

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 858
Committee Substitute Favorable 4/30/19

Short Title: Interior Design Profession Act.

(Public)

Sponsors:

Referred to:

April 18, 2019

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

The General Assembly of North Carolina enacts:

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

"Chapter 93F.

"Interior Design.

"§ 93F-1. Title.

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

"§ 93F-2. Purpose.

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

"§ 93F-3. Definitions.

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

- (1) Building equipment. – Mechanical, plumbing, electrical, or structural components designed for or located in a building or structure, including motorized vertical transportation systems.
- (2) Nonstructural element. – An element which does not require structural bracing and which is something other than a load-bearing element of a structure which is essential to its structural integrity.
- (3) Department. – The North Carolina Department of Insurance.
- (4) Good moral character. – Such character as tends to assure the faithful discharge of the fiduciary duties of an interior designer to a client. Evidence of lack of such character shall include the willful commission of an offense justifying discipline under this Chapter, the practice of interior design in violation of this Chapter or of the laws of another jurisdiction, or the conviction of a felony.
- (5) CIDQ. – The Council for Interior Design Qualification.
- (6) Practice of interior design. – Includes the following professional activities:

 - a. Programming, planning, predesign analysis, and conceptual design, including the selection of materials, furniture, fixtures, and equipment, but not building equipment.



- b. Interior nonstructural element alteration or interior nonstructural element construction and interior technical submissions related thereto.
- c. The preparation of a physical plan of space within a proposed or existing building or structure, including determinations of (i) internal circulation systems or patterns, (ii) the location of internal exit requirements based on occupancy loads, and (iii) assessment and analysis of interior life safety factors for compliance with State and local government building codes.
- d. Reviewing, analyzing, evaluating, and interpreting building codes, fire codes, accessibility standards, including the Americans with Disabilities Act, or other federal, State, or local regulations, codes, and standards as applicable to interior technical submissions.
- e. The rendering of designs, plans, drawings, specifications, contract documents, or other interior technical submissions and the administration of interior construction and contracts relating to nonstructural elements in interior alteration or construction of a proposed or existing building or structure.

"Practice of interior design" does not include making changes or additions to (i) foundations, beams, trusses, columns, or other primary structural framing members or seismic systems, (ii) structural concrete slabs, roof framing structures, or load-bearing and shear walls, (iii) opening in roofs, exterior walls, or load-bearing and shear walls, (iv) exterior penetrations, such as adding or removing windows and doors, or (v) heating, ventilating, or air conditioning equipment or distribution systems, building management systems, high or medium voltage electrical distribution systems, standby or emergency power systems or distribution systems, plumbing or plumbing distribution systems, fire alarm systems, fire sprinkler systems, security or monitoring systems, or related building systems.

- (7) Registered interior designer. – A person who voluntarily holds a certificate of registration pursuant to this Chapter as an interior designer.

"§ 93F-4. Application for registration.

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

- (1) Submission of a signed application in a form to be established by the Department.
- (2) Passage of the examination administered by the CIDQ.
- (3) Submission of a statement of personal qualification that includes at least all of the following information about the applicant:
- a. Full legal name and name submitted for registration.
- b. Date of birth.
- c. Personal and business mailing addresses, telephone numbers, and e-mail addresses.
- d. State and county of residence.
- e. Employer's name, address, and telephone number, if the applicant is employed at the time of application.
- f. All issuances, denials, revocations, suspensions, or restrictions of a license, certificate, or registration pertaining to the practice of interior design in this State or any other jurisdiction.
- g. Proof of general liability insurance.

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

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

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

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

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

(2) Submission of proof of completion of at least 30 continuing education units by providing the following information:

a. Documentation of successful completion of the continuing education units from the providers.

b. Documentation that at least 15 of the continuing education units are focused on one or more of the following subject matters:

1. Public safety, including application of State and local fire codes, building codes, and regulations.

2. Application of federal, State, and local laws pertaining to accessibility standards, including the Americans with Disabilities Act, and any other topics related to health, safety, and welfare of building occupants.

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

(4) Proof of general liability insurance.

"§ 93F-6. Reciprocity.

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

"§ 93F-7. Disqualifications for registration.

(a) The Department either may refuse to issue or to renew or may suspend or revoke a registration if the applicant or registrant:

(1) Obtains a certificate of registration by fraudulent misrepresentation.

(2) Uses or attempts to use another's certificate of registration to practice interior design.

(3) Uses or attempts to use another's name for purposes of obtaining a certificate of registration or practicing interior design.

(4) Has demonstrated gross malpractice or gross incompetency as determined by the Department.

(5) Has been convicted of or pled guilty or no contest to a crime that indicates that the person is unfit or incompetent to practice interior design or that indicates the person has deceived or defrauded the public.

(6) Has been declared mentally incompetent by a court of competent jurisdiction.

(7) Has willfully violated any of the provisions of this Chapter or Departmental rules.

