

SENATE No. 165

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>Bradford Hill</i>	<i>4th Essex</i>	<i>1/28/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/29/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/29/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/1/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/4/2019</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/15/2019</i>

SENATE No. 165

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 165) of Joan B. Lovely, Bradford Hill, Jason M. Lewis, Bradley H. Jones, Jr. and other members of the General Court for legislation relative to advancing the profession of interior design. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 132 OF 2017-2018.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-First General Court
(2019-2020)**
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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. Chapter 112 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by inserting after section 264 the following new section:-

3 Section 265. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 "Board" means the board of registration of commercial interior designers established by
6 section one hundred and nine A of chapter thirteen.

7 "Building" means an enclosed structure, including the structural, mechanical, and
8 electrical systems, utility services, and other facilities required for the structure, that has human

9 occupancy or habitation as its principal purpose and is subject to the State Building Code or an
10 approved code.

11 "Certificate of registration" means the certificate of registration, issued by the board
12 every two years.

13 "International Building Code" means the edition of the International Building Code,
14 issued by the International Code Council, most recently adopted by the state in the eighth edition
15 of the State Building Code.

16 "Practice of commercial interior design" means, in relation to obtaining a building permit
17 independent of an architect licensed under sections 60A through 60O of chapter 112, the
18 preparation of a plan or specification for, or the supervision of construction, alteration, or repair
19 of, an interior space within a newly constructed or existing building when the core and shell
20 structural elements are not going to be changed. This shall only include the preparation of a plan
21 or specification for, or the supervision of new construction, alteration, or repair of, a building.

22 "Practice of commercial interior design" shall not include providing commercial
23 construction documents, independent of a licensed architect, for a space that: (i) does not already
24 have base building life safety components installed or designed and permitted, including required
25 exit stairs and enclosures, paths of travel, ramps, horizontal exit passageways, disabled access,
26 fire alarm systems, and base building fire suppression systems; or (ii) is undergoing a change of
27 occupancy classification as described in the International Building Code; or changes to or the
28 addition of: (A) foundations, beams, trusses, columns, or other primary structural framing
29 members or seismic systems; (B) structural concrete slabs, floor and roof framing structures, or
30 bearing and shear walls; openings in roofs, floors, exterior walls, or bearing and shear walls; (C)

31 exterior doors, windows, awnings, canopies, sunshades, signage, or similar exterior building
32 elements, as described in the International Building Code; (D) life safety equipment, including
33 smoke, fire, or carbon dioxide sensors or detectors, or other overhead building elements, as
34 described in the International Building Code; (E) bracing for partial height partitions if the top of
35 the partition is more than eight feet above the floor; or (F) heating, ventilating, or air
36 conditioning equipment or distribution systems, building management systems, high or medium
37 voltage electrical distribution systems, standby or emergency power systems or distribution
38 systems, plumbing or plumbing distribution systems, fire alarm systems, fire sprinklers systems,
39 security or monitoring systems, or related building systems.

40 "State registration" means a designation granted by the administration on behalf of the
41 state to an individual who has met the requirements for state registration related to an occupation
42 or profession described in this chapter.

43 "State registered" means, when used in conjunction with an occupation or profession
44 described in this chapter, a title that (1) may be used by a person who has met the state
45 registration requirements related to that occupation or profession described in this chapter; and
46 (2) may not be used by a person who has not met the state registration requirements related to
47 that occupation or profession described in this chapter.

48 (b) Any individual who has passed the interior design examination administered by the
49 National Council for Interior Design Qualification (NCIDQ) may use the title "Registered
50 Commercial Interior Designer." Such individual shall, upon satisfactory completion of the
51 aforementioned requirements, send to the office of director of professional licensure a copy of
52 documentation of the proof of passage of said exam, of graduation and completion of said

53 program, and any certifications awarded to said individual by the National Council for Interior
54 Design Qualification, with said individual's name, present mailing address and email address,
55 and any changes there to as such changes occur. Such documentation shall be placed on file in
56 the office of said director.

57 (c) (1) Each applicant seeking to become a registered commercial interior designer shall
58 pay to the board, upon filing his or her original application, a fee to be determined annually by
59 the commissioner of administration. After verification of the aforementioned documentation and
60 receipt of the application fee, the board shall issue a certificate of registration for two years. The
61 director of the division of professional licensure, or his designee, as the custodian of any
62 documentation required by this section shall enforce the provisions of said section and may use
63 said documentation, or any lack thereof, as he, or his designee, deems necessary, notwithstanding
64 any general or special law, or rule or regulation to the contrary.

65 (2) A Registered Commercial Interior Designer shall be required to continue learning and
66 stay abreast of current knowledge in the profession by completing continuing education units
67 (CEUs). Continuing education shall be gained through coursework delivered in education units.
68 The quantity and content designation of education units (CEUs) shall be determined by the
69 division of professional licensure.

70 (3) It shall be unlawful for any individual, who is not so qualified by reason of having
71 passed such examination, or who does not have such experience to use the title "Registered
72 Commercial Interior Designer" or any title or device indicating that an individual is a "registered
73 commercial interior designer."

74 (4) Nothing herein shall prohibit any person from performing commercial interior design
75 services or using the title “commercial interior designer,” “commercial interiors consultant,”
76 “commercial interior decorator” or the like, so long as the word “registered” is not used in
77 conjunction with the word “commercial interior designer.”

