

SENATE BILL 2078

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 2; Section 62-6-501 and Title 67, Chapter 4, Part 17, to enact the "Tennessee Interior Design Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 2, is amended by deleting Part 9 in its entirety and by substituting instead the following Sections 2 through 8 of this act as a new Part 9.

SECTION 2.

(a) This part shall be known and may be cited as the "Tennessee Interior Design Act".

(b) The general assembly finds and declares that:

(1) The purpose of this legislation is to safeguard life, health, and property to promote the public welfare by limiting the practice of interior design in large, commercial spaces to those persons having specific design education, experience and examination as defined in this part;

(2) It is a matter of public interest, safety, and protection that persons practicing interior design in large, commercial spaces merit the confidence of the public and that only properly qualified persons shall be permitted to practice interior design in the state of Tennessee. This part shall be liberally construed to carry out these purposes; and

(3) The purpose of this legislation is to provide a means by which consumers may distinguish the practice of interior design from that of interior decoration, decorative services, architecture, and engineering.

(c) This legislation is not intended, in any way, to impair, restrict or prevent the sale of merchandise related to the interior design profession.

### SECTION 3.

(a)

(1) Only a person registered as an interior designer under this part is authorized to use the title "interior designer" and to prepare non-structural interior design plans and specifications for the following:

(A) Interior spaces of five thousand square feet (5,000 sq. ft.) or more in gross area in a building or structure less than three (3) stories in height and any occupancy other than one-family and two-family dwellings and domestic outbuildings appurtenant thereto and farm buildings not designed or intended for human occupancy;

(B) Interior spaces of any size in a building or structure three (3) stories or more in height; or

(C) Interior spaces of any size in assembly, institutional or educational occupancies.

(2) Such plans and specifications may, if required by a permitting body, be submitted for the issuance of a building permit for interior construction excluding design of any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems or life safety plan.

(b) A person registered under this part shall be considered a registered design professional.

(c) A person not registered under this part shall not use the appellation "interior designer," an appellation which compounds, modifies or qualifies the words "interior

design” or which gives or is designed to give the impression that the person using the same is an interior designer.

#### SECTION 4.

(a) The following persons shall not be considered to be engaging in the practice of interior design and shall not be considered to be in violation of the provisions of this part, provided such persons do not use the title “interior designer”:

(1) Architects, engineers, or landscape architects registered under applicable state laws;

(2) Persons preparing plans and specifications for buildings or structures which are less than five thousand square feet (5,000 sq. ft.) in total gross area and are less than three (3) stories in height; or one-family and two-family dwellings and domestic outbuildings appurtenant thereto; or farm buildings not designated or intended for human occupancy as provided for in § 62-2-102(b);

(3) Persons who provide or employees of any establishment which provides consultation regarding interior decorative services such as assistance in selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted fixtures, cabinetry, or loose furniture and furnishings where the use, application, or installation of such materials, treatments, coverings, fixtures, or furnishings is not subject to regulation under applicable building or life-safety codes; or coordinate the installation of such personal property or fixtures as part of a sale or in the furtherance of a sale or prospective sale of goods or services to the public or trade; or any documents, including drawings and material lists created for pricing or for the purposes of communicating interior space requirements to a registered design professional;

(4) Any person providing kitchen and bath design services, including

those certified by the National Kitchen and Bath Association (NKBA) as a “certified kitchen designer” or “certified bath designer”, or both, whose activities involve the planning and execution of the design of residential kitchens or baths. Nothing in this chapter shall be construed as prohibiting or restricting the use of the terms “certified kitchen designer” or “certified bathroom designer”; or

(5) Any person who prepares plans, drawings or specifications for buildings for his or her own private residential use.

(b) This part does not prohibit an individual certified or otherwise qualified or approved by a non-profit professional society from using a term or title copyrighted or otherwise protected under law by the certifying organization so long as the use does not connote registration as an “interior designer”.

