

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 223*

Short Title: Bd. of Architects/Interior Designers. (Public)

Sponsors: Representatives Stevens, Riddell, Saine, and Hardister (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

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 (2) "~~Board~~" means the Board. – The North Carolina Board of
18 Architecture and Registered Interior Designers.
- 19 (2a) CIDQ. – The Council for Interior Design Qualification.
- 20 (3) "~~Corporate certificate~~" means a Firm certificate. – A certificate of ~~corporate~~
21 firm registration issued by the Board recognizing the ~~corporation~~ firm named
22 in the certificate as meeting the requirements for the ~~corporate-firm~~ practice
23 of ~~architecture~~ architecture or interior design.
- 24 (4) "~~Corporate-Firm practice of architecture~~" means "practice" architecture. –
25 "Practice of architecture," as defined in G.S. 83A-1(7) by a ~~corporation-firm~~
26 which is organized or domesticated in this State, and which holds a current
27 "~~corporate~~" firm certificate from this Board.
- 28 (5) "~~Good-Good moral character~~" means such character character. – Character as
29 tends to assure the faithful discharge of the fiduciary duties of an architect or
30 registered interior designer to his or her client. Evidence of lack of such
31 character shall include the willful commission of an offense justifying
32 discipline under this Chapter, the practice of architecture in violation of this
33 Chapter, the practice of interior design in violation of this Chapter, or of the
34 laws of another jurisdiction, or the conviction of a felony.



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- 1 (6) ~~"License" means a License.~~ – A certificate of registration issued by the Board
2 recognizing the individual named in the certificate as meeting the
3 requirements for registration under this Chapter.
- 4 (6a) Interior design. – Includes, but is not limited to, the preparation of reflected
5 ceiling plans, space planning, paths of egress, occupancy calculations,
6 provided no increases in occupancy or number of exits is required,
7 furnishings, and the fabrication of nonstructural elements within and
8 surrounding interior spaces of buildings. The term "interior design"
9 specifically excludes the following:
- 10 a. The design of or the responsibility for architectural and engineering
11 work, except as explicitly provided for within this Chapter.
- 12 b. Altering or affecting the structural system of a building.
- 13 c. Changing the means of access system.
- 14 d. Changing the building's live or dead load on the structural system.
- 15 e. Changes of use to occupancies not already allowed by the current
16 building.
- 17 f. Changes to life safety plans, including exiting and exit stairs.
- 18 (6b) Nonstructural element. – An element which does not require structural bracing
19 and is not one or more of the following:
- 20 a. Load-bearing wall.
- 21 b. Load-bearing column.
- 22 c. Beam.
- 23 d. Truss.
- 24 e. Lateral force-resisting component.
- 25 f. Any other load-bearing element of a building or structure which is
26 essential to the structural integrity of the building.
- 27 (7) ~~"Practice of architecture" means performing architecture.~~ –
28 Performing or offering to perform or holding oneself out as legally qualified
29 to perform professional services in connection with the design, construction,
30 enlargement or alteration of buildings, including consultations, investigations,
31 evaluations, preliminary studies, the preparation of plans, specifications and
32 contract documents, administration of construction contracts and related
33 services or combination of services in connection with the design and
34 construction of buildings, regardless of whether these services are performed
35 in person or as the directing head of an office or organization.
- 36 (8) Practice of interior design. – The preparation of working drawings and
37 documents relative to interior construction, materials, finishes, space
38 planning, furnishings, fixtures, and equipment as defined in subdivision (6a)
39 of this section. Except as provided herein, interior design services do not
40 include services that constitute the practice of architecture as defined in this
41 Chapter or the practice of engineering as defined in G.S. 89C-3.
- 42 (9) Reflected ceiling plan. – A ceiling design plan which is laid out as if it were
43 projected downward and which may include lighting and other elements.
- 44 (10) Registered interior designer. – A person who is duly registered and who is
45 qualified by education, experience, and examination as authorized by the
46 Board. A registered interior designer shall possess the authority to sign and
47 seal interior technical submissions covering the scope of the practice of
48 interior design and shall have the authority to submit construction documents
49 where the registered interior designer is the contract holder and Designer of
50 Record to a State or local government entity for the purpose of obtaining
51 requisite permits for an interior construction project. A registered interior

designer may only sign and seal interior technical submissions within the scope of the practice of interior design defined by this Chapter.

