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HOUSE BILL 590  
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Short Title: Interior Design Profession Act.

(Public)

Sponsors:

Referred to:

April 6, 2017

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

6 The General Assembly of North Carolina enacts:

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

8 **"Chapter 93F.**  
9 **"Interior Design.**

10 **"§ 93F-1. Title.**

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

12 **"§ 93F-2. Purpose.**

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

17 **"§ 93F-3. Definitions.**

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

- 19 (1) Building equipment. – Mechanical, plumbing, electrical, or structural  
20 components designed for or located in a building or structure, including  
21 motorized vertical transportation systems.
- 22 (1a) Department. – The North Carolina Department of Insurance.
- 23 (2) Good moral character. – Such character as tends to assure the faithful  
24 discharge of the fiduciary duties of an interior designer to their client.  
25 Evidence of lack of such character shall include the willful commission of an  
26 offense justifying discipline under this Chapter, the practice of interior  
27 design in violation of this Chapter, or of the laws of another jurisdiction, or  
28 the conviction of a felony.
- 29 (3) Interior alteration or construction. – One or more projects for an interior  
30 space or area within a proposed or existing building or structure that  
31 includes, but is not limited to, the construction, modification, or renovation,  
32 including rehabilitation or historic preservation, of a structure which would  
33 involve changing or altering one or more of the following:



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

1 analysis of interior life safety factors for compliance with State and  
2 local government building codes.

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

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

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

14 **"§ 93F-4. Application for registration.**

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

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

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

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

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

23 b. Date of birth.

24 c. Personal and business mailing addresses, telephone numbers, and  
25 e-mail addresses.

26 d. State and county of residence.

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

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

32 g. Proof of general liability insurance.

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

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

39 **"§ 93F-5. Expiration and renewals; continuing education.**

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

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

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

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

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

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

- 1           c.     The physical location, title, and subject-matter description of the  
2                 continuing education unit and the names of the instructors.
- 3           d.     Documentation of successful completion of the continuing education  
4                 units from the providers.
- 5           e.     Documentation that at least 15 of the continuing education units are  
6                 focused on one or more of the following subject matters, of which no  
7                 less than nine units shall focus on public safety, including application  
8                 of State and local fire codes, building codes, and regulations:
- 9                 1.     Any single area of practice for an interior designer as defined  
10                 in this Chapter.
- 11                 2.     Any topic that advances consumer protection in the built  
12                 environment.
- 13                 3.     Health and wellness of building occupants.
- 14                 4.     Resiliency.
- 15                 5.     Sustainability.
- 16                 6.     Application of federal, State, and local laws pertaining to  
17                 accessibility standards, including the Americans with  
18                 Disabilities Act.

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

21           (4)    Proof of general liability insurance.

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

28   **"§ 93F-6. Reciprocity.**

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

37   **"§ 93F-7. Disqualifications for registration.**

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

40           (1)    Fraud or material misrepresentation in procuring the registration.

41           (2)    Habitual intoxication or addiction to the use of drugs.

42           (3)    Use of the title "registered interior designer" under a name other than his or  
43                 her own.

44           (4)    Knowingly allowing another to wrongfully use the title "registered interior  
45                 designer" or professional connection or association with any person or  
46                 business entity holding itself out in any manner contrary to the provisions of  
47                 this Chapter or its rules.

48           (5)    Signing or affixing the registered interior designer's seal or knowingly  
49                 permitting the registered interior designer's seal to be affixed to any  
50                 technical submissions not prepared by the registered interior designer or  
51                 under that registered interior designer's direct supervision and control.

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

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

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

24          **"§ 93F-8. Misdemeanors.**

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

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

34          **"§ 93F-9. Civil penalties; disciplinary costs.**

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

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

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

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

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

1 **"§ 93F-10. Enjoining illegal practices.**

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

6 **"§ 93F-11. Authority and duties of registrants.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 **"§ 153A-357. Permits.**

49 ...

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

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

13 ...

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

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

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

22 "**§ 160A-417. Permits.**

23 ...

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

38 ...

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

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

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

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