

SENATE NO. 178

AN ACT RELATIVE TO INTERIOR DESIGNERS

*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 13 of the General Laws is hereby amended by adding the following sections:
2 Section 98. Any individual who has passed the interior design examination administered by the
3 National Council for Interior Design Qualification (NCIDQ), who is a graduate of an interior design
4 program accredited by either the Council for Interior Design Accreditation, the National
5 Association of Schools of Art and Design or board determined equivalent may become registered
6 with the board to practice interior design and use the title “Registered Interior Designer.” (RID)
7 Section 98A. There shall be within the division of professional licensure a board of registration of
8 interior designers, hereinafter called the board, consisting of five members to be appointed by the
9 governor, four of whom shall each have been engaged in the practice of interior design for a period
10 of ten years or more prior to this appointment, and shall be licensed interior designers, except for
11 the initial appointees, who shall have successfully fulfilled all NCIDQ exam requirements. The fifth

12 member shall be a representative of the public, subject to the provisions of section nine B. At least
13 one of the four licensed interior designers shall be a professional educator, who teaches in a
14 professional interior design college or university level program accredited by NASAD or the
15 Council for Interior Design Accreditation (formerly known as FIDER). Each appointment shall be
16 for a period of four years; as the term expires, a qualified successor shall be appointed by the
17 governor. Each member shall serve until the qualification of his successor.

18 Any member may be removed from the board by the governor upon bonafide complaint with good
19 cause shown of neglect of duty, misconduct, malfeasance, or misfeasance in office, after ten days
20 written notice and with sufficient opportunity to be heard thereon, to the member against whom
21 charges may be filed.

22 SECTION 98B. The board shall hold at least two regular meetings each year, and may hold
23 special meetings as required. Time, place, and notice of all meetings shall be required in accordance
24 with “public meeting” statutes. At the first regular meeting each year, the board shall elect, by
25 majority vote, a chairperson and other such officers as necessary and appropriate. A quorum shall
26 consist of three members.

27 Section 98C. Powers. The board may promulgate such rules and regulations governing the
28 licensure and practice of interior designers as may be necessary to promote public health, welfare,
29 and safety; to grant licenses to qualified individuals and establish monitoring requirements for
30 internships; to establish standards of professional and ethical conduct; to establish standards for
31 continuing education reflecting acceptable national standards; and, to conduct inspections, review
32 billing records, investigate and prosecute complaints, and set and administer monetary
33 administrative penalties for fraudulent, deceptive, or professionally incompetent and unsafe
34 practices, and for violations of rules and regulations promulgated by said board. The board shall

35 maintain records of its proceedings and a registry of all persons licensed by it, which shall be public
36 records and open to inspection consistent with the Open Public Meeting Law, chapter 30A, sec 11A
37 et seq.

38 Every registered interior designer shall display his certificate of registration in a conspicuous place
39 in the principle office of the interior designer. Every registered interior designer shall have a
40 reproducible seal, or facsimile, the print of which shall contain the name of the interior designer, the
41 license number, and the words "Registered Interior Designer Commonwealth of Massachusetts."

42 The registered interior designer shall affix the signature, current date, date of license expiration and
43 seal to all sheets of any bound set or loose sheets or to the cover of any bound project specifications
44 of interior construction documents prepared by the registered interior designer or under that
45 registered interior designer's direct supervision and control to be filed for public record with the
46 individual state municipal building departments for the purposes of obtaining a building permit. A
47 registered interior designer shall not sign or seal drawings, specifications, reports or other
48 professional work for which he does not have direct professional knowledge and direct supervisory
49 control; provided, however, that in the case of portions of such professional work prepared by the
50 registered interior designer's consultants, registered under this or another portion of the professional
51 registration laws of this jurisdiction, the registered interior designer may sign or seal that portion of
52 the professional work if the registered interior designer has reviewed such portion, has coordinated
53 its preparation, and intends to be responsible for its adequacy. For the purposes of this Section,
54 "direct supervisory control" means the direct responsibility for supervision of the work and the
55 decision making process, i.e., to review, enforce and control compliance with all design criteria and
56 life safety requirements. No individual shall use a seal unless the individual at that time is then
57 authorized as a registered interior designer, including all required renewals thereof.