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

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

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

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

(b) Composition. – The Board shall consist of ~~seven~~ 10 members appointed by the ~~Governor.~~ Governor, as follows:

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

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

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

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

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

(c) Officers; Meetings; Quorum. – Officers of the Board shall include a president, vice-president, secretary and treasurer elected at the annual meeting for terms of one year. The treasurer shall give bond in such sum as the Board shall determine, with such security as shall be approved by the Board, said bond to be conditioned for the faithful performance of the duties of his office and for the faithful accounting of all moneys and other property as shall come into his hands. Notice of the annual meeting, and the time and place of the annual meeting shall be given each member by letter at least 10 days prior to such meeting and public notice of annual meetings shall be published at least for two weeks preceding such meetings on the ~~Web site~~ website of the Board. A majority of the members of the Board shall constitute a quorum.

...

"§ 83A-4. Fees.

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

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

<u>Initial Application for Licensure to Practice Architecture by Exam</u>	
Individual	<u>\$100.00</u>

1	Residents	\$50.00
2	Nonresidents	\$50.00
3	Corporate Firm	\$75.00 \$150.00
4	Reexamination	\$25.00
5	Annual License to Practice Architecture Renewal	
6	Individual	\$75.00 \$150.00
7	Corporate Firm	\$100.00 \$200.00
8	Late Renewal Penalty for Individual Architects and Firms	
9	Up-to-30 days	\$50.00 \$100.00
10	30 days to 1 year	\$50.00 \$100.00
11	Reciprocal Registration License	\$150.00 \$300.00
12	Reinstatement of Expired License	
13	Architect	\$500.00
14	Firm	\$500.00
15	Initial Application for Registration to Practice Interior Design	
16	Individual	\$100.00
17	Firm	\$150.00
18	Annual Registration to Practice Interior Design Renewal	
19	Individual	\$150.00
20	Firm	\$200.00
21	Late Renewal Penalty for Interior Designers and Interior Design Firms	
22	Up-to-30 days	\$100.00
23	30 days to 1 year	\$100.00
24	Reciprocal License	\$300.00
25	Reinstatement of Expired Registration	
26	Interior Design	\$500.00
27	Interior Design Firm	\$500.00

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

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

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

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

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

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

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

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

- 1 (3) The establishment of the types and contents of examinations, their conduct,
2 and the minimum scores or other criteria for passing such
3 ~~examinations; examinations.~~
- 4 (4) The adoption of mandatory standards of professional conduct concerning
5 misrepresentations, conflicts of interest, incompetence, disability, violations
6 of law, dishonest conduct, or other unprofessional conduct for those persons
7 or corporations regulated by this Chapter, which standards shall be
8 enforceable under the disciplinary procedures of the ~~Board; Board.~~
- 9 (5) The establishment or approval of requirements for renewal of licenses and
10 registrations designed to promote the continued professional development and
11 competence of ~~licensees. licensees and registrants.~~ Such requirements shall be
12 designed solely to improve the professional knowledge and skills of a licensee
13 or a registrant directly related to the current and emerging bodies of
14 knowledge and skills of the licensee's or registrant's profession.

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

18 ...

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

23 "**§ 83A-7. Qualifications and examination requirements.**

24 ...

25 (c) Registration. – An applicant for registration shall provide substantial evidence to the
26 Board that the applicant meets one of the following requirements:

- 27 (1) The applicant shall provide a verification from the Council for Interior Design
28 Qualification or its successor in interest as proof that he or she passed the
29 NCIDQ examination and the applicant is an NCIDQ Certificate holder in good
30 standing.
- 31 (2) The applicant is a licensed architect certified by the Board.

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

36 "**§ 83A-8. Qualification for ~~corporate~~ firm practice.**

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

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

48 (c) Any registered interior designer desiring to offer interior design services through a
49 firm in this State shall file a firm application on forms provided by the Board, accompanied by
50 the required application fee. To be eligible for a firm registration, the firm must meet all
51 requirements of the Business Corporation Act.

1 (d) Interior design firms from other states may be granted firm registration for practice
2 of interior design in this State upon filing an application with the Board and satisfying the Board
3 that they meet the requirements of subsection (c) of this section. Those firms shall designate the
4 individual or individuals registered to practice interior design in this State who shall be in
5 responsible control of all interior design work offered or performed by that firm in this State.

