



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 463

2 AMENDMENT NO. _____. Amend Senate Bill 463 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Interior Design Title Act is amended by
5 changing Sections 3, and 5 and by adding Sections 4.10, 4.15,
6 and 4.20 as follows:

7 (225 ILCS 310/3) (from Ch. 111, par. 8203)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 3. Definitions. As used in this Act:

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Secretary" means the Secretary of Financial and
13 Professional Regulation.

14 "Board" means the Board of Registered Interior Design
15 Professionals established under Section 6 of this Act.

16 "Licensed design professional" means a person who holds an

1 active license as an architect under the Illinois Architecture
2 Practice Act of 1989, as a structural engineer under the
3 Structural Engineering Practice Act of 1989, as a professional
4 engineer under the Professional Engineering Practice Act of
5 1989, or as a land surveyor under the Illinois Professional
6 Land Surveyor Act of 1989.

7 "Public member" means a person who is not an interior
8 designer, educator in the field, architect, structural
9 engineer, or professional engineer. For purposes of board
10 membership, any person with a significant financial interest in
11 the design or construction service or profession is not a
12 public member.

13 "Registered interior designer" means a person who has
14 received registration under Section 8 of this Act.

15 "The profession of interior design", within the meaning and
16 intent of this Act, refers to persons qualified by education,
17 experience, and examination, who administer contracts for
18 fabrication, procurement, or installation in the
19 implementation of designs, drawings, and specifications for
20 any interior design project and offer or furnish professional
21 services, such as consultations, studies, drawings, and
22 specifications in connection with the location of lighting
23 fixtures, lamps and specifications of ceiling finishes as shown
24 in reflected ceiling plans, space planning, furnishings, or the
25 fabrication of non-loadbearing structural elements within and
26 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 A person represents himself or herself to be a "registered
5 interior designer" within the meaning of this Act if he or she
6 holds himself or herself out to the public by any title
7 incorporating the words "registered interior designer" or any
8 title that includes the words "registered interior design".

9 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

10 (225 ILCS 310/4.10 new)

11 Sec. 4.10. Design firms. Corporations, partnerships,
12 limited liability companies, professional limited liability
13 companies, and professional design firms offering, or planning
14 to offer, one or more services as listed in subparagraphs (A)
15 through (D) of paragraph (2) of Section 4.15 may, for the
16 purpose of formation or establishment, governance, or
17 management, have one or more registered or unregistered
18 interior designers who are not licensed design professionals
19 possess the duties, responsibilities, restrictions,
20 liabilities, legal authority, and the powers and privileges of
21 the following:

22 (1) a director on the board in the case of a
23 corporation, a general partner in the case of a
24 partnership, or a member in the case of a professional
25 limited liability company or limited liability company;

- 1 (2) a managing agent;
2 (3) an owner, including majority owner; or
3 (4) an officer, which may include an individual serving
4 as more than one officer at the same time and therefore
5 assuming all the duties, responsibilities, liabilities,
6 legal authority, powers, and privileges of each respective
7 officer's position.

8 (225 ILCS 310/4.15 new)

9 Sec. 4.15. Prohibitions. Unless an interior designer,
10 whether registered or not under Section 8 of this Act, has
11 violated this Act or the laws of this State or the United
12 States, no person, business entity, county, local
13 municipality, or the State, including all boards, agencies, and
14 commissions established by the aforementioned as well as any
15 individuals appointed, employed, or acting on their behalf,
16 shall take action to limit an interior designer from:

17 (1) formulating or establishing a business entity,
18 including a corporation, partnership, sole proprietorship,
19 or professional design firm;

20 (2) hiring one or more full or part-time employees or
21 contracting with individuals qualifying as licensed design
22 professionals to practice:

23 (A) structural engineering as defined in the
24 Structural Engineering Practice Act of 1989;

25 (B) architecture as defined in the Illinois

1 Architecture Practice Act of 1989;

2 (C) professional engineering as defined in the
3 Professional Engineering Practice Act of 1989;

4 (D) land surveying as defined in the Illinois
5 Professional Land Surveyor Act of 1989; or

6 (E) other services requiring licensure by the
7 State for an individual to practice;

8 (3) serving in one or more of the positions listed in
9 paragraphs (1) through (4) of Section 4.10 and possessing
10 all the respective duties, responsibilities, legal
11 authority, powers, and privileges; and

12 (4) owning shares in a business entity.

13 (225 ILCS 310/4.20 new)

14 Sec. 4.20. Application of other Acts.

15 (a) The Professional Service Corporation Act, the Limited
16 Liability Company Act, the Professional Limited Liability
17 Company Act, and the Business Corporation Act of 1983 shall be
18 applicable to corporations, partnerships, limited liability
19 companies, professional limited liability companies, sole
20 proprietorships, and professional design firms formulated or
21 established under this Act, except as provided in Sections 4.10
22 and 4.15 of this Act.

23 (b) This Act shall take precedence in the event of any
24 conflict with the provisions of the Professional Service
25 Corporation Act, the Limited Liability Company Act, the

1 Professional Limited Liability Company Act, and the Business
2 Corporation Act of 1983 or other laws, including the Illinois
3 Architecture Practice Act of 1989, the Professional
4 Engineering Practice Act of 1989, and the Structural
5 Engineering Practice Act of 1989 requiring participation of one
6 or more licensed design professionals to formulate or
7 establish, own, govern, manage, or direct a corporation,
8 partnership, limited liability company, professional limited
9 liability company, sole proprietorship, or professional design
10 firm.

11 (225 ILCS 310/5) (from Ch. 111, par. 8205)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 5. Powers and duties of the Department. Subject to the
14 provisions of this Act, the Department shall exercise the
15 following functions, powers, and duties:

16 (a) To conduct or authorize examinations to ascertain the
17 fitness and qualifications of applicants for registration and
18 issue certificates of registration to those who are found to be
19 fit and qualified.

20 (b) To prescribe rules and regulations for a method of
21 examination of candidates. The Department shall designate as
22 its examination for registered interior designers the National
23 Council for Interior Design Qualification examination.

24 (c) To adopt as its own rules relating to education
25 requirements, those guidelines published from time to time by

1 the Council for Interior Design Accreditation ~~Foundation for~~
2 ~~Interior Design Education Research~~ or its successor entity
3 equivalent.

4 (d) To conduct hearings on proceedings to revoke, suspend,
5 or refuse to issue certificates of registration.

6 (e) To promulgate rules and regulations required for the
7 administration of this Act.

8 (f) The Department is encouraged to:

9 (1) maintain membership in the Council of Interior
10 Design Qualifications (CIDQ) and participate in activities
11 of the CIDQ Council of Delegates; and

12 (2) designate at least one employee of the Department
13 to attend national and regional meetings of the Council.
14 All costs associated with Department membership and
15 attendance of the delegate to any national or regional CIDQ
16 meetings may be funded from the General Professions
17 Dedicated Fund.

18 (g) The Department may take disciplinary action as it deems
19 proper, including, but not limited to, the imposition of fines
20 not to exceed \$10,000 for a violation of this Act.

21 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."