

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 590
Committee Substitute Favorable 5/17/17
PROPOSED COMMITTEE SUBSTITUTE H590-PCS10353-TMf-11

Short Title: Interior Design Profession Act.

(Public)

Sponsors:

Referred to:

April 6, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A FRAMEWORK FOR THE VOLUNTARY REGISTRATION
3 OF INDIVIDUALS IN THE PROFESSION OF INTERIOR DESIGN AND TO ALLOW
4 REGISTERED PROFESSIONAL INTERIOR DESIGNERS TO OBTAIN PERMITS
5 FROM LOCAL GOVERNMENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The General Statutes are amended by adding a new Chapter to read:

8 **"Chapter 93F.**

9 **"Interior Design.**

10 **"§ 93F-1. Title.**

11 This Chapter shall be known and may be cited as the "Interior Design Profession Act."

12 **"§ 93F-2. Purpose.**

13 It is the purpose and intent of this act to promote the health, safety, and welfare of the
14 public by establishing standards for education and expertise for the practice of interior design
15 and to ensure a high standard of professional conduct on the part of registered interior
16 designers.

17 **"§ 93F-3. Definitions.**

18 In this Chapter, unless the context otherwise requires, the following definitions shall apply:

19 (1) Department. – The North Carolina Department of Insurance.

20 (2) Good moral character. – Such character as tends to assure the faithful
21 discharge of the fiduciary duties of an interior designer to their client.
22 Evidence of lack of such character shall include the willful commission of an
23 offense justifying discipline under this Chapter, the practice of interior
24 design in violation of this Chapter, or of the laws of another jurisdiction, or
25 the conviction of a felony.

26 (3) Interior alteration or construction. – One or more projects for an interior
27 space or area within a proposed or existing building or structure that
28 includes, but is not limited to, the construction, modification, or renovation,
29 including rehabilitation or historic preservation, of a structure which would
30 involve changing or altering one or more of the following:

31 a. The design function or layout of rooms, including in a way that
32 requires assessment rearrangements to be performed.

33 b. The physical state of permanent fixtures or equipment.



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- 1 c. The interior space or area to require verification of compliance with
2 building codes, fire codes, the Americans with Disabilities Act, or
3 other State or local regulations.
4 d. Interior office systems furniture.
5 e. Nonstructural elements of the interior space or area.
6 (4) Interior decorator. – A person engaged in the performance of one or more of
7 the following:
8 a. The selection or assistance with the selection, including the provision
9 of computer-aided drawings, of furniture, fixtures, or equipment that
10 do not affect the safety, health, or welfare of the public as defined by
11 any building code or other law, ordinance, rule, or regulation
12 governing the interior alteration or construction of a proposed or
13 existing building or structure.
14 b. The installation, assistance in installation, staging, or delivery
15 services used for interior decoration.
16 (5) Interior designer. – A person engaged in the practice of interior design.
17 (6) Interior life safety. – The analysis, development, interpretation, review, and
18 employment of space plans or interior components for existing or proposed
19 interior spaces to provide for compliance with any building code or other
20 law, ordinance, or regulation to eliminate, reduce, or control life- or
21 health-threatening situations, including egress or ingress to ensure access to
22 horizontal fire exit ways leading to predetermined vertical fire exit ways.
23 (7) Interior technical submissions. – Designs, drawings, specifications, studies,
24 and other technical reports and calculations that are signed and sealed by a
25 registered interior designer in compliance with applicable laws and that
26 establish the scope of the interior design project, including the standard of
27 quality for materials, skilled labor, equipment, and construction systems.
28 (8) Licensed design professional. – A person who is licensed as an architect,
29 landscape architect, engineer, or land surveyor pursuant to Chapter 83A,
30 89A, or 89C of the General Statutes.
31 (9) Multidisciplinary interior design firm. – A business entity offering the
32 practice of interior design and at least one other service involving a licensed
33 design professional.
34 (10) NCIDQ. – The National Council for Interior Design Qualification.
35 (11) Nonstructural element. – An element which does not require structural
36 bracing and which is something other than a load-bearing element of a
37 structure which is essential to its structural integrity.
38 (12) Practice of interior design. – Includes the following professional activities:
39 a. Programming, planning, predesign analysis, and conceptual design,
40 including the selection of materials, furniture, fixtures, and
41 equipment.
42 b. Interior alteration or construction and interior life safety, including
43 interior construction documentation and interior technical
44 submissions.
45 c. The preparation of a physical plan of space within a proposed or
46 existing building or structure, including determinations of (i) internal
47 circulation systems or patterns, (ii) the location of internal exit
48 requirements based on occupancy loads, and (iii) assessment and
49 analysis of interior life safety factors for compliance with State and
50 local government building codes.