6 (e) All ~~corporations~~ firms holding ~~corporate~~ firm certificates of licensure to practice
7 architecture or certificates of registration to practice interior design from the Board shall be
8 subject to the applicable rules and regulations adopted by the Board, and to all the disciplinary
9 powers applicable to individual licensees who are officers or employees of the ~~corporation~~.
10 ~~Corporations~~ firm. Firms may perform no acts or things forbidden to officers or employees as
11 licensees, licensees or registrants.

12 **"§ 83A-9. Partnership practice.**

13 This Chapter neither prevents practice of architecture or interior design as defined in this
14 Chapter by a partnership nor requires partnership seals or certificates of practice provided that
15 the members of the partnership are duly licensed to practice ~~architecture~~, architecture or are
16 registered interior designers for any partnership that wishes to hold itself out as a registered
17 interior design entity, and, provided that the partnership files with the Board and keeps current a
18 list of the partners, their license identifications, and the types of services offered by the
19 partnership.

20 **"§ 83A-10. Professional seals.**

21 (a) Architects. – Every licensed architect shall have a seal of a design authorized by the
22 Board, and shall imprint all drawings and sets of specifications prepared for use in this State with
23 an impression of such seal. Licensed architectural ~~corporations~~ firms shall employ ~~corporate~~ firm
24 professional seals, of a design approved by the Board, for use in identifying plans, specifications
25 and other professional documents issued by the ~~corporation~~, firm, but use of such ~~corporate~~ firm
26 seals shall be in addition to and not in substitution for the requirement that the individual seal of
27 the author of such plans and professional documents be affixed.

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

35 **"§ 83A-11. Expirations and renewals.**

36 Certificates or registrations must be renewed on or before the first day of July in each year.
37 No less than 30 days prior to the renewal date, a renewal application shall be transmitted to each
38 individual and corporate licensee. The completed application together with the required renewal
39 fee shall be returned to the Board on or before the renewal date. When the Board is satisfied as
40 to the continuing competency of an ~~architect~~, architect or a registered interior designer, it shall
41 issue a renewal of the ~~certificate~~, certificate or registration. Upon failure to renew within 30 days
42 after the date set for expiration, the license or registration shall be automatically revoked but such
43 license or registration may be renewed at any time within one year following the expiration date
44 upon proof of continuing competency and payment of the renewal fee plus a late renewal fee.
45 After one year from the date of revocation, reinstatement may be made by the Board, or in its
46 discretion, the application may be treated as new subject to reexamination and qualification
47 requirements as in the case of new applications.

48 **"§ 83A-12. Prohibited practice.**

49 The purpose of the Chapter is to safeguard life, health and property. It shall be unlawful for
50 any individual, firm or corporation to practice or offer to practice architecture in this State as
51 defined in this Chapter, or to use the title "Architect" or "Registered Interior Designer" or any

1 form thereof, except as provided in Chapter 89A for Landscape Architects, or to display or use
2 any words, letters, figures, titles, sign, card, advertisement, or other device to indicate that such
3 individual or firm practices or offers to practice architecture as herein defined or is an architect
4 or architectural firm qualified to perform architectural work, or is a registered interior designer
5 or a registered interior design firm qualified to perform interior design work, unless such person
6 holds a current individual or corporate certificate of admission to practice architecture or
7 registration to practice interior design under the provisions of this Chapter.

8 **"§ 83A-13. Exemptions.**

9 ...

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

24 ...

25 (f) This Chapter does not apply to persons holding themselves out as "interior decorators"
26 or offering "interior decorating services," such as selection or assistance in selecting surface
27 materials, window treatments, wall coverings, paint, floor coverings, surface-mounted lighting,
28 or loose furnishings not subject to regulation under applicable building codes.

29 (g) This Chapter does not apply to persons engaging in professional services limited to
30 the planning, design, and implementation of residential kitchen and bath spaces or commercial
31 kitchen and bath spaces within the construction area and cost limits as set forth in subdivisions
32 (c)(3) and (4) of this section or the specification of products for kitchen and bath areas.

