



National Council for  
Interior Design Qualification

**Core Provisions  
Of  
Interior Design Registration  
  
Model Legislation**

**January 2010**

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CORE PROVISIONS OF INTERIOR DESIGN REGISTRATION  
MODEL LEGISLATION January 2010

## Foreword

The following document is intended as a guide and to serve as an outline of sections which should be incorporated into any legislation undertaken regarding Interior Design. Within the sections are suggestions for language for that section with footnotes relating to various choices and legislation that may already be in place in the United States and Canada. This guide presents the most desired standards for successful and enforceable legislation, tempered by the reality of the legislative process and the hands-on experience over the past dozen years of the contributors to this document.

One major change was implemented as of the 2008 Core Provisions of Interior Design Registration, Model Legislation; only one model for a Practice Act is being published. The 2007 Model Language Task Force analyzed the incremental changes along with the state of the legislative processes and other forces at work during their year deciding that the need for a separate Title Act model was not necessary. The two models were very similar with few distinctions that could be pointed out in the check lists.

A final document, in order to become a law or act, will incorporate formatting and language that is especially applicable to that jurisdiction, and will likely be much longer than this model.

Each jurisdiction will also have in place laws and rules, which may be identified as an “Administrative Code” which relates to Board operations, how members are appointed, members’ attendance at meetings, etc. This jurisdiction-specific general legislation regarding regulatory boards is supplementary and should be reviewed when preparing Interior Design legislation.

Interior Design legislation may be known as Title Legislation or Practice Legislation, according to what is regulated. Title legislation restricts only the use of the title identified in that legislation and only the title of “Registered Interior Designer” may be regulated by title legislation. The practice and standards for the practice of interior design may only be regulated in most jurisdictions through Practice Legislation, which may also permit the restriction and regulation of the simpler title “Registered Interior Designer”, as well as the identification of a practice as being Registered Interior Design practice. The decision to seek legislation of either type should be reviewed carefully. Some jurisdictions do not recognize Title Legislation. In such locations, Title Legislation could be given no consideration; only Practice legislation would be appropriate.

A ruling in the late 1990's by the 11<sup>th</sup> Federal Circuit on a lawsuit filed by a Tennessee unlicensed person resulted in the ruling that “Interior Designer” could not be regulated and restricted to only licensed persons since it had been used without restriction and without regulation for a long period of time. At that time, Tennessee’s Board of Examiners succeeded in gaining their legislature’s cooperation in changing their title to “Registered Interior Designer” which could be restricted, regulated, and upheld in court. Similar court decisions in Connecticut and Texas have supported this statement. While some US jurisdictions with interior design regulations use “certified” or “licensed” in their legislation, NCIDQ prefers the usage of “registered” The term “certified” can be confusing to the public, since there are any number of institutions or organizations which “certify” or offer “certifications,” most of which are not public regulatory bodies.

It should also be noted that every jurisdiction will have peculiarities to that jurisdiction which must also be considered. These peculiarities may be derived from laws already in place that apply to other design professionals or to other professional groups. For example, if continuing education is not required of any other profession, it may be difficult to enact laws requiring continuing education for Registered Interior Designers. Another example concerns single or joint boards. A jurisdiction may have legislation regarding the composition of regulatory Boards that may not allow a separate Board for Registered Interior Design. Suggestions appear throughout the model for varying circumstances.

## CONTENTS

<b>I. GENERAL PROVISIONS</b>	Page 1
A. Purpose.	
B. Definitions.	
<b>II. REGULATORY BOARD</b>	Page 2
A. Creation & structure of the Board.	
B. Appointment and terms of officers.	
C. Employment and compensation of employees.	
D. Compensation of members and employees.	
E. Duties & Powers of the Board.	
<b>III. REGISTRATION</b>	Page 3
A. Certificate: Issuance; expiration; prorated fees; synonymous with registration; unauthorized use or display unlawful.	
B. Seal: Design; use; regulations; unlawful acts.	
C. Certificate of registration to practice interior design: Qualifications of applicants; accreditation of program of interior design; standards for examination; oath.	
D. Examination; limitation on registration.	
E. Regulatory Board authorized to accept evidence of registration in other jurisdiction as Registered Interior Designer.	
F. Fee for registration; issuance of certificate.	
G. Official roster of certificates of registration.	
H. Renewal of certificate: Issuance of card; fee.	
I. Renewal of certificate: Continuing education.	
J. Renewal of certificate after expiration.	
<b>IV. PROHIBITED ACTS; ENFORCEMENT; PENALTIES</b>	Page 6
A. Prohibited acts; penalties; injunctive relief.	
B. Civil penalty.	
C. District attorney to prosecute violations.	
<b>V. DISCIPLINARY POWERS</b>	Page 6
A. Grounds; conditions for probation; orders imposing discipline deemed public records; private reprimands prohibited.	
B. Entry and notice of penalty.	
C. Upon revocation of registration.	
D. Application for reinstatement of certificate after revocation.	
<b>VI. MISCELLANEOUS PROVISIONS</b>	Page 7
A. Exemptions; civil and criminal liability.	
B. Architect required to obtain registration to utilize title.	
C. Immunity from civil liability for furnishing information to Regulatory Board or otherwise assisting in investigation or prosecution.	
D. Business organization or association engaged in practice as Registered Interior Designer: Responsible control of work by Registered Interior Designer.	
E. Registered Interior Designers authorized to collaborate with members of certain professions; limitations.	
F. Allegation and proof of registered status in action for compensation.	

