

HOUSE No. 315

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

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>1/17/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/6/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/8/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/13/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/13/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/13/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>6/23/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>4/20/2023</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>6/23/2023</i>

HOUSE No. 315

By Representative Haddad of Somerset, a petition (accompanied by bill, House, No. 315) of Patricia A. Haddad and others relative to registered interior designers. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 381 OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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 275 the following 7 new sections:-

3 Section 276. For the purposes of this section and sections 277 to 282, 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.

“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

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 277. 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 278. (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,

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

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

Section 279. Every registered commercial interior designer shall have a seal of a design authorized by the board. All plans, specifications and reports prepared by a registered commercial interior designer or under their supervision shall be stamped with the impression of

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

Section 280. 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.

Section 281. (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 themselves 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 section 278.

(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.

Section 282. The board shall be charged with the enforcement of sections 276 to 282, 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 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.

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

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

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

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

SECTION 3. Section 45 of chapter 7C of the General Laws 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. 10 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; 3 of whom shall be certified interior designers with not less than 10 years of experience as a National Council for Interior Design

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