

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 188
PROPOSED COMMITTEE SUBSTITUTE S188-PCS15268-TGf-13

Short Title: Bd. of Architects/Interior Designers.

(Public)

Sponsors:

Referred to:

March 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW FOR REGISTRATION OF INTERIOR DESIGNERS AND TO
3 MODIFY THE NORTH CAROLINA BOARD OF ARCHITECTURE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 83A of the General Statutes reads as rewritten:

6 "Chapter 83A.

7 "~~Architects~~ Architects and Registered Interior Designers.

8 "§ 83A-1. Definitions.

9 When used in this Chapter, unless the context otherwise requires:

- 10 (1) "~~Architect~~" means a Architect. – A person who is duly licensed to practice
11 architecture.
- 12 (1a) Architect Emeritus. – A person who has been duly licensed as an architect by
13 the Board and who chooses to relinquish or not to renew a license to practice
14 architecture and who applies to and is approved by the Board after review of
15 record, including any disciplinary action, to be granted the use of the honorific
16 title "Architect Emeritus."
- 17 (1b) Architectural firm. – A professional corporation certified by the Board as
18 meeting the requirements under this Chapter for registration for the practice
19 of architecture.
- 20 (2) "~~Board~~" means the Board. – The North Carolina Board of
21 Architecture ~~Architecture and Registered Interior Designers.~~
- 22 (2a) CIDQ. – The Council for Interior Design Qualification.
- 23 (3) "~~Corporate certificate~~" means a Firm certificate. – A certificate of ~~corporate~~
24 firm registration issued by the Board recognizing the ~~corporation~~ firm named
25 in the certificate as meeting the requirements for the ~~corporate~~ firm practice
26 of ~~architecture~~ architecture or interior design.
- 27 (4) "~~Corporate Firm practice of architecture~~" means "practice" architecture. –
28 "Practice of architecture," as defined in G.S. 83A-1(7) by a ~~corporation~~ firm
29 which is organized or domesticated in this State, and which holds a current
30 "~~corporate~~" firm certificate" from this Board.
- 31 (4a) Firm practice of interior design. – "Practice of interior design" as defined in
32 subdivision (8) of this section by a registered interior design firm organized
33 or domesticated in this State that holds a current firm certificate from this
34 Board.
- 35 (5) "~~Good Good moral character~~" means such character character. – Character as
36 tends to assure the faithful discharge of the fiduciary duties of an architect or



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1 registered interior designer to his or her client. Evidence of lack of such
2 character shall include the willful commission of an offense justifying
3 discipline under this Chapter, the practice of architecture in violation of this
4 Chapter, the practice of interior design in violation of this Chapter, or of the
5 laws of another jurisdiction, or the conviction of a felony.

6 (5a) Interior design. – Includes, but is not limited to, the preparation of reflected
7 ceiling plans, space planning, creation or alteration of paths of egress,
8 occupancy calculations, provided no increases in occupancy or number of
9 exits is required, selection of furnishings, and the fabrication of nonstructural
10 elements within and surrounding interior spaces of buildings. The term
11 "interior design" specifically excludes the following:

- 12 a. The design of or the responsibility for architectural and engineering
13 work, except as explicitly provided for within this Chapter.
- 14 b. Altering or affecting the structural system of a building.
- 15 c. Changing the means of access system.
- 16 d. Changing the building's live or dead load on the structural system.
- 17 e. Changes of use to occupancies not already allowed by the current
18 building.
- 19 f. Changes to life safety plans, including exiting and exit stairs.

20 (6) ~~"License" means a License.~~ – A certificate of registration issued by the Board
21 recognizing the individual or firm named in the certificate as meeting the
22 requirements for registration under this Chapter.

23 (6a) Nonstructural element. – An element of a building or structure which does not
24 require structural bracing and is not one or more of the following:

- 25 a. Load-bearing wall.
- 26 b. Load-bearing column.
- 27 c. Beam.
- 28 d. Truss.
- 29 e. Lateral force-resisting component.
- 30 f. Any other load-bearing element of a building or structure which is
31 essential to the structural integrity of the building.

