

SENATE No. 132

The Commonwealth of Massachusetts

PRESENTED BY:

Barbara A. L'Italien

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>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/25/2017</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>1/25/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>2/1/2017</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/1/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/3/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/3/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/14/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/14/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>3/20/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/20/2017</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>4/18/2017</i>

SENATE No. 132

By Ms. L'Italien, a petition (accompanied by bill, Senate, No. 132) of Barbara A. L'Italien, Cynthia S. Creem, Joan B. Lovely, Brendan P. Crighton and other members of the General Court for legislation relative to advancing the profession of interior design. 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 is hereby amended by inserting, after
2 section 265, the following new section:

3 Section 266: 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 compliance
21 with building codes, fire codes, and the Americans with Disabilities Act (ADA) or accessibility
22 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
32 work to be performed, the standard of quality for materials, skilled labor, equipment, and
33 construction 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

88 (C) Application; Renewal; Re-Activation

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

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

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

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

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

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

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

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

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

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

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

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

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

139 (2) A partner or corporate officer of a business entity registered in the commonwealth
140 who is either a registered interior designer or another licensed design professional under the laws
141 of the commonwealth, and who has professional knowledge of the content of the interior
142 technical submissions and intends to be responsible for the adequacy of the interior technical
143 submissions, may sign and seal interior technical submissions that are prepared by or under the
144 responsible control of a registered interior designer of the commonwealth and who are in the
145 regular employment of the business entity.

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

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

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

161 the interior technical submissions or other related documents provided by a registered interior
162 designer for the purpose of obtaining a building permit except if the signature, current date, date
163 of registration expiration, seal, and the registration number for an individual are absent; or if a
164 governmental authority provides specific evidence, delivered in writing, to the registered interior
165 designer that one or more portions of an interior technical submission does not conform to this
166 Act.

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

172 (E) Roster of registered interior designers

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

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

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

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

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

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

189 (A) one or more registered and or unregistered interior designers, who are not licensed
190 design professionals, possess the duties, responsibilities,

191 restrictions, liabilities, legal authority, and the powers, and privileges of the following:

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

195 (ii) a managing agent;

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

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

200

201 (H) Prohibitions

202 Unless an interior designer, whether registered or not by the commonwealth, has violated
203 this Act or the laws of the commonwealth or the United States, then no person, business entity,
204 county, local municipality, or the commonwealth, including all boards, agencies, and
205 commissions established by the aforementioned as well as any individuals appointed, employed,
206 or acting on their behalf, shall take action or inaction to unfairly disadvantage or limit an interior
207 designer from:

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

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

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

219 (4) owning shares in a business entity.

220 SECTION 2: Chapter 112 of the General Laws is hereby amended by inserting after
221 section 266H the following new section:

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

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

231 (B) This Act shall take precedence in the event of any conflict with the provisions of any
232 other law or regulation in the commonwealth requiring participation of one or more licensed
233 design professionals to formulate or establish, own, including holding shares, govern, manage or
234 direct one or more corporations, partnerships, limited liability companies, limited liability
235 partnerships, sole proprietorships and professional corporations offering, or planning to offer,
236 one or more services as listed in subparagraphs (A) through (C) of paragraph (2) of section
237 266H.

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

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

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

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

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

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

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

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

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

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

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

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