

SENATE No. 2408

The Commonwealth of Massachusetts

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

SENATE, June 29, 2023.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (accompanied by bill, Senate, No. 185) of Joan B. Lovely for legislation relative to advancing the profession of interior design; and (accompanied by bill, House, No. 315) of Patricia A. Haddad and others relative to registered interior designers, reports the accompanying bill (Senate, No. 2408).

For the committee,
John J. Cronin

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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 2020
2 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
3 the following:-

4 Section 45. (a) There shall be located within the executive office for administration and
5 finance a designer selection board consisting of 13 members. Ten members shall be appointed by
6 the governor; 3 of whom shall be registered architects, or currently unregistered but with at least
7 10 years' experience as an architect registered by a national council of architectural registration
8 boards member board or who may be architects emeritus; 3 of whom shall be certified interior
9 designers with not less than 10 years of experience as a National Council for Interior Design
10 Qualifications certified Massachusetts interior designer; 2 of whom shall be registered engineers
11 or currently unregistered but with at least 10 years' experience as a registered engineer and none
12 of whom shall have a record of disciplinary action; and 2 of whom shall be representatives of the
13 public who are not architects, engineers or construction contractors. One member who shall be a
14 registered architect shall be appointed by the Massachusetts State Association of Architects. One

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

24 SECTION 2. Chapter 13 of the General Laws, as so appearing, is hereby amended by
25 inserting after Section 109 the following new section:-

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

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

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

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

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

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

53 SECTION 3. Chapter 112 of the General Laws, as so appearing, is hereby amended by
54 inserting after section 289 the following 7 new sections:-

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

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

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

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

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

67 “Practice of commercial interior design", means, in relation to obtaining a building
68 permit independent of an architect licensed under sections 60A through 60Q, inclusive, the
69 preparation of a plan or specification for, or the supervision of new construction, alteration, or
70 repair of, an interior space within a newly constructed or existing building when the core and
71 shell structural elements are not going to be changed; provided, however, that it does not include:
72 (a) providing commercial construction documents, independent of a licensed architect, for a
73 space that: (1) does not already have base building life safety components installed or designed
74 and permitted, including required exit stairs and enclosures, paths of travel, ramps, horizontal
75 exit passageways, disabled access, fire alarm systems, and base building fire suppression
76 systems; or (2) is undergoing a change of occupancy classification as described in the
77 International Building Code; or (b) changes to or the addition of foundations, beams, trusses,
78 columns, or other primary structural framing members or seismic systems; structural concrete
79 slabs, floor and roof framing structures, or bearing and shear walls; openings in roofs, floors,

80 exterior walls, or bearing and shear walls; exterior doors, windows, awnings, canopies,
81 sunshades, signage, or similar exterior building elements; as described in the International
82 Building Code, life safety equipment, including smoke, fire, or carbon dioxide sensors or
83 detectors, or other overhead building elements; as described in the International Building Code,
84 bracing for partial height partitions if the top of the partition is more than eight feet above the
85 floor; or heating, ventilating, or air conditioning equipment or distribution systems, building
86 management systems, high or medium voltage electrical distribution systems, standby or
87 emergency power systems or distribution systems, plumbing or plumbing distribution systems,
88 fire alarm systems, fire sprinklers systems, security or monitoring systems, or related building
89 systems.

90 Section 291. Upon approval by the board, any individual who has passed the interior
91 design examination administered by the National Council for Interior Design Qualification may
92 use the title “Registered Commercial Interior Designer.” Such individual shall, upon satisfactory
93 completion of the aforementioned requirements and any other requirements and qualifications as
94 deemed necessary by the board, send to the board a copy of documentation of the proof of
95 passage of said exam, of graduation and completion of said program, and any certifications
96 awarded to said individual by the National Council for Interior Design Qualification, and any
97 other documentation as required by the board. Such documentation shall include the individual’s
98 name, mailing address and email address; provided, that such individual shall update the board of
99 any changes to such information as they occur. Such documentation shall be placed on file with
100 the division of professional licensure.

101 Section 292. (a) Each applicant seeking to become a registered commercial interior
102 designer shall pay to the board, upon filing their original application, a fee to be determined

103 annually by the commissioner of administration. After verification of the aforementioned
104 documentation and receipt of the application fee, the board shall issue a certificate of registration
105 for a period of two years. The director of the division of professional licensure, or their designee,
106 as the custodian of any documentation required by this section, shall enforce the provisions of
107 said section and may use said documentation, or any lack thereof, as they, or their designee,
108 deems necessary, notwithstanding any general or special law, or rule or regulation to the
109 contrary.

110 A registered commercial interior designer shall be required to complete continuing
111 education courses. Continuing education shall be gained through coursework delivered in
112 education credits. The quantity and content designation of education credits shall be determined
113 by the board.

114 It shall be unlawful for any individual, who is not so approved by the board, to use the
115 title “Registered Commercial Interior Designer” or any title or device indicating that an
116 individual is a “registered commercial interior designer.”

117 Nothing herein shall prohibit any person from performing commercial interior design
118 services or using the title “commercial interior designer”, “commercial interiors consultant”,
119 “commercial interior decorator” or the like, so long as the word “registered” is not used in
120 conjunction with the word “commercial interior designer.”

121 Nothing herein shall authorize any individual to engage in the practice of architecture,
122 engineering, or any other occupation regulated under the laws of this state or to prepare, sign or
123 seal plans with respect to such practice or in connection with any governmental permits unless
124 licensed or otherwise permitted to do so under such laws.

125 Nothing herein shall prohibit any person from performing professional services limited to
126 the planning, design, and implementation of kitchen and bath spaces or the specification of
127 products for kitchen and bath areas.

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

131 (b) Notwithstanding any general or special law to the contrary, an individual who has
132 completed at least 10 years of full-time, diversified, verifiable professional experience in the
133 profession of interior design shall be eligible for provisional registration provided that within 12
134 months after the first meeting of the board, said individual has applied for registration.

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

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

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

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

156 Section 295. (a) Upon receipt of a written application, the board may grant a certificate of
157 registration as a commercial interior designer emeritus to an interior designer who has retired
158 from the active practice of commercial interior design in the commonwealth. To be eligible for a
159 certificate of registration as a commercial interior designer emeritus, the applicant shall: (i)
160 submit an application together with a fee prescribed by the board; (ii) have been a commercial
161 interior designer in good standing in the commonwealth at the time of his retirement; (iii) be at
162 least 65 years of age; (iv) have been a registered a commercial interior designer in the
163 commonwealth for at least 10 years; (v) have relinquished his license to practice commercial
164 interior design; and (vi) satisfy any other requirements as may be prescribed by the board.

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

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

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