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

(c) Any person may file with the Department a charge of unprofessional conduct, negligence, incompetence, dishonest practice, or other misconduct of any violation of this Chapter. Upon receipt of such charge, the Department may give notice of an administrative hearing under the Administrative Procedure Act or may dismiss the charge as unfounded or trivial. Regardless of the Department's decision, the Department shall mail a statement to the registrant and the person who filed the charge by registered or certified mail that explains the Department's decision and the reasons behind that decision.

"§ 93F-8. Misdemeanors.

Each of the following acts constitutes a Class 2 misdemeanor:

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

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

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

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

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

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

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

"§ 93F-10. Enjoining illegal practices.

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

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

(a) A registered interior designer shall possess the authority to sign and seal interior technical submissions covering the scope of the practice of interior design and shall have the authority to submit them to a State or local government entity for the purpose of obtaining requisite permits for an interior alteration or construction project. A registered interior designer may only sign and seal interior technical submissions within the scope of the practice of interior design defined by this Chapter.

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

(c) The registered interior designer shall affix the signature, current date, date of registration expiration, and seal to all sheets or electronically submitted sets of interior design technical submissions.

(d) The sheet of interior technical submissions in which the seal is affixed shall indicate that those documents or parts thereof for which the seal shall apply. The seal and dates may be electronically affixed. The registrant may provide, at the registrant's sole discretion, an original signature in the registrant's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

(e) No registered interior designer shall affix, or permit to be affixed, the registered interior designer's registration number, seal, or signature to any interior technical submissions which the registrant is not competent to perform.

(f) A registered interior designer shall not sign and seal interior technical submissions that were not prepared by or under the registered interior designer's supervision and control with the exception of any of the following circumstances:

(1) The registered interior designer may sign and seal those portions of the interior technical submissions that were prepared by or under the supervision and control of other individuals who are also registered interior designers.

(2) A partner or corporate officer of a business entity registered in this State, who is a registered interior designer, and who has professional knowledge of the content of the interior technical submissions and intends to be responsible for the adequacy of the interior technical submissions, may sign and seal interior technical submissions that are prepared by or under the supervision and control of a registered interior designer and who is in the regular employment of the business entity.

(g) A registered interior designer shall have the ability to submit all documents required to obtain a building permit for interior alteration or construction, so long as those documents that are not personally prepared by the registered interior designer have been previously prepared, signed, and sealed by one or more other registered interior designers or licensed design professionals.

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

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

(1) To issue certificates of registration to individuals meeting the qualifications to be a registered interior designer.

(2) To adopt rules required for the administration of this act.

(3) To prescribe, by rule, individually identifiable seals to be used by registered interior designers.

(4) To take disciplinary action as it deems proper, including, but not limited to, the assessment of civil penalties pursuant to G.S. 93F-9.

"§ 93F-13. Applicability of Chapter.

(a) Nothing in this Chapter shall be construed as doing any of the following:

(1) Requiring a person to obtain an interior designer registration to engage in an activity traditionally performed by an interior designer or other design professional including professional services limited to the planning, design, and implementation of kitchen and bath spaces or the specification of products for kitchen and bath areas.

(2) Preventing or restricting the practices, services, or activities of any person licensed in this State under any other law from engaging in the profession or occupation for which the person is licensed.

(b) Having an interior designer registration issued under this chapter does not authorize a person to practice either of the following:

(1) Architecture, under Chapter 83A of the General Statutes.

(2) Engineering, under Chapter 89C of the General Statutes.

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

(1) Interior decorators.

(2) Licensed design professionals.

(3) Attorneys at law, licensed pursuant to Chapter 84 of the General Statutes.

(4) General contractors, licensed pursuant to Article 1 of Chapter 87 of the General Statutes.

(5) Unregistered interior designers."

SECTION 2. G.S. 153A-357 reads as rewritten:
"§ 153A-357. Permits.

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

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

...."
SECTION 3. G.S. 160A-417 reads as rewritten:
"§ 160A-417. Permits.

...
(a1) A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws. Nothing in this section shall require a city to review and approve residential building plans submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the city may review and approve such residential building plans as it deems necessary. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that

1 plans for certain types of work be prepared only by a licensed ~~architect or~~ architect, licensed
2 engineer, or registered interior designer, no permit shall be issued unless the plans and
3 specifications bear the North Carolina seal of a licensed ~~architect or of a~~ architect, licensed
4 ~~engineer~~ engineer, or registered interior designer. When any provision of the General Statutes
5 of North Carolina or of any ordinance requires that work be done by a licensed specialty
6 contractor of any kind, no permit for the work shall be issued unless the work is to be performed
7 by such a duly licensed contractor.

8 ...

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

15"

16 **SECTION 4.** The North Carolina Department of Insurance shall report to the Joint
17 Legislative Oversight Committee on General Government on the progress of administering
18 Chapter 93F of the General Statutes no later than February 1, 2020.

19 **SECTION 5.** This act becomes effective October 1, 2019.