

SENATE No. 2857

Senate, July 29, 2020 -- Text of the Senate amendment (Senator Lovely) to the Senate Bill enabling partnerships for growth (Senate, No. 2842).

The Commonwealth of Massachusetts

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

1 by inserting the following section:-

2 SECTION XX. Chapter 112 of the General Laws, as appearing in the 2018 Official
3 Edition, is hereby amended by inserting after section 275 the following 7 sections:-

4 Section 276. For the purposes of this section and sections 277 to 282, inclusive, the
5 following terms shall, unless the context clearly requires otherwise, have the following
6 meanings:

7 “Board”, means the board of registration of commercial interior designers established in
8 section 110 of chapter 13.

9 "Building", means an enclosed structure that has human occupancy or habitation as its
10 principal purpose as defined in the Massachusetts State Building Code.

11 “Certificate of registration”, means the two year license to practice commercial interior
12 design issued by the board.

13 "International Building Code", means the edition of the International Building Code,
14 issued by the International Code Council, most recently adopted by the commonwealth,
15 including Massachusetts amendments.

16 "Practice of commercial interior design", means, in relation to obtaining a building
17 permit independent of an architect licensed under sections 60A through 60Q, inclusive, the
18 preparation of a plan or specification for, or the supervision of new construction, alteration, or
19 repair of, an interior space within a newly constructed or existing building when the core and
20 shell structural elements are not going to be changed; provided, however, that it does not include:
21 (a) providing commercial construction documents, independent of a licensed architect, for a
22 space that: (1) does not already have base building life safety components installed or designed
23 and permitted, including required exit stairs and enclosures, paths of travel, ramps, horizontal
24 exit passageways, disabled access, fire alarm systems, and base building fire suppression
25 systems; or (2) is undergoing a change of occupancy classification as described in the
26 International Building Code; or (b) changes to or the addition of foundations, beams, trusses,
27 columns, or other primary structural framing members or seismic systems; structural concrete
28 slabs, floor and roof framing structures, or bearing and shear walls; openings in roofs, floors,
29 exterior walls, or bearing and shear walls; exterior doors, windows, awnings, canopies,
30 sunshades, signage, or similar exterior building elements; as described in the International
31 Building Code, life safety equipment, including smoke, fire, or carbon dioxide sensors or
32 detectors, or other overhead building elements; as described in the International Building Code,
33 bracing for partial height partitions if the top of the partition is more than eight feet above the
34 floor; or heating, ventilating, or air conditioning equipment or distribution systems, building
35 management systems, high or medium voltage electrical distribution systems, standby or

36 emergency power systems or distribution systems, plumbing or plumbing distribution systems,
37 fire alarm systems, fire sprinklers systems, security or monitoring systems, or related building
38 systems.

39 Section 277. Upon approval by the board, any individual who has passed the interior
40 design examination administered by the National Council for Interior Design Qualification may
41 use the title “Registered Commercial Interior Designer.” Such individual shall, upon satisfactory
42 completion of the aforementioned requirements and any other requirements and qualifications as
43 deemed necessary by the board, send to the board a copy of documentation of the proof of
44 passage of said exam, of graduation and completion of said program, and any certifications
45 awarded to said individual by the National Council for Interior Design Qualification, and any
46 other documentation as required by the board. Such documentation shall include the individual’s
47 name, mailing address and email address; provided, that such individual shall update the board of
48 any changes to such information as they occur. Such documentation shall be placed on file with
49 the division of professional licensure.

50 Section 278. (a) Each applicant seeking to become a registered commercial interior
51 designer shall pay to the board, upon filing their original application a fee to be determined
52 annually by the commissioner of administration. After verification of the aforementioned
53 documentation and receipt of the application fee, the board shall issue a certificate of registration
54 for a period of two years. The director of the division of professional licensure, or their designee,
55 as the custodian of any documentation required by this section shall enforce the provisions of
56 said section and may use said documentation, or any lack thereof, as they, or their designee,
57 deems necessary, notwithstanding any general or special law, or rule or regulation to the
58 contrary.

59 A registered commercial interior designer shall be required to complete continuing
60 education courses. Continuing education shall be gained through coursework delivered in
61 education credits. The quantity and content designation of education credits shall be determined
62 by the board.

63 It shall be unlawful for any individual, who is not so approved by the board to use the
64 title “Registered Commercial Interior Designer” or any title or device indicating that an
65 individual is a “registered commercial interior designer.”

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

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

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

77 (b) Notwithstanding any general or special law to the contrary, an individual who has
78 completed at least 10 years of full-time, diversified, verifiable professional experience in the
79 profession of interior design shall be eligible for provisional registration provided that within 12
80 months after the first meeting of the board, said individual has applied for registration.

