

SENATE No. 2805

The Commonwealth of Massachusetts

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

SENATE, June 3, 2024.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to advancing the profession of commercial interior design (Senate, No. 2408), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2805).

For the committee,
Michael J. Rodrigues

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**In the One Hundred and Ninety-Third General Court
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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. Section 45 of chapter 7C of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
3 the following subsection:-

4 (a) There shall be, within the executive office for administration and finance, a designer
5 selection board, consisting of:10 members appointed by the governor, 3 of whom shall be
6 registered architects in the commonwealth, architects who are unregistered in the commonwealth
7 but have not less than 10 years’ experience as an architect registered by a National Council of
8 Architectural Registration Boards member board or architects emeritus, 3 of whom shall be
9 certified interior designers with not less than 10 years of experience as a National Council for
10 Interior Design Qualifications certified Massachusetts interior designer, 2 of whom shall be
11 registered engineers, or currently unregistered but with not less than 10 years’ experience as a
12 registered engineer, and 2 of whom shall be representatives of the public who are not architects,
13 engineers or construction contractors. Three additional members shall be designated as follows:
14 1 registered architect selected by the Massachusetts chapter of the American Association of

15 Architects; 1 registered engineer selected by the government affairs council of design
16 professionals; and 1 general contractor selected by the Associated General Contractors of
17 Massachusetts, Inc. No member shall have a record of disciplinary action. Members shall be
18 appointed for terms of 2 years and may be reappointed for not more than 1 successive 2-year
19 term. The director shall designate a representative, who shall be the project manager in the case
20 of a project under the jurisdiction of the office of project management, to act as a nonvoting
21 member of the board for each project under their jurisdiction under consideration by the board.

22 SECTION 2. Chapter 13 of the General Laws is hereby amended by adding the following
23 section:-

24 Section 110. (a) There shall be a board of registration of commercial interior designers,,
25 consisting of 5 members appointed by the governor, 4 of whom shall have been engaged in the
26 practice of interior design for a period of not less than 10 years prior to their appointment and
27 shall be registered commercial interior designers and 1 of whom shall be a member of the
28 general public. Members of the board shall be residents of the commonwealth.

29 (b) Each member of the board shall serve for a term of 3 years and until the governor
30 appoints a successor. No member shall be appointed to more than 2 consecutive full terms;
31 provided, however, that a member appointed for less than a full term may serve 2 full terms in
32 addition to such part of a full term; and provided further, that a former member shall be eligible
33 for appointment after a lapse of 1 year.

34 (c) A member may be removed by the governor for neglect of duty, misconduct or
35 malfeasance or misfeasance in office after written notice of the charges against them and an

36 opportunity to be heard. Upon the death, resignation or removal for cause of any member of the
37 board, the governor shall fill the vacancy for the remainder of that member's term.

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

41 (e) The board shall hold not less than 2 regular meetings annually and may hold special
42 meetings as required. The board shall organize and choose from its own members, a chair, a vice
43 chair and a secretary at the first regular annual meeting. A quorum shall consist of 3 members.

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

50 SECTION 3. Chapter 112 of the General Laws, as so appearing, is hereby amended by
51 adding the following 7 sections:-

52 Section 290. As used in sections 291 to 296, inclusive, the following words shall have the
53 following meanings unless the context clearly requires otherwise:

54 "Board", the board of registration of commercial interior designers established in section
55 110 of chapter 13.

56 "Building", an enclosed structure that has human occupancy or habitation as its principal
57 purpose as defined in the state building code.

58 "Certificate of registration", the 2-year license to practice commercial interior design
59 issued by the board.

60 "International Building Code", the edition of the International Building Code, issued by
61 the International Code Council, as most recently adopted by the commonwealth, including
62 Massachusetts amendments.

63 "Practice of commercial interior design", in relation to obtaining a building permit
64 independent of an architect licensed under sections 60A to 60Q, inclusive, the preparation of a
65 plan or specification for, or the supervision of new construction, alteration or repair of, an
66 interior space within a newly constructed or existing building when the core and shell structural
67 elements will not be changed; provided, however, that the "practice of commercial interior
68 design" shall not include: (i) providing commercial construction documents, independent of a
69 licensed architect, for a space that: (A) does not already have base building life safety
70 components installed or designed and permitted, including required exit stairs and enclosures,
71 paths of travel, ramps, horizontal exit passageways, disabled access, fire alarm systems and base
72 building fire suppression systems; or (B) is undergoing a change of occupancy classification as
73 described in the International Building Code; or (ii) changes to or the addition of foundations,
74 beams, trusses, columns or other primary structural framing members or seismic systems,
75 structural concrete slabs, floor and roof framing structures or bearing and shear walls, openings
76 in roofs, floors, exterior walls or bearing and shear walls, exterior doors, windows, awnings,
77 canopies, sunshades, signage or similar exterior building elements as described in the

78 International Building Code, life safety equipment, including smoke, fire or carbon dioxide
79 sensors, detectors or other overhead building elements as described in the International Building
80 Code, bracing for partial height partitions if the top of the partition is more than 8 feet above the
81 floor, heating, ventilating or air conditioning equipment or distribution systems, building
82 management systems, high or medium voltage electrical distribution systems, standby or
83 emergency power systems or distribution systems, plumbing or plumbing distribution systems,
84 fire alarm systems, fire sprinklers systems, security or monitoring systems or related building
85 systems.

