

# SENATE . . . . . No. 165

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Joan B. Lovely***

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*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.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/28/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/29/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/29/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/1/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/4/2019</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/15/2019</i>

# SENATE . . . . . No. 165

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By Ms. Lovely, a petition (accompanied by bill, Senate, No. 165) of Joan B. Lovely, Bradford Hill, Jason M. Lewis, Bradley H. Jones, Jr. and other members of the General Court for legislation relative to advancing the profession of interior design. Consumer Protection and Professional Licensure.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 132 OF 2017-2018.]

## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-First General Court  
(2019-2020)  
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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 1. Chapter 112 of the General Laws, as appearing in the 2016 Official Edition,  
2   is hereby amended by inserting after section 264 the following new section:-

3           Section 265. (a) As used in this section, the following words shall have the following  
4   meanings unless the context clearly requires otherwise:

5           “Board” means the board of registration of commercial interior designers established by  
6   section one hundred and nine A of chapter thirteen.

7           "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

occupancy or habitation as its principal purpose and is subject to the State Building Code or an approved code.

“Certificate of registration” means the certificate of registration, issued by the board every two years.

"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.

"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, the preparation of a plan or specification for, or the supervision of 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. This shall only include the preparation of a plan or specification for, or the supervision of new construction, alteration, or repair of, a building.

"Practice of commercial interior design" shall not include providing commercial construction documents, independent of a licensed architect, for a space that: (i) 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 (ii) is undergoing a change of occupancy classification as described in the International Building Code; or changes to or the addition of: (A) foundations, beams, trusses, columns, or other primary structural framing members or seismic systems; (B) structural concrete slabs, floor and roof framing structures, or bearing and shear walls; openings in roofs, floors, exterior walls, or bearing and shear walls; (C)

31 exterior doors, windows, awnings, canopies, sunshades, signage, or similar exterior building  
32 elements, as described in the International Building Code; (D) life safety equipment, including  
33 smoke, fire, or carbon dioxide sensors or detectors, or other overhead building elements, as  
34 described in the International Building Code; (E) bracing for partial height partitions if the top of  
35 the partition is more than eight feet above the floor; or (F) heating, ventilating, or air  
36 conditioning equipment or distribution systems, building management systems, high or medium  
37 voltage electrical distribution systems, standby or emergency power systems or distribution  
38 systems, plumbing or plumbing distribution systems, fire alarm systems, fire sprinklers systems,  
39 security or monitoring systems, or related building systems.

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

43 "State registered" means, when used in conjunction with an occupation or profession  
44 described in this chapter, a title that (1) may be used by a person who has met the state  
45 registration requirements related to that occupation or profession described in this chapter; and  
46 (2) may not be used by a person who has not met the state registration requirements related to  
47 that occupation or profession described in this chapter.

48 (b) Any individual who has passed the interior design examination administered by the  
49 National Council for Interior Design Qualification (NCIDQ) may use the title "Registered  
50 Commercial Interior Designer." Such individual shall, upon satisfactory completion of the  
51 aforementioned requirements, send to the office of director of professional licensure a copy of  
52 documentation of the proof of passage of said exam, of graduation and completion of said

53 program, and any certifications awarded to said individual by the National Council for Interior  
54 Design Qualification, with said individual's name, present mailing address and email address,  
55 and any changes there to as such changes occur. Such documentation shall be placed on file in  
56 the office of said director.

57 (c) (1) Each applicant seeking to become a registered commercial interior designer shall  
58 pay to the board, upon filing his or her original application, a fee to be determined annually by  
59 the commissioner of administration. After verification of the aforementioned documentation and  
60 receipt of the application fee, the board shall issue a certificate of registration for two years. The  
61 director of the division of professional licensure, or his designee, as the custodian of any  
62 documentation required by this section shall enforce the provisions of said section and may use  
63 said documentation, or any lack thereof, as he, or his designee, deems necessary, notwithstanding  
64 any general or special law, or rule or regulation to the contrary.

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

70 (3) It shall be unlawful for any individual, who is not so qualified by reason of having  
71 passed such examination, or who does not have such experience to use the title "Registered  
72 Commercial Interior Designer" or any title or device indicating that an individual is a "registered  
73 commercial interior designer."

(4) 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.”

(5) 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.

(6) 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.

(7) 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.

(8) 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 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 period of “provisional registration,” said individual is

required to maintain all fees and uphold all requirements registration and renewal until the examination requirement is fulfilled.

(9) 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) 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 were the author of such plans and specifications or in responsible charge of their preparation.

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

(f)(1) 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.

(2) 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.

(3) 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 that shall be determined by the board; and (iii) comply with education or other requirements established by the board.

(g) 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 2. Chapter 13 of the General Laws, as most recently appearing in the 2016 Official Edition, is hereby amended by inserting after section 109 the following new sections:-

Section 110. There shall be in the department of civil service and registration a board of registration of commercial interior designers, in this and the following three sections called the board, to be appointed by the governor, consisting of five members, citizens of the commonwealth, four of whom shall each have been engaged in the practice of interior design for ten years or more prior to his appointment, and shall be registered commercial interior designers. The fifth member shall be a representative of the public, subject to the provisions of section nine B. As the term of office of a member of the board expires, his successor, qualified as aforesaid,



140 shall be appointed by the governor, to serve for five years. Each member shall continue to serve  
141 until the qualification of his successor. The governor may also fill any vacancy in the board for  
142 the unexpired portion of the term.

143       Section 110A. The board shall hold at least two regular meetings each year, and may hold  
144 special meetings as required. Time, place and notice of all meetings shall be as required by rules  
145 or by-laws determined by the board. At the first regular meeting each year, the board shall  
146 organize and choose from its own members, a chairman, a vice chairman and a secretary. A  
147 quorum shall consist of three members.

148       Section 110B. The board may make such rules or by-laws, not inconsistent with law, as it  
149 may deem necessary in the performance of its duties. The board shall have a seal, and its  
150 members may administer oaths in the performance of its duties. The board shall have power to  
151 summon witnesses and to take testimony and require proofs concerning all matters within its  
152 jurisdiction. The board shall annually render to the governor a report of its proceedings, which  
153 shall include an itemized statement of all receipts and expenses of the board for the year.

154       Section 110C. The members of the board shall serve without compensation but shall be  
155 reimbursed for actual and necessary expenses reasonably incurred in the performances of their  
156 duties as members or on behalf of the board.