

HOUSE No. 2826

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Poirier

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to advancing the profession of interior design.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---------------------------------|-----------------------|
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i> |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> |
| <i>Bradford R. Hill</i> | <i>4th Essex</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Bradley H. Jones, Jr.</i> | <i>20th Middlesex</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> |
| <i>Brendan P. Crighton</i> | <i>Third Essex</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> |
| <i>Ann-Margaret Ferrante</i> | <i>5th Essex</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Cory Atkins</i> | <i>14th Middlesex</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> |
| <i>Diana DiZoglio</i> | <i>14th Essex</i> |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> |

| | |
|--------------------------------|-----------------------|
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> |
| <i>Keiko M. Orrall</i> | <i>12th Bristol</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> |
| <i>Kate Hogan</i> | <i>3rd Middlesex</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> |
| <i>Lori A. Ehrlich</i> | <i>8th Essex</i> |
| <i>Bud Williams</i> | <i>11th Hampden</i> |
| <i>Edward F. Coppinger</i> | <i>10th Suffolk</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Jeffrey N. Roy</i> | <i>10th Norfolk</i> |
| <i>Adrian Madaro</i> | <i>1st Suffolk</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Kate D. Campanale</i> | <i>17th Worcester</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>Sheila C. Harrington</i> | <i>1st Middlesex</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Harold P. Naughton, Jr.</i> | <i>12th Worcester</i> |
| <i>RoseLee Vincent</i> | <i>16th Suffolk</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> |
| <i>John J. Mahoney</i> | <i>13th Worcester</i> |
| <i>Susannah M. Whipps</i> | <i>2nd Franklin</i> |
| <i>Paul Tucker</i> | <i>7th Essex</i> |
| <i>Brian Murray</i> | <i>10th Worcester</i> |
| <i>Shaunna L. O'Connell</i> | <i>3rd Bristol</i> |
| <i>Donald H. Wong</i> | <i>9th Essex</i> |
| <i>Natalie Higgins</i> | <i>4th Worcester</i> |
| <i>Jeffrey Sánchez</i> | <i>15th Suffolk</i> |

HOUSE No. 2826

By Mrs. Poirier of North Attleborough, a petition (accompanied by bill, House, No. 2826) of Elizabeth A. Poirier and others relative to registered interior designers. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to advancing the profession of interior design.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Chapter 112 of the General Laws, as most recently appearing in the 2014
2 Official Edition, is hereby amended by inserting after section 265 the following new section:

3 Section 266: Title: Registered Interior Designer

4 (A) Definitions

5 (1) "Board" means the board of registration of interior designers established by section
6 one hundred and nine A of chapter thirteen.

7 (2) "Building" means an enclosed structure, including the structural, mechanical, and
8 electrical systems, utility services, and other facilities required for the structure, that has human
9 occupancy or habitation as its principal purpose and is subject to the commonwealth's building
10 code or an approved code.

11 (3) "Certificate of registration" means the certificate of registration, issued by the board
12 every two years.

13 (4) "Interior alteration or construction" means one or more of the following types of
14 projects for an interior space or area within a proposed or existing building or structure that
15 involves or includes, but is not limited to modification, renovation, remodeling, rehabilitation,
16 historic preservation, reconstruction, restoration, additions, construction or improvements, the
17 execution of which shall change or alter one or more of the proposed or existing:

18 (a) design function or layout of rooms;

19 (b) physical state of permanent fixtures or equipment;

20 (c) interior space or area, especially in any way to require verification of code
21 compliance with building codes, fire codes, and the Americans with Disabilities Act (ADA) or
22 accessibility laws or guidelines required by the commonwealth or local jurisdiction;

23 (d) interior office systems furniture;

24 (e) non-structural elements, as defined by this Act, of the interior space or area.

25 (5) "International Building Code" means the edition of the International Building Code,
26 issued by the International Code Council, most recently adopted by the state in the eighth edition
27 of the State Building Code.