32 (7) ~~"Practice of architecture" means performing architecture.~~ –
33 Performing or offering to perform or holding oneself out as legally qualified
34 to perform professional services in connection with the design, construction,
35 enlargement or alteration of buildings, including consultations, investigations,
36 evaluations, preliminary studies, the preparation of plans, specifications and
37 contract documents, administration of construction contracts and related
38 services or combination of services in connection with the design and
39 construction of buildings, regardless of whether these services are performed
40 in person or as the directing head of an office or organization.

41 (8) Practice of interior design. – The preparation of working drawings and
42 documents relative to interior construction, materials, finishes, space
43 planning, furnishings, fixtures, and equipment as defined in subdivision (5a)
44 of this section. Except as provided herein, interior design services do not
45 include services that constitute the practice of architecture as defined in this
46 Chapter or the practice of engineering as defined in G.S. 89C-3.

47 (9) Reflected ceiling plan. – A ceiling design plan which is laid out as if it were
48 projected downward and which may include lighting and other elements.

49 (10) Registered interior designer. – A person who is duly registered and who is
50 qualified by education, experience, and examination to engage in the practice
51 of interior design as authorized by the Board. A registered interior designer

1 shall possess the authority to sign and seal interior technical submissions
2 covering the scope of the practice of interior design and shall have the
3 authority to submit construction documents where the registered interior
4 designer is the contract holder and Designer of Record to a State or local
5 government entity for the purpose of obtaining requisite permits for an interior
6 construction project. A registered interior designer may only sign and seal
7 interior technical submissions within the scope of the practice of interior
8 design defined by this Chapter.

9 (11) Registered interior design firm. – A business corporation certified by the
10 Board as meeting the requirements for registration under this Chapter for the
11 practice of interior design.

12 (12) Registration. – A certificate of registration issued by the Board recognizing
13 the individual or firm named in the certificate as meeting the requirements for
14 registration under this Chapter.

15 (13) Space planning. – The analysis, programming, or design of spatial
16 requirements, including preliminary space layouts and final planning.

17 **"§ 83A-2. North Carolina Board of ~~Architecture~~; Architecture and Registered Interior**
18 **Designers; creation; appointment, terms and oath of members; vacancies;**
19 **officers; bond of treasurer; notice of meetings; quorum.**

20 (a) Powers; Duties. – The North Carolina Board of Architecture and Registered Interior
21 Designers shall have the power and responsibility to administer the provisions of this Chapter in
22 compliance with the Administrative Procedure Act.

23 (b) Composition. – The Board shall consist of ~~seven~~ ten members appointed by the
24 Governor. ~~Governor~~, as follows:

25 (1) Five of the members of the Board shall be licensed architects appointed for
26 ~~five-year terms~~; ~~the five-year terms~~. The terms shall be staggered so that the
27 term of one architect member expires each year. No architect member shall be
28 eligible to serve more than two consecutive ~~terms~~; ~~if a vacancy occurs during~~
29 a term, ~~the Governor shall appoint a person to fill the vacancy for the~~
30 ~~remainder of the unexpired term~~. terms.

31 (2) Three of the members of the Board shall be registered interior designers
32 appointed for five-year terms. The terms shall be staggered so that the term of
33 one registered interior designer member expires each year. No registered
34 interior designer member shall be eligible to serve more than two consecutive
35 terms.

36 (3) Two of the members of the Board shall be persons who are not licensed
37 architects ~~or registered interior designers~~, and who represent the interest of the
38 public at large. The public members shall have full voting powers and shall
39 serve at the pleasure of the Governor.

40 (b1) Oath. – Each Board member shall file with the Secretary of State an oath faithfully to
41 perform duties as a member of the Board, and to uphold the Constitution of North Carolina and
42 the Constitution of the United States.

43 (b2) Vacancies. – If a vacancy occurs during a term, the Governor shall appoint a person
44 to fill the vacancy on the Board for the remainder of the unexpired term.

45 (c) Officers; Meetings; Quorum. – Officers of the Board shall include a president,
46 vice-president, secretary and treasurer elected at the annual meeting for terms of one year. The
47 treasurer shall give bond in such sum as the Board shall determine, with such security as shall be
48 approved by the Board, said bond to be conditioned for the faithful performance of the duties of
49 his office and for the faithful accounting of all moneys and other property as shall come into his
50 hands. Notice of the annual meeting, and the time and place of the annual meeting shall be given
51 each member by letter at least 10 days prior to such meeting and public notice of annual meetings

1 shall be published at least for two weeks preceding such meetings on the ~~Web site~~ website of the
 2 Board. A majority of the members of the Board shall constitute a quorum.