SECTION 5. As used in this part, unless the context otherwise requires:

(1) "Interior designer" means a person who is registered under this part to engage in the practice of interior design and, as such, is a registered design professional;

(2) "Interior design" or "interior design services" means designs, consultations, studies, drawings, and specifications in interior spaces as set forth in Section 3(a) which:

(A) Illustrate non-structural partition layouts, power and communications locations, reflected ceiling plans and lighting designs, materials and finishes, and furniture layouts, coordination with other registered design professionals, and the administration of interior design construction contracts. Interior design includes, but is not limited to, space planning, design and specification of furnishings and fixtures and documentation necessary for the construction of non-structural components within and surrounding interior spaces of buildings; and

(B) Specifically exclude the design of or the responsibility for the

construction of structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems, and fire-rated separations between interior spaces, fire-rated vertical shafts, fire-rated protection of structural components, smoke evacuation and compartmentalization, and the preparation of a life safety plan;

(3) "Life safety plan" means a drawing that summarizes pertinent life-safety information for a project and may be required for review by the state fire marshal or state or local government building officials who enforce building codes. The information and form of the life safety plan is determined by the state fire marshal or state or local government building officials who enforce building codes;

(4) "Non-structural" means interior building components which are not load-bearing and do not require design computations for a building's structural frame including those related to seismic forces. Common non-structural components include, but are not limited to, ceiling and partition systems. These components employ normal and typical bracing conventions and are not part of the structural integrity of the building;

(5) "Partition" means a wall which does not support a vertical load of a building's structural frame, but may support loads attached to it such as cabinetry, shelving or grab bars, and does not extend further than from the floor of an interior area of a building designed for human habitation or occupancy to the underside of the structural deck above;

(6) "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if it were projected downward and may include lighting and other components; and

(7) "Registered design professional" is a person registered under the provisions of this chapter.

## SECTION 6.

(a) Each applicant for registration must be at least twenty-one (21) years of age, have not been convicted of an offense that bears directly on the fitness of the applicant to be registered, and must submit to the board:

(1) An application on a form provided by the board;

(2) Proof, which is satisfactory to the board, that the applicant has successfully completed the following educational requirements:

(A) A program of interior design which is no less than sixty (60) semester credit hours or ninety (90) quarter credit hours in interior design specific courses;

(B) A substantially equivalent program of interior design approved by the board;

(C) A state supported school of interior design approved by the Tennessee higher education commission;

(D) An interior design program offered by an institution in this state on April 16, 1991 and the institution is approved by the Tennessee higher education commission or accredited by the Southern Association of Colleges and Schools; or

(E) A program of architecture accredited by the National Architectural Accrediting Board (NAAB) which provides no less than forty (40) semester credit hours or sixty (60) quarter credit hours in interior design related courses.

(3) Proof, which is satisfactory to the board, that the applicant has successfully completed the following interior design experience requirements:

(A) A combination of approximately six (6) years education and experience for graduates of interior design programs which are accredited

by the Council for Interior Design Accreditation (CIDA) or accredited by CIDA within two (2) years of an applicant's completion of the program; or a combination of approximately seven (7) years education and experience for graduates of interior design programs which are not accredited by the Council for Interior Design Accreditation (CIDA) and graduates of architecture programs which are accredited by the National Architectural Accrediting Board (NAAB) as set forth in the following chart:

<b>Program Type</b>	<b>Required Interior Design Related Coursework (minimum hours)</b>	<b>Required Interior Design Experience (minimum hours)</b>	<b>Experience Hours Allowable Prior to Graduation (maximum hours)</b>
CIDA-Accredited 4-yr equivalent baccalaureate degree	60 semester or 90 quarter	3,520	1,760
Non CIDA-Accredited 4-yr equivalent baccalaureate degree	60 semester or 90 quarter	5,280	0
CIDA-Accredited 3-yr equivalent certificate, degree or diploma	60 semester or 90 quarter	5,280	0
Non CIDA-Accredited 3-yr equivalent certificate, degree or	60 semester or 90 quarter	7,040	0

diploma			
4- or 5-yr NAAB-Accredited architecture program-interior design subject matter	40 semester or 60 quarter	8,800	0

OR

(B) substantially equivalent experience approved by the board.

(C) Beginning January 1, 2014, completion of the Interior Design Experience Program (IDEP) as administered by the National Council for Interior Design Qualification (NCIDQ) or completion of the Intern Development Program as administered by the National Council of Architectural Registration Boards (NCARB).

(D) Diversified and appropriate experience in interior design may be earned by regularly engaging in teaching within an interior design program recognized by the board as an institution of higher learning.

