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SENATE BILL 5514

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators Franklin, Keiser, Kohl-Welles, and Jacobsen

Read first time 01/26/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1            AN ACT Relating to the practice of interior design; and adding a  
2 new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.**    REGISTRATION OR AUTHORIZATION TO PRACTICE  
5 REQUIRED.    (1) It is unlawful for any person to practice or offer to  
6 practice registered interior design in this state, or to use in  
7 connection with his or her name or otherwise assume, use, or advertise  
8 any title or description including the word "registered interior  
9 designer" or "registered interior design services" or language tending  
10 to imply that he or she is a registered interior designer, unless the  
11 person is registered or authorized to practice in the state of  
12 Washington under this chapter.

13            (2) An interior designer or interior design firm registered in any  
14 other jurisdiction, but not registered in the state of Washington, may  
15 offer to practice registered interior design in this state if:

16            (a) They clearly state in their proposal for services that they are  
17 not currently registered in the state of Washington; and

18            (b) Prior to practicing registered interior design in the state of

1 Washington, the person or firm registers to practice registered  
2 interior design in this state.

3 (3) The provisions of this section may not affect the use of the  
4 words "interior design" or "interior designer" where a person does not  
5 practice or offer to practice registered interior design.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
7 section apply throughout this chapter unless the context clearly  
8 requires otherwise.

9 (1) "Administration of the construction contract" includes the  
10 periodic observation of materials and work to observe the general  
11 compliance with the construction contract documents, but does not  
12 include responsibility for supervising construction methods and  
13 processes, site conditions, equipment operations, personnel, or safety  
14 on the worksite.

15 (2) "Architect" means an individual who is registered under chapter  
16 18.08 RCW.

17 (3) "Board" means the state board for registered interior  
18 designers.

19 (4) "Certificate of authorization" means a certificate issued by  
20 the director to a business entity that authorizes the entity to  
21 practice registered interior design.

22 (5) "Certificate of registration" means the certificate of  
23 registration issued by the board to a registered interior designer.

24 (6) "Department" means the department of licensing.

25 (7) "Director" means the director of the department of licensing.

26 (8) "Engineer" means an individual who is registered as an engineer  
27 under chapter 18.43 RCW.

28 (9) "Manager" means a member of a limited liability company in  
29 which management of its business is vested in the members, and the  
30 managers of a limited liability company in which management of its  
31 business is vested in one or more managers.

32 (10) "NCIDQ" means the national council for interior design  
33 qualification.

34 (11) "Partitions" means walls that divide a space that are not a  
35 part of the building's structure nor serve the building's load path.  
36 A partition supports its own weight and may be designed to provide

1 varying levels of visual and acoustical privacy, smoke and fire  
2 resistance, and loads attached to it such as cabinetry or grab bars.

3 (12) "Person" means any individual, partnership, professional  
4 service corporation, corporation, joint stock association, joint  
5 venture, or any other entity authorized to do business in the state.

6 (13) "Practice of registered interior design" means the rendering  
7 of services to enhance the quality and function of the nonstructural  
8 interior areas of a structure designed for human habitation or  
9 occupancy. The term includes:

10 (a) An analysis of:

11 (i) A client's needs and goals; and

12 (ii) The requirements for safety relating to that area;

13 (b) The formulation of preliminary designs that are appropriate,  
14 functional, and aesthetic;

15 (c) The development and presentation of final designs for the  
16 alteration or construction of the space;

17 (d) The preparation of contract documents, including specifications  
18 for partitions, materials, finishes, furniture, fixtures, and  
19 equipment;

20 (e) Collaboration with other registered design professionals in the  
21 completion of a project;

22 (f) The preparation and administration of bids or contracts as the  
23 agent of a client;

24 (g) The review and evaluation of problems relating to the design of  
25 a project;

26 (h) The understanding and application of the appropriate building  
27 codes; and

28 (i) Performance by an individual who meets the education,  
29 examination, and experience requirements under section 4 of this act.

30 (14) "Registered" means holding a currently valid certificate of  
31 registration or certificate of authorization issued by the director  
32 authorizing the practice of registered interior design.