3 ...

4 **"§ 83A-4. Fees.**

5 (a) All fees and charges by the Board shall be established by Board rule subject to the
 6 provisions of the Administrative Procedure Act.

7 (b) Fees set by the Board shall not exceed the following amounts:

8	<u>Initial Application for Licensure to Practice Architecture by Exam</u>	
9	Individual	<u>\$100.00</u>
10	Residents	<u>\$50.00</u>
11	Nonresidents	<u>\$50.00</u>
12	Corporate <u>Firm</u>	<u>\$75.00\$150.00</u>
13	Reexamination	<u>\$25.00</u>
14	<u>Annual License to Practice Architecture Renewal</u>	
15	Individual	<u>\$75.00\$150.00</u>
16	Corporate <u>Firm</u>	<u>\$100.00\$200.00</u>
17	<u>Late Renewal Penalty for Individual Architects and Firms</u>	
18	Up-to-30 days	<u>\$50.00\$100.00</u>
19	30 days to 1 year	<u>\$50.00\$100.00</u>
20	Reciprocal Registration <u>License</u>	<u>\$150.00\$300.00</u>
21	<u>Reinstatement of Expired License</u>	
22	<u>Architect</u>	<u>\$500.00</u>
23	<u>Firm</u>	<u>\$500.00</u>
24	<u>Initial Application for Registration to Practice Interior Design</u>	
25	<u>Individual</u>	<u>\$100.00</u>
26	<u>Firm</u>	<u>\$150.00</u>
27	<u>Annual Registration to Practice Interior Design Renewal</u>	
28	<u>Individual</u>	<u>\$150.00</u>
29	<u>Firm</u>	<u>\$200.00</u>
30	<u>Late Renewal Penalty for Interior Designers and Interior Design Firms</u>	
31	<u>Up-to-30 days</u>	<u>\$100.00</u>
32	<u>30 days to 1 year</u>	<u>\$100.00</u>
33	<u>Reciprocal Registration</u>	<u>\$300.00</u>
34	<u>Reinstatement of Expired Registration</u>	
35	<u>Interior Designer</u>	<u>\$500.00</u>
36	<u>Interior Design Firm</u>	<u>\$500.00</u>

37 The above fees are provided in addition to any other fees prescribed by law. Reasonable fees for
 38 examination materials, certificates, rosters and other published materials shall be established by
 39 the Board, but the Board shall not collect any fees not authorized by this Chapter.

40 **"§ 83A-5. Board records; rosters; seal.**

41 (a) The Board shall maintain records of board meetings, of applications for individual or
 42 ~~corporate-firm~~ registration and the action taken thereon, of the results of examinations, of all
 43 disciplinary proceedings, and of such other information as deemed necessary by the Board or
 44 required by the Administrative Procedure Act or other provisions of the General Statutes.

45 (b) A complete roster showing the name and last known address of all resident and
 46 nonresident architects and architectural firms holding current licenses and interior designers
 47 holding current registrations from the Board shall be maintained and published by the Board, and
 48 shall include each registrant's authorization or registration number. Copies of the roster shall be
 49 filed with the Secretary of State and the Attorney General, and may be made available on the
 50 Web site of the Board.

1 (c) The Board shall adopt a seal containing the name of the Board for use on its official
2 records and reports.

3 **"§ 83A-6. Board rules; bylaws; standards of professional conduct.**

4 (a) The Board shall have the power to adopt bylaws, rules, and standards of professional
5 conduct to carry out the purposes of this Chapter, including, but not limited to:

6 (1) The adoption of bylaws governing its meetings and ~~proceedings~~; proceedings.

7 (2) The establishment of qualification requirements for admission to
8 examinations, and for individual or ~~corporate-firm~~ licensure and individual or
9 firm registration as provided in G.S. 83A-7 and ~~83A-8~~; G.S. 83A-8.

10 (3) The establishment of the types and contents of examinations, their conduct,
11 and the minimum scores or other criteria for passing such
12 ~~examinations~~; examinations.

13 (4) The adoption of mandatory standards of professional conduct concerning
14 misrepresentations, conflicts of interest, incompetence, disability, violations
15 of law, dishonest conduct, or other unprofessional conduct for those persons
16 or corporations regulated by this Chapter, which standards shall be
17 enforceable under the disciplinary procedures of the ~~Board~~; Board.