58 SECTION 2.

59 Chapter 112 of the General Laws is hereby amended by adding the following section:

60 Chapter 112: Section 227. Definitions

61 Section 227. The following words as used in this section, unless the content clearly requires
62 otherwise, shall have the following meanings:-

63 “Accredited school”, a degree-granting college or university accredited by a private educational
64 association of regional or national scope. Said accrediting association shall be recognized by the
65 Secretary of Education of the United States as a reliable authority as to the quality of education or
66 training provided by institutions of higher learning. Accrediting associations shall include the
67 Council for Interior Design Accreditation (formerly known as FIDER), and the National
68 Association of Schools of Art and Design (NASAD). The National Council for Interior Design
69 Qualification (NCIDQ) shall be the accepted professional association for examinations and
70 standards for the profession of interior design.

71 “Board”, the Board of Registration of Interior Designers.

72 “Division”, the Division of Professional Licensure.

73 “Good moral character”, such character as will enable a person to discharge the duties of an interior
74 designer to that person’s client and to the public in a manner that protects health, safety, and
75 welfare. Evidence of inability to discharge such duties shall include commission of an offense
76 justifying discipline under this chapter, the practice of interior design in violation of section sixty K
77 or conviction of a felony; provided, that the board may consider evidence of reform.

78 The definition of Interior Design as defined by the Federal Government:

79 This series includes positions the duties of which are to perform, supervise, or manage work related
80 to the design of interior environments in order to promote employee productivity, health, and

81 welfare, and/or the health and welfare of the public. Typical duties include investigating,
82 identifying, and documenting client needs; analyzing needs, proposing options and, working with
83 the client, developing specific solutions; developing design documents, including contract working
84 drawings and specifications; and, as appropriate, managing design projects performed in-house or
85 by contract. The work requires applying knowledge from a variety of such fields as (a) interior
86 construction (building systems and components, building codes, equipment, materials, and
87 furnishings, working drawings and specification, codes and standards); (b) contracting (cost
88 estimates, bid proposals, negotiations, contract awards, site visits during construction, pre- and post-
89 occupancy evaluations); (c) facility operation (maintenance requirements, traffic patterns, security
90 and fire protection); (d) aesthetics (sense of scale, proportion, and form; color, texture, and finishes;
91 style and visual imagery); (e) psychology (privacy and enclosure;
92 effects of environmental components (color, texture, space, etc.) on mood, alertness, etc.); and, as
93 appropriate, (f) management (design project and resource coordination).

94 “Interior design construction documents”, may include the designs, drawings, and specifications
95 that establish the scope of the interior work to be constructed, the standard of quality of materials,
96 workmanship, equipment, and construction systems/methods to be used, and the studies and other
97 technical reports prepared in the course of the interior design performed. Construction documents
98 intended for the use in interior construction in the commonwealth shall be prepared and
99 administered in accordance with General Law, the Massachusetts State Building Code, the
100 Massachusetts Architectural Access Board, the Americans with Disabilities Act, and standards held
101 within specific municipal building department jurisdictions. Rules and regulations shall be
102 promulgated by the division of professional licensure.

103 “Interior space”, that space within the building envelope, not including core enclosures and
104 elements of mechanical, electrical, fire protection, structural systems, building egress, exit ways,
105 and areas of refuge—interior design encompasses these and a licensed and/or registered interior
106 designer should be able to incorporate these elements into design documents . They should not be
107 under the “not including” section, but may include bathrooms and other habitable spaces within a
108 building core enclosure.

109 “Life safety”, the analysis, development, interpretation, and review of space plans, interior
110 construction systems or assemblies, materials, finishes, and furnishings, furniture and equipment
111 selections for compliance with regulatory building code provisions which when applied
112 collectively, provide comprehensive safety features to eliminate, reduce, or control life or health
113 threatening situations in the interior environments of a proposed or given structure or building.

114 “Principal”, any person who has been or is the head of an organization practicing interior design.

