

HOUSE No. 245**The Commonwealth of Massachusetts**

PRESENTED BY:

Patricia A. Haddad and 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 commercial interior design.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/10/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/10/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/17/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/22/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/1/2019</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/1/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>2/1/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/1/2019</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/31/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/30/2019</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/30/2019</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/1/2019</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>1/31/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/28/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/31/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/28/2019</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/31/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/1/2019</i>

<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/29/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/29/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/30/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/29/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/28/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/25/2019</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/31/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/29/2019</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>2/1/2019</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/24/2019</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/1/2019</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/1/2019</i>

HOUSE No. 245

By Representatives Haddad of Somerset and Poirier of North Attleborough, a petition (accompanied by bill, House, No. 245) of Patricia A. Haddad, Elizabeth A. Poirier and others relative to registered interior designers. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to advancing the profession of commercial 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 XX: Chapter 112 of the General Laws, as most recently appearing in the
2 2016 Official Edition, is hereby amended by inserting after section 264 the following new
3 section:

4 Section 265: Title: Registered Commercial Interior Designer

5 (A)Definitions

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

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

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

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

(5)(a) "Practice of commercial interior design" means, in relation to obtaining a building permit independent of an architect licensed under sections 60A through 60O of chapter 112 of the general laws, the preparation of a plan or specification for, or the supervision of new construction, alteration, or repair of, an interior space within a newly constructed or existing building when the core and shell structural elements are not going to be changed.

(b) "Practice of commercial interior design" only includes the preparation of a plan or specification for, or the supervision of new construction, alteration, or repair of, a building.

(c) "Practice of commercial interior design" does not include: (i) providing commercial construction documents, independent of a licensed architect, for a space that: (ii) does not already have base building life safety components installed or designed and permitted, including required exit stairs and enclosures, paths of travel, ramps, horizontal exit passageways, disabled access, fire alarm systems, and base building fire suppression systems; or (iii) is undergoing a change of occupancy classification as described in the International Building Code; or changes to or the addition of foundations, beams, trusses, columns, or other primary structural framing members or seismic systems; structural concrete slabs, floor and roof framing structures, or bearing and shear walls; openings in roofs, floors, exterior walls, or bearing and shear walls; exterior doors, windows, awnings, canopies, sunshades, signage, or similar exterior building

elements; as described in the International Building Code, life safety equipment, including smoke, fire, or carbon dioxide sensors or detectors, or other overhead building elements; as described in the International Building Code, bracing for partial height partitions if the top of the partition is more than eight feet above the floor; or heating, ventilating, or air conditioning equipment or distribution systems, building management systems, high or medium voltage electrical distribution systems, standby or emergency power systems or distribution systems, plumbing or plumbing distribution systems, fire alarm systems, fire sprinklers systems, security or monitoring systems, or related building systems.

(6) "State registration" means a designation granted by the administration on behalf of the state to an individual who has met the requirements for state registration related to an occupation or profession described in this chapter.

(7) "State registered" means, when used in conjunction with an occupation or profession described in this chapter, a title that:

(a) may be used by a person who has met the state registration requirements related to that occupation or profession described in this chapter; and

(b) may not be used by a person who has not met the state registration requirements related to that occupation or profession described in this chapter.

(B) Testing Requirement

Any individual who has passed the interior design examination administered by the National Council for Interior Design Qualification (NCIDQ) may use the title "Registered Commercial Interior Designer." Such individual shall, upon satisfactory completion of the

aforementioned requirements, send to the office of director of professional licensure a copy of documentation of the proof of passage of said exam, of graduation and completion of said program, and any certifications awarded to said individual by the National Council for Interior Design Qualification, with said individual's name, present mailing address and email address, and any changes there to as such changes occur. Such documentation shall be placed on file in the office of said director.

(C) Application; Renewal; Re-Activation

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

A Registered Commercial Interior Designer shall be required to continue learning and stay abreast of current knowledge in the profession by completing continuing education units (CEUs). Continuing education shall be gained through coursework delivered in education units. The quantity and content designation of education units (CEUs) shall be determined by the division of professional licensure.

It shall be unlawful for any individual, who is not so qualified by reason of having passed such examination, or who does not have such experience to use the title "Registered Commercial

Interior Designer” or any title or device indicating that an individual is a “registered commercial interior designer.”

Nothing herein shall prohibit any person from performing commercial interior design services or using the title “commercial interior designer,” “commercial interiors consultant,” “commercial interior decorator” or the like, so long as the word “registered” is not used in conjunction with the word “commercial interior designer.”

Nothing herein shall authorize any individual to engage in the practice of architecture, engineering, or any other occupation regulated under the laws of this state or to prepare, sign or seal plans with respect to such practice or in connection with any governmental permits unless licensed or otherwise permitted to do so under such laws.

