

SENATE No. 3042

The Commonwealth of Massachusetts

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

by inserting the following new section at the end thereof:-

SECTION XXX. Section 45 of chapter 7C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following:-

Section 45. (a) There shall be located within the executive office for administration and finance a designer selection board consisting of 13 members. Ten members shall be appointed by the governor; 3 of whom shall be registered architects, or currently unregistered but with at least 10 years' experience as an architect registered by a national council of architectural registration boards member board or who may be architects emeritus and none of whom shall have a record of disciplinary action; 3 of whom shall be certified interior designers with not less than 10 years of experience as a National Council for Interior Design Qualifications certified Massachusetts interior designer and none of whom shall have a record of disciplinary action; 2 of whom shall be registered engineers or currently unregistered but with at least 10 years' experience as a registered engineer and none of whom shall have a record of disciplinary action; and 2 of whom shall be representatives of the public who are not architects, engineers or construction contractors. One member shall be appointed by the Massachusetts State Association of

Architects who shall be a registered architect. One member shall be appointed by the government affairs council of design professionals who shall be a registered engineer. One member shall be appointed by Associated General Contractors of Massachusetts who shall be general contractor. No member shall have a record of disciplinary action. Members shall be appointed for terms of 2 years and may be reappointed for no more than 1 successive 2 year term. The director shall designate a representative, who shall be the project manager in the case of a project under the jurisdiction of the office of project management, to act as a nonvoting member of the board for each project under his jurisdiction under consideration by the board. No provision of this section shall operate to reduce the tenure of members of the board serving at the time of the effective date of this section.

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

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

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

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

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

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

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

57 SECTION XXX. Chapter 112 of the General Laws, as so appearing, is hereby amended
58 by inserting after section 289 the following 7 new sections:-

Section 290. For the purposes of this section and sections 291 to 296, inclusive, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

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

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

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

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

“Practice of commercial interior design", means, in relation to obtaining a building permit independent of an architect licensed under sections 60A through 60Q, inclusive, 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; provided, however, that it does not include:

(a) providing commercial construction documents, independent of a licensed architect, for a space that: (1) 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 (2) is undergoing a change of occupancy classification as described in the

International Building Code; or (b) 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.

Section 291. Upon approval by the board, any individual who has passed the interior design examination administered by the National Council for Interior Design Qualification may use the title “Registered Commercial Interior Designer.” Such individual shall, upon satisfactory completion of the aforementioned requirements and any other requirements and qualifications as deemed necessary by the board, send to the board 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, and any other documentation as required by the board. Such documentation shall include the individual’s name, mailing address and email address; provided, that such individual shall update the board of

any changes to such information as they occur. Such documentation shall be placed on file with the division of occupational licensure.

Section 292. (a) Each applicant seeking to become a registered commercial interior designer shall pay to the board, upon filing their 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 occupational licensure, or their 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 they, or their 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 complete continuing education courses. Continuing education shall be gained through coursework delivered in education credits. The quantity and content designation of education credits shall be determined by the board.

It shall be unlawful for any individual, who is not so approved by the board 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 herein shall prohibit any person from performing professional services limited to the planning, design, and implementation of kitchen and bath spaces and/or the specification of products for kitchen and bath areas.

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.

(b) 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 12 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 National Council for Interior Design Qualification 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. 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

146 individual is required to maintain all current fees and uphold all requirements registration and
147 renewal until such time as the examination requirement is fulfilled.

148 (c) Any individual violating the provisions of sections 290 to 296, inclusive, may be
149 punished by a fine of not more than \$500 or by imprisonment in a jail or house of correction for
150 not more than 3 months, or both, or by revocation of registration by the board.

151 Section 293. Every registered commercial interior designer shall have a seal of a design
152 authorized by the board. All plans, specifications and reports prepared by a registered
153 commercial interior designer or under their supervision shall be stamped with the impression of
154 such seal. A registered commercial interior designer shall impress their seal on any plans or
155 specifications on if their certificate of registration is in full force and if they were the author of
156 such plans and specifications or in responsible charge of their preparation.

157 Section 294. A roster showing the names and the last known places of business of all
158 registered commercial interior designers shall be prepared by the board in the month of January
159 of each year. Such roster shall be posted on a publicly available website.

160 Section 295. (a) Upon receipt of a written application, the board may grant a certificate of
161 registration as a commercial interior designer emeritus to an interior designer who has retired
162 from the active practice of commercial interior design in the commonwealth. To be eligible for a
163 certificate of registration as a commercial interior designer emeritus, the applicant shall: (i)
164 submit an application together with a fee prescribed by the board; (ii) have been a commercial
165 interior designer in good standing in the commonwealth at the time of his retirement; (iii) be at
166 least 65 years of age; (iv) have been a registered a commercial interior designer in the

167 commonwealth for at least 10 years; (v) have relinquished his license to practice commercial
168 interior design; and (vi) satisfy any other requirements as may be prescribed by the board.

169 (b) A commercial interior designer emeritus shall not engage in nor hold themselves out
170 as engaging in the practice of commercial interior design. A commercial interior designer
171 emeritus shall be exempt from the continuing education requirements established in section 292.

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

176 Section 296. The board shall be charged with the enforcement of sections 290 to 296,
177 inclusive. If any person refuses to obey any decision of the board, the attorney general shall,
178 upon request of the board, file a petition for the enforcement of such decision in equity in the
179 superior court for Suffolk county or for the county in which the defendant resides or has a place
180 of business. After due hearing, the court shall order the enforcement of such decision or any part
181 thereof, if legally and properly made by the board.