33 (15) "Registered design professional" means an individual who is  
34 registered or licensed to practice their respective design profession  
35 as defined by the statutory requirements of the professional  
36 registration laws of the state or jurisdiction in which the project is  
37 being constructed.

1 (16) "Registered interior designer" means a person who provides  
2 some, or all, of the services described in this chapter, and holds a  
3 certificate of registration issued by the board.

4 (17) "Responsible control" means the amount of control over and  
5 detailed knowledge of the content of a technical submission during its  
6 preparation that is ordinarily exercised by a registered interior  
7 designer when applying the normal standard of professional care.

8 (18) "Review" means a process of examination and evaluation, of the  
9 documents, for compliance with applicable laws, codes, and regulations  
10 affecting the built environment that includes the ability to control  
11 the final product.

12 (19) "Structure" means any construction consisting of load-bearing  
13 members such as the foundation, roof, floors, walls, columns, girders,  
14 and beams or a combination of any number of these parts, with or  
15 without other parts or appurtenances.

16 NEW SECTION. **Sec. 3.** BOARD OF REGISTRATION--APPOINTMENT, TERMS,  
17 VACANCIES, REMOVAL--OFFICERS--TRAVEL EXPENSES. (1) A state board for  
18 registered interior designers is created consisting of five members who  
19 must be appointed by the governor.

20 (a) Four members of the initially appointed board shall be  
21 qualified as described by section 4 of this act, be residents of the  
22 state, and have at least eight years' experience in the practice of  
23 interior design in responsible control of interior design work or  
24 responsible charge of interior design teaching. These four appointees  
25 must be registered under this chapter within one year of the first  
26 person being registered under this chapter. One member must be a  
27 public member, a resident of the state, who is not and has never been  
28 an interior designer or registered interior designer and who does not  
29 employ and is not employed by or professionally or financially  
30 associated with an interior designer or registered interior designer.

31 (b) Two of the initially appointed board members must serve for two  
32 years, two must serve for four years, and the public member must serve  
33 for six years. Thereafter, all board members must serve a term of six  
34 years. No member may serve more than two consecutive terms on the  
35 board. Each member must hold office until the expiration of the term  
36 for which the member is appointed or until a successor has been  
37 appointed by the governor.

1 (2)(a) Every member of the board must receive a certificate of  
2 appointment from the governor.

3 (b) The governor may remove any member of the board for  
4 inefficiency, neglect of duty, or dishonorable conduct. Vacancies in  
5 the board for any reason must be filled by appointment for the  
6 unexpired term.

7 (3) The board must appoint one of its members as chair and one of  
8 its members as secretary and treasurer. The chair and secretary must  
9 each serve one year. The secretary of the board must keep a true and  
10 correct record of all proceedings of the board.

11 (4) Members of the board must be compensated in accordance with RCW  
12 43.03.240 and must be reimbursed for travel expenses in accordance with  
13 RCW 43.03.050 and 43.03.060.

14 NEW SECTION. **Sec. 4.** CERTIFICATE OF REGISTRATION--APPLICATION--  
15 QUALIFICATIONS. (1) The director must grant a certificate of  
16 registration to all qualified applicants who are determined by the  
17 board as having passed the required examination and as having given  
18 satisfactory proof of completion of the required education and work  
19 experience.

20 (2) Applications for registration must be filed as the board  
21 prescribes by rule. The application and registration fees must be  
22 determined by the director under RCW 43.24.086.

23 (3) An applicant for registration as a registered interior designer  
24 must be of good moral character, be at least eighteen years of age, and  
25 demonstrate:

26 (a) Proof of one of the following:

27 (i) An interior design degree from an institution of higher  
28 education as necessary to sit for the NCIDQ exam including, but not  
29 limited to, no less than sixty semester or ninety quarter credit hours  
30 of interior design coursework that culminates in a degree or diploma;

31 (ii) A substantially equivalent program of interior design  
32 education approved by the board including, but not limited to, no less  
33 than sixty semester or ninety quarter credit hours of interior design  
34 coursework that culminates in a degree or diploma; or

35 (iii) The alternate education review process as administered by the  
36 NCIDQ; and

1 (b) Proof of documented experience as required by the NCIDQ for  
2 exam eligibility including, but not limited to, no less than three  
3 thousand five hundred twenty hours of interior design work experience;  
4 and

5 (c)(i) Verification issued by the NCIDQ as proof that the applicant  
6 has passed the examination prepared and administered by the NCIDQ; or

7 (ii) That the applicant is a registered architect with documented  
8 proof of six years of combined education and diversified experience in  
9 the practice of interior design as reviewed and approved by the board.

