

HOUSE BILL NO. 5960

September 26, 2024, Introduced by Reps. Glanville, Tyrone Carter, Scott, Weiss, Morse, Conlin, Byrnes, Rheingans, Wilson, Price, Brabec, McKinney and Arbit and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a and 601 (MCL 339.303a and 339.601), section 303a as amended by 2014 PA 265 and section 601 as amended by 2016 PA 412, and by adding article 20a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303a. The term of office of a member of a board appointed
2 under this article ~~shall commence~~ **commences** on 1 of the following
3 dates, as applicable:
4 Accountancy July 1

1	Architects	April 1
2	Barbers	October 1
3	Collection agencies	July 1
4	Cosmetology	January 1
5	Employment agencies	October 1
6	Hearing aid dealers	October 1
7	Land surveyors	April 1
8	Landscape architects	July 1
9	Mortuary science	July 1
10	Professional engineers	April 1
11	Real estate appraisers	July 1
12	Real estate brokers and salespersons	July 1
13	Interior designers	April 1
14	Residential builders	April 1

15 Sec. 601. (1) A person shall not engage in or attempt to
16 engage in the practice of an occupation regulated under this act or
17 use a title designated in this act unless the person possesses a
18 license or registration issued by the department for the
19 occupation.

20 (2) A school, institution, or person shall not operate or
21 attempt to operate a barber college, school of cosmetology, or real
22 estate school unless the school, institution, or person is licensed
23 or approved by the department.

24 (3) Subject to section 411, a person whose license or
25 registration is suspended, revoked, or lapsed, as determined by the
26 records of the department, is considered unlicensed or
27 unregistered.

28 (4) Except as otherwise provided for in section 735, a person,
29 school, or institution that violates subsection (1) or (2) is

1 guilty of a misdemeanor, punishable by a fine of not more than
2 \$500.00, or imprisonment for not more than 90 days, or both.

3 (5) Except as otherwise provided for in section 735, a person,
4 school, or institution that violates subsection (1) or (2) a second
5 or any subsequent time is guilty of a misdemeanor, punishable by a
6 fine of not more than \$1,000.00, or imprisonment for not more than
7 1 year, or both.

8 (6) Notwithstanding subsections (4) and (5), a person that is
9 not licensed under article 24 as a residential builder or a
10 residential maintenance and alteration contractor and that violates
11 subsection (1) or (2) is guilty as follows:

12 (a) ~~In the case of~~ **For** a first offense, a misdemeanor
13 punishable by a fine of not less than \$5,000.00 or more than
14 \$25,000.00, or imprisonment for not more than 1 year, or both.

15 (b) ~~In the case of~~ **For** a second or subsequent offense, a
16 misdemeanor punishable by a fine of not less than \$5,000.00 or more
17 than \$25,000.00, or imprisonment for not more than 2 years, or
18 both.

19 (c) ~~In the case of~~ **For** an offense that causes death or serious
20 injury, a felony punishable by a fine of not less than \$5,000.00 or
21 more than \$25,000.00, or imprisonment for not more than 4 years, or
22 both.

23 (7) Notwithstanding subsections (4) and (5), a person that is
24 not licensed under article 20 as an architect, professional
25 engineer, or professional land surveyor and that violates
26 subsection (1) or (2) is guilty as follows:

27 (a) ~~In the case of~~ **For** a first offense, a misdemeanor
28 punishable by a fine of not less than \$5,000.00 or more than
29 \$25,000.00 or imprisonment for not more than 93 days, or both.

1 (b) ~~In the case of~~ **For** a second or subsequent offense, a
2 misdemeanor punishable by a fine of not less than \$5,000.00 or more
3 than \$25,000.00 or imprisonment for not more than 1 year, or both.

4 (c) ~~In the case of~~ **For** an offense that causes death or serious
5 injury, a felony punishable by a fine of not less than \$5,000.00 or
6 more than \$25,000.00 or imprisonment for not more than 4 years, or
7 both.