1 d. Reviewing, analyzing, evaluating, and interpreting building codes,
2 fire codes, accessibility standards, including the Americans with
3 Disabilities Act, or other federal, State, or local regulations, codes,
4 and standards.

5 e. The rendering of designs, plans, drawings, specifications, contract
6 documents, or other technical submissions and the administration of
7 interior construction and contracts relating to nonstructural elements
8 in interior alteration or construction of a proposed or existing
9 building or structure.

10 (13) Registered interior designer. – A person who holds a certificate of
11 registration pursuant to this Chapter as an interior designer.

12 **§ 93F-4. Application for registration.**

13 (a) An applicant for registration shall be registered upon satisfactory proof to the
14 Department that the applicant is of good moral character and meets the following requirements:

15 (1) Submission of a signed application in a form to be established by the
16 Department.

17 (2) Passage of the examination administered by the NCIDQ.

18 (3) Submission of a statement of personal qualification that includes at least all
19 of the following information about the applicant:

20 a. Full legal name and name submitted for registration.

21 b. Date of birth.

22 c. Personal and business mailing addresses, telephone numbers, and
23 e-mail addresses.

24 d. State and county of residence.

25 e. Employer's name, address, and telephone number, if the applicant is
26 employed at the time of application.

27 f. All issuances, denials, revocations, suspensions, or restrictions of a
28 license, certificate, or registration pertaining to the practice of
29 interior design in this State or any other jurisdiction.

30 g. Proof of general liability insurance.

31 (4) Payment of the application fee established by the Department pursuant to
32 this Chapter of one hundred dollars (\$100.00).

33 (b) The Department may require new applicants who passed the NCIDQ examination
34 more than 24 months prior to submission of a registration application pursuant to this section to
35 submit proof of completion of continuing education coursework in an amount and format
36 consistent with the continuing education requirements established pursuant to this Chapter.

37 **§ 93F-5. Expiration and renewals; continuing education.**

38 (a) Registrations shall expire two years following issuance or renewal and shall become
39 invalid after that date unless renewed. A registrant may apply for renewal of a registration no
40 earlier than 10 weeks prior to the expiration date of the current registration.

41 (b) The Department shall issue a renewal of registration to an applicant upon proof
42 satisfactory to the Department that the applicant is of good moral character and meets all of the
43 following requirements:

44 (1) Submission of a signed application for renewal in a form to be established
45 by the Department.

46 (2) Submission of proof of completion of at least 24 continuing education units
47 by providing the following information:

48 a. The name and address of the continuing education provider.

49 b. The dates attended and hours of credit claimed.

50 c. The physical location, title, and subject-matter description of the
51 continuing education unit and the names of the instructors.

- 1 d. Documentation of successful completion of the continuing education
2 units from the providers.
- 3 e. Documentation that at least 12 continuing education units focused on
4 one or more of the following subject matters:
- 5 1. Any single area of practice for an interior designer as defined
6 in this Chapter.
- 7 2. Any topic that advances consumer protection in the built
8 environment.
- 9 3. Health and wellness of building occupants.
- 10 4. Public safety, including application of State and local fire
11 codes, building codes, and regulations.
- 12 5. Resiliency.
- 13 6. Sustainability.
- 14 7. Application of federal, State, and local laws pertaining to
15 accessibility standards, including the Americans with
16 Disabilities Act.

17 (3) Payment of the renewal fee established by the Department pursuant to this
18 Chapter of fifty dollars (\$50.00).

19 (4) Proof of general liability insurance.

20 (c) The Department may, at its discretion, grant an extension of an expired registration
21 for a period not exceeding one year for applicants seeking renewal of registration who have
22 failed to submit a completed application or satisfy the continuing education requirements
23 because of circumstances of emergency or hardship. An extension granted pursuant to this
24 subsection shall not relieve the applicant from compliance with the continuing education
25 requirements or any other obligation imposed by this Chapter.

26 **"§ 93F-6. Reciprocity.**

27 The Department shall issue a registration to an applicant who, at the time of application,
28 holds a valid license, certificate, or registration as an interior designer issued by another state or
29 a political territory or jurisdiction acceptable to the Department if, in the Department's
30 determination, the requirements for that license, certificate, or registration are substantially
31 equal to or greater than the requirements for registration pursuant to this Chapter. In addition to
32 the application requirements provided in G.S. 93F-4, applicants seeking reciprocal registration
33 shall pay to the Department an additional fee of fifty dollars (\$50.00) and demonstrate to the
34 Department a familiarity with the State Building Code.