10 NEW SECTION. **Sec. 5.** ISSUANCE OF CERTIFICATES OF REGISTRATION--

11 SEAL, USE. (1) The director must issue a certificate of registration  
12 to any applicant who has, to the satisfaction of the board, met all the  
13 requirements for registration upon payment of the registration fee as  
14 provided in this chapter. All certificates of registration must show  
15 the full name of the registrant, have the registration number, and must  
16 be signed by the chair of the board and by the director. The issuance  
17 of a certificate of registration by the director is prima facie  
18 evidence that the person named therein is entitled to all the rights  
19 and privileges of a registered interior designer and registered design  
20 professional.

21 (2) Each registrant must obtain a seal of the design authorized by  
22 the board bearing the registered interior designer's name, registration  
23 number, the legend "registered interior designer," and the name of this  
24 state. It is unlawful to seal and sign a document after a registrant's  
25 certificate of registration or authorization has expired, been revoked,  
26 or is suspended.

27 (3) Any interior design construction documents, which may include  
28 drawings, plans, specifications, or reports prepared or issued by the  
29 registered interior designer, being filed for public record with any  
30 jurisdiction or local building department for the purposes of obtaining  
31 a building permit must bear the signature and seal of the registered  
32 interior designer who prepared or approved the documents and the date  
33 sealed. Construction documents bearing the seal of a registered  
34 interior designer must be accepted for filing by the appropriate  
35 jurisdiction or local building department.

36 (4) The board may adopt regulations specifying the manner in which

1 a registered interior designer may electronically transmit construction  
2 documents.

3 (5) A registered interior designer may seal and sign technical  
4 submissions that are nonstructural and are: Prepared by the registered  
5 interior designer; prepared by the registered interior designers'  
6 regularly employed subordinates; or prepared in part by an individual  
7 or firm under direct subcontract with the registered interior designer.

8 (6) The secretary of the board must keep an official roster of all  
9 certificates of registration to practice as a registered interior  
10 designer in the state issued and renewed pursuant to the provisions of  
11 this chapter. The roster must be properly indexed and open for public  
12 inspection and information.

13 NEW SECTION. **Sec. 6.** REGISTRATION OF OUT-OF-STATE REGISTRANTS.  
14 The director may, upon receipt of a current registration fee, grant a  
15 certificate of registration to any applicant who is registered or  
16 licensed in another state or jurisdiction if the individual holds an  
17 active certificate number issued by NCIDQ and the qualifications  
18 required by that state or jurisdiction are equivalent or more  
19 stringent, as determined by the board.

20 NEW SECTION. **Sec. 7.** EXEMPTIONS. (1) This chapter may not affect  
21 or prevent:

22 (a) The practice of architecture as authorized in chapter 18.08  
23 RCW, landscape architecture as authorized in chapter 18.96 RCW,  
24 engineering as authorized in chapter 18.43 RCW, or naval architecture,  
25 or any legally recognized profession or trade not registered under this  
26 chapter;

27 (b) An architect who is registered under applicable laws of this  
28 state from providing interior design services or registered interior  
29 design services providing that the architect does not refer to himself  
30 or herself as a registered interior designer unless registered under  
31 this chapter;

32 (c) Any person from calling himself or herself an interior designer  
33 or offering interior design services provided that he or she does not  
34 refer to himself or herself as a registered interior designer and does  
35 not provide registered interior design services as defined in section  
36 2 of this act;

