

**SENATE . . . . . No. 218**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Joan B. Lovely*

*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:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>

**SENATE . . . . . No. 218**

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 218) of Joan B. Lovely and Hannah Kane for legislation relative to advancing the profession of interior design. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 165 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

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 2018 Official Edition,  
2 is hereby amended by inserting after section 274 the following 7 new sections:-

3 Section 275. For the purposes of this section and sections 276 to 281, inclusive, the  
4 following terms shall, unless the context clearly requires otherwise, have the following  
5 meanings:

6 "Board", means the board of registration of commercial interior designers established in  
7 section 110 of chapter 13.

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

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

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

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

33 floor; or heating, ventilating, or air conditioning equipment or distribution systems, building  
34 management systems, high or medium voltage electrical distribution systems, standby or  
35 emergency power systems or distribution systems, plumbing or plumbing distribution systems,  
36 fire alarm systems, fire sprinklers systems, security or monitoring systems, or related building  
37 systems.

38           Section 276. Upon approval by the board, any individual who has passed the interior  
39 design examination administered by the National Council for Interior Design Qualification may  
40 use the title “Registered Commercial Interior Designer.” Such individual shall, upon satisfactory  
41 completion of the aforementioned requirements and any other requirements and qualifications as  
42 deemed necessary by the board, send to the board a copy of documentation of the proof of  
43 passage of said exam, of graduation and completion of said program, and any certifications  
44 awarded to said individual by the National Council for Interior Design Qualification, and any  
45 other documentation as required by the board. Such documentation shall include the individual’s  
46 name, mailing address and email address; provided, that such individual shall update the board of  
47 any changes to such information as they occur. Such documentation shall be placed on file with  
48 the division of professional licensure.

49           Section 277. (a) Each applicant seeking to become a registered commercial interior  
50 designer shall pay to the board, upon filing their original application, a fee to be determined  
51 annually by the commissioner of administration. After verification of the aforementioned  
52 documentation and receipt of the application fee, the board shall issue a certificate of registration  
53 for a period of two years. The director of the division of professional licensure, or their designee,  
54 as the custodian of any documentation required by this section, shall enforce the provisions of  
55 said section and may use said documentation, or any lack thereof, as they, or their designee,

56 deems necessary, notwithstanding any general or special law, or rule or regulation to the  
57 contrary.

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

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

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

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

73 Nothing herein shall prohibit any person from performing professional services limited to  
74 the planning, design, and implementation of kitchen and bath spaces and/or the specification of  
75 products for kitchen and bath areas.

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

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

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

92 (c) Any individual violating the provisions of sections 275 to 281, inclusive, may be  
93 punished by a fine of not more than \$500 or by imprisonment in a jail or house of correction for  
94 not more than 3 months, or both, or by revocation of registration by the board.

95 Section 278. Every registered commercial interior designer shall have a seal of a design  
96 authorized by the board. All plans, specifications and reports prepared by a registered  
97 commercial interior designer or under their supervision shall be stamped with the impression of

98 such seal. A registered commercial interior designer shall impress their seal on any plans or  
99 specifications if their certificate of registration is in full force and if they were the author of such  
100 plans and specifications or in responsible charge of their preparation.

101 Section 279. A roster showing the names and the last known places of business of all  
102 registered commercial interior designers shall be prepared by the board in the month of January  
103 of each year. Such roster shall be posted on a publicly available website.

104 Section 280. (a) Upon receipt of a written application, the board may grant a certificate of  
105 registration as a commercial interior designer emeritus to an interior designer who has retired  
106 from the active practice of commercial interior design in the commonwealth. To be eligible for a  
107 certificate of registration as a commercial interior designer emeritus, the applicant shall: (i)  
108 submit an application together with a fee prescribed by the board; (ii) have been a commercial  
109 interior designer in good standing in the commonwealth at the time of his retirement; (iii) be at  
110 least 65 years of age; (iv) have been a registered a commercial interior designer in the  
111 commonwealth for at least 10 years; (v) have relinquished his license to practice commercial  
112 interior design; and (vi) satisfy any other requirements as may be prescribed by the board.

113 (b) A commercial interior designer emeritus shall neither engage in nor hold themselves  
114 out as engaging in the practice of commercial interior design. A commercial interior designer  
115 emeritus shall be exempt from the continuing education requirements established in section 277.

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

120 Section 281. The board shall be charged with the enforcement of sections 275 to 281,  
121 inclusive. If any person refuses to obey any decision of the board, the attorney general shall,  
122 upon request of the board, file a petition for the enforcement of such decision in equity in the  
123 superior court for Suffolk county or for the county in which the defendant resides or has a place  
124 of business. After due hearing, the court shall order the enforcement of such decision or any part  
125 thereof, if legally and properly made by the board.

126 SECTION 2. Chapter 13 of the General Laws, as so appearing, is hereby amended by  
127 inserting after Section 109 the following new section:-

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

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

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



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

145 (e) The board shall hold at least two regular meetings each year, and may hold special  
146 meetings as required. At the first regular meeting each year, the board shall organize and choose  
147 from its own members, a chairman, a vice chairman and a secretary. A quorum shall consist of  
148 three members.

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

155 SECTION 3. Section 45 of chapter 7C of the General Laws is hereby amended by  
156 striking out subsection (a) and inserting in place thereof the following:

157 Section 45. (a) There shall be located within the executive office for administration and  
158 finance a designer selection board consisting of 13 members. Ten members shall be appointed by  
159 the governor; 3 of whom shall be registered architects, or currently unregistered but with at least  
160 10 years' experience as an architect registered by a national council of architectural registration  
161 boards member board or who may be architects emeritus; 3 of whom shall be certified interior  
162 designers with not less than 10 years of experience as a National Council for Interior Design  
163 Qualifications certified Massachusetts interior designer; 2 of whom shall be registered engineers

164 or currently unregistered but with at least 10 years' experience as a registered engineer and none  
165 of whom shall have a record of disciplinary action; and 2 of whom shall be representatives of the  
166 public who are not architects, engineers or construction contractors. One member who shall be a  
167 registered architect shall be appointed by the Massachusetts State Association of Architects. One  
168 member who shall be a registered engineer shall be appointed by the government affairs council  
169 of design professionals. One member who shall be general contractor shall be appointed by  
170 Associated General Contractors of Massachusetts. No member shall have a record of disciplinary  
171 action. Members shall be appointed for terms of 2 years and may be reappointed for no more  
172 than 1 successive 2-year term. The director shall designate a representative, who shall be the  
173 project manager in the case of a project under the jurisdiction of the office of project  
174 management, to act as a nonvoting member of the board for each project under their jurisdiction  
175 under consideration by the board. No provision of this section shall operate to reduce the tenure  
176 of members of the board serving at the time of the effective date of this section.