8 (8) If a trier of fact finds that a person has violated this
9 act, the trier of fact shall require that person to make
10 restitution, based on proofs submitted to and findings made by the
11 trier of fact as provided by law.

12 (9) Notwithstanding the existence and pursuit of any other
13 remedy, an affected person may maintain injunctive action to
14 restrain or prevent a person from violating subsection (1) or (2).
15 If successful in obtaining injunctive relief, the affected person
16 is entitled to actual costs and attorney fees.

17 (10) This act does not apply to a person that is engaging in
18 or practicing any of the following:

19 ~~(a) Interior design.~~

20 **(a)** ~~(b)~~ Residential building design. As used in this
21 subdivision, "residential building design" means the rendering of
22 residential design services for a detached 1- and 2-family
23 residence building by a person that is exempt from the requirements
24 of section 2012.

25 **(b)** ~~(e)~~ Any activity for which the person is licensed under
26 article 11 of the skilled trades regulation act, MCL 339.6101 to
27 339.6133.

28 **(c)** ~~(d)~~ Any activity for which the person is licensed under
29 article 8 of the skilled trades regulation act, MCL 339.5801 to

1 339.5819.

2 (d) ~~(e)~~ Any activity for which the person is licensed under
3 article 7 of the skilled trades regulation act, MCL 339.5701 to
4 339.5739.

5 (11) As used in subsection (9), "affected person" means a
6 person that is directly affected by the actions of a person
7 suspected of violating subsection (1) or (2) and includes, but is
8 not limited to, a licensee or registrant, a board established under
9 this act, the department, a person that utilizes the services of
10 the person that is engaging in or attempting to engage in an
11 occupation that is regulated under this act or using a title that
12 is designated by this act without being licensed or registered by
13 the department, or a private association that is composed primarily
14 of members of the occupation in which the person is engaging in or
15 attempting to engage in or in which the person is using a title
16 designated under this act without being registered or licensed by
17 the department.

18 (12) An investigation may be conducted under article 5 to
19 enforce this section. A person that violates this section is
20 subject to this section and sections 506, 602, and 606.

21 (13) The department, the attorney general, or a county
22 prosecutor may utilize forfeiture as a remedy in the manner
23 provided for in section 606.

24 (14) The remedies under this section are independent and
25 cumulative. The use of 1 remedy by a person does not bar the use of
26 other lawful remedies by that person or the use of a lawful remedy
27 by another person.

28 (15) An interior designer may perform services in connection
29 with the design of interior spaces including preparation of

1 documents relative to finishes, systems furniture, furnishings,
2 fixtures, equipment, and interior partitions that do not affect the
3 building mechanical, structural, electrical, or fire safety
4 systems.

5 (16) At the time a court enters a conviction under subsection
6 (4), (5), or (6), the court shall notify, by mail, facsimile
7 transmission, or ~~electronic mail, email~~, the department of the
8 conviction.

9 Article 20a

10 Sec. 2015. As used in this article:

11 (a) "Architect" means an individual licensed as an architect
12 under article 20.

13 (b) "Building equipment" means a mechanical, plumbing,
14 electrical, or structural component, including a conveyance,
15 designed for or located in a building or structure.

16 (c) "Conveyance" means an elevator, dumbwaiter, vertical
17 reciprocating conveyor, escalator, or other motorized vertical
18 transportation system.

19 (d) "Council for interior design accreditation" means the
20 nonprofit accrediting organization for interior design education
21 programs at colleges and universities in the United States or a
22 successor to the organization.

23 (e) "Council for interior design qualification" means the
24 international credentialing organization that administers the
25 National Council for Interior Design Qualification certification
26 examination for the profession of interior design or a successor to
27 the organization.

28 (f) "Interior designer" means an individual engaged in the
29 practice of interior design who holds a license under this article

1 that allows the interior designer to sign and seal an interior
2 technical submission under section 2022.

3 (g) "Interior technical submission" means a design, drawing,
4 specification, study, or other technical report that establishes
5 the scope of an interior alteration or interior construction
6 project.