35 **"§ 93F-7. Disqualifications for registration.**

36 (a) The Department may either refuse to issue or to renew or may suspend or revoke a
37 registration for any one or combination of the following reasons:

- 38 (1) Fraud or material misrepresentation in procuring the registration.
- 39 (2) Habitual intoxication or addiction to the use of drugs.
- 40 (3) Use of the title "registered interior designer" under a name other than his or
41 her own.
- 42 (4) Knowingly allowing another to wrongfully use the title "registered interior
43 designer" or professional connection or association with any person or
44 business entity holding itself out in any manner contrary to the provisions of
45 this Chapter or its rules.
- 46 (5) Signing or affixing the registered interior designer's seal or knowingly
47 permitting the registered interior designer's seal to be affixed to any
48 technical submissions not prepared by the registered interior designer or
49 under that registered interior designer's direct supervision and control.
- 50 (6) Improper, unprofessional, or dishonorable conduct of a character likely to
51 deceive, defraud, or harm the public.

- 1 (7) Conviction of the applicant or registrant of any crime that is a felony, if the
2 Department determines, after investigation, that such person has not been
3 sufficiently rehabilitated to warrant the public trust.
4 (8) Revocation by another state or a political territory or jurisdiction of an
5 interior design license, certification, or registration if at least one of the
6 grounds for that revocation is the same as or the equivalent of one of the
7 grounds for revocation set forth in this Chapter or by the Department.
8 (9) Mental incompetence as declared by a court of competent jurisdiction.
9 (10) A violation of any provision of this Chapter or its rules or aiding or assisting
10 another person in violating any provision of this Chapter or its rules.
11 (11) Failure to provide information in response to a written request made by the
12 Department within 30 days after receipt of the written request.

13 (b) At any time after suspension, revocation, or the taking of any other disciplinary
14 action with regard to any registration the Department may reinstate the registration, or take any
15 other action to reinstate the registration to good standing.

16 (c) Any person may file with the Department a charge of unprofessional conduct,
17 negligence, incompetence, dishonest practice, or other misconduct of any violation of this
18 Chapter. Upon receipt of such charge, the Department may give notice of an administrative
19 hearing under the Administrative Procedure Act or may dismiss the charge as unfounded or
20 trivial, upon a statement of the reasons therefore which shall be mailed to the registrant and the
21 person who filed the charge by registered or certified mail.

22 **"§ 93F-8. Misdemeanors.**

23 Each of the following acts constitutes a Class 2 misdemeanor:

- 24 (1) The affixing of a registered interior designer's signature or seal to any
25 interior technical submissions without the permission of the registrant.
26 (2) Using or attempting to use an expired, inactive, suspended, or revoked
27 registration or seal or the registration or seal of another or impersonating
28 another registrant.
29 (3) Obtaining or attempting to obtain a registration by fraud.
30 (4) The making of any willfully false oath or affirmation in any matter or
31 proceeding where an oath or affirmation is required by this Chapter.

32 **"§ 93F-9. Civil penalties; disciplinary costs.**

33 (a) The Department may assess a civil penalty not in excess of one thousand dollars
34 (\$1,000) per offense for the violation by a registrant of any of the reasons provided in
35 G.S. 93F-7. The clear proceeds of any civil penalty assessed under this section shall be remitted
36 to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

37 (b) Before imposing and assessing a civil penalty, the Department shall consider the
38 following factors:

- 39 (1) The nature, gravity, and persistence of the particular violation.
40 (2) The appropriateness of the imposition of a civil penalty when considered
41 alone or in combination with other punishment.
42 (3) Whether the violation was willful and malicious.
43 (4) Any other factors that would tend to mitigate or aggravate the violations
44 found to exist.

45 (c) The Department shall establish a schedule of civil penalties for violations of this
46 Chapter and rules adopted by the Department.

47 (d) The Department may, in a disciplinary proceeding, charge costs, including
48 reasonable attorneys' fees, to the registered interior designer against whom the proceedings
49 were brought.

50 **"§ 93F-10. Enjoining illegal practices.**

1 The Department may apply to the superior court for an injunction to restrain any person
2 from violating the provisions of this Chapter or its rules. Actions under this section shall be
3 brought in the county where the defendant resides or maintains his or her principal place of
4 business or where the alleged acts occurred.