## I. GENERAL PROVISIONS

A. Purpose. The purpose of this chapter is to safeguard life, health and property, as consumer protection, and to promote the public welfare by improving the quality of human environmental design.

### B. Definitions:

1. "Regulatory Board" defined. "Regulatory Board" means the Jurisdictional Board responsible for implementing interior design legislation and making rules and regulations.
2. "Certificate of registration" defined. "Certificate of registration" means the certificate of registration issued by the Regulatory Board to a Registered Interior Designer
3. "Construction Documents". To be set and defined by individual jurisdictional requirements.
4. "Contract Documents". To be set and defined by individual jurisdictional requirements.
5. "Partition" defined. "Partition" refers to a wall that divides a space that is not a part of the building's structure nor serves the building's load path. A partition supports its own weight and may be designed to provide varying levels of visual and acoustical privacy, smoke and fire resistance, and loads attached to it such as cabinetry or grab bars.
6. "Practice as a Registered Interior Designer" defined. "Practice as a Registered Interior Designer" means the rendering, by a person registered by this bill/statute, of services to enhance the quality and function of an interior area of a structure designed for human habitation or occupancy. The term includes:
  - (a) An analysis of:
    - (1) A client's needs and goals for an interior area of a structure designed for human habitation or occupancy; and
    - (2) The requirements for safety relating to that area;
  - (b) The formulation of preliminary designs for an interior area designed for human habitation or occupancy that is appropriate, functional and esthetic;
  - (c) The development and presentation of final designs that are appropriate for the alteration or construction of an interior area of a structure designed for human habitation or occupancy;
  - (d) The preparation of contract documents for the alteration or construction of an interior area of a structure designed for human habitation or occupancy, including specifications for partitions, materials, finishes, furniture, fixtures and equipment;
  - (e) The collaboration in the completion of a project for the alteration or construction of an interior area of a structure designed for human habitation or occupancy with professional engineers or architects who are registered in this jurisdiction.
  - (f) The preparation and administration of bids or contracts as the agent of a client; and
  - (g) The review and evaluation of problems relating to the design of a project for the alteration or construction of an area designed for human habitation or occupancy during the alteration or construction and upon completion of the alteration or construction.
  - (h) The understanding and application of the appropriate building code(s).
7. "Registered Interior Designer" defined. "Registered Interior Designer" means a design professional who provides some or all of the services set forth in bill/statute and holds a certificate of registration issued by the Regulatory Board.
8. "Responsible control" defined. "Responsible control" means the direct personal supervision over, and detailed knowledge of, the content of all construction documents that is ordinarily exercised by a Registered Interior Designer when applying the normal standard of professional care.

## II. REGULATORY BOARD

### A. Creation & Structure of the Board<sup>1</sup>.

#### 1. Option One: Joint Board.<sup>2</sup>

The structure of the Board is usually determined in the statute. If it is a joint Board, all design professions should be equally represented and should include a public/consumer member.<sup>3</sup> The title of the regulatory Board should contain the title "Registered Interior Design" if any profession is named in the title of the joint Board. Decisions that impact each profession should be made by the entire Board.

Each Registered Interior Designer initially appointed should be qualified to become registered. Thereafter, all new appointees must be registered.

#### 2. Option Two: Separate Profession Boards.<sup>4</sup>

The structure of the Board is usually determined in the statute.<sup>5</sup> Registered Interior Design members should make up the majority of the members of the Board and a public/consumer member<sup>6</sup> should also be represented on the Board.

B. Appointment and terms of officers. The Regulatory Board shall appoint one of its members as Chairman, who shall serve without additional pay, and one of its members as Secretary and Treasurer. The Chairman and Secretary shall each serve 1 year. The Secretary of the Regulatory Board shall keep a true and correct record of all proceedings of the Regulatory Board.

C. Employment and compensation of employees. The Regulatory Board may employ an Executive Director, legal counsel, investigators, professional consultants and other employees necessary to the discharge of its duties, and may fix the compensation therefore.