7 (h) "Practice of interior design" means the design of an
8 interior space as a part of an interior alteration or interior
9 construction project. Practice of interior design includes, but is
10 not limited to, either of the following:

11 (i) Preparation of an interior technical submission related to
12 space planning, finish materials, furnishings, fixtures, and
13 equipment, not including building equipment.

14 (ii) Preparation of a document related to interior construction
15 that does not affect the engineered systems of a building.

16 (iii) Programming, planning, pre-design analysis, and conceptual
17 design of interior nonstructural elements, including, but not
18 limited to, the selection of materials, furniture, fixtures, and
19 equipment, but not building equipment.

20 (iv) Alteration or construction of interior nonstructural
21 elements and any interior technical submissions related to
22 alteration or construction.

23 (v) Preparation of a physical plan of space within a proposed
24 or existing building or structure that may include all of the
25 following:

26 (A) Determinations of circulation systems or patterns.

27 (B) Determinations of the location of exit requirements based
28 on occupancy loads.

29 (C) Assessment and analysis of interior safety factors to

1 comply with building codes related to interior nonstructural
2 elements.

3 (vi) Application of building codes, fire codes, and
4 accessibility standards, including, but not limited to, the federal
5 Americans with disabilities act of 1990, Public Law 101-336, as
6 applicable to interior technical submissions for interior
7 nonstructural elements.

8 (vii) Rendering of designs, plans, drawings, specifications,
9 contract documents, or other interior technical submissions and
10 administration of interior nonstructural element construction and
11 contracts that relate to nonstructural elements in interior
12 alteration or construction of a proposed or existing building or
13 structure.

14 (i) "Practice of interior design" does not include any of the
15 following:

16 (i) Except as otherwise provided in this section, services that
17 constitute the practice of professional engineering or professional
18 architecture.

19 (ii) Making changes or additions to any of the following:

20 (A) The structural system of a building, including changing
21 the building's live or dead load on the structural system.

22 (B) The building envelope, including, but not limited to,
23 exterior walls, exterior wall coverings, exterior wall openings,
24 exterior windows and doors, architectural trim, balconies and
25 similar projections, bay and oriel windows, roof assemblies and
26 rooftop structures, and glass and glazing for exterior use in both
27 vertical and sloped applications in buildings and structures.

28 (C) The mechanical, plumbing, heating, air conditioning,
29 ventilation, electrical, vertical transportation, fire sprinkler,

1 or fire alarm systems.

2 (D) Means of egress systems, except for the exit access
3 component.

4 (E) Construction that materially affects life safety systems
5 pertaining to fire safety of structural elements or the fire
6 protection of structural elements, smoke evacuation and
7 compartmentalization systems, or fire-rated vertical shafts in
8 multistory structures.

9 (F) Changes of building use to occupancies not already allowed
10 by the current building.

11 (G) The construction classification of the building or
12 structure according to the international building code.

13 (j) "Responsible charge" means supervisory control of work
14 that an individual has detailed professional knowledge of. In
15 respect to the preparation of an interior technical submission,
16 responsible charge means the exercise, direction, guidance, and
17 restraining power over the preparation of the interior technical
18 submission. Responsible charge does not include the review of an
19 interior technical submission prepared by another individual unless
20 the individual had responsible charge over the interior technical
21 submission.

22 Sec. 2016. (1) The interior design board is created.

23 (2) The board may hire any of the following individuals that
24 the board finds necessary to implement the board's duties under
25 this article:

26 (a) An executive director.

27 (b) Legal counsel.

28 (c) Investigator.

29 (d) Professional consultant.

1 (e) Any other employee.

2 Sec. 2017. The board shall promulgate rules to implement this
3 article under the administrative procedures act of 1969, 1969 PA
4 306, MCL 24.201 to 24.328, including, but not limited to, rules
5 that govern all of the following:

6 (a) The adoption of a common seal.

7 (b) Creation and maintenance of a roster of interior
8 designers.

9 (c) Continuing education requirements for license renewal
10 under section 2021.