115 “Registered Interior Designer” (RID), a person qualified by the completion of formal training and
116 education at an accredited school, and who has successfully completed the NCIDQ examination and
117 who is licensed by the board.

118 “Space Planning”, the translation of project or client requirements into a physical plan of space
119 within the interior of a proposed or given structure or building, organizing major rooms, areas,
120 furniture, fixtures and equipment, determining internal circulation systems/patterns, and the location
121 of internal exit requirements; based on occupancy loads, assessments of life safety factors, universal
122 access and the analysis of, and for compliance with state and local building codes.

123 SECTION 3.

124 Chapter 112: Section 227A. Registration; requirements.

125 A person practicing interior design and using the title “Registered Interior Designer.” (RID)” or
126 “interior designer”, and who advertises or holds him or herself out as being engaged in the business
127 of interior design may do so if they are licensed in accordance with chapter 112 by the Board of
128 Registration of Interior Designers under the Division of Professional Licensure. Nothing in this
129 section shall be construed to prevent qualified members of other professions or occupations from
130 performing functions consistent with the accepted standards of their respective professions,
131 provided, however, that they do not hold themselves out to the public by any title or description
132 stating or implying that they are interior designers or are licensed to practice interior design. This
133 section shall not apply to employees of the United States government or any bureau, division, or
134 agency thereof while in the discharge of the employee’s official duties.

135 Section 227A. Every person applying to the board for registration shall submit, with an original
136 application, evidence of completion of an interior design program accredited by either the Council
137 for Interior Design Accreditation or the National Association of Schools of Art and Design or
138 equivalent as determined by the board. The applicant shall also provide satisfactory evidence to the
139 board that he or she has successfully completed the examination administered by the NCIDQ.
140 Any applicant who has successfully completed the NCIDQ examination prior to the effective date
141 of this act shall be eligible for licensure.

142 An applicant who is a licensed architect or architectural intern, and has completed the NCIDQ
143 examination, shall be eligible for registration.

144 An applicant from another jurisdiction may be eligible for registration if the registration has been
145 issued by a jurisdiction with substantially equivalent requirements to those in the Commonwealth;
146 the applicant’s registration is current and in good standing within said jurisdiction, and the applicant
147 has passed the NCIDQ examination.

148 Within twelve months after the first meeting of the Board, an applicant may apply for registration
149 without having to fulfill the stipulations of noted above if he or she has completed at least 10 years
150 of full-time, diversified, verifiable professional experience in interior design profession as defined
151 in this act. Said applicant, upon review and consent of the board, may be issued a “Provisional
152 Registration” and be given three calendar years from the first meeting of the board to provide
153 substantial proof to the board of successful passage of “Section I” of the NCIDQ examination, at
154 which time full registration will be granted. If proof is not provided to the board within the allotted
155 time period, said applicant’s “Provisional Registration” will be revoked and become null and void.
156 Re-application, including satisfaction of all requirements at the time of re-application, shall be
157 required for registration. During the time period of “Provisional Registration,” the provisional
158 licensee is required to maintain all current fees and uphold all requirements of licensure and
159 renewal until such time as the examination requirement is fulfilled.

160 Chapter 112; Section 227B. Application; Renewal; Re-Activation.

161 Each applicant for registration as an interior designer shall pay to the board, upon filing his or her
162 original application a fee to be determined annually by the commissioner of administration under
163 the provision of section 3B of chapter 7.

164 The director of the division of professional licensure shall determine the license cycle, renewal
165 period, and reinstatement procedures for licenses. The board shall mail to every licensed interior
166 designer a reminder of renewal six months before the expiration of their current certificate. Persons
167 licensed in accordance with these sections shall apply to the board for renewal of their license on or
168 before the expiration date, as determined by the director, unless such license was revoked,
169 suspended, or cancelled earlier by the board as a result of a disciplinary proceeding instituted
170 pursuant to this chapter. Applications for renewal shall be made in the manner approved by the

171 director and accompanied by payment of a renewal fee, as prescribed by the executive office of
172 administration and finance pursuant to section 3B of chapter 7.