28 (6) "Interior technical submissions" means the designs, drawings, specifications, studies,
29 and other technical reports and calculations that are signed and sealed by a registered interior
30 designer and comply with applicable building codes, ordinances, laws, and regulations and
31 furthermore establish the scope of the interior design project to be constructed and or work to be

32 performed, the standard of quality for materials, skilled labor, equipment, and construction
33 systems.

34 (7) “Licensed design professional” means a person who is licensed by the commonwealth
35 in order to perform the practice of architecture as defined in section sixty A of chapter 112 and or
36 the practice of professional engineering as defined in section eighty one D of chapter 112.

37 (8) “Practice of Interior Design” means the provision of professional services listed in
38 this definition that uphold the health, safety, and welfare of the public and or the functional and
39 aesthetic requirements, including accessibility and life safety, of an existing or proposed interior
40 space;

41 (a) are required to carry out an interior alteration or construction of an interior space or
42 area within a proposed or existing building or structure.

43 (b) professional services as referenced in this definition are the practice of interior design
44 as follows; (i) executing all elements of design theory, programming, planning, pre-design
45 analysis, conceptual design and including but not limited to; materials and finish selection and
46 furniture, fixture and equipment selection; (ii) interior construction documentation; (iii) interior
47 technical submissions as defined by this Act; (iv) modification of existing building construction
48 so as to alter the number of persons for which the egress systems for the building are designed;
49 (v) the design for fabrication of non-structural elements for construction within interior spaces;
50 (vi) responsibility to review, analyze, evaluate, interpret codes and standards for applicability
51 including, but not limited to; the Americans with Disabilities Act (ADA) or accessibility laws or
52 guidelines required by the commonwealth or local jurisdiction; National Fire Protection
53 Association (NFPA) publications and guidelines adopted by the commonwealth or a local

54 government affecting life safety such as fire and or life safety codes; International Building Code
55 (IBC) adopted by the commonwealth or a local government that directly or indirectly affect the
56 practice of interior design for an interior alteration and construction of an interior space; (vii)
57 project administration and representation;

58 (c) that which is defined in the aforementioned, but shall not mean, involve or include; (i)
59 professional services performed by licensed design professionals that focus on; (ii) load bearing
60 walls, columns, or other load bearing elements of a building or structure identified as essential to
61 its structural integrity and or the structural envelope; (iii) structural changes or alterations to
62 previously determined building core enclosures; (iv) any access point to the structure used for the
63 purpose of entering or exiting the building; (v) alterations to building entry ingress or egress
64 conditions that constitute horizontal or vertical fire exit ways; (vi) fire compartmentalization;
65 (vii) requirements for mechanical, electrical, plumbing, and fire protection systems; (viii) areas
66 of refuge, including any access point to the structure, used for the purpose of entering or exiting
67 the building, the approach walk, the vertical access leading to the entrance platform, and the
68 entry doors or gates and their associated hardware of a proposed or existing building or structure;
69 (ix) routine maintenance, minor mechanical and electrical systems alterations, and replacement
70 of plumbing piping or valves;

71 (9) "Registered interior designer" means an individual who has received registration
72 granted by the board on behalf of the commonwealth by meeting the requirements for
73 registration as described in this chapter. A person represents himself or herself to be a "registered
74 interior designer" within the meaning of this Act if he or she holds himself or herself out to the
75 public by any title incorporating the words "registered interior designer" or any title that includes
76 the words "registered interior design".

77 (B) Requirement for Registration

78 Any individual who has passed the interior design examination administered by the
79 National Council for Interior Design Qualification (NCIDQ) may use the title “Registered
80 Interior Designer.” Such individual shall, upon satisfactory completion of the aforementioned
81 requirements, send to the office of director of professional licensure a copy of documentation of
82 the proof of passage of said exam, of graduation and completion of said program, and any
83 certifications awarded to said individual by the National Council for Interior Design
84 Qualification, with said individual’s name, present mailing address and email address, and any
85 changes there to as such changes occur. Such documentation shall be placed on file in the office
86 of said director.