### D. Compensation of members and employees.

1. Each member of the Regulatory Board is entitled to receive, from the money of the Regulatory Board, the following, which will be adopted and changed as does the standard for all Boards within the State or Jurisdiction:
  - (a) A salary, while engaged in the business of the Regulatory Board; and
  - (b) A per diem allowance and travel expenses at a rate fixed by the Regulatory Board, while engaged in the business of the Regulatory Board. The rate must not exceed the rate provided for state officers and employees generally.
2. While engaged in the business of the Regulatory Board, each employee of the Regulatory Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Regulatory Board. The rate must not exceed the rate provided for state officers and employees generally.
3. The Secretary and Treasurer of the Regulatory Board are entitled to be paid a salary out of the money of the Regulatory Board in an amount to be determined by the Regulatory Board.

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<sup>1</sup> Administrative provisions, rules and guidelines must be considered, modified or drafted if not already in place. See NCIDQ Core Provisions of Interior Design Registration Model of Regulatory Board Rules & Regulations.

<sup>2</sup> All professions should be equally represented and matters affecting each profession determined by the entire Board. If a joint Board is created outside of an existing Board, guidelines for establishing the new Board should be listed.

<sup>3</sup> Parity must be strived for.

<sup>4</sup> All professions should be equally represented and matters affecting each profession determined by the entire Board. If a joint Board is created outside of an existing Board, guidelines for establishing the new Board should be listed.

<sup>5</sup> If your jurisdiction does not cover certain issues under other statutes, consider the following when developing your legislation: Are Board members to be appointed by the Governor? Who must confirm the appointments? What is the length of appointments? Are there term limits? What is the procedure for filling a vacancy on the Board? Do Board terms run concurrently or do they overlap? Is the Board chair specifically appointed by the Board? (Board appointment is strongly recommended.) Is there opportunity for shared financial responsibility with other built environment boards?

<sup>6</sup> It is recommended that a public/consumer member (or members) be represented on the Board. It is also recommended that one of the members of the Board (professional or public/consumer) be physically challenged.

CORE PROVISIONS OF INTERIOR DESIGN REGISTRATION  
MODEL LEGISLATION January 2010

E. Duties and Powers of the Board. Regardless of the structure, the Board may adopt only rules or regulations that are consistent with law, as may be necessary to carry out the duties and authorities conferred upon that Board. These may include but are not limited to:

1. Administer and enforce provisions of the Act.
2. Adopt regulations to carry out policies of the Act.
3. Set registration fees.
4. Establish continuing education requirements for registration renewal.
5. Maintain the official roster of Registered Interior Designers.
6. Adopt a common seal.
7. Adopt requirements for monitored internship.
8. Adopt Rules of Conduct that are clear, quantifiable and enforceable by Rules and Regulations.
9. Exercise the authority to assess monetary administrative penalties<sup>7</sup> for violations of the statutes and/or the rules that they regulate.
10. Provide access to persons with physical, mental, or developmental disability to the Board's programs and activities.

### III. REGISTRATION

A. Certificate: Issuance; expiration; prorated fees; synonymous with registration; unauthorized use or display unlawful.

1. No person may practice: As a Registered Interior Designer or use the title of Registered Interior Designer, in this State without having a certificate of registration issued to him pursuant to the provisions of this chapter.
2. Whenever the requirements for registration pursuant to the provisions of this chapter have been fully complied with and fulfilled by an applicant, the Regulatory Board shall issue to the successful applicant a certificate as a Registered Interior Designer. Each certificate of registration issued by the Regulatory Board expires at the date and time period set by the Regulatory Board in the Rules & Regulations. The Regulatory Board shall, by regulation, establish a schedule of prorated fees for a certificate of registration that is issued for less than 1 year.
3. The certificate is synonymous with registration with a serial number and seal. A person who is issued a certificate may practice as a Registered Interior Designer in this State, subject to the provisions of this bill/statute and the regulations of the Regulatory Board.
4. The unauthorized use or display of a certificate of registration is unlawful.

B. Seal: Design; use; regulations; unlawful acts.

1. Upon being issued a certificate of registration, each Registered Interior Designer shall obtain a seal of the design authorized by the Regulatory Board, Registered Interior Designer's name, the number of his certificate of registration, and the legend "Registered Interior Designer".
2. A plan, specification, report or other document issued for permitting must be signed, sealed and dated by a Registered Interior Designer. All documents issued for permitting must be signed and sealed only by the Registered Interior Designer in responsible control.