18 (5) The establishment or approval of requirements for renewal of licenses and
19 registrations designed to promote the continued professional development and
20 competence of ~~licensees~~; licensees and registered interior designers. Such
21 requirements shall be designed solely to improve the professional knowledge
22 and skills of a licensee or a registered interior designer directly related to the
23 current and emerging bodies of knowledge and skills of the licensee's or
24 registered interior designer's profession.

25 When necessary to protect the public health, safety, or welfare, the Board shall require such
26 evidence as it deems necessary to establish the continuing competency of architects and interior
27 designers as a condition of renewal of ~~licenses~~; licenses and registrations.

28 ...

29 (d) In reviewing disciplinary actions and continuing education decisions, the Board shall
30 be organized into committees, and by rules, shall list the responsibilities of an architect
31 committee, an interior design committee, and a continuing professional education (CE)
32 committee. The president of the Board shall appoint the chairs and members of each committee.

33 **"§ 83A-7. Qualifications and examination requirements.**

34 ...

35 (c) Registration. – Any individual who is at least 18 years of age and of good moral
36 character may apply for registration as a registered interior designer, and shall provide substantial
37 evidence to the Board that the applicant meets one of the following requirements:

38 (1) The applicant shall provide a verification from the Council for Interior Design
39 Qualification or its successor in interest as proof that he or she passed the
40 NCIDQ examination and the applicant is an NCIDQ Certificate holder in good
41 standing.

42 (2) The applicant is a licensed architect certified by the Board.

43 (d) Registration by Reciprocity. – The Board may accept satisfactory evidence of
44 registration, licensure, or certification as an interior designer in another jurisdiction, if the
45 jurisdiction's requirements for registration, licensure, or certification are substantially equivalent
46 to or greater than those required for registration in this State at the date of application.

47 **"§ 83A-8. Qualification for ~~corporate-firm~~ practice.**

48 (a) Any ~~corporation~~-architectural firm desiring to practice architecture in this State shall
49 file ~~corporate~~-a firm application on forms provided by the Board, accompanied by the required
50 application fee. To be eligible for a ~~corporate~~-certificate, firm certificate to practice architecture,
51 the ~~corporation~~-firm must meet all requirements of the Professional Corporation Act.

1 (b) ~~Architectural corporations of firms from~~ other states may be granted ~~corporate-firm~~
2 certificates ~~for to~~ practice architecture in this State upon filing application with the Board and
3 satisfying the Board that they meet the requirements of subsection (a) above. ~~Such corporations~~
4 Those firms shall designate the individual or individuals licensed to practice architecture in this
5 State who shall be in responsible charge-control of all architectural work offered or performed
6 by such corporation-that firm in this State. Such corporations-Those firms shall notify the Board
7 of changes in such designation.

8 (b1) Any interior design firm desiring to practice interior design in this State shall file a
9 firm application on forms provided by the Board, accompanied by the required application fee.
10 To be eligible for a firm registration, the firm must meet all requirements of the Business
11 Corporation Act.

12 (b2) Interior design firms from other states may be granted firm registration for practice
13 of interior design in this State upon filing an application with the Board and satisfying the Board
14 that they meet the requirements of subsection (b1) of this section. Those firms shall designate the
15 individual or individuals registered to practice interior design in this State who shall be in
16 responsible control of all interior design work offered or performed by that firm in this State.
17 Those firms shall notify the Board of changes in such designation.

18 (c) ~~All corporations-firms holding corporate-firm certificates of licensure to practice~~
19 ~~architecture or certificates of registration to practice interior design from the Board shall be~~
20 ~~subject to the applicable rules and regulations adopted by the Board, and to all the disciplinary~~
21 ~~powers applicable to individual licensees or registered interior designers who are officers or~~
22 ~~employees of the corporation-Corporations-firm. Firms may perform no acts or things forbidden~~
23 ~~to officers or employees as licensees-licensees or registered interior designers.~~

24 **"§ 83A-9. Partnership practice.**

25 This Chapter neither prevents practice of architecture or interior design as defined in this
26 Chapter by a partnership nor requires partnership seals or certificates of practice provided that
27 the members of the partnership are duly licensed to practice ~~architecture, architecture or~~
28 registered interior designers for any partnership that wishes to hold itself out as a registered
29 interior design entity, and, provided that the partnership files with the Board and keeps current a
30 list of the partners, their license identifications, and the types of services offered by the
31 partnership.