87 (C) Application; Renewal; Re-Activation

88 Each applicant seeking to become a registered interior designer shall pay to the board,
89 upon filing his or her original application a fee to be determined annually by the commissioner of
90 administration. After verification of the passage of the NCIDQ and receipt of the application fee,
91 the board shall issue a certificate of registration for a period of two (2) years. The director of the
92 division of professional licensure, or his designee, as the custodian of any documentation
93 required by this section shall enforce the provisions of said section and may use said
94 documentation, or any lack thereof, as he, or his designee, deems necessary, notwithstanding any
95 General or special Law, or rule or regulation to the contrary.

96 A registered interior designer shall be required to continue learning and stay abreast of
97 current knowledge in the profession by completing continuing education units (CEUs).

98 (1) Renewal – An applicant for renewal of registration shall submit proof, as determined
99 by the board, and proof of having completed no less than 20 hours of CEUs from at least one
100 board approved continuing education provider during the term of the registration.

101 (2) Reactivation – An individual with an expired registration of more than one (1) year
102 seeking to reactivate said registration shall be required to meet the same continuing education
103 requirements as individuals applying for renewal.

104 It shall be unlawful for any individual, who is not so qualified by reason of having passed
105 such examination to use the title “Registered Interior Designer” or any title or device indicating
106 that an individual is a “registered interior designer.”

107 Nothing herein shall prohibit any person from practicing interior design or using the title
108 “interior designer,” “interior decorator” or the like, so long as the word “registered” is not used
109 in conjunction with the word “interior designer.”

110 Nothing herein shall authorize any individual to engage in the practice of architecture,
111 engineering, or any other occupation regulated under the laws of the commonwealth.

112 Any individual violating the provisions of this section shall be punished via a fine not to
113 exceed by a fine of not more than \$500 by the division of professional licensure or by
114 imprisonment in a jail or house of correction for not more than 3 months, or both.

115 (D) Sign, Seal, and Submission of Interior Technical Submissions by a registered interior
116 designer

117 Every registered interior designer with the Commonwealth shall have a seal of a design
118 authorized by the board. All interior technical submissions covering the scope of the practice of

119 interior design prepared by a registered interior designer or under his or her supervision shall be
120 stamped with the impression of such seal. A registered interior designer shall impress his or her
121 seal on any interior technical submissions if his or her certificate of registration is in full force
122 and if he or she was the author of such plans and specifications or in responsible charge of their
123 preparation. Furthermore, upon a registered interior designer affixing their signature and seal to
124 said interior technical submissions, they shall have the authority to submit them to a
125 governmental authority for the purpose of obtaining requisite permits for an interior alteration or
126 construction project.

127 No registered interior designer shall affix, or permit to be affixed, his or her registration
128 number, seal or signature to any study, plan, specification, drawing, report or other document
129 which depicts work which he or she is not competent to perform.

130 A registered interior designer under the laws of the commonwealth shall not sign and seal
131 interior technical submissions that were not prepared by or under his or her responsible control
132 except that:

133 (1) The registered interior designer may sign and seal those portions of the interior
134 technical submissions that were prepared by or under the responsible control of other individuals
135 who are also registered interior designers, if the registered interior designer has reviewed in
136 whole or in part such portions and has either coordinated their preparation or integrated them
137 into his or her work;

138 (2) A partner or corporate officer of a business entity registered in the commonwealth
139 who is either a registered interior designer or another licensed design professional under the laws
140 of the commonwealth, and who has professional knowledge of the content of the interior

141 technical submissions and intends to be responsible for the adequacy of the interior technical
142 submissions, may sign and seal interior technical submissions that are prepared by or under the
143 responsible control of a registered interior designer of the commonwealth and who are in the
144 regular employment of the business entity.

145 (3) Any registered interior designer who signs and seals interior technical submissions
146 not prepared by him or her but prepared under their responsible control by persons not regularly
147 employed in the office where the registered interior designer is resident shall maintain and make
148 available to the board adequate and complete records demonstrating the nature and extent of the
149 registered interior designer's control over and detailed professional knowledge of such interior
150 technical submissions throughout their preparation, for an amount of years to be determined by
151 the board, following such signing and sealing.