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<sup>7</sup> It is recommended that Board authority to administer monetary penalties for violations be in place for effective enforcement. The protection of the public is not taken seriously if there are no monetary administrative penalties.  
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CORE PROVISIONS OF INTERIOR DESIGN REGISTRATION  
MODEL LEGISLATION January 2010

3. The Regulatory Board may adopt regulations specifying the manner in which Registered Interior Designers may electronically transmit such a plan, specification, report or other document.
  4. It is unlawful for a person to stamp or seal any plan, specification, report or other document with the seal after the certificate of registration of the Registered Interior Designer named therein, has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.
- C. Certificate of registration to practice Registered Interior Design: Qualifications of applicants; accreditation of program of interior design; standards for examination; oath.
1. An applicant for a certificate of registration to practice as a Registered Interior Designer must be of good moral character and submit to the Regulatory Board:
    - (a) An application on a form provided by the Regulatory Board;
    - (b) The fees required by regulation of Board;
    - (c) Proof which is satisfactory to the Regulatory Board that the applicant has successfully completed:
      - (1) A program of interior design accredited by the Council for Interior Design Accreditation (CIDA) or any successor in interest to that organization; or
      - (2) A substantially equivalent program of interior design approved by the Regulatory Board; or
      - (3) The Alternate Education Review Process as administered by National Council for Interior Design Qualification (NCIDQ) or any successor in interest to that organization.
    - (d) Proof which is satisfactory to the Regulatory Board that the applicant has completed:
      - (1) The Interior Design Experience Program as administered by the National Council for Interior Design Qualification (NCIDQ) or any successor in interest to that organization; or
      - (2) A supervised work experience program that is substantially equivalent to the Interior Design Experience Program.
    - (e) A verification issued by the National Council for Interior Design Qualification (NCIDQ) or any successor in interest to that organization as proof that the applicant has passed the examination prepared and administered by that organization; and
    - (f) All information required to complete the application.
  2. The Regulatory Board shall, by regulation, adopt the standards of the National Council for Interior Design Qualification (NCIDQ) or any successor in interest to that organization for the experience required pursuant to the provisions of paragraph (d) of subsection 1 as those standards exist on the date of the adoption of the regulation.
  3. An alternate path to registration during the first four years of regulation will include:
    - (a) A form or letter, as prescribed by the Regulatory Board, declaring his or her intention to apply for a certificate of registration to practice interior design. *[This "Letter of Intent" may have no expiration date for the persons who submit a letter within the period of four years from the date the law is enacted.]*
    - (b) Remainder of application process may have no expiration date, but will include:
      - (1) An application on a form provided by the board;
      - (2) The fees required;
      - (3) A verification of passage of the National Council for Interior Design Qualification (NCIDQ) Examination as prepared and administered by that organization or any successor in interest to that organization and verifying the conditions of eligibility and standards as set by that organization or any successor in interest to that organization at the time of certificate issuance; and
      - (4) All information required to complete the application and approved by the Regulatory Board.
  4. The Regulatory Board shall issue a certificate of authorization for a corporation, limited liability company or partnership offering interior design services to the public. One or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, must be a registered interior designer and will be the "qualifier" for said company. Any Registered Interior Designer who qualifies the corporation, limited liability company, or partnership shall be responsible for ensuring responsible control of all projects of the company, and upon termination of her or his employment with a partnership, limited liability company, or corporation certified under this section shall notify the state of the termination within 30 days<sup>8</sup>.

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<sup>8</sup> Review other laws of the state that define the types of corporations allowed.  
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CORE PROVISIONS OF INTERIOR DESIGN REGISTRATION  
MODEL LEGISLATION January 2010

5. Any application submitted to the Regulatory Board may be denied for any violation of the provisions of this chapter and any denial may be appealed according to the jurisdiction's Administrative Code process.

D. Examination; limitation on registration.

1. The interior design qualification exam administered by National Council for Interior Design Qualification<sup>9</sup> (NCIDQ) or any successor in interest to that organization shall be the approved examination.

E. Regulatory Board authorized to accept evidence of registration in other jurisdiction as Registered Interior Designer. The Regulatory Board may accept satisfactory evidence of registration as a Registered Interior Designer in another jurisdiction where the qualifications required are equal to or greater than those required in this statute at the date of application.

F. Fee for registration; issuance of certificate.

1. The Regulatory Board shall issue a certificate of registration to practice as a Registered Interior Designer, upon payment of a registration fee, any applicant who:
  - (a) Complies with all provisions of the statute; and
  - (b) Submits all information required to complete an application for a certificate of registration.
2. Certificates of registration must include the full name of the registrant, have a serial number and be signed by the Chairman and the Secretary of the Regulatory Board under seal of the Regulatory Board. The issuance of a certificate of registration by the Regulatory Board is evidence that the person named therein is entitled to all the rights and privileges of a Registered Interior Designer while the certificate remains unsuspended, unrevoked and unexpired.