173 Chapter 112; Section 227C. Display of license; seal.

174 Licensed interior designers shall display their certificate in a conspicuous place in their principle
175 office.

176 Chapter 112; Section 227D. Complaints; enforcement.

177 Section 227D. The board shall conduct inspections and may investigate and prosecute all
178 complaints filed relating to the proper practice of interior design, and violation of sections 227A
179 through 227D of this chapter or any rule or regulation of said board. Such complaints may be
180 brought by any person, or the board may initiate a complaint.

181 Chapter 112; Section 227E. Revocation, suspension or annulment of certificate; disciplining of
182 registrant; grounds.

183 Section 227E. The board may revoke, suspend or annul the certificate of registration, or reprimand,
184 censure or otherwise discipline a registrant, upon proof satisfactory to the board: (a) that the holder
185 of such certificate of registration is practicing in the commonwealth in violation of any provision of
186 sections 227A through 227E, or of any rule or regulation promulgated under authority thereof by
187 the board; (b) that such certificate of registration was obtained by fraud or misrepresentation; (c)
188 that the holder of such certificate has been guilty of fraud or deceit, or of gross negligence,
189 incompetence or misconduct, in the practice of interior design; (d) that the holder of such certificate
190 has affixed his or her seal or signature to plans, drawings, specifications, or other instruments of
191 service which have not been prepared by him or her or in his or her office, or under his or her
192 immediate and responsible direction, or has permitted his or her name to be used for the purpose of
193 assisting any person, not an interior designer, to evade the provisions of this chapter. The board

194 shall be empowered to issue an order directing a licensee to cease and desist from unethical or
195 unprofessional conduct if the board finds, after the opportunity for a hearing, that the licensee has
196 engaged in such conduct. Any person aggrieved by any disciplinary action taken by the board may,
197 pursuant to section 64 of chapter 112, file a petition for judicial review.

198 Chapter 112; section 227F. Services in Practice of interior design.

199 Nothing in this section shall be deemed or construed to prevent or otherwise restrict:

200 (a) the practice of architecture, the practice of structural engineering, and the practice of
201 professional engineering by those licensed in accordance with General Law, or shall prevent
202 the offering or preparation of environmental analysis feasibility studies, programming or
203 construction management services by persons licensed or otherwise authorized within
204 General Law;

205 (b) or require the services of a licensed interior designer for the interior design of a single or
206 two family residence whether detached or part of a multiple residence;

207 (c) the employees of licensed interior designers or persons acting under their
208 direction from carrying out their normal duties in the preparation of plans and specifications
209 or in the administration of construction contracts;

210 (d) a partnership or corporation from entering into agreements to perform, or holding itself out
211 as able to perform, any of the services involved in the practice of interior design; provided,
212 that any agreement to perform such services shall be executed on behalf of the individual,
213 partnership or corporation by the partner or partners, or by the officer or officers who shall
214 be the licensed interior designer, licensed architect, or licensed professional engineer
215 exercising professional and supervisory control over the particular services contracted for by
216 the individual, partnership or corporation, and provided, further, that any partnership or

217 corporation holding itself out, as able to perform any of the services involved in the practice
218 of interior design and having a place of business in the Commonwealth, and of which a
219 majority of the partners of such partnership or officers of such corporation are licensed
220 interior designers or licensed architects, may execute any such agreement by any duly
221 authorized partner of such partnership or by any duly authorized officer of such corporation
222 whether such duly authorized partner or officer is, or is not a licensed interior designer or a
223 licensed architect, provided that a licensed interior designer or licensed architect who is such
224 a partner or such an officer shall exercise professional and supervisory control over the
225 particular services contracted for by the partnership or corporation;

226 (e) the draftspersons, students, project representatives, and the employees of those lawfully
227 practicing as licensed interior designers, licensed architects, or licensed professional
228 engineers, from acting under the direct supervision and control of their employers, or to
229 prevent the employment of project representatives for modification, enlargement, or
230 alteration of the interior space of building or any parts thereof, or prevent such project
231 representatives from acting under the direct supervision and control of the licensed interior
232 designer, licensed architect or licensed professional engineer by whom the interior
233 construction documents of any such interior space of a building, modification or alteration
234 thereof were prepared.