

State of Wisconsin



1995 Assembly Bill 419

Date of enactment: **May 2, 1996**
Date of publication*: **May 16, 1996**

1995 WISCONSIN ACT 322

AN ACT to create 440.08 (2) (a) 67m. and subchapter IX of chapter 440 [precedes 440.96] of the statutes; relating to: the regulation of interior designers, granting rule-making authority and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.08 (2) (a) 67m. of the statutes is created to read:

440.08 (2) (a) 67m. Registered interior designer: August 1 of each even-numbered year; \$41.

SECTION 2. Subchapter IX of chapter 440 [precedes 440.96] of the statutes is created to read:

CHAPTER 440

SUBCHAPTER IX

INTERIOR DESIGNERS

440.96 Definitions. In this subchapter:

(1) "Interior design" means the design of interior spaces in conformity with public health, safety and welfare requirements, including the preparation of documents relating to space planning, finish materials, furnishings, fixtures and equipment and the preparation of documents relating to interior construction that does not substantially affect the mechanical or structural systems of a building. "Interior design" does not include services that constitute the practice of architecture or the practice of professional engineering.

(2) "Wisconsin registered interior designer" means a person registered as a Wisconsin registered interior designer under this subchapter.

440.961 Use of title. No person may use the title "Wisconsin registered interior designer", use any title or

description that implies that he or she is a Wisconsin registered interior designer or represent himself or herself to be a Wisconsin registered interior designer unless the person is registered as a Wisconsin registered interior designer under this subchapter.

440.962 Registration requirements. The department shall register as a Wisconsin registered interior designer an individual who submits an application to the department on a form provided by the department and who satisfies one of the following requirements:

(1) The individual does all of the following:

(a) Submits to the department evidence satisfactory to the department of any of the following:

1. That he or she is a graduate of a 5-year interior design or architecture program and has at least one year of practical experience in interior design of a character satisfactory to the department.

2. That he or she is a graduate of a 4-year interior design or architecture program and has at least 2 years of practical experience in interior design of a character satisfactory to the department.

3. That he or she has completed at least 3 years of an interior design program and has at least 3 years of practical experience in interior design of a character satisfactory to the department.

4. That he or she is a graduate of a 2-year interior design program and has at least 4 years of practical experi-

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ence in interior design of a character satisfactory to the department.

(b) Satisfies the applicable requirements under s. 440.964.

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the department that he or she does not have an arrest or conviction record.

(d) Submits the names of at least 5 references, at least 3 of whom shall have personal knowledge of the applicant's interior designing experience.

(e) Meets any other requirements established by the department by rule.

(2) The individual is registered as an architect under s. 443.03 and submits evidence satisfactory to the department of all of the following:

(a) That he or she is a graduate of a 4-year architecture program.

(b) That he or she has at least 6 years of demonstrated practical experience in interior design of a character satisfactory to the department.

440.963 Use of title by firms, partnerships and corporations. (1) A firm, partnership or corporation may use the term "Wisconsin registered interior designer" or "Wisconsin registered interior designers", or may advertise or make representations that it provides the services of a Wisconsin registered interior designer, only if at least one principal, partner or officer who is in responsible charge of the interior design services provided by the firm, partnership or corporation is a Wisconsin registered interior designer.

(2) No firm, partnership or corporation may be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with this subchapter, nor may any individual practicing interior design be relieved of responsibility for interior designing services performed by reason of his or her employment or relationship with the firm, partnership or corporation.

440.964 Examinations. (1) Except as provided in s. 440.962 (2), no person may be registered as a Wisconsin registered interior designer under this subchapter unless he or she passes one of the following examinations:

(a) An interior design examination administered by a national organization that establishes standards for the interior design profession and that is recognized by the department.

(b) An interior design examination conducted or approved by the department under sub. (2) that is substantially equivalent to an examination specified in par. (a).

(2) Written or written and oral examinations under sub. (1) (b) shall be held at such time and place as the department determines. The scope of the examinations and the methods of procedure shall be prescribed by the department with special reference to the applicant's ability to design and supervise interior designing work, which shall promote the public welfare and ensure the safety of

life, health and property. The examinations shall include questions which require applicants to demonstrate knowledge of the design needs of people with physical disabilities and of the relevant statutes and codes. Such questions shall be developed by the department in consultation with other appropriate state agencies.

(3) A candidate failing an examination given under sub. (2) may, upon application and payment of the required reexamination fee, be examined again by the department. No restrictions may be placed on the number of times an unsuccessful candidate may be reexamined, except that after failure of 3 reexaminations, the department may require a one-year waiting period before further reexamination.