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

36 **"§ 83A-14. Disciplinary action and procedure.**

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

44 **"§ 83A-15. Denial, suspension or revocation of license.**

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

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

- 1 a. The commission of any fraud, deceit or misrepresentation in any
 2 professional relationship with clients or other persons; or with
 3 reference to obtaining or maintaining license, or with reference to
 4 qualifications, experience and past or present ~~service; or service.~~
 5 b. Using or permitting an individual professional seal to be used by or for
 6 others, or otherwise representing registrant as the author of drawings
 7 or specifications other than those prepared personally by or under
 8 direct supervision of registrant.
 9 c. Using a professional license or registration from the Board that had
 10 been suspended or revoked.
 11 d. The imposition of other disciplinary action by a regulatory body of
 12 another state for any cause other than failure to pay applicable fees.
 13 e. Surrendered or did not renew a professional license or registration
 14 after the initiation of any investigation or proceeding by such body.
 15 (2) Incompetence, including but not limited to:
 16 a. Gross negligence, recklessness, or excessive errors or omissions or
 17 building failures in registrant's record of professional practice; or
 18 b. Mental or physical disability or addiction to alcohol or drugs so as to
 19 endanger health, safety and interest of the public by impairing skill and
 20 care in professional services.
 21 c. The registrant has been adjudged mentally incapable by a court of
 22 competent jurisdiction.
 23 (3) Unprofessional conduct, including but not limited to:
 24 a. Practicing or offering to practice architecture or interior design without
 25 a current license or registration from this ~~Board;~~Board.
 26 b. Knowingly aiding or abetting others to evade or violate the provisions
 27 of this Chapter, or the health and safety laws of this or other states;
 28 c. Knowingly undertaking any activity or having any significant
 29 financial or other interest, or accepting any compensation or reward
 30 except from registrant's clients, any of which would reasonably appear
 31 to compromise registrant's professional judgment in serving the best
 32 interest of clients or ~~public;~~public.
 33 d. Willfully violating this Chapter or any rule or standard of conduct
 34 published by the Board, or pleading guilty or nolo contendere to a
 35 felony or any crime involving moral turpitude.
 36 e. Falsely impersonating a practitioner or former practitioner of a like or
 37 different name or practicing under an assumed or fictitious name.
 38 f. Gross unprofessional conduct.

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

44 **"§ 83A-16. Violations of Chapter; penalties.**

45 (a) Any individual or ~~corporation~~firm not registered under this Chapter, who shall
 46 wrongfully use the title "Architect" or represent himself or herself to the public as an architect,
 47 or practice architecture as herein defined, or seek to avoid the provisions of this Chapter by the
 48 use of any other designation than "Architect": (i) shall be guilty of a Class 2 misdemeanor; and
 49 (ii) be subject to a civil penalty not to exceed five hundred dollars (\$500.00) per day of such
 50 violation. Each day of such unlawful practice shall constitute a distinct and separate violation.

1 The clear proceeds of any civil penalty collected hereunder shall be remitted to the Civil Penalty
2 and Forfeiture Fund in accordance with G.S. 115C-457.2.

3 (a1) Any individual or firm not registered under this Chapter, who shall wrongfully use
4 the title "registered interior designer," represent himself or herself to the public as a "registered
5 interior designer," seek to avoid the provisions of this Chapter by the use of any other designation
6 than "registered interior designer," present as his or her own registration of another, give false or
7 forged evidence to the Board or any member thereof in obtaining a registration, falsely
8 impersonate any other practitioner of like or different name, use or attempt to use a registration
9 that has been revoked, or otherwise violate any of the provisions in this Chapter shall be guilty
10 of a Class 2 misdemeanor and be subject to a civil penalty not to exceed five hundred dollars
11 (\$500.00) per day of such violation. Each day of such unlawful practice shall constitute a distinct
12 and separate violation. The clear proceeds of any civil penalty collected hereunder shall be
13 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

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

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

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

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

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

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

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

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

29 (e) The Board may in a disciplinary proceeding charge costs, including reasonable
30 attorneys' fees, to the licensee or registrant against whom the proceedings were brought.

31"

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

35 (1) One registered interior designer, appointed by the Governor, for a three-year
36 term.

37 (2) One registered interior designer, appointed by the Governor, for a four-year
38 term.

39 (3) One registered interior designer, appointed by the Governor, for a five-year
40 term.

41 The initial appointments of registered interior designers to the Board, as required by
42 Section 1 of this act, shall be made on or before October 1, 2021, and the initial terms of those
43 members shall begin on January 1, 2022. Once these initial terms expire, all vacancies will be
44 filled according to the provisions of G.S. 83A-2, as amended by this act. Upon appointment as a
45 registered interior designer, the appointee must immediately seek to become registered under this
46 act.

47 **SECTION 3.** The Board of Architects and Registered Interior Designers shall adopt
48 rules to implement the provisions of this act.

49 **SECTION 4.** Sections 2 and 3 of this act are effective when this act becomes law.
50 The remainder of this act becomes effective January 1, 2022, and applies to applications for
51 registration on or after that date.