11 (d) Implementation and enforcement of this article.

12 Sec. 2018. (1) Beginning January 1, 2026 and not later than 4
13 years after the effective date of the amendatory act that added
14 this section, the department shall issue an interior design license
15 to an individual who does either of the following:

16 (a) Submits to the department a document from the council for
17 interior design qualification that verifies both of the following:

18 (i) The individual passed an examination prepared and
19 administered by the council for interior design qualification.

20 (ii) The individual meets the conditions and eligibility
21 standards of the council for interior design qualification.

22 (b) As determined by the department, meets the conditions and
23 eligibility standards of the council for interior design
24 qualification.

25 (2) Beginning 4 years after the effective date of the
26 amendatory act that added this article, the department shall issue
27 an interior design license to an individual who meets all of the
28 following:

29 (a) As determined by the department, successfully completed

1 any of the following:

2 (i) An interior design program accredited by the council for
3 interior design accreditation or another national accrediting body
4 approved by the department.

5 (ii) An interior design program that is substantially
6 equivalent to the program described in subparagraph (i), as
7 determined by the department.

8 (iii) An alternate education review process administered by the
9 council for interior design qualification.

10 (b) As determined by the department, successfully completed
11 either of the following:

12 (i) An interior design experience program administered by the
13 council for interior design qualification.

14 (ii) A supervised work experience program approved by the
15 department that is substantially equivalent to the program
16 described in subparagraph (i).

17 (c) To the department's satisfaction, does either of the
18 following:

19 (i) Submits a document from the council for interior design
20 qualification that verifies that the individual passed an
21 examination prepared and administered by the council for interior
22 design qualification.

23 (ii) Passes an examination approved by the department that is
24 substantially similar to the examination prepared and administered
25 by the council for interior design qualification.

26 (d) Submits any other information that the department
27 requires.

28 Sec. 2019. Notwithstanding the requirements of section 2018,
29 the department may issue an interior design license to an

1 individual who holds an interior design license from an equivalent
2 department, board, or authority, as determined by the department,
3 in at least 1 other state of the United States. The other state
4 must have qualifications that are greater or equal to the
5 qualifications under this article on the date of the individual's
6 application for licensure.

7 Sec. 2020. (1) An interior design license issued to an
8 individual under section 2018 or 2019 must include all of the
9 following:

- 10 (a) The individual's name.
11 (b) A serial number assigned to the individual.
12 (c) The chairperson's and secretary of the board's signature.
13 (d) The board's official stamp.

14 (2) An individual who receives an interior design license
15 under section 2018 or 2019 may use the title of "Licensed Interior
16 Designer" in connection with the individual's practice of interior
17 design.

18 Sec. 2021. (1) As a condition for renewal of an interior
19 design license, a licensee must complete not less than 12 hours of
20 continuing education per year. The continuing education courses
21 must comply with the rules promulgated by the board under section
22 2017.

23 (2) In addition to the renewal requirements under section 204,
24 a licensee seeking to renew an interior design license shall submit
25 to the department proof acceptable to the department of compliance
26 with the board's continuing education requirements.

27 Sec. 2022. (1) An interior designer must have a reproducible
28 seal, either mechanical or electronic, that contains all of the
29 following:

- 1 (a) The interior designer's name.
2 (b) The interior designer's serial number.
3 (c) The statement: "Licensed Interior Designer, State of
4 Michigan".

5 (2) On the first page of any interior technical submission
6 under an interior designer's responsible control that is required
7 to be submitted to a state or local governmental agency for
8 approval or record, the interior designer shall affix by print,
9 type, stamp, or otherwise imprint mechanically or electronically
10 all of the following:

- 11 (a) The interior designer's signature.
12 (b) The date the document was signed by the interior designer.
13 (c) The statement: "My license expires ____."
14 (d) The interior designer's reproducible seal.

15 (3) Except as otherwise provided under subsection (4), an
16 interior designer shall not sign and seal an interior technical
17 submission that the interior designer did not prepare or that was
18 not under the interior designer's responsible control.