1 (d) Any person who provides decorative services, or assistance in  
2 selection of decorative accessories, surface materials, window  
3 treatments, wall coverings, paint, floor coverings, lighting fixtures  
4 which are not part of a structure, plumbing fixtures which are not part  
5 of a structure, cabinetry, surface-mounted fixtures, and loose  
6 furnishings and equipment not subject to regulation under applicable  
7 provisions of jurisdictional codes, regulations, or the jurisdictional  
8 fire codes, providing the person does not refer to himself or herself  
9 as a registered interior designer;

10 (e) Any employee of a retail establishment, wholesale  
11 establishment, or commercial furniture dealership providing  
12 consultation or furnishings in the furtherance of a sale or prospective  
13 sale, providing the person does not refer to himself or herself as a  
14 registered interior designer;

15 (f) Any person from doing interior design work including preparing  
16 construction contract documents and administration of the construction  
17 contract for:

18 (i) Residential buildings regardless of the size of the building,  
19 so long as it does not contain more than four dwelling units;

20 (ii) Residential buildings of more than four dwelling units, but  
21 only if the entire completed building is less than four thousand square  
22 feet;

23 (iii) Nonresidential buildings of any occupancy not exceeding four  
24 thousand square feet;

25 (g) Drafters, clerks, project managers, superintendents, and other  
26 employees or consultants of a registered interior designer from acting  
27 under the instructions, control, or supervision of their employers;

28 (h) The construction, alteration, or supervision of construction by  
29 contractors registered under chapter 18.27 RCW or superintendents  
30 employed by contractors or the preparation of shop drawings in  
31 connection therewith;

32 (i) Owners or contractors registered under chapter 18.27 RCW from  
33 engaging persons who are not registered interior designers or  
34 registered architects to observe and supervise construction of a  
35 project; or

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



1 (2) A person exempted by the provisions of this section is not  
2 thereby absolved from any civil or criminal liability that might  
3 otherwise accrue.

4 NEW SECTION. **Sec. 8.** BUSINESS ENTITY. (1) Each office or place  
5 of business in this state of any partnership, corporation, limited  
6 liability company, or other business organization or association that  
7 offers to practice or engages in the practice of registered interior  
8 design must have a registered interior designer who is a resident of  
9 this state and holds a certificate of registration issued pursuant to  
10 this chapter regularly working in the office or place of business and  
11 having responsible control for the interior design work or work  
12 relating to engaging in practice as a registered interior designer  
13 conducted in the office or place of business.

14 (2) If a person who is not registered, or a registrant who is not  
15 an owner, and who is employed by or affiliated with a business  
16 organization or association which holds a certificate of authorization  
17 issued is found by the board to have violated a provision of this  
18 chapter or a regulation of the board, the board may hold the business  
19 organization or association and the registrants and licensees who are  
20 owners responsible for the violation.

21 (3) No person, firm, copartnership, association, or other  
22 organization may bring or maintain any action in the courts of this  
23 state for the collection of compensation for the performance of any act  
24 or contract for which registration is required by this chapter without  
25 alleging and proving that the plaintiff was duly registered under this  
26 chapter at all times during the performance of the act or contract.

27 (4) The business entity must furnish the board with information  
28 about its organization and activities as the board shall require by  
29 rule.

30 (5) Upon the filing with the board of the application for  
31 certificate of authorization, the certified copy of the resolution, and  
32 the information specified in subsection (4) of this section, the board  
33 must authorize the director to issue to the business entity a  
34 certificate of authorization to practice registered interior design in  
35 this state.

36 (6) For each certificate of authorization issued under this

1 section, the business entity must pay a certification fee and an annual  
2 certification renewal fee as prescribed by the director under RCW  
3 43.24.086.

4 (7) Any business entity that has been registered under this chapter  
5 and has engaged in the practice of registered interior design may have  
6 its certificate of authorization either suspended or revoked by the  
7 board if, after a proper hearing, the board finds that the business  
8 entity has committed misconduct or malpractice. In such a case, any  
9 individual registered interior designer registered under this chapter  
10 who is involved in such misconduct or malpractice is also subject to  
11 disciplinary measures provided in this chapter.