(E) A Master of Arts (MA), Master of Fine Arts (MFA), a Master of Science (MS) or a Doctor of Philosophy (PhD) degree obtained from a United States interior design program which is housed within a CIDA-accredited undergraduate program in interior design is considered to be equivalent to a CIDA-accredited 4-yr baccalaureate degree.

(4) Proof of passage of the examination administered by the National Council for Interior Design Qualification (NCIDQ), or an equivalent examination as specified by the board; and

(5) If the applicant's NCIDQ certificate, referenced in Section (6)(a)(4)

was obtained prior to January 1, 2004, proof of passage of National Council for Interior Design Qualification (NCIDQ) six (6) hour continuing education (CE) monograph and accompanying test, *Structures in Interior Design*, or other CE as specified by the board regarding recognition and identification of structural and other building system components in interior design projects and the role of specialized design professionals and coordination with such professionals. Such CE shall count as six (6) Professional Development Hours (PDH's) of the twelve (12) PDH's required for the registrant's biennial renewal for the first time after initial registration. This provision does not apply if the applicant is a registered architect, engineer in the state of Tennessee, or earned a degree from a National Architectural Registration Board (NAAB)-accredited degree in architecture. This provision expires December 31, 2013.

(b) An alternate path to registration to be fulfilled prior to January 1, 2012 shall include the following:

(1) Application to the board which includes satisfactory verification that the applicant is an National Council for Interior Design Qualification (NCIDQ) Certificate Holder, has met NCIDQ's eligibility requirements at the time of application and has passed all required sections of the examination administered by the NCIDQ, or an equivalent examination as specified by the board;

(2) Application to the board which includes satisfactory evidence of having used or been identified by the title "interior designer" and satisfactory interior design experience totaling ten (10) years or a combination of interior design education and satisfactory interior design experience totaling ten (10) years;

(3) Application to the board which includes satisfactory evidence of

having used or been identified by the title "interior designer" and satisfactory interior design experience totaling seven (7) years or a combination of interior design education and satisfactory interior design experience totaling seven (7) years. Upon acceptance of the submitted application, the board shall approve the applicant to take the National Council for Interior Design Qualification (NCIDQ), examination, or an equivalent examination as specified by the board, for the sole purpose of determining the applicant's qualifications. The applicant shall provide proof of passage of all required sections of such examination;

(4) Satisfactory interior design experience may be earned by regularly engaging in teaching within an interior design program recognized by the board as an institution of higher learning; or

(5) Persons who have practiced interior design for less than twenty (20) years shall submit proof of passage of the monograph and accompanying test, *Structures in Interior Design*, or other CE as specified by the board as referenced in subdivision (a)(5).

(c) Notwithstanding the requirements of subsections (a) and (b), any person registered under former Part 9 of this chapter (the previous "Interior Designers Title Registration Act") shall be considered an interior designer under this act with all the rights and privileges thereof. Provided however, such persons who have practiced interior design for less than twenty (20) years, shall submit proof of passage of the monograph and accompanying test, *Structures in Interior Design*, or other CE as specified by the board as referenced in subdivision (a)(5) of this section.

## SECTION 7.

(a) The issuance of a certificate of registration by this board shall be evidence that the person named therein is entitled to all the rights and privileges of an interior

designer and to engage in providing interior design services while the certificate remains unrevoked or unexpired.

(b) Each interior designer shall obtain and keep a seal, of the design authorized by the board, bearing the registrant's name, the registrant's registration number, the words "Registered Interior Designer" and the words "state of Tennessee" or "Tennessee". The registrant shall stamp with the registrant's seal all original sheets of any bound set of plans and the first sheet of any specifications or reports, or portions thereof, prepared by the registrant or under the registrant's responsible charge. No interior designer shall affix the interior designer's seal or stamp to any document which has not been prepared by the interior designer or under the interior designer's responsible charge. Plans, specifications and reports issued by the registrant shall be stamped with the seal during the life of a registrant's certificate, but it is unlawful for anyone to stamp or seal any document with the seal after the certificate of the registrant named thereon has expired or has been revoked.

(c) The board may also adopt such rules and regulations for the affixing to and endorsement of the registrant's seal on interior design documents as may be necessary to implement compliance with this section.