440.965 Reciprocal registration. The department may, upon application and payment of the required fee, grant a permit to use the title "Wisconsin registered interior designer" to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of interior designers are of a standard not lower than specified in this subchapter.

440.966 Renewal; continuing education. (1) The renewal date and fees for a certificate of registration issued under this subchapter are specified in s. 440.08 (2) (a).

(2) A Wisconsin registered interior designer shall, at the time that he or she applies for renewal of a certificate of registration under sub. (1), submit proof of completion of continuing education requirements established by rules promulgated by the department.

440.967 List of registered persons. The department shall prepare each year a list showing the names and business addresses of all persons registered as a Wisconsin registered interior designer under this subchapter. Upon request, the department shall provide a list prepared under this section to any person at cost.

440.968 Discipline; prohibited acts; penalties. (1) The department may reprimand a Wisconsin registered interior designer, or may limit, suspend or revoke the certificate of registration of a Wisconsin registered interior designer, who has done any of the following:

(a) Committed any fraud or deceit in obtaining or renewing a certificate of registration under this subchapter.

(b) Committed any gross negligence or misconduct, or acted in a grossly incompetent manner, in the practice of interior design as a Wisconsin registered interior designer.

(c) Violated this subchapter or a rule promulgated under this subchapter.

(d) Been convicted of a felony, subject to ss. 111.321, 111.322 and 111.335, or been adjudicated mentally

incompetent by a court of competent jurisdiction, a certified copy of the record of conviction or adjudication of incompetency to be conclusive evidence of such conviction or incompetency.

(2) Any person who uses the title “Wisconsin registered interior designer” in this state and who is not registered in accordance with this subchapter, or any person presenting or attempting to use as his or her own the certificate of registration of another, or any person who falsely impersonates any other registrant of like or different name, or any person who attempts to use an expired or revoked certificate of registration, may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both.

(3) Any person may allege to the department that he or she believes a person registered under this subchapter has committed an act for which a reprimand or limitation, suspension or revocation of registration is authorized under sub. (1). Such allegations shall be in writing, and shall be sworn to by the person making them and shall be submitted to the department. The department may, on its own motion, make such charges.

(4) The department may reissue a certificate of registration to any person whose certificate has been revoked under sub. (1) if the person satisfies requirements for reissuance established by the department. The department may issue a new certificate of registration to replace any certificate revoked, lost, destroyed or mutilated, subject to the rules of the department and the payment of the required fee.

440.969 Change of name. No person who is registered as a Wisconsin registered interior designer under this subchapter may practice interior design in this state under any other given name or any other surname than that under which the person was originally registered to use a title in this or any other state if the department, after a hearing, finds that using a title under the changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This section does not apply to a change of name resulting from marriage or divorce.

SECTION 3. Nonstatutory provisions.

(1) WAIVER OF EDUCATION AND EXAMINATION REQUIREMENTS. Notwithstanding sections 440.962 (1) (a),

(b) and (e) and (2) and 440.964 of the statutes, as created by this act, the department of regulation and licensing shall register as a Wisconsin registered interior designer any individual who, not later than the first day of the 12th month beginning after the effective date of this subsection, does all of the following:

(a) Submits an application for registration as a Wisconsin registered interior designer to the department of regulation and licensing.

(b) Pays the fee specified under section 440.05 (1) of the statutes.

(c) Satisfies section 440.962 (1) (c) and (d) of the statutes, as created by this act.

(d) Submits evidence satisfactory to the department of regulation and licensing that he or she has passed the building and barrier-free codes section of the examination administered by the National Council for Interior Design Qualification.

(e) Submits evidence satisfactory to the department of regulation and licensing that he or she has done one of the following:

1. Passed an examination administered by the National Council for Interior Design Qualification or an examination that the department determines is substantially equivalent to an examination administered by the National Council for Interior Design Qualification.

2. Used or been identified by the title “interior designer” and has had at least 6 years of combined interior design education and experience. The 6 years of combined interior design education and experience required under this subdivision shall include at least 2 years of practical experience or employment in the practice of interior design, as defined in section 440.96 (1) of the statutes, as created by this act, and at least 2 years of interior design education, except that the department of regulation and licensing may permit an applicant to substitute 2 years of appropriate practical experience or employment in the practice of interior design for each year of required interior design education.

SECTION 4. Effective dates. This act takes effect on the first day of the 7th month beginning after publication, except as follows:

(1) SECTION 3 (1) of this act takes effect on the day after publication.