12 (8) Any business entity practicing or offering to practice  
13 registered interior design, whether or not it is authorized to practice  
14 registered interior design under this chapter, must be jointly and  
15 severally responsible to the same degree as an individual registered  
16 interior designer and must conduct their business without misconduct or  
17 malpractice in the practice of registered interior design as defined in  
18 this chapter.

19 NEW SECTION. **Sec. 9.** RENEWAL--WITHDRAWAL. (1) The director must  
20 set the renewal date for certificates of registration in accordance  
21 with RCW 43.24.086. Registrants who fail to pay the renewal fee within  
22 thirty days of the due date must pay all delinquent fees plus a penalty  
23 fee equal to one-third of the renewal fee. A registrant who fails to  
24 pay a renewal fee for a period of five years may be reinstated under  
25 such circumstances as the board determines. The renewal and penalty  
26 fees and the frequency of renewal assessment must be authorized under  
27 this chapter. Renewal date for certificates of authorization and  
28 certificates of registration must be the anniversary of the date of  
29 authorization or date of registration.

30 (2) Any registrant in good standing may withdraw from the practice  
31 of registered interior design by giving written notice to the director,  
32 and may within five years thereafter resume active practice upon  
33 payment of the then-current renewal fee. A registrant may be  
34 reinstated after a withdrawal of more than five years under such  
35 circumstances as the board determines.

36 (3) The board must require each registered interior designer who  
37 holds a certificate of registration pursuant to the provisions of this

1 chapter to complete ten hours per year of continuing education units  
2 approved by the board, as a condition to the renewal of his or her  
3 certificate.

4 (4) The renewal must be recorded, together with its serial number,  
5 by the secretary of the board in the official register of the board  
6 under this chapter.

7 (5) Except as otherwise provided in subsection (1) of this section,  
8 any holder of a certificate of registration which has expired through  
9 failure to be renewed may obtain a renewal of the certificate, at any  
10 time within one year from the date of its expiration, upon application  
11 to and with the approval of the board. The time for renewal of the  
12 expired certificate may be extended at the discretion of the board.

13 NEW SECTION. **Sec. 10.** PROHIBITED ACTS--ENFORCEMENT--PENALTIES.

14 (1) The board must comply with chapter 18.235 RCW and provide grounds  
15 for disciplinary action, and have disciplinary power to suspend,  
16 revoke, fine, annul registration, or impose a civil penalty for each  
17 violation provided that there is satisfactory proof of violated  
18 provisions of the rules adopted by the board.

19 (2) It is unlawful for any person to:

20 (a) Hold himself or herself out to the public or to solicit  
21 business as a registered interior designer in this state without having  
22 a certificate of registration or temporary certificate issued by the  
23 board. This subsection (2)(a) does not prohibit a person who is exempt  
24 under this chapter from the provisions of this chapter from holding  
25 himself or herself out to the public or soliciting business as an  
26 interior designer;

27 (b) Advertise or put out any sign, card, or other device which  
28 indicates to the public that he or she is a registered interior  
29 designer or that he or she is otherwise qualified to practice as a  
30 registered interior designer, without having a certificate of  
31 registration issued by the board;

32 (c) Practice as a registered interior designer without a  
33 certificate of registration issued by the board;

34 (d) Violate any other provision of this chapter.

35 NEW SECTION. **Sec. 11.** GRANDFATHERING. Any person, who applies  
36 for registration and remits the application and initial fees within a

1 two-year period after the first person is registered under this  
2 chapter, must be registered by the board provided that the applicant  
3 meets one of the following requirements:

4 (1) The education, examination, and experience requirements in  
5 section 4 of this act;

6 (2) The applicant has previously passed the NCIDQ examination; or

7 (3) Has fifteen years of documented proof of diversified experience  
8 in the practice of interior design as reviewed and approved by the  
9 board, and provides proof of passage of the code section of the NCIDQ  
10 exam. Accommodation for an individual to sit for the code section of  
11 the NCIDQ exam will be provided by the board and an NCIDQ certificate  
12 will not be granted, but the board will be notified of the exam section  
13 results.

14 NEW SECTION. **Sec. 12.** CAPTIONS NOT LAW. Captions used in this  
15 act are not any part of the law.

16 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act  
17 constitute a new chapter in Title 18 RCW.

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