#### SECTION 8.

(a) A corporation, partnership, or firm may use the title "interior designer" or "interior design" within the name of the corporation, partnership, or firm provided that at least one (1) of the principals or officers of such corporation, partnership, or firm is in responsible charge of the provision of interior design services and is registered as an interior designer under the provisions of this chapter.

(b) Any person, firm, company, business, corporation, or other entity which was organized and doing business prior to April 16, 1991, and whose corporate name

included prior to the effective date of this act the appellation “interior design” may continue to use such corporate name and shall not be required to register pursuant to this part.

(c) Nothing in this section shall be construed to authorize persons employed by such entities to use the title “interior designer” unless such persons are registered pursuant to this chapter.

SECTION 9. In order to conform and include the language “interior design”, “interior designer”, “registered interior designer” and similar language as set forth in this act to the present code references to design professionals, the following code sections are amended as set forth below:

1. Tennessee Code Annotated, Section 62-2-101, is amended by deleting such section in its entirety and by substituting instead the following:

§ 62-2-101. In order to safeguard, life, health and property, and to promote public welfare, by requiring that only properly qualified persons shall practice architecture, engineering, interior design and landscape architecture in this state, any person practicing architecture, engineering, interior design or landscape architecture shall be registered as provided in this chapter, and it is unlawful for any person to practice or offer to practice architecture, engineering, interior design or landscape architecture unless such person has been duly registered under the provisions of this chapter.

2. Tennessee Code Annotated, Section 62-2-601, is amended by deleting such section in its entirety and by substituting instead the following:

§ 62-2-601.

(a) A corporation, partnership, or firm offering architectural, engineering, interior design, or landscape architectural service to the public may engage in the

practice of architecture, engineering, interior design, or landscape architecture in this state; provided that at least one (1) of the principals or officers of such corporation, partnership, or firm is in responsible charge of such practice and is registered as herein required of architects, engineers, interior designers, and landscape architects, or is otherwise by this chapter authorized to practice. The same exemptions shall apply to corporations, partnerships, and firms as apply to individuals under this chapter.

(b) Corporations, partnerships, or firms offering engineering, architectural, interior design or landscape architectural service to the public shall file with the board, on a form prescribed by the board, a listing of names and addresses of all principals and officers, as well as the principals or officers duly registered to practice architecture, engineering, interior design, or landscape architecture in this state who are in responsible charge of such practice in this state. Such corporations, partnerships, or firms shall advise the board in writing within sixty (60) days of any change of status.

3. Tennessee Code Annotated, Section 62-2-602, is amended by deleting the section in its entirety and substituting instead the following:

§ 62-6-602. Corporations, partnerships, and firms maintaining any place of business in this state for the purpose of providing or offering to provide architectural, engineering, interior design, or landscape architectural design to the public shall have, in responsible charge of such service at any and each place of business, a resident registered architect, a registered engineer, a registered interior designer, or a registered landscape architect.

4. Tennessee Code Annotated, Title 62, Chapter 2, is amended by deleting the language and punctuation "practice architecture, engineering, and landscape

architecture, or use the title 'registered interior designer'" wherever it may be found and by substituting instead the following "practice architecture, engineering, interior design, and landscape architecture".

5. Tennessee Code Annotated, Section 62-2-103, is amended in the first paragraph by deleting the language and punctuation "'engineer,' 'architect,' or 'landscape architect'" and by substituting instead the language and punctuation "'engineer,' 'architect,' 'interior designer,' or 'landscape architect'".

6. Tennessee Code Annotated, Section 62-2-103(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(1) Any person engaging in architectural, engineering, interior design or landscape architectural work as an employee of a registered architect, registered engineer, registered interior designer or registered landscape architect; provided, that such work may not include responsible charge of design or supervision;

7. Tennessee Code Annotated, Section 62-2-103(2), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(2) Architects, engineers, interior designers or landscape architects who are not residents of and have no established place of business in this state, who are acting as consulting associates of an architect, engineer, interior designer or landscape architect registered under the provisions of this chapter; provided, that the nonresident is qualified for such professional service in the nonresident's own state or country; and

8. Tennessee Code Annotated, Section 62-2-103(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3) Architects, engineers, interior designers or landscape architects who are employed by a person, firm or corporation not engaged in the practice of

architecture, engineering, interior design or landscape architecture and who render architectural, engineering, interior design or landscape architectural services to their employer only and not to the general public.