Nothing in this section shall prohibit an employee of a retail establishment providing consultation regarding interior design, decoration, furnishings, furniture or fixtures offered for sale by such establishment from receiving compensation from such establishment.

Notwithstanding any general or special law to the contrary, an individual who has completed at least 10 years of full-time, diversified, verifiable professional experience in the profession of interior design shall be eligible for “provisional registration” provided that within twelve months after the first meeting of the board, said individual has applied for registration.

Said applicant, upon review and consent of the board, may be issued a “provisional registration” and be given three calendar years from the first meeting of the board to provide substantial proof to the board of successful passage of the NCIDQ examination, at which time full registration will be granted. If proof is not provided to the board within the allotted time period, said applicant’s “provisional registration” shall be revoked and become null and void.

Re-application, including satisfaction of all requirements at the time of re-application, shall be required for registration. During the time period of “provisional registration,” said individual is required to maintain all current fees and uphold all requirements registration and renewal until such time as the examination requirement is fulfilled.

Any individual violating the provisions of this section shall be punished via a fine and/or one’s registration revoked by the division of professional licensure.

(D) Seal of registered commercial interior designer

Every registered commercial interior designer shall have a seal of a design authorized by the board. All plans and specifications and reports prepared by a registered commercial interior designer or under his supervision shall be stamped with the impression of such seal. A registered commercial interior designer shall impress her or her seal on any plans or specifications on if his certificate of registration is in full force and if he or she was the author of such plans and specifications or in responsible charge of their preparation.

(E) Roster of registered commercial interior designers

A roster, showing the names and the last known places of business of all registered commercial interior designers, shall be prepared by the board in the month of January of each year. Such roster shall be posted on a publicly available website.

(F) Certificate of registration as a commercial interior designer emeritus

(a) Upon receipt of a written application, the board may grant a certificate of registration as a commercial interior designer emeritus to an interior designer who has retired from the active practice of commercial interior design in the commonwealth. To be eligible for a certificate of

registration as a commercial interior designer emeritus, the applicant shall: (i) submit an application together with a fee prescribed by the board; (ii) have been a commercial interior designer in good standing in the commonwealth at the time of his retirement; (iii) be at least 65 years of age; (iv) have been a registered a commercial interior designer in the commonwealth for at least 10 years; (v) have relinquished his license to practice commercial interior design; and (vi) satisfy any other requirements as may be prescribed by the board.

(b) A commercial interior designer emeritus shall not engage in nor hold himself out as engaging in the practice of commercial interior design. A commercial interior designer emeritus shall be exempt from the continuing education requirements established in this chapter.

(c) A commercial interior designer emeritus seeking reinstatement as a commercial interior designer shall: (i) file an application for reinstatement with the board; (ii) pay an administrative fee which shall be determined by the board; and (iii) comply with education or other requirements established by the board.

(G) Enforcement by board; attorney general; duties

The board shall be charged with the enforcement of sections 265A to 265F, inclusive. If any person refuses to obey any decision of the board, the attorney general shall, upon request of the board, file a petition for the enforcement of such decision in equity in the superior court for Suffolk county or for the county in which the defendant resides or has a place of business. After due hearing, the court shall order the enforcement of such decision or any part thereof, if legally and properly made by the board.

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

142 Section 109A: Title: Board of registration of commercial interior designers; membership;
143 appointment; term

144 There shall be in the department of civil service and registration a board of registration of
145 commercial interior designers, in this and the following three sections called the board, to be
146 appointed by the governor, consisting of five members, citizens of the commonwealth, four of
147 whom shall each have been engaged in the practice of interior design for a period of ten years or
148 more prior to his appointment, and shall be registered commercial interior designers. The fifth
149 member shall be a representative of the public, subject to the provisions of section nine B. As the
150 term of office of a member of the board expires, his successor, qualified as aforesaid, shall be
151 appointed by the governor, to serve for five years. Each member shall continue to serve until the
152 qualification of his successor. The governor may also fill any vacancy in the board for the
153 unexpired portion of the term.

154 Section 109B: Board of registration of commercial interior designers; meetings; officers;
155 quorum

156 The board shall hold at least two regular meetings each year, and may hold special
157 meetings as required. Time, place and notice of all meetings shall be as required by rules or by-
158 laws determined by the board. At the first regular meeting each year, the board shall organize
159 and choose from its own members, a chairman, a vice chairman and a secretary. A quorum shall
160 consist of three members.

161 Section 109C: Board of registration of commercial interior designers; rules and by-laws;
162 seal; powers; annual report

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

169 Section 109D: Board of registration of commercial interior designers; compensation and
170 reimbursement of expenses

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