78 (5) Nothing herein shall authorize any individual to engage in the practice of architecture,
79 engineering, or any other occupation regulated under the laws of this state or to prepare, sign or
80 seal plans with respect to such practice or in connection with any governmental permits unless
81 licensed or otherwise permitted to do so under such laws.

82 (6) Nothing in this section shall prohibit an employee of a retail establishment providing
83 consultation regarding interior design, decoration, furnishings, furniture or fixtures offered for
84 sale by such establishment from receiving compensation from such establishment.

85 (7) Notwithstanding any general or special law to the contrary, an individual who has
86 completed at least 10 years of full-time, diversified, verifiable professional experience in the
87 profession of interior design shall be eligible for “provisional registration” provided that within
88 twelve months after the first meeting of the board, said individual has applied for registration.

89 (8) Said applicant, upon review and consent of the board, may be issued a “provisional
90 registration” and be given three calendar years from the first meeting of the board to provide
91 substantial proof to the board of successful passage of the NCIDQ examination, at which time
92 full registration will be granted. If proof is not provided to the board within the allotted period,
93 said applicant’s “provisional registration” shall be revoked and become null and void. Re-
94 application, including satisfaction of all requirements at the time of re-application, shall be
95 required for registration. During the period of “provisional registration,” said individual is

96 required to maintain all fees and uphold all requirements registration and renewal until the
97 examination requirement is fulfilled.

98 (9) Any individual violating the provisions of this section shall be punished via a fine
99 and/or one's registration revoked by the division of professional licensure.

100 (d) Every registered commercial interior designer shall have a seal of a design authorized
101 by the board. All plans and specifications and reports prepared by a registered commercial
102 interior designer or under his supervision shall be stamped with the impression of such seal. A
103 registered commercial interior designer shall impress her or her seal on any plans or
104 specifications on if his certificate of registration is in full force and if he or she were the author
105 of such plans and specifications or in responsible charge of their preparation.

106 (e) A roster, showing the names and the last known places of business of all registered
107 commercial interior designers, shall be prepared by the board annually in January. Such roster
108 shall be posted on a publicly available website.

109 (f)(1) Upon receipt of a written application, the board may grant a certificate of
110 registration as a commercial interior designer emeritus to an interior designer who has retired
111 from the active practice of commercial interior design in the commonwealth. To be eligible for a
112 certificate of registration as a commercial interior designer emeritus, the applicant shall: (i)
113 submit an application together with a fee prescribed by the board; (ii) have been a commercial
114 interior designer in good standing in the commonwealth at the time of his retirement; (iii) be at
115 least 65 years of age; (iv) have been a registered a commercial interior designer in the
116 commonwealth for at least 10 years; (v) have relinquished his license to practice commercial
117 interior design; and (vi) satisfy any other requirements as may be prescribed by the board.

118 (2) A commercial interior designer emeritus shall not engage in nor hold himself out as
119 engaging in the practice of commercial interior design. A commercial interior designer emeritus
120 shall be exempt from the continuing education requirements established in this chapter.

121 (3) A commercial interior designer emeritus seeking reinstatement as a commercial
122 interior designer shall: (i) file an application for reinstatement with the board; (ii) pay an
123 administrative fee that shall be determined by the board; and (iii) comply with education or other
124 requirements established by the board.

125 (g) The board shall be charged with the enforcement of sections 265A to 265F, inclusive.
126 If any person refuses to obey any decision of the board, the attorney general shall, upon request
127 of the board, file a petition for the enforcement of such decision in equity in the superior court
128 for Suffolk county or for the county in which the defendant resides or has a place of business.
129 After due hearing, the court shall order the enforcement of such decision or any part thereof, if
130 legally and properly made by the board.

131 SECTION 2. Chapter 13 of the General Laws, as most recently appearing in the 2016
132 Official Edition, is hereby amended by inserting after section 109 the following new sections:-

133 Section 110. There shall be in the department of civil service and registration a board of
134 registration of commercial interior designers, in this and the following three sections called the
135 board, to be appointed by the governor, consisting of five members, citizens of the
136 commonwealth, four of whom shall each have been engaged in the practice of interior design for
137 ten years or more prior to his appointment, and shall be registered commercial interior designers.
138 The fifth member shall be a representative of the public, subject to the provisions of section nine
139 B. As the term of office of a member of the board expires, his successor, qualified as aforesaid,

140 shall be appointed by the governor, to serve for five years. Each member shall continue to serve
141 until the qualification of his successor. The governor may also fill any vacancy in the board for
142 the unexpired portion of the term.

143 Section 110A. The board shall hold at least two regular meetings each year, and may hold
144 special meetings as required. Time, place and notice of all meetings shall be as required by rules
145 or by-laws determined by the board. At the first regular meeting each year, the board shall
146 organize and choose from its own members, a chairman, a vice chairman and a secretary. A
147 quorum shall consist of three members.

148 Section 110B. The board may make such rules or by-laws, not inconsistent with law, as it
149 may deem necessary in the performance of its duties. The board shall have a seal, and its
150 members may administer oaths in the performance of its duties. The board shall have power to
151 summon witnesses and to take testimony and require proofs concerning all matters within its
152 jurisdiction. The board shall annually render to the governor a report of its proceedings, which
153 shall include an itemized statement of all receipts and expenses of the board for the year.

154 Section 110C. The members of the board shall serve without compensation but shall be
155 reimbursed for actual and necessary expenses reasonably incurred in the performances of their
156 duties as members or on behalf of the board.