32 **"§ 83A-10. Professional seals.**

33 (a) Architects. – Every licensed architect shall have a seal of a design authorized by the
34 Board, and shall imprint all drawings and sets of specifications prepared for use in this State with
35 an impression of such seal. Licensed architectural corporations-firms shall employ corporate-firm
36 professional seals, of a design approved by the Board, for use in identifying plans, specifications
37 and other professional documents issued by the corporation-firm, but use of such corporate-firm
38 seals shall be in addition to and not in substitution for the requirement that the individual seal of
39 the author of such plans and professional documents be affixed.

40 (b) Interior Designers. – Each registered interior designer shall obtain a seal as prescribed
41 by the Board. A document issued by the registered interior designer and being filed for public
42 record shall bear the signature and seal of the interior designer who prepared or approved the
43 document and the date on which it was sealed. The signature, date, and seal shall be evidence of
44 the authenticity of the document. No registered interior designer shall affix, or permit to be
45 affixed, his or her seal or signature to any plan, specification, drawing, or other document that
46 depicts work that he or she is not competent or certified to perform.

47 **"§ 83A-11. Expirations and renewals.**

48 Certificates or registrations must be renewed on or before the first day of July in each year.
49 No less than 30 days prior to the renewal date, a renewal application shall be transmitted to each
50 individual and corporate licensee. The completed application together with the required renewal
51 fee shall be returned to the Board on or before the renewal date. When the Board is satisfied as

1 to the continuing competency of an ~~architect~~, ~~architect~~ or a registered interior designer, it shall
2 issue a renewal of the ~~certificate~~, ~~certificate~~ or registration. Upon failure to renew within 30 days
3 after the date set for expiration, the license or registration shall be automatically revoked but such
4 license or registration may be renewed at any time within one year following the expiration date
5 upon proof of continuing competency and payment of the renewal fee plus a late renewal fee.
6 After one year from the date of revocation, reinstatement may be made by the Board, or in its
7 discretion, the application may be treated as new subject to reexamination and qualification
8 requirements as in the case of new applications.

9 **"§ 83A-12. Prohibited practice.**

10 The purpose of the Chapter is to safeguard life, health and property. It shall be unlawful for
11 any individual, firm or corporation to practice or offer to practice architecture in this State as
12 defined in this Chapter, or to use the title "Architect" or "Registered Interior Designer" or any
13 form thereof, except as provided in Chapter 89A for Landscape Architects, or to display or use
14 any words, letters, figures, titles, sign, card, advertisement, or other device to indicate that such
15 individual or firm practices or offers to practice architecture as herein defined or is an architect
16 or architectural firm qualified to perform architectural work, or is a registered interior designer
17 or a registered interior design firm qualified to perform interior design work, unless such person
18 holds a current individual or corporate certificate of admission to practice architecture or
19 registration to practice interior design under the provisions of this Chapter.

20 **"§ 83A-13. Exemptions.**

21 ...

22 (b) Nothing in this Chapter shall be construed to prevent a duly licensed general
23 contractor, professional ~~engineer or architect~~, engineer, architect, or registered interior designer
24 acting individually or in combination thereof, from participating in a "Design/Build" undertaking
25 including the preparation of plans and/or specifications and entering individual or collective
26 agreements with the owner in order to meet the owner's requirements for pre-determined costs
27 and unified control in the design and construction of a project, and for the method of
28 compensation for the design and construction services rendered; provided, however, that nothing
29 herein shall be construed so as to allow the performance of any such services or any division
30 thereof by one who is not duly licensed to perform such service or services in accordance with
31 applicable licensure provisions of the General Statutes; provided further, that full disclosure is
32 made in writing to the owner as to the duties and responsibilities of each of the participating
33 parties in such agreements; and, provided further, nothing in this Chapter shall prevent the
34 administration by any of the said licensees of construction contracts and related services or
35 combination of services in connection with the construction of buildings.

36 ...

37 (f) This Chapter does not apply to persons holding themselves out as "interior decorators"
38 or offering "interior decorating services," and who provide services that are not subject to
39 regulation under applicable building codes, such as selection or assistance in selecting surface
40 materials, window treatments, wall coverings, paint, floor coverings, surface-mounted lighting,
41 or loose furnishings.