5 **"§ 93F-11. Authority and duties of registrants.**

6 (a) A registered interior designer shall possess the authority to sign and seal interior
7 technical submissions covering the scope of the practice of interior design and shall have the
8 authority to submit them to a State or local government entity for the purpose of obtaining
9 requisite permits for an interior alteration or construction project. Only a registered interior
10 designer, or those under the registrant's supervision and control, may sign and seal interior
11 technical submissions within the scope of the practice of interior design defined by this
12 Chapter.

13 (b) A registered interior designer shall have a reproducible seal or facsimile, the print of
14 which shall contain the full name and registration number of the registered interior designer on
15 file with the Department, the registrant's business city and state, and the words "Registered
16 Interior Designer, North Carolina." The seal shall be created and granted to each registered
17 interior designer by the Department.

18 (c) The registered interior designer shall affix the signature, current date, date of
19 registration expiration, and seal to the first sheet of any bound set or loose sheets of interior
20 technical submissions utilized as contract documents between the parties to the contract or
21 prepared for the review and approval of any State or local government entity having
22 jurisdiction by that registered interior designer or under that registered interior designer's
23 supervision and control.

24 (d) The registered interior designer exercising supervision and control under which the
25 documents or portions of the documents were prepared shall be identified on the documents or
26 portions of the documents by name and registration number.

27 (e) The sheet of interior technical submissions in which the seal is affixed shall indicate
28 those documents or parts thereof for which the seal shall apply. The seal and dates may be
29 electronically affixed. The registrant may provide, at the registrant's sole discretion, an original
30 signature in the registrant's handwriting, a scanned copy of the document bearing an original
31 signature, or a signature generated by a computer. All interior technical submissions issued by
32 any business entity of this State shall also contain the corporate or assumed business name in
33 addition to any other seal requirements as set forth in this section. The signature, current date,
34 date of registration expiration, and seal shall be evidence of the authenticity of any document or
35 interior technical submissions.

36 (f) No registered interior designer shall affix, or permit to be affixed, his or her
37 registration number, seal, or signature to any study, plan, specification, drawing, report, or
38 other document which depicts work which the registrant is not competent to perform.

39 (g) A registered interior designer under the laws of this State shall not sign and seal
40 interior technical submissions that were not prepared by or under his or her supervision and
41 control with the exception of any of the following circumstances:

42 (1) The registered interior designer may sign and seal those portions of the
43 interior technical submissions that were prepared by or under the supervision
44 and control of other individuals who are also registered interior designers,
45 provided that the registered interior designer has reviewed in whole or in
46 part such portions and has either coordinated their preparation or integrated
47 them into the registrant's work.

48 (2) A partner or corporate officer of a business entity registered in this State,
49 who is either a registered interior designer or another licensed design
50 professional under the laws of this State, and who has professional
51 knowledge of the content of the interior technical submissions and intends to

1 be responsible for the adequacy of the interior technical submissions, may
2 sign and seal interior technical submissions that are prepared by or under the
3 supervision and control of a registered interior designer of this State and who
4 is in the regular employment of the business entity.

5 (h) Interior technical submissions may be combined with submissions separately
6 prepared under the supervision and control, seal, and signature of other licensed design
7 professionals, but it shall not be mandated pursuant to subsection (j) of this section.

8 (i) All interior technical submissions intended for use in an interior alteration or
9 construction in this State shall be prepared and administered in accordance with standards of
10 reasonable professional skill and diligence. Care shall be taken to reflect the requirements of
11 State law and, where applicable, federal law and local government building ordinances
12 pertaining to the required contents of such submissions.

13 (j) A registered interior designer may choose to submit interior technical submissions,
14 as may be required to obtain a building permit, separately or as part of a larger submission of
15 documents compiled by one or more other registered interior designers or other licensed design
16 professionals.

17 (k) A registered interior designer shall have supervisory authority to assemble, compile,
18 and submit all documents required to obtain a building permit for interior alteration or
19 construction, including those prepared, signed, and sealed by one or more other registered
20 interior designers or licensed design professionals.

21 **"§ 93F-12. Departmental powers and duties.**

22 The Department has the following powers and duties pursuant to this Chapter:

- 23 (1) To issue certificates of registration to individuals meeting the qualifications
24 to be a registered interior designer.
- 25 (2) To adopt rules required for the administration of this act.
- 26 (3) To prescribe, by rule, individually identifiable seals to be used by registered
27 interior designers.
- 28 (4) To take disciplinary action as it deems proper, including, but not limited to,
29 the assessment of civil penalties pursuant to G.S. 93F-9.