9. Tennessee Code Annotated, Section 62-2-103(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) Architects, engineers, interior designers or landscape architects who are employed by a municipal electric system or electric and community service cooperative as defined in § 65-34-102, or telephone cooperatives as defined in title 65, chapter 29, and who render architectural, engineering, interior design or landscape architectural services pertaining to the operations of their employer and who do not offer their services to the general public in exchange for compensation other than that received from their employer. Nothing in this subdivision shall be construed as exempting any person who makes public use of the title "engineer", "architect", "interior designer" or "landscape architect", or any appellation thereof.

10. Tennessee Code Annotated, Section 62-2-104(a), is amended by deleting the language and punctuation "architects, engineers and landscape architects" and by substituting instead the language "architects, engineers, interior designers and landscape architects".

11. Tennessee Code Annotated, Section 62-2-104(a), is amended further by deleting the language and punctuation "registered architects, registered engineers or registered landscape architects" and by substituting instead the language and punctuation "registered architects, registered engineers, registered interior designers or registered landscape architects".

12. Tennessee Code Annotated, Section 62-2-104(b), is amended by deleting

the language and punctuation “‘architect,’ ‘engineer,’ or landscape architect” and by substituting instead the language “‘architect,’ ‘engineer,’ ‘interior designer’ or ‘landscape architect’”.

13. Tennessee Code Annotated , Section 62-2-105(b)(1), is amended by deleting the language and punctuation “practice engineering, architecture or landscape architecture, or use the title ‘registered interior designer’” and by substituting instead the language and punctuation “practice engineering, architecture, interior design or landscape architecture”.

14. Tennessee Code Annotated, Section 62-2-105(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) A person is construed to practice (or offer to practice) engineering, architecture, interior design or landscape architecture who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents such person to be an architect, engineer, interior designer or landscape architect, with or without qualifying adjective, or through the use of some other title implies that the person is an architect, engineer, interior designer or landscape architect.

15. Tennessee Code Annotated, Section 62-2-107(a), is amended by deleting the subsection in its entirety, and by substituting instead the following language:

(a) Neither the state, nor any county, city, town or village, or other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture, engineering, interior design or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, registered engineer, registered interior designer or registered landscape architect.

16. Tennessee Code Annotated, Section 62-2-201(a)(2), is amended by adding

the following language to the end thereto:

After the term of the registered interior designer member serving on the effective date of this act expires, such member's replacement shall be an interior designer registered under the provisions of this act. Until such interior designer board member is appointed, the registered interior designer board member shall remain a member of the board and references in this chapter to interior designer board member shall be deemed to refer to the registered interior designer board member. In the event the present registered interior designer board member becomes registered as an interior designer under this act, such member shall continue to serve until the end of such member's term and exercise all powers thereof.

17. Tennessee Code Annotated, Section 62-2-202(a), is amended by deleting in its entirety the last sentence of such subsection and by substituting instead the following:

The ten-year requirement of experience as a registered practitioner shall not apply to the interior designer board member until July 1, 2020.

18. Tennessee Code Annotated, Section 62-2-302(a)(4), is amended by adding the following language to the end thereto:

Until the appointment of an interior designer board member, the registered interior designer board member serving on the effective date of this act shall continue to determine such qualifications along with the other designated board members.

19. Tennessee Code Annotated, Section 62-2-302(b)(3), is amended by adding the following language to the end thereto:

Until the appointment of an interior designer board member, the present registered interior designer board member shall examine the applicants.

SECTION 10. Tennessee Code Annotated, Section 62-6-501(4)(B)(vii), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(vii) Any work that is within the scope of practice of interior design or is performed by a person qualified to use the title "interior designer," both as defined in chapter 2 of this title;

SECTION 11. Tennessee Code Annotated, Section 67-4-1702(a)(3), is amended by adding the following as a new subdivision (F):

(F) Interior designers;

SECTION 12. Tennessee Code Annotated, Section 62-2-201, is amended by deleting the language "a state board of examiners for architects and engineers" and by substituting instead the language "a state board of examiners for architects, engineers and interior designers".

SECTION 13. The state board of examiners created pursuant to § 62-2-201 shall promulgate rules and regulations to effectuate the provisions of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 14. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 15. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2010, the public welfare requiring it.