81 Said applicant, upon review and consent of the board, may be issued a provisional
82 registration and be given three calendar years from the first meeting of the board to provide
83 substantial proof to the board of successful passage of the National Council for Interior Design
84 Qualification examination, at which time full registration will be granted. If proof is not provided
85 to the board within the allotted time period, said applicant's provisional registration shall be
86 revoked. Re-application, including satisfaction of all requirements at the time of re-application,
87 shall be required for registration. During the time period of provisional registration said
88 individual is required to maintain all current fees and uphold all requirements registration and
89 renewal until such time as the examination requirement is fulfilled.

90 (c) Any individual violating the provisions of sections 276 to 282, inclusive, may be
91 punished by a fine of not more than \$500 or by imprisonment in a jail or house of correction for
92 not more than 3 months, or both, or by revocation of registration by the board.

93 Section 279. Every registered commercial interior designer shall have a seal of a design
94 authorized by the board. All plans, specifications and reports prepared by a registered
95 commercial interior designer or under their supervision shall be stamped with the impression of
96 such seal. A registered commercial interior designer shall impress their seal on any plans or
97 specifications on if their certificate of registration is in full force and if they were the author of
98 such plans and specifications or in responsible charge of their preparation.

99 Section 280. A roster showing the names and the last known places of business of all
100 registered commercial interior designers shall be prepared by the board in the month of January
101 of each year. Such roster shall be posted on a publicly available website.

102 Section 281. (a) Upon receipt of a written application, the board may grant a certificate of
103 registration as a commercial interior designer emeritus to an interior designer who has retired
104 from the active practice of commercial interior design in the commonwealth. To be eligible for a
105 certificate of registration as a commercial interior designer emeritus, the applicant shall: (i)
106 submit an application together with a fee prescribed by the board; (ii) have been a commercial
107 interior designer in good standing in the commonwealth at the time of his retirement; (iii) be at
108 least 65 years of age; (iv) have been a registered a commercial interior designer in the
109 commonwealth for at least 10 years; (v) have relinquished his license to practice commercial
110 interior design; and (vi) satisfy any other requirements as may be prescribed by the board.

111 (b) A commercial interior designer emeritus shall not engage in nor hold themselves out
112 as engaging in the practice of commercial interior design. A commercial interior designer
113 emeritus shall be exempt from the continuing education requirements established in section 278.

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

118 Section 282. The board shall be charged with the enforcement of sections 276 to 282,
119 inclusive. If any person refuses to obey any decision of the board, the attorney general shall,
120 upon request of the board, file a petition for the enforcement of such decision in equity in the
121 superior court for Suffolk county or for the county in which the defendant resides or has a place
122 of business. After due hearing, the court shall order the enforcement of such decision or any part
123 thereof, if legally and properly made by the board.

124 SECTION XX. Chapter 13 of the General Laws, as so appearing, is hereby amended by
125 inserting after section 109 the following section:-

126 Section 110. (a) There shall be a board of registration of commercial interior designers,
127 herein after called the board, which shall consist of five members to be appointed by the
128 governor, four of whom shall each have been engaged in the practice of interior design for a
129 period of 10 or more years prior to their appointment, and shall be registered commercial interior
130 designers, and one member of the general public. Members of the board shall be residents of the
131 commonwealth.

132 (b) Each member of the board shall serve for a term of three years and until the governor
133 appoints a successor. No member shall be appointed to more than two consecutive full terms. A
134 member appointed for less than a full term may serve two full terms in addition to such part of a
135 full term. A former member shall be eligible for appointment after a lapse of one year.

136 (c) A member may be removed by the governor for neglect of duty, misconduct or
137 malfeasance or misfeasance in office after a written notice of the charges against them and an
138 opportunity to be heard. Upon the death, resignation or removal for cause of any member of the
139 board, the governor shall fill the vacancy for the remainder of that member's year.

140 (d) The members of the board shall serve without compensation but shall be reimbursed
141 for actual and necessary expenses reasonably incurred in the performances of their duties as
142 members or on behalf of the board.

143 (e) The board shall hold at least two regular meetings each year, and may hold special
144 meetings as required. At the first regular meeting each year, the board shall organize and choose

145 from its own members, a chairman, a vice chairman and a secretary. A quorum shall consist of
146 three members.

147 (f) The board may make such rules or by-laws as it may deem necessary in the
148 performance of its duties. The board shall have a seal, and its members may administer oaths in
149 the performance of its duties. The board shall have power to summon witnesses and to take
150 testimony and require proofs concerning all matters within its jurisdiction. The board shall
151 annually file to the commissioner of the division of professional licensure a report of its
152 proceedings, which shall include an itemized statement of all receipts and expenses of the board
153 for the year.