152 (4) Interior technical submissions may be combined with submissions separately prepared
153 under the responsible control, seal, and signature of other licensed design professionals, but it
154 shall not be mandated pursuant to this section.

155 (5) Unless directed in writing by a governmental authority to do otherwise, a registered
156 interior designer may choose to submit interior technical submissions, as may be required to
157 obtain a building permit, separately or as part of a larger submission of documents compiled by
158 one or more other registered interior designers or another licensed design professionals in the
159 commonwealth. At no time shall a governmental authority in the commonwealth refuse to
160 accept the interior technical submissions or other related documents provided by a registered
161 interior designer for the purpose of obtaining a building permit except;

162 (a) if the signature, current date, date of registration expiration, seal, and the registration
163 number for an individual are absent; or if a governmental authority provides specific evidence,
164 delivered in writing, to the registered interior designer that one or more portions of an interior
165 technical submission does not conform to this Act.

166 (6) At no time shall a person or entity limit a registered interior designer from acting
167 independent of any other licensed design professional to certify and attest compliance with any
168 part of the commonwealth's and or local law, ordinance, regulation, and code, especially
169 building and life safety and accessibility codes, that is applicable due to their practice of interior
170 design as defined by this Act.

171 (E) Roster of registered interior designers

172 A roster, showing the name sand the last known business addresses of all registered
173 interior designers, shall be released by the board in the month of January of each year. Such
174 roster shall be posted on a publically available website.

175 (F) Enforcement by board; attorney general; duties

176 The board shall be charged with the enforcement of sections 266A to 266H and section
177 267, inclusive. If any person refuses to obey any decision of the board, the attorney general shall,
178 upon request of the board, file a petition for the enforcement of such decision in equity in the
179 superior court for Suffolk county or for the county in which the defendant resides or has a place
180 of business. After due hearing, the court shall order the enforcement of such decision or any part
181 thereof, if legally and properly made by the board.

182 (G) Corporations, Partnerships, Limited Liability Companies and Limited Liability
183 Partnerships

184 Corporations, partnerships, limited liability companies, limited liability partnerships, and
185 professional corporations offering, or planning to offer, one or more services as listed in
186 subparagraphs (A) through (C) of paragraph (1) of section 266H may –

187 (1) for the purpose of formation or establishment, governance, or management, have –

188 (A) one or more registered and or unregistered interior designers, who are not licensed
189 design professionals, possess the duties, responsibilities, restrictions, liabilities, legal authority,
190 and the powers, and privileges of the following:

191 (i) a director on the board in the case of a corporation, a general partner in the case of a
192 partnership, or a member in the case of a limited liability company or limited liability
193 partnership;

194 (ii) a managing agent;

195 (iii) an owner, including majority owner; or

196 (iv) an officer, which may include an individual serving as more than one officer at the
197 same time and therefore assuming all the duties, responsibilities, liabilities, legal authority,
198 powers, and privileges of each respective officer's position.

199 (H) Prohibitions

200 Unless an interior designer, whether registered or not by the commonwealth, has violated
201 this Act or the laws of the commonwealth or the United States, then no person, business entity,

202 county, local municipality, or the commonwealth, including all boards, agencies, and
203 commissions established by the aforementioned as well as any individuals appointed, employed,
204 or acting on their behalf, shall take action or inaction to unfairly disadvantage or limit an interior
205 designer from:

206 (a) formulating or establishing a business entity, including a corporation, partnership,
207 limited liability company, limited liability partnership, professional corporation, or sole
208 proprietorship;

209 (b) hiring one or more full or part-time employees qualifying as licensed design
210 professionals or contracting with individuals qualifying as licensed design professionals to
211 practice; (i) engineering as defined in section 81D of chapter 112; or (ii) architecture as defined
212 in section 60A of chapter 112; (iii) other services requiring licensure by the commonwealth for
213 an individual to practice;

214 (c) serving in one or more of the positions listed in parts (i) through (iv) of subparagraph
215 (A) of paragraph (1) of section 266G and possessing all the respective duties, responsibilities,
216 legal authority, powers and privileges; and

217 (4) owning shares in a business entity.