G. Official roster of certificates of registration. The Secretary of the Regulatory Board shall keep an official roster of all certificates of registration to practice:

1. As a Registered Interior Designer, issued and renewed pursuant to the provisions of this chapter. The roster must be properly indexed and open for public inspection and information.

H. Renewal of certificate: Issuance of card; fee.

1. Each Registered Interior Designer who wishes to renew a certificate of registration issued to him pursuant to the provisions of this chapter must submit to the Regulatory Board:
  - (a) The fees required for renewal pursuant to the provisions of this chapter;
  - (b) Proof of compliance with all of the requirements established by the Regulatory Board for continuing education for the renewal of the certificate of registration; and
  - (c) All information required to complete the renewal.
2. Upon receipt of the fees required for renewal, proof satisfactory to the Regulatory Board of compliance with all of the requirements established by the Regulatory Board for continuing education and all information required to complete the renewal, the Secretary of the Regulatory Board shall execute and issue a certificate renewal card to the applicant, certifying that his certificate of registration is renewed for 1 year after its date of expiration. The certificate renewal card must bear a serial number and the signature or a facsimile thereof of the Secretary of the Regulatory Board or the Executive Director and must bear the seal of the Regulatory Board.
3. The renewal must be recorded, together with its serial number, by the Secretary of the Regulatory Board in the official register of the Regulatory Board pursuant to the bill/statute.

I. Renewal of certificate: Continuing education. The Regulatory Board may, by regulation, require each Registered Interior Designer who holds a certificate of registration pursuant to the provisions of this chapter to complete not less than 12 hours per year of continuing education as a condition to the renewal of his certificate<sup>10</sup>.

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<sup>9</sup> Some jurisdictions require that the jurisdiction control the administration of the exam as well as determine who may take the examination. The Texas Board of Architectural Examiners has this requirement

<sup>10</sup> In a joint board, all professions should be required to complete the same number of hours of continuing education each year. It is also possible that the reporting requirement may be once every two or three years.

CORE PROVISIONS OF INTERIOR DESIGN REGISTRATION  
MODEL LEGISLATION January 2010

J. Renewal of certificate after expiration.

1. Except as otherwise provided in subsection 2, any holder of a certificate of registration which has expired through failure to be renewed may obtain a renewal of such certificate, at any time within 1 year from the date of its expiration, upon application to and with the approval of the Regulatory Board. The time for renewal of such expired certificate may be extended at the discretion of the Regulatory Board.
2. The Regulatory Board may, by regulation, provide for the late renewal of a certificate of registration which has not been renewed within a year after the date of its expiration.

**IV. PROHIBITED ACTS: ENFORCEMENT; PENALTIES**

A. Prohibited acts; penalties; injunctive relief.

1. It is unlawful for any person to:
  - (a) Hold himself out to the public or to solicit business as a Registered Interior Designer in this State without having a certificate of registration or temporary certificate issued by the Regulatory Board. This paragraph does not prohibit a person who is exempt, pursuant to the statute, from the provisions of this chapter from holding himself out to the public or soliciting business as an interior designer.
  - (b) Advertise or put out any sign, card or other device which indicates to the public that he is a Registered Interior Designer or that he is otherwise qualified to practice as a Registered Interior Designer, without having a certificate of registration issued by the Regulatory Board.
  - (c) Practice as a Registered Interior Designer without a certificate of registration issued by the Regulatory Board.
  - (d) Violate any other provision of this chapter.
2. Any person who violates any of the provisions of subsection 1<sup>11</sup>:
  - (a) For the first violation, is guilty of a misdemeanor and shall be punished by a fine of not less than \$500 nor more than \$1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.
  - (b) For the second or any subsequent violation, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$1,000 nor more than \$2,000, and may be further punished by imprisonment in the county jail for not more than 1 year.
3. If any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Regulatory Board, may issue an injunction or other appropriate order restraining such conduct. Proceedings pursuant to this subsection are governed by the Jurisdiction's Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Regulatory Board.

B. Civil penalty. In addition to any other civil penalty provided by law, a person who violates any provision of this chapter or any regulation adopted by the Regulatory Board is subject to a civil penalty of not more than \$10,000 for each violation. Any such penalty must be imposed by the Regulatory Board at a hearing.

C. District attorney to prosecute violations. The district attorney in each county shall prosecute by court action all cases of violation of any of the provisions of this chapter occurring in his jurisdiction as may be presented for such court action by the Regulatory Board.