19 (4) An interior designer may sign the following documents that
20 the interior designer did not prepare or that were not under the
21 interior designer's responsible control:

22 (a) An interior technical submission prepared by another
23 interior designer that the interior designer has reviewed in whole
24 or in part and has coordinated the preparation of the submission or
25 integrated the submission into an interior alteration or interior
26 construction project.

27 (b) A document not required to be prepared by an interior
28 designer under this act that the interior designer reviewed and
29 adopted, in whole or in part, portions of the document and

1 integrated the portions into an interior alteration or interior
2 construction project.

3 (5) If an interior designer signs and seals an interior
4 technical submission that was prepared under the interior
5 designer's responsible control by a person not regularly employed
6 by the same employer as the interior designer, the interior
7 designer shall maintain and make available to the board on the
8 board's request, records that demonstrate the extent of the
9 interior designer's control over and detailed professional
10 knowledge of the interior technical submission throughout the
11 preparation of the submission.

12 (6) An interior designer may sign and seal an interior
13 technical submission and may submit the interior technical
14 submission to a state or local governmental entity for the purpose
15 of obtaining a requisite permit for an interior alteration or
16 construction project.

17 Sec. 2023. (1) In addition to other penalties prescribed by
18 law, an interior designer who does 1 or more of the following is
19 subject to the penalties under article 6:

20 (a) Except as otherwise provided in section 2022, signs or
21 affixes the interior designer's seal to plans, drawings,
22 specifications, or other instruments of services that were not
23 prepared by the interior designer or the interior designer's
24 office, or were not under the interior designer's responsible
25 control.

26 (b) Aids an unauthorized individual to practice as an interior
27 designer, including, but not limited to, by allowing the
28 unauthorized individual to use the interior designer's name to
29 avoid the requirements of this article.

1 (2) In addition to the penalties prescribed under article 6,
2 an interior designer who violates this article is subject to
3 additional education or counseling.

4 (3) A person that engages in the practice of interior design
5 may be found responsible for a violation of this article that is
6 committed by an individual employed by that person.

7 Sec. 2024. The following persons are exempt from licensure
8 under this article:

9 (a) An architect.

10 (b) An employee of an architect or an interior designer if the
11 work the employee performs does not include responsible control or
12 supervision.

13 (c) A consultant retained by an architect or interior
14 designer.

15 (d) An individual who prepares plans, drawings, or
16 specifications for buildings that are for the individual's private
17 use.

18 (e) An individual who prepares drawings of the layout of
19 material or furnishing used in interior design or provides
20 assistance in the selection of material or furnishing used in
21 interior design, including, but not limited to, any of the
22 following:

23 (i) Decorative accessories.

24 (ii) Wallcoverings, wall finishes, or paint.

25 (iii) Floor coverings, tile, wood, stone, or concrete.

26 (iv) Window coverings.

27 (v) Lighting or plumbing fixtures that do not disrupt
28 structural elements.

29 (vi) Furniture, equipment, cabinetry, or millwork.

1 (f) An individual who performs an activity traditionally
2 performed by an interior designer that is limited to the planning,
3 design, and implementation of kitchen and bathroom spaces or the
4 specification of products for kitchen and bathroom areas, in a
5 noncommercial setting.

6 Sec. 2025. (1) A person that provides information to the board
7 in good faith and without malicious intent that relates to an
8 investigation of an applicant for licensure or a licensee is immune
9 from civil liability that arises from providing that information.

10 (2) A person that assists the board in the investigation or
11 prosecution of an alleged violation of this article or a proceeding
12 for licensure or renewal of an interior design license is immune
13 from any civil liability that arises from a decision or action made
14 by the person that was taken in good faith and without malicious
15 intent in response to information received by the board.

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 102nd Legislature are
18 enacted into law:

19 (a) Senate Bill No. ____ or House Bill No. 5961 (request no.
20 03749'23 a).

21 (b) Senate Bill No. ____ or House Bill No. 5962 (request no.
22 05414'24).