218 SECTION 2: Chapter 112 of the General Laws, as most recently appearing in the 2014
219 Official Edition, is hereby amended by inserting after section 266H the following new
220 section:

221 Section 267: Title: Application of other laws and regulations

222 (A) , Except as provided in sections 266G and 266H of this Act, any other provision of
223 law or regulation in the commonwealth governing the formation or establishment, governance, or
224 management of corporations, partnerships, limited liability companies, limited liability
225 partnerships, sole proprietorships and professional corporations offering, or planning to offer,
226 one or more services as listed in subparagraphs (A) through (C) of paragraph (2) of section
227 266H, shall be applicable to corporations, partnerships, limited liability companies, limited
228 liability partnerships, sole proprietorships and professional corporations formed or established,
229 governed, or managed pursuant to section 266G.

230 (B) This Act shall take precedence in the event of any conflict with the provisions of any
231 other law or regulation in the commonwealth requiring participation of one or more licensed
232 design professionals to formulate or establish, own, including holding shares, govern, manage or
233 direct one or more corporations, partnerships, limited liability companies, limited liability
234 partnerships, sole proprietorships and professional corporations offering, or planning to offer,
235 one or more services as listed in subparagraphs (A) through (C) of paragraph (2) of section
236 266H.

237 (C) The board of registration of interior designers is hereby authorized to promulgate
238 rules for corporations, partnerships, limited liability companies, limited liability partnerships,
239 sole proprietorships and professional corporations that will be affected by this section and
240 sections 266G and 266H. In so doing, the board is encouraged to work with other boards
241 regulating the built environment, namely the board of registration of professional engineers and
242 the board of registration of architects. Nothing in this chapter shall restrict or limit in any manner
243 the authority or duty of the board to enforce this section and sections 266G and 266H.

244 SECTION 3: Section 54A of chapter 143 of the General Laws, as most recently
245 appearing in the 2014 Official edition, is hereby amended by inserting after the word “in”, in
246 line 7, the following words:-, section 266D, and

247 SECTION 4: Chapter 13 of the General Laws, as most recently appearing in the 2014
248 Official edition, is hereby amended by inserting after Section 108 the following new sections:

249 Section 109A: Title: Board of registration of interior designers; membership;
250 appointment; term

251 There shall be in the department of civil service and registration a board of registration of
252 interior designers, in this and the following three sections called the board, to be appointed by the
253 governor, consisting of five members, citizens of the commonwealth, four of whom shall each
254 have been engaged in the practice of interior design for a period of ten years or more prior to his
255 or her appointment, and shall be registered interior designers. The fifth member shall be a
256 representative of the public, subject to the provisions of section nine B. As the term of office of a
257 member of the board expires, his successor, qualified as aforesaid, shall be appointed by the
258 governor to serve for five years. Each member shall continue to serve until the appointment of
259 his or her successor. The governor may also fill any vacancy in the board for the unexpired
260 portion of the term.

261 Section 109B: Board of registration of interior designers; meetings; officers; quorum

262 The board shall hold at least two regular meetings each year, and may hold special
263 meetings as required. Time, place and notice of all meetings shall be as required by rules or by-
264 laws determined by the board. At the first regular meeting each year, the board shall organize

265 and choose from its own members, a chairman, a vice chairman and a secretary. A quorum shall
266 consist of three members.

267 Section 109C: Board of registration of interior designers; rules and by- laws; seal;
268 powers; annual report

269 The board may make such rules or by-laws, not inconsistent with law, as it may deem
270 necessary in the performance of its duties. The board shall have a seal, and its members may
271 administer oaths in the performance of its duties. The board shall have power to summon
272 witnesses and to take testimony and require proofs concerning all matters within its jurisdiction.
273 The board shall annually render to the governor a report of its proceedings, which shall include
274 an itemized statement of all receipts and expenses of the board for the year.

275 Section 109D: Board of registration of interior designers; compensation and
276 reimbursement of expenses

277 The members of the board shall serve without compensation but shall be reimbursed for
278 actual and necessary expenses reasonably incurred in the performances of their duties as
279 members or on behalf of the board.