42 (g) This Chapter does not apply to persons engaging in professional services limited to
43 any of the following:

- 44 (1) The planning, design, and implementation of residential kitchen and bath
45 spaces.
46 (2) The planning, design, and implementation of commercial kitchen and bath
47 spaces within the construction area and cost limits as set forth in subdivisions
48 (c)(3) and (4) of this section.
49 (3) The specification of products for kitchen and bath areas.

1 (h) This Chapter does not prevent any person from rendering interior design services,
 2 provided the person does not use the title of "registered interior designer" unless registered under
 3 this Chapter.

4 **"§ 83A-14. Disciplinary action and procedure.**

5 Any person may file with the Board a charge of unprofessional conduct, negligence,
 6 incompetence, dishonest practice, or other misconduct or of any violation of this Chapter or of a
 7 Board rule adopted and published by the Board. Upon receipt of such charge, or upon its own
 8 initiative, the Board may give notice of an administrative hearing under the Administrative
 9 Procedure Act, or may dismiss the charge as unfounded or trivial, upon a statement of the reasons
 10 therefor which shall be mailed to the architect or registered interior designer and the person who
 11 filed the charge by registered or certified mail.

12 **"§ 83A-15. Denial, suspension or revocation of license.**

13 (a) The Board shall have the power to suspend or revoke a license or certificate of
 14 ~~registration, registration of an architect or a registration of an interior designer,~~ to deny a license
 15 or certificate of ~~registration, registration of an architect or a registration of an interior designer,~~
 16 or to reprimand or levy a civil penalty not in excess of five hundred dollars (\$500.00) per
 17 violation against any registrant who is found guilty of:

18 (1) Dishonest conduct, including but not limited to:

- 19 a. The commission of any fraud, deceit or misrepresentation in any
 20 professional relationship with clients or other persons; or with
 21 reference to obtaining or maintaining license, or with reference to
 22 qualifications, experience and past or present ~~service; or service.~~
 23 b. Using or permitting an individual professional seal to be used by or for
 24 others, or otherwise representing registrant as the author of drawings
 25 or specifications other than those prepared personally by or under
 26 direct supervision of registrant.
 27 c. Using a professional license or registration from the Board that had
 28 been suspended or revoked.
 29 d. Conduct of the registrant resulting in the imposition of other
 30 disciplinary action by a regulatory body of another state for any cause
 31 other than failure to pay applicable fees.
 32 e. Surrendered or did not renew a professional license or registration
 33 after the initiation of any investigation or proceeding by such body.

34 (2) Incompetence, including but not limited to:

- 35 a. Gross negligence, recklessness, or excessive errors or omissions or
 36 building failures in registrant's record of professional practice; or
 37 b. Mental or physical disability or addiction to alcohol or drugs so as to
 38 endanger health, safety and interest of the public by impairing skill and
 39 care in professional services.
 40 c. The registrant has been adjudged mentally incapable by a court of
 41 competent jurisdiction.

42 (3) Unprofessional conduct, including but not limited to:

- 43 a. Practicing or offering to practice architecture or interior design without
 44 a current license or registration from this ~~Board;~~Board.
 45 b. Knowingly aiding or abetting others to evade or violate the provisions
 46 of this Chapter, or the health and safety laws of this or other states;
 47 c. Knowingly undertaking any activity or having any significant
 48 financial or other interest, or accepting any compensation or reward
 49 except from registrant's clients, any of which would reasonably appear
 50 to compromise registrant's professional judgment in serving the best
 51 interest of clients or ~~public;~~public.

1 d. Willfully violating this Chapter or any rule or standard of conduct
2 published by the Board, or pleading guilty or nolo contendere to a
3 felony or any crime involving moral turpitude.

4 e. Falsely impersonating a practitioner or former practitioner of a like or
5 different name or practicing under an assumed or fictitious name.

6 f. Grossly unprofessional conduct.

7 (b) Actions to recover civil penalties against any registrant may be commenced by the
8 Board pursuant to Chapter 150B of the General Statutes. In determining the amount of any civil
9 penalty, the Board shall consider the degree and extent of harm caused by the violation. The clear
10 proceeds of any civil penalty collected hereunder shall be remitted to the Civil Penalty and
11 Forfeiture Fund in accordance with G.S. 115C-457.2.

