

SENATE No. 2813

Senate, June 6, 2024 -- Text of the Senate Bill relative to advancing the profession of commercial interior design (Senate, No. 2813) (being the text of Senate, No. 2408, printed as amended)

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. 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 American Institute of Architects Massachusetts; 1 registered
15 engineer selected by the government affairs council of design professionals; and 1 general
16 contractor selected by the Associated General Contractors of Massachusetts, Inc. No member
17 shall have a record of disciplinary action. Members shall be appointed for terms of 2 years and
18 may be reappointed for not more than 1 successive 2-year term. The director shall designate a
19 representative, who shall be the project manager in the case of a project under the jurisdiction of
20 the office of project management, to act as a nonvoting member of the board for each project
21 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) Any individual violating sections 290 to 296, inclusive, may be punished by a fine of
128 not more than \$500 or by imprisonment in a jail or house of correction for not more than 3
129 months, or both, or by revocation of registration by the board.

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

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

139 Section 295. (a) Upon receipt of a written application, the board may grant a certificate of
140 registration as a commercial interior designer emeritus to an interior designer who has retired
141 from the active practice of commercial interior design in the commonwealth. To be eligible for a
142 certificate of registration as a commercial interior designer emeritus, the applicant shall: (i)
143 submit an application together with a fee prescribed by the board; (ii) have been a commercial
144 interior designer in good standing in the commonwealth at the time of their retirement; (iii) be
145 not less than 65 years of age; (iv) have been a registered a commercial interior designer in the
146 commonwealth for not less than 10 years; (v) have relinquished their license to practice
147 commercial interior design; and (vi) satisfy any other requirements as may be prescribed by the
148 board.

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

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

156 Section 296. The board shall be charged with the enforcement of sections 290 to 296,
157 inclusive. If any person refuses to obey any decision of the board, the attorney general shall,
158 upon request of the board, file a petition for the enforcement of such decision in equity in Suffolk
159 county superior court or in the county in which the defendant resides or has a place of business.

160 After due hearing, the court shall order the enforcement of such decision or any part thereof, if
161 legally and properly made by the board.

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

164 SECTION 5. Notwithstanding any general or special law to the contrary, an individual
165 who has completed not less than 10 years of full-time, diversified, verifiable professional
166 experience in the profession of interior design shall be eligible for provisional registration;
167 provided, however, that the individual shall apply for registration not more than 12 months after
168 the first annual meeting of the board of registration of commercial interior designers following
169 the effective date of this act. The applicant, upon review and consent of the board, may be issued
170 a provisional registration and be given 3 calendar years from the first annual meeting of the
171 board following the effective date of this act to provide substantial proof to the board of
172 successful passage of the National Council for Interior Design Qualification examination, at
173 which time full registration shall be granted. If proof of passage is not provided to the board
174 within the 3-year time period, the applicant's provisional registration shall be revoked and
175 reapplication, including satisfaction of all requirements at the time of re-application, shall be
176 required for the individual to receive registration. During the time period of provisional
177 registration, the individual shall maintain all current fees and uphold all requirements for
178 registration and renewal until such time as the examination requirement is fulfilled.