**V. DISCIPLINARY POWERS**

- A. Grounds; conditions for probation; orders imposing discipline deemed public records; private reprimands prohibited.
1. The Regulatory Board may place the holder of any certificate of registration issued pursuant to the provisions of this chapter on probation, publicly reprimand him, fine him not more than \$10,000, suspend or revoke his license, impose the costs of investigation and prosecution upon him or take any combination of these disciplinary actions for any of the following acts:

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<sup>11</sup> Fines may be higher than those shown here. State precedent will be a determining factor.  
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CORE PROVISIONS OF INTERIOR DESIGN REGISTRATION  
MODEL LEGISLATION January 2010

- (a) The certificate was obtained by fraud or concealment of a material fact.
  - (b) The holder of the certificate has been found guilty by the Regulatory Board or by a court of justice of any fraud, deceit or concealment of a material fact in his professional practice, or has been convicted by a court of justice of a crime involving moral turpitude.
  - (c) The holder of the certificate has been found guilty by the Regulatory Board of incompetence, negligence or gross negligence in his practice as a Registered Interior Designer.
  - (d) The holder of a certificate has affixed his signature or seal to plans, drawings, specifications or other instruments of service which have not been prepared by him or in his office, or under his responsible control, or has permitted the use of his name to assist any person who is not a Registered Interior Designer to evade any provision of this chapter.
  - (e) The holder of a certificate has aided or abetted any unauthorized person to practice as a Registered Interior Designer.
  - (f) The holder of the certificate has violated any law, regulation or code of conduct pertaining to practice as a Registered Interior Designer.
  - (g) The holder of a certificate has failed to comply with an order issued by the Regulatory Board or has failed to cooperate with an investigation conducted by the Regulatory Board.
2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, but are not limited to:
    - (a) Restriction on the scope of professional practice.
    - (b) Peer review.
    - (c) Required education or counseling.
    - (d) Payment of restitution to each person who suffered harm or loss.
  3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.
  4. The Regulatory Board shall not privately reprimand the holder of any certificate of registration issued pursuant to this chapter.
  5. As used in this section:
    - (a) "Gross negligence" means conduct which demonstrates a reckless disregard of the consequences affecting the life or property of another person.
    - (b) "Incompetence" means conduct which, in practice as a Registered Interior Designer, demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.
    - (c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in practice as a Registered Interior Designer.
- B. Entry and notice of penalty. If the registration of a Registered Interior Designer is suspended or revoked, or he is given a written reprimand, notation of the penalty must be entered in the roster of Registered Interior Designers. Notification of the suspension, revocation or written reprimand must be sent to the National Council for Interior Design Qualification (NCIDQ) or any successor in interest to that organization.
- C. Upon revocation of registration, the seal must be returned to Regulatory Board within 30 days.
- D. Application for reinstatement of certificate after revocation. If the Regulatory Board revokes a certificate of registration, the person whose certificate has been revoked may apply for reinstatement of the certificate pursuant to the provisions of this bill/statute.

## VI. MISCELLANEOUS PROVISIONS

### A. Exemptions; civil and criminal liability.

1. The following persons are exempt from the provisions of this chapter:
  - (a) A registered architect.

CORE PROVISIONS OF INTERIOR DESIGN REGISTRATION  
MODEL LEGISLATION January 2010

- (b) A person engaging in work as an employee of an architect or Registered Interior Designer, if the work does not include responsible control of design or supervision, or a consultant retained by an architect or Registered Interior Designer.
- (c) Any person who prepares plans, drawings or specifications for buildings for his own private residential use;
- (d) Any person who prepares drawings of the layout of materials or furnishings used in interior design or provides assistance in the selection of materials or furnishings used in interior design, including, without limitation:
  - (1) Decorative accessories;
  - (2) Wallcoverings, wall finishes or paint;
  - (3) Floor coverings, tile, wood, stone or concrete;
  - (4) Window coverings;
  - (5) Lighting fixtures which do not disrupt structural elements;
  - (6) Plumbing fixtures which do not disrupt structural elements; and
  - (7) Furniture, equipment, cabinetry or millwork,if the preparation or implementation of those drawings or the installation of those materials or furnishings is not regulated by any building code or other law, ordinance, rule or regulation governing the alteration or construction of a structure.

- 2. Any person exempted by the provisions of this section is not thereby absolved from any civil or criminal liability that might otherwise accrue.
- 3. The exemptions provided by this section do not entitle any person who does not hold a certificate of registration to hold himself out to the public or advertise himself as a Registered Interior Designer.

B. Architect required to obtain certificate of registration to utilize title.

- 1. An architect who is registered within this jurisdiction is not required to obtain a certificate of registration to practice interior design. However, he or she must become a Registered Interior Designer to use the title "Registered Interior Designer".

