed interior designer may be submitted for the issuance of a building permit.

(d) Licensure by reciprocity.--The board shall issue a license to an individual who has a valid license in interior design or similar practice from another country, state, territory or possession with a standard of qualifications substantially equivalent to or greater than that provided for in this act.

#### Section 12. Personal background.

(a) Qualifications.--The applicant must demonstrate all of the following to the satisfaction of the board:

(1) The applicant is of good moral character.

(2) The applicant is not addicted to the use of alcohol, narcotics or other habit-forming drugs.

(3) The applicant has not been sentenced for a felony or for an offense under the law of another jurisdiction, which, if committed in this Commonwealth, would constitute a felony.

Compliance with this paragraph must be documented by a report of criminal history record information from the Pennsylvania State Police or by a statement from the Pennsylvania State Police that its central repository contains no information relating to the applicant. The costs associated with the report or statement shall be paid by the applicant.

(4) The applicant must not have been sentenced for a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or for an offense under the law of another jurisdiction which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the applicant satisfies all of the following criteria:

(i) At least ten years have elapsed from the date of sentencing.

(ii) The applicant has made significant progress in personal rehabilitation since the sentencing such that licensure of the applicant would not be expected to create a substantial risk of harm to the health and safety of clients or the public or create a substantial risk of further criminal violations.

(5) The applicant must not have been sentenced for an offense under section 20 unless five years have elapsed from the date of sentencing.

(b) Issuance and term.-- (1) Subject to subsections (c) and (d), the board shall issue a license to an applicant who meets the qualifications under section 11(b).

(2) Except as set forth under subsection (c)(3), the term of a license is two years.

(3) Renewal is subject to section 14.

(c) Deadline for initial applications.-- (1) In the initial regulations under this act, the board shall establish an application date for the filing of initial applications for licensure.

(2) An active practitioner as of the effective date of this subsection may continue to practice regulated interior design up until the application date under paragraph (1).

(3) Beginning on the application date under paragraph (1), only an applicant may engage in the practice of regulated interior design service. Practice under this paragraph is limited to the period during which the application is pending before the board.

(d) Transferability.--A license and a temporary license are not transferable.

#### Section 13. Grandfathering.

(a) Expiration.--This section shall expire December 31, 2016, or a date as approved by the board.

(b) Qualifications.--An applicant who passes board-approved sections of the NCIDQ examination is subject to the

following:

- (1) The applicant must have at least 5 years of diversified experience practicing regulated interior design.
- (2) The applicant must have completed ten hours of continuing education as approved by the board.
- (c) Special provisions.--An applicant who is 50 years of age or older is subject to the following:
  - (1) Documented proof of diversified experience practicing interior design for more than 15 years.
  - (2) Completion of ten hours of continuing education as approved by the board.

Section 14. License renewal and continuing education.

(a) Scope.--This section applies to all of the following:

- (1) A licensee.
- (2) A licensee who has allowed the licensee's license to lapse who must meet ten hours of continuing education.

(b) Procedure.--To renew a license, a licensee must do all of the following:

- (1) File a renewal application with the board. On the application, the applicant must verify all of the following:
  - (i) Completion of ten hours of continuing education.
  - (ii) Successful completion of a background check that is to be conducted by the Pennsylvania State Police.
- (2) Payment of a fee established by regulation of the board.

(c) Board.-- (1) Upon receipt of the application and fee, the board shall investigate the licensee to determine all of the following:

- (i) The accuracy of the renewal application.
- (ii) Action under section 11 completed during the prior license term or pending at the time of renewal application.

(2) After investigation under paragraph (1), if the board is satisfied that the licensee is fit to be a licensed interior designer, the board shall renew the license.

Section 15. Title and utilization.

Only a licensee has the right to use the title Registered Interior Designer or Licensed Interior Designer.

Section 16. Display of license.

The board may, by regulation or order, require the posting of licenses.

Section 17. Unprofessional conduct.

The following constitutes unprofessional conduct:

- (1) Failure to demonstrate the qualifications under section 11.
- (2) Failure to refer a client to a licensed professional if the client requires services out of the scope of practice of a licensed interior designer.
- (3) Gross incompetence, negligence or misconduct in carrying out the practice of interior design.
- (4) Submission of a false or deceptive application to the board.
- (5) Being sentenced for a felony in any jurisdiction.
- (6) Being sanctioned by an interior design licensing authority within another jurisdiction.

(7) Inability to practice interior design with reasonable skill and safety to clients by reason of illness, abuse of alcohol or other chemical substances or a mental or physical condition.

(8) Violation of any regulation or order of the board.

(9) Knowingly aiding, assisting, hiring or advising unlawful practice of interior design contrary to section 21(a).

(10) Practice or attempt to practice beyond the licensee's defined scope of practice.

(11) Making misleading, deceptive, untrue or fraudulent representations in the practice of regulated interior design.

(12) Conduct outside of, but resulting from, the professional relationship which the board, by regulation, declares to be unprofessional.

#### Section 18. Sanctions.

(a) Discretionary.-- (1) If the board finds that a licensee has engaged in conduct prohibited by section 17, the board may administer the following sanctions:

(i) Suspend enforcement of its finding and place a licensee on probation with the right to vacate the probationary order for noncompliance.

(ii) Require a licensee to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.