12 **"§ 83A-16. Violations of Chapter; penalties.**

13 (a) Any individual or ~~corporation~~ firm not registered under this Chapter, who shall
14 wrongfully use the title "Architect" or represent himself or herself to the public as an architect,
15 ~~or~~ practice architecture as herein defined, present as his or her own the license of another, give
16 false or forged evidence to the Board or any member thereof in obtaining a license, falsely
17 impersonate any other practitioner of like or different name, use or attempt to use a license that
18 has been revoked, or seek to avoid the provisions of this Chapter by the use of any other
19 designation than "Architect": (i) shall be guilty of a Class 2 misdemeanor; and (ii) be subject to
20 a civil penalty not to exceed five hundred dollars (\$500.00) per day of such violation. Each day
21 of such unlawful practice shall constitute a distinct and separate violation. The clear proceeds of
22 any civil penalty collected hereunder shall be remitted to the Civil Penalty and Forfeiture Fund
23 in accordance with G.S. 115C-457.2.

24 (a1) Any individual or firm not registered under this Chapter, who shall wrongfully use
25 the title "registered interior designer," represent himself or herself to the public as a "registered
26 interior designer," seek to avoid the provisions of this Chapter by the use of any other designation
27 than "registered interior designer," present as his or her own the registration of another, give false
28 or forged evidence to the Board or any member thereof in obtaining a registration, falsely
29 impersonate any other practitioner of like or different name, use or attempt to use a registration
30 that has been revoked, or otherwise violate any of the provisions in this Chapter shall be guilty
31 of a Class 2 misdemeanor and be subject to a civil penalty not to exceed five hundred dollars
32 (\$500.00) per day of such violation. Each day of such unlawful practice shall constitute a distinct
33 and separate violation. The clear proceeds of any civil penalty collected hereunder shall be
34 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

35 (a2) Before imposing and assessing a civil penalty, the Board shall consider the following
36 factors:

37 (1) The nature, gravity, and persistence of the particular violation.

38 (2) The appropriateness of the imposition of a civil penalty when considered alone
39 or in combination with other punishment.

40 (3) Whether the violation was willful and malicious.

41 (4) Any other factors that would tend to mitigate or aggravate the violations found
42 to exist.

43 (b) Actions and prosecutions under this section shall be commenced in the county in
44 which the defendant resides, or has his principal place of business, or in the case of an out-of-state
45 corporation, is conducting business.

46 (c) Actions to recover civil penalties shall be initiated by the Attorney ~~General~~ General,
47 or any private counsel retained under G.S. 114-2.3.

48 (d) The Board shall establish a schedule of civil penalties for violations of this Chapter
49 and rules adopted by the Board.

1 (e) The Board may in a disciplinary proceeding charge costs, including reasonable
2 attorneys' fees, to the licensee or registered interior designer against whom the proceedings were
3 brought."

4 **SECTION 2.** Notwithstanding G.S. 83A-2, as amended by Section 1 of this act, the
5 initial appointments of the members of the Board who are registered interior designers are as
6 follows:

- 7 (1) One registered interior designer, appointed by the Governor, for a three-year
8 term.
- 9 (2) One registered interior designer, appointed by the Governor, for a four-year
10 term.
- 11 (3) One registered interior designer, appointed by the Governor, for a five-year
12 term.

13 The initial appointments of registered interior designers to the Board, as required by
14 Section 1 of this act, shall be made on or before October 1, 2021, and the initial terms of those
15 members shall begin on January 1, 2022. Each initial appointee shall obtain registration under
16 this act on or before December 31, 2021. Once these initial terms expire, all vacancies will be
17 filled according to the provisions of G.S. 83A-2, as amended by this act.

18 **SECTION 3.** The Department of Insurance shall review and update all relevant
19 documents, materials, and applications and promulgate any necessary rules concerning the
20 practice of Registered Interior Designers per this act.

21 **SECTION 4.** This act is effective when it becomes law. Section 1 of this act applies
22 to applications received on or after the effective date of this act from persons appointed to the
23 Board pursuant to Section 2 of this act. Section 1 of this act applies to applications received on
24 or after January 1, 2022, from persons other than those appointed to the Board pursuant to Section
25 2 of this act.