C. Immunity from civil liability for furnishing information to Regulatory Board or otherwise assisting in investigation or prosecution. In addition to any other immunity provided by other state laws:

- 1. Any person who furnishes information concerning an applicant for registration or a holder of a certificate of registration in good faith and without malicious intent is immune from any civil action for furnishing that information.
- 2. The Regulatory Board, any member, employee or committee of the Regulatory Board, counsel, investigator, expert, hearing officer, registrant or other person who assists the Regulatory Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:
  - (a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Regulatory Board.
  - (b) Disseminating information concerning an applicant for registration or a registrant to any other licensing Regulatory Board, national association of registered Regulatory Boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.

D. Business organization or association engaged in practice as Registered Interior Designer. Responsible control of work by Registered Interior Designer:

- 1. Each office or place of business in this State of any partnership, corporation, limited-liability company or other business organization or association that engages in the practice of Registered Interior Design must have a Registered Interior Designer who holds a certificate of registration issued pursuant to this chapter regularly working in the office or place of business and having responsible control for the interior design work or work relating to engaging in practice as a Registered Interior Designer conducted in the office or place of business.
- 2. If a person who is not registered or licensed, or a registrant or licensee who is not an owner, and who is employed by or affiliated with a business organization or association which holds a certificate issued is found by the Regulatory Board to have violated a provision of this chapter or a regulation of the Regulatory Board, the Regulatory Board may

CORE PROVISIONS OF INTERIOR DESIGN REGISTRATION  
MODEL LEGISLATION January 2010

hold the business organization or association and the registrants and licensees who are owners responsible for the violation.

E. Registered Interior Designers authorized to collaborate with members of certain professions; limitations. A Registered Interior Designer may collaborate in the completion of a project for the alteration or construction of an interior area of a structure designed for human habitation or occupancy with members of the following allied professions, including but not limited to:

1. Architecture, as that profession is regulated pursuant to other laws of the jurisdiction;
2. Electrical engineering, as that discipline is regulated pursuant to other laws of the jurisdiction;
3. Mechanical engineering, as that discipline is regulated pursuant to other laws of the jurisdiction; and
4. Structural engineering, as that discipline is regulated pursuant to other laws of the jurisdiction.

F. Allegation and proof of registered status in action for compensation. No person, firm, co-partnership, association or other organization may bring or maintain any action in the courts of this jurisdiction for the collection of compensation for the performance of any act or contract for which registration is required by this chapter without alleging and proving that such plaintiff was duly registered under this chapter at all times during the performance of such act or contract.

**MAKE SURE THE BILL:**

Recognizes Registered Interior Designers as Registered Design Professionals within the jurisdiction.

Provides for permitting privileges to allow a Registered Interior Designer to submit plans to a building official for review within the competency of the practice. Having a seal does not ensure permitting privileges.

Provides for applicant's passage of NCIDQ Examination for registration.

Does not establish fees in the legislation. Fees should be established in the Rules and Regulations.

Does not require initial members of Board to be registered and allows them one year to become registered.

Uses "registered" whenever possible.

Consider including a requirement to display the registration, license or certificate number on all business and paid advertising instruments.

Has no residency requirement; reciprocity between states is essential.

Allows the Board to determine the amount of continuing education required for registration renewal. Leave this determination to the discretion of the Board.

Has Disciplinary and Enforcement Powers.

## NCIDQ MODEL FOR SUCCESSFUL LEGISLATION

### CHECKLIST FOR YOUR BILL OR ACT

***NOTE: Check your jurisdiction's supplemental laws regarding Administrative Codes, which will also apply to these items.***

- Scope of Act
- Registration and Fees: (without amounts defined by legislators)
  - 1. Applications
  - 2. Permitting privileges
  - 3. Recognition as "Registered Design Professionals" (re: ICC Codes)
  - 4. Renewals and Continuing Education Requirements
- Education Requirements
- Experience Requirements:
  - 1. How to determine
  - 2. Credit for Experience (what is before graduation / after)
  - 3. Monitored Experience Program
- Examination for Minimum Competency:  
THE NCIDQ EXAMINATION IS THE REQUIRED EXAM.
- Grandparenting
- Board and Purpose:
  - 1. Organization and Officers
  - 2. Educational Advisory Committee
- Definitions
- Seals and Plans:
  - 1. When Seals may be affixed, particularly for permitting.
- Reciprocity/Comity\*
- Exemptions
- Code of Conduct/ Code of Ethics:
  - 1. Professional competence.
  - 2. Prohibited conduct.
- Disciplinary Proceedings:
  - 1. Grounds
  - 2. Complaints
  - 3. Disciplinary Guidelines: Range of Penalties, Aggravating & Mitigating Citations.
  - 4. Process

\* Consideration for Comity may be appropriate for some jurisdictions since it may permit the granting of registration to an individual registered by another jurisdiction without identifying or accepting that the laws and statutes of the first jurisdiction as being the same or equal to those of the second jurisdiction. Reciprocity may be interpreted as acceptance of all laws and requirements for the registration *are* equal or the same in both jurisdictions.