(iii) Administer a public reprimand.

(iv) Impose an administrative penalty of up to \$10,000.

(v) Suspend the license.

(vi) Revoke the license.

(2) The board may vacate a sanction if it determines that vacation is just and reasonable.

(b) Mandatory.-- (1) The board shall suspend a license if the licensee is sentenced for a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or for an offense under the laws of another jurisdiction which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act.

(2) Automatic suspension under this subsection shall not be stayed pending any appeal of a conviction.

(c) Administrative agency law.--This section is subject to 2 Pa.C.S. Ch. 5 Subch. A. (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(d) Return of license.--The board shall require a licensee whose license has been suspended or revoked to return the license in such manner as the board directs.

#### Section 19. Temporary suspension.

(a) Authority.--The board may temporarily suspend a license under circumstances as determined by the board to be of an immediate and clear danger to the public health or safety.

(b) Procedure.-- (1) Upon a determination under subsection (a), the board shall issue the licensee an order temporarily suspending the license. The order must:

(i) be sent to the licensee's last known address; and

(ii) include a written statement of all allegations against the licensee.

(2) Upon issuance of the order, the board must commence an action under section 21.

(3) A hearing under section 18(c) must be conducted within 45 days of issuance of the order. If the board does not

comply with the time limit under this paragraph, the order shall be void.

(c) Duration.--A temporary suspension shall remain in effect until the earliest of the following:

- (1) The board vacates the suspension.
- (2) The order is vacated because of noncompliance with subsection (b)(3).
- (3) The expiration of 180 days.

#### Section 20. Remedies.

(a) Civil penalty.--A licensee's failure to provide the board a report on criminal procedures against the licensee within three months of adjudication shall subject the person to a civil penalty payable to the board not to exceed \$10,000. The board may pursue this penalty in a court of competent jurisdiction.

(b) Injunction.--The board may seek injunctive relief in a court of competent jurisdiction to enjoin a person from committing any violation of this act. Relief under this section is in addition to and not in lieu of all remedies and penalties under sections 18, 19 and 21 and other remedies in this act.

#### Section 21. Criminal penalties.

(a) Unlawful practice.--Except as set forth in section 22, an individual may not practice regulated interior design unless the individual has a license.

(b) Fraud.--A person may not sell, fraudulently obtain or fraudulently furnish a license.

(c) Unlawful use of title.-- (1) An individual who is not a licensee may not use the title Licensed Interior Designer, Registered Interior Designer or Registered Design Professional. It is a violation of this section to hold oneself out to others in any manner, including advertising, as a licensed interior designer and adopt or use any title or description, including Licensed Interior Designer, Registered Interior Designer or any other derivative of those terms and their related abbreviations, which implies directly or indirectly that regulated interior design services are being provided by a licensed interior designer.

(2) A business entity may not utilize in connection with a business name or activity the words licensed interior designer, registered interior design professional or any derivative of those terms and their related abbreviations, which imply directly or indirectly that regulated interior design services are being provided by licensed interior designers unless a licensed interior designer is employed by that business.

(d) Failure to return license.--An individual may not fail to return a license under section 18(d).

(e) Grading.-- (1) A person that violates subsection (a), (b) or (c) commits a misdemeanor of the second degree.

(2) A person that violates subsection (d) commits a misdemeanor of the third degree.

#### Section 22. Exemptions.

Nothing in this act shall be construed as preventing, restricting or requiring licensure of any of the following activities:

(1) The practice of a profession by an individual who is licensed, certified or registered by a Commonwealth agency under other laws and who is performing services within the authorized scope of practice of their governing statute.

(2) The practice of interior design by an individual employed by the Federal Government while the person is engaged in the performance of such duties under Federal law.

(3) The practice of interior design by an individual licensed, registered or certified in another jurisdiction when incidentally called into this Commonwealth to teach a course related to interior design or to consult with a licensee.

(4) A student or graduate of a board-approved program under this act who is conducting, learning, practicing or studying interior design under the guidance of a person licensed under this act.

(5) A person or persons who provide nonregulated interior design services.

(6) An individual providing service as part of an emergency response team working in conjunction with disaster relief officials.

(7) An individual or business working as a kitchen and bath retailer in the kitchen and bath industry.

(8) An owner or employee of a retail establishment providing nonregulated interior design services on the premises of a retail establishment or home in the furtherance of a retail sale.

(9) A person customarily engaged in construction work that prepares shop drawings or performs construction management services.

(10) A person employed by a commercial dealer who provides layouts, specifications and bid documents as they relate to furniture sales.

#### Section 23. Appropriation and repayment.

(a) Appropriation.--The sum of \$95,000, or as much thereof as may be necessary, is appropriated from the Professional Licensure Augmentation Account (PLAA) for fiscal year 2010-2011 for the operation of the State Board of Interior Designers to carry out the provisions of this act. This appropriation shall be a continuing appropriation until June 30, 2015, at which time any unexpended funds shall lapse into the PLAA.

(b) Repayment.--The appropriation shall be repaid by the board to the account within three years of the beginning of issuance of licenses by the board.

#### Section 24. Effective date.

This act shall take effect as follows:

(1) Sections 1, 2, 3 and 4 of this act and this section shall take effect immediately.

(2) The remainder of this act shall take effect in 90 days.

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