

SENATE No. 218

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>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>

SENATE No. 218

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 218) of Joan B. Lovely and Hannah Kane for legislation relative to advancing the profession of interior design. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 165 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 2018 Official Edition,
2 is hereby amended by inserting after section 274 the following 7 new sections:-

3 Section 275. For the purposes of this section and sections 276 to 281, inclusive, the
4 following terms shall, unless the context clearly requires otherwise, have the following
5 meanings:

6 "Board", means the board of registration of commercial interior designers established in
7 section 110 of chapter 13.

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

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

12 "International Building Code", means the edition of the International Building Code,
13 issued by the International Code Council, most recently adopted by the commonwealth,
14 including Massachusetts amendments.

15 “Practice of commercial interior design”, means, in relation to obtaining a building
16 permit independent of an architect licensed under sections 60A through 60Q, inclusive, the
17 preparation of a plan or specification for, or the supervision of new construction, alteration, or
18 repair of, an interior space within a newly constructed or existing building when the core and
19 shell structural elements are not going to be changed; provided, however, that it does not include:
20 (a) providing commercial construction documents, independent of a licensed architect, for a
21 space that: (1) does not already have base building life safety components installed or designed
22 and permitted, including required exit stairs and enclosures, paths of travel, ramps, horizontal
23 exit passageways, disabled access, fire alarm systems, and base building fire suppression
24 systems; or (2) is undergoing a change of occupancy classification as described in the
25 International Building Code; or (b) changes to or the addition of foundations, beams, trusses,
26 columns, or other primary structural framing members or seismic systems; structural concrete
27 slabs, floor and roof framing structures, or bearing and shear walls; openings in roofs, floors,
28 exterior walls, or bearing and shear walls; exterior doors, windows, awnings, canopies,
29 sunshades, signage, or similar exterior building elements; as described in the International
30 Building Code, life safety equipment, including smoke, fire, or carbon dioxide sensors or
31 detectors, or other overhead building elements; as described in the International Building Code,
32 bracing for partial height partitions if the top of the partition is more than eight feet above the

33 floor; or heating, ventilating, or air conditioning equipment or distribution systems, building
34 management systems, high or medium voltage electrical distribution systems, standby or
35 emergency power systems or distribution systems, plumbing or plumbing distribution systems,
36 fire alarm systems, fire sprinklers systems, security or monitoring systems, or related building
37 systems.

38 Section 276. Upon approval by the board, any individual who has passed the interior
39 design examination administered by the National Council for Interior Design Qualification may
40 use the title “Registered Commercial Interior Designer.” Such individual shall, upon satisfactory
41 completion of the aforementioned requirements and any other requirements and qualifications as
42 deemed necessary by the board, send to the board a copy of documentation of the proof of
43 passage of said exam, of graduation and completion of said program, and any certifications
44 awarded to said individual by the National Council for Interior Design Qualification, and any
45 other documentation as required by the board. Such documentation shall include the individual’s
46 name, mailing address and email address; provided, that such individual shall update the board of
47 any changes to such information as they occur. Such documentation shall be placed on file with
48 the division of professional licensure.

49 Section 277. (a) Each applicant seeking to become a registered commercial interior
50 designer shall pay to the board, upon filing their original application, a fee to be determined
51 annually by the commissioner of administration. After verification of the aforementioned
52 documentation and receipt of the application fee, the board shall issue a certificate of registration
53 for a period of two years. The director of the division of professional licensure, or their designee,
54 as the custodian of any documentation required by this section, shall enforce the provisions of
55 said section and may use said documentation, or any lack thereof, as they, or their designee,

56 deems necessary, notwithstanding any general or special law, or rule or regulation to the
57 contrary.

58 A registered commercial interior designer shall be required to complete continuing
59 education courses. Continuing education shall be gained through coursework delivered in
60 education credits. The quantity and content designation of education credits shall be determined
61 by the board.

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

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

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

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

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

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

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

92 (c) Any individual violating the provisions of sections 275 to 281, inclusive, may be
93 punished by a fine of not more than \$500 or by imprisonment in a jail or house of correction for
94 not more than 3 months, or both, or by revocation of registration by the board.

95 Section 278. Every registered commercial interior designer shall have a seal of a design
96 authorized by the board. All plans, specifications and reports prepared by a registered
97 commercial interior designer or under their supervision shall be stamped with the impression of

98 such seal. A registered commercial interior designer shall impress their seal on any plans or
99 specifications if their certificate of registration is in full force and if they were the author of such
100 plans and specifications or in responsible charge of their preparation.

101 Section 279. A roster showing the names and the last known places of business of all
102 registered commercial interior designers shall be prepared by the board in the month of January
103 of each year. Such roster shall be posted on a publicly available website.

104 Section 280. (a) Upon receipt of a written application, the board may grant a certificate of
105 registration as a commercial interior designer emeritus to an interior designer who has retired
106 from the active practice of commercial interior design in the commonwealth. To be eligible for a
107 certificate of registration as a commercial interior designer emeritus, the applicant shall: (i)
108 submit an application together with a fee prescribed by the board; (ii) have been a commercial
109 interior designer in good standing in the commonwealth at the time of his retirement; (iii) be at
110 least 65 years of age; (iv) have been a registered a commercial interior designer in the
111 commonwealth for at least 10 years; (v) have relinquished his license to practice commercial
112 interior design; and (vi) satisfy any other requirements as may be prescribed by the board.

113 (b) A commercial interior designer emeritus shall neither engage in nor hold themselves
114 out as engaging in the practice of commercial interior design. A commercial interior designer
115 emeritus shall be exempt from the continuing education requirements established in section 277.

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

120 Section 281. The board shall be charged with the enforcement of sections 275 to 281,
121 inclusive. If any person refuses to obey any decision of the board, the attorney general shall,
122 upon request of the board, file a petition for the enforcement of such decision in equity in the
123 superior court for Suffolk county or for the county in which the defendant resides or has a place
124 of business. After due hearing, the court shall order the enforcement of such decision or any part
125 thereof, if legally and properly made by the board.

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

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

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

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

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

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

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

155 SECTION 3. Section 45 of chapter 7C of the General Laws is hereby amended by
156 striking out subsection (a) and inserting in place thereof the following:

157 Section 45. (a) There shall be located within the executive office for administration and
158 finance a designer selection board consisting of 13 members. Ten members shall be appointed by
159 the governor; 3 of whom shall be registered architects, or currently unregistered but with at least
160 10 years' experience as an architect registered by a national council of architectural registration
161 boards member board or who may be architects emeritus; 3 of whom shall be certified interior
162 designers with not less than 10 years of experience as a National Council for Interior Design
163 Qualifications certified Massachusetts interior designer; 2 of whom shall be registered engineers

164 or currently unregistered but with at least 10 years' experience as a registered engineer and none
165 of whom shall have a record of disciplinary action; and 2 of whom shall be representatives of the
166 public who are not architects, engineers or construction contractors. One member who shall be a
167 registered architect shall be appointed by the Massachusetts State Association of Architects. One
168 member who shall be a registered engineer shall be appointed by the government affairs council
169 of design professionals. One member who shall be general contractor shall be appointed by
170 Associated General Contractors of Massachusetts. No member shall have a record of disciplinary
171 action. Members shall be appointed for terms of 2 years and may be reappointed for no more
172 than 1 successive 2-year term. The director shall designate a representative, who shall be the
173 project manager in the case of a project under the jurisdiction of the office of project
174 management, to act as a nonvoting member of the board for each project under their jurisdiction
175 under consideration by the board. No provision of this section shall operate to reduce the tenure
176 of members of the board serving at the time of the effective date of this section.