## Instruction Sheet for Creating Model Title Legislation for Interior Design Registration

NCIDQ endorses a practice act to regulate the profession of registered interior design. Practice acts restrict activities that affect the public health, safety and welfare. Title acts do not. Because NCIDQ's mission is to protect the public by establishing standards of competence in the practice of registered interior design, NCIDQ no longer develops model title act legislation. Should the need arise through the political process to submit legislation that restricts only the title, this document will assist you in modifying the model practice legislation document.

Instructions	Model Language
<p><b>Page 1 - Definitions:</b>  <i>Words with strikethrough should be deleted and words with underline should be added.</i></p>	<p><b>Definitions:</b></p> <p>7. <u>“Practice as a Registered Interior Designer Registered Interior Design”</u> defined. <del>“Practice as a Registered Interior Designer Registered Interior Design”</del> means the rendering, by a person registered by this bill/statute, of services to enhance the quality and function of an interior area of a structure designed for human habitation or occupancy. The term includes:</p>
<p><b>Page 3 - Registration:</b>  <i>Words with strikethrough should be deleted and words with underline should be added.</i></p>	<p><b>Registration:</b></p> <p>A. Certificate: Issuance; expiration; prorated fees; synonymous with registration; unauthorized use or display unlawful.</p> <p>1. No person may <del>practice: As a Registered Interior Designer</del> or use the title of Registered Interior Designer, in this State without having a certificate of registration issued to him pursuant to the provisions of this chapter.</p> <p>3. The certificate is synonymous with registration with a serial number and seal. A person who is issued a certificate may <del>practice as</del> call themselves a Registered Interior Designer in this State, subject to the provisions of this bill/statute and the regulations of the Regulatory Board.</p>
<p><b>Page 4 - Registration:</b>  <i>Words with strikethrough should be deleted and words with underline should be added.</i></p> <p><i>Item 4 should be deleted in its entirety and subsequent items renumbered.</i></p>	<p><b>Registration:</b></p> <p>C. Certificate of registration <del>to practice interior design</del>: Qualifications of applicants; accreditation of program of interior design; standards for examination; oath.</p> <p>1. An applicant for a certificate of registration <del>to practice as a Registered Interior Designer</del> must be of good moral character and submit to the Regulatory Board:</p> <p>4. <del>The Regulatory Board shall issue a certificate of authorization for a corporation, limited liability company or partnership offering interior design services to the public. One or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, must be a registered interior designer and will be the “qualifier” for said company. Any Registered Interior Designer who qualifies the corporation, limited liability company, or partnership shall be responsible for ensuring responsible control of all projects of the company, and upon termination of her or his employment with a partnership, limited liability company, or corporation certified under this section shall notify the state of the termination within 30 days. [For Practice Legislation only]</del></p> <p>5. <u>4.</u> Any application submitted to the Regulatory Board may be denied for any violation of the provisions of this chapter and any denial may be appealed according to the jurisdiction's Administrative Code process.</p>

CORE PROVISIONS OF INTERIOR DESIGN REGISTRATION  
 MODEL LEGISLATION January 2010

Instructions	Model Language
<p><b>Page 8 – Miscellaneous Provisions:</b>  <i>Words with strikethrough should be deleted and words with underline should be added.</i></p> <p><i>Item D should be deleted in its entirety and subsequent items re-lettered.</i></p>	<p><b>Miscellaneous Provisions:</b></p> <p><del>D. Business organization or association engaged in practice as Registered Interior Designer. Responsible control of work by Registered Interior Designer: [For Practice Legislation only]</del></p> <p><b>1. Each office or place of business in this State of any partnership, corporation, limited liability company or other business organization or association that engages in the practice of Registered Interior Design must have a Registered Interior Designer who holds a certificate of registration issued pursuant to this chapter regularly working in the office or place of business and having responsible control for the interior design work or work relating to engaging in practice as a Registered Interior Designer conducted in the office or place of business.</b></p> <p><b>2. If a person who is not registered or licensed, or a registrant or licensee who is not an owner, and who is employed by or affiliated with a business organization or association which holds a certificate issued is found by the Regulatory Board to have violated a provision of this chapter or a regulation of the Regulatory Board, the Regulatory Board may hold the business organization or association and the registrants and licensees who are owners responsible for the violation.</b></p> <p><b>E D. Registered Interior Designers authorized .....</b></p> <p><b>F E. Allegation and proof of registered status .....</b></p>