86 Section 291. Upon approval by the board, an individual who has passed the interior
87 design examination administered by the National Council for Interior Design Qualification may
88 use the title Registered Commercial Interior Designer. Such individual shall, upon satisfactory
89 completion of the aforementioned requirements and any other requirements and qualifications as
90 deemed necessary by the board, send to the board a copy of documentation of the proof of: (i)
91 passage of the exam; (ii) graduation and completion of an accredited interior design program; (iii)
92 any certifications awarded to the individual by the National Council for Interior Design
93 Qualification; (iv) and any other documentation as required by the board. Such documentation
94 shall include, but not be limited to, the individual's name, mailing address and email address;
95 provided, however, that such individual shall update the board of any changes to such
96 information as they occur. Such documentation shall be placed on file with the division of
97 professional licensure.

98 Section 292. (a) Each applicant seeking to become a registered commercial interior
99 designer shall pay to the board, upon filing their original application, a fee to be determined
100 annually by the commissioner of administration. After verification of the documentation required

101 pursuant to section 291 and receipt of the application fee, the board shall issue a certificate of
102 registration for a period of 2 years. The commissioner of professional licensure or their designee,
103 as the custodian of any documentation required by section 291, shall enforce this section and
104 may use said documentation, or any lack thereof, as deemed necessary, notwithstanding any
105 general or special law or rule or regulation to the contrary.

106 A registered commercial interior designer shall be required to complete continuing
107 education courses. Continuing education shall be gained through coursework delivered in
108 education credits. The quantity and content designation of education credits shall be determined
109 by the board.

110 It shall be unlawful for any individual who is not approved by the board to use the title
111 Registered Commercial Interior Designer or any title or device indicating that an individual is a
112 registered commercial interior designer.

113 Nothing in this section shall prohibit a person from performing commercial interior
114 design services or using the title commercial interior designer, commercial interiors consultant,
115 commercial interior decorator or a similar title; provided, however, that the word “registered”
116 shall not be used in conjunction with such a title.

117 No individual shall engage in the practice of architecture, engineering or any other
118 occupation regulated under the laws of the commonwealth or to prepare, sign or seal plans with
119 respect to such practice or in connection with any governmental permits unless licensed or
120 otherwise permitted to do so under such laws.

121 Nothing in this section shall prohibit any person from performing professional services
122 limited to the planning, design and implementation of kitchen and bath spaces or the
123 specification of products for kitchen and bath spaces.

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

127 (b) Notwithstanding any general or special law to the contrary, an individual who has
128 completed not less than at least 10 years of full-time, diversified, verifiable professional
129 experience in the profession of interior design shall be eligible for provisional registration;
130 provided, however, that the individual applies for registration not more than within 12 months
131 after the first annual meeting of the board, said individual has applied for registration.

132 Said applicant, upon review and consent of the board, may be issued a provisional
133 registration and be given three 3 calendar years from the first meeting of the board to provide
134 substantial proof to the board of successful passage of the National Council for Interior Design
135 Qualification examination, at which time full registration will be granted. If proof is not provided
136 to the board within the allotted time period, said applicant's provisional registration shall be
137 revoked. Reapplication, including satisfaction of all requirements at the time of re-application,
138 shall be required for registration. During the time period of provisional registration, said
139 individual is required to maintain all current fees and uphold all requirements for registration and
140 renewal until such time as the examination requirement is fulfilled.

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

144 Section 293. Each registered commercial interior designer shall have a seal of a design
145 authorized by the board. All plans, specifications and reports prepared by a registered
146 commercial interior designer or under their supervision shall be stamped with the impression of
147 such seal. A registered commercial interior designer shall impress their seal on any plans,
148 specifications or reports if their certificate of registration is in full force and if they were the
149 author of such plans, specifications or reports or were responsible for their preparation.

150 Section 294. Annually, not later than January 31, the board shall prepare a roster showing
151 the names and the last known places of business of all registered commercial interior designers
152 in the commonwealth. Such roster shall be posted on a publicly available website.

153 Section 295. (a) Upon receipt of a written application, the board may grant a certificate of
154 registration as a commercial interior designer emeritus to an interior designer who has retired
155 from the active practice of commercial interior design in the commonwealth. To be eligible for a
156 certificate of registration as a commercial interior designer emeritus, the applicant shall: (i)
157 submit an application together with a fee prescribed by the board; (ii) have been a commercial
158 interior designer in good standing in the commonwealth at the time of their retirement; (iii) be
159 not less than 65 years of age; (iv) have been a registered a commercial interior designer in the
160 commonwealth for not less than 10 years; (v) have relinquished their license to practice
161 commercial interior design; and (vi) satisfy any other requirements as may be prescribed by the
162 board.

163 (b) A commercial interior designer emeritus shall neither engage in nor hold themselves
164 out as engaging in the practice of commercial interior design. A commercial interior designer
165 emeritus shall be exempt from the continuing education requirements established in section 292.

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

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

176 SECTION 4. Section 1 shall not affect or reduce the tenure of members of the designer
177 selection board serving at the time of the effective date of this act.