30 **"§ 93F-13. Applicability of Chapter.**

31 Nothing in this Chapter shall preclude an unregistered interior designer from the practice of
32 interior design. The following persons are exempt from the provisions of this Chapter while
33 engaged in the proper scope of their professions:

- 34 (1) Interior decorators.
- 35 (2) Licensed design professionals.
- 36 (3) Attorneys at law, licensed pursuant to Chapter 84 of the General Statutes.
- 37 (4) General contractors, licensed pursuant to Article 1 of Chapter 87 of the
38 General Statutes.
- 39 (5) Unregistered interior designers."

40 **SECTION 2.** G.S. 83A-9 reads as rewritten:

41 **"§ 83A-9. Partnership practice.**

42 This Chapter neither prevents practice of architecture by a partnership nor requires
43 partnership seals or certificates of practice provided that at least one of the members of the
44 partnership ~~are~~ is duly licensed to practice architecture, and, provided that the partnership files
45 with the Board and keeps current a list of the partners, their license or registration
46 identifications, and the types of services offered by the partnership."

47 **SECTION 3.** G.S. 153A-357 reads as rewritten:

48 **"§ 153A-357. Permits.**

49 ...

50 (a1) A permit shall be in writing and shall contain a provision that the work done shall
51 comply with the State Building Code and all other applicable State and local laws and local

1 ordinances and regulations. Nothing in this section shall require a county to review and approve
2 residential building plans submitted to the county pursuant to Section R-110 of Volume VII of
3 the North Carolina State Building Code; provided that the county may review and approve such
4 residential building plans as it deems necessary. No permit may be issued unless the plans and
5 specifications are identified by the name and address of the author thereof; and if the General
6 Statutes of North Carolina require that plans for certain types of work be prepared only by a
7 licensed ~~architect or architect~~, licensed engineer, or registered interior designer, no permit may
8 be issued unless the plans and specifications bear the North Carolina seal of a licensed ~~architect~~
9 ~~or of a architect~~, licensed ~~engineer~~ engineer, or registered interior designer. If a provision of the
10 General Statutes of North Carolina or of any ordinance requires that work be done by a licensed
11 specialty contractor of any kind, no permit for the work may be issued unless the work is to be
12 performed by such a duly licensed contractor.

13 ...

14 (f) No county may withhold issuing a building permit or certificate of occupancy that
15 otherwise would be eligible to be issued under this section to compel, with respect to another
16 property or parcel, completion of work for a separate permit or compliance with land use
17 regulations under this Article unless otherwise authorized by law or unless the county
18 reasonably determines the existence of a public safety issue directly related to the issuance of a
19 building permit or certificate of occupancy.

20 (g) Violation of this section constitutes a Class 1 misdemeanor."

21 **SECTION 4.** G.S. 160A-417 reads as rewritten:

22 "**§ 160A-417. Permits.**

23 ...

24 (a1) A permit shall be in writing and shall contain a provision that the work done shall
25 comply with the State Building Code and all other applicable State and local laws. Nothing in
26 this section shall require a city to review and approve residential building plans submitted to
27 the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code;
28 provided that the city may review and approve such residential building plans as it deems
29 necessary. No permits shall be issued unless the plans and specifications are identified by the
30 name and address of the author thereof, and if the General Statutes of North Carolina require
31 that plans for certain types of work be prepared only by a licensed ~~architect or architect~~,
32 licensed engineer, or registered interior designer, no permit shall be issued unless the plans and
33 specifications bear the North Carolina seal of a licensed ~~architect or of a architect~~, licensed
34 ~~engineer~~ engineer, or registered interior designer. When any provision of the General Statutes
35 of North Carolina or of any ordinance requires that work be done by a licensed specialty
36 contractor of any kind, no permit for the work shall be issued unless the work is to be
37 performed by such a duly licensed contractor.

38 ...

39 (e) No city may withhold issuing a building permit or certificate of occupancy that
40 otherwise would be eligible to be issued under this section to compel, with respect to another
41 property or parcel, completion of work for a separate permit or compliance with land use
42 regulations under this Article unless otherwise authorized by law or unless the city reasonably
43 determines the existence of a public safety issue directly related to the issuance of a building
44 permit or certificate of occupancy.

45 (f) Violation of this section constitutes a Class 1 misdemeanor."

46 **SECTION 5.** The North Carolina Department of Insurance shall report to the Joint
47 Legislative Oversight Committee on General Government on the progress of administering
48 Chapter 93F of the General Statutes by February 1, 2018.

49 **SECTION 6.** This act becomes effective October 1, 2017.