

---

SENATE BILL 6194

---

State of Washington                      58th Legislature                      2004 Regular Session

By Senators Mulliken and Keiser

Read first time 01/14/2004. Referred to Committee on Commerce & Trade.

1            AN ACT Relating to protecting the title of interior design;  
2 amending RCW 18.08.410, 18.27.110, and 19.27.095; and adding a new  
3 chapter to Title 19 RCW.

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

5            NEW SECTION.    **Sec. 1.** The public will be benefited by ensuring  
6 qualified interior designers are planning the interior spaces of  
7 commercial and residential buildings. Interior design intersects  
8 public health, safety, and welfare in multiple areas including, but not  
9 limited to: Space planning; access and egress design; barrier-free  
10 design; national, state, and local building and fire codes; and  
11 standards and materials and their properties including flammability,  
12 toxicity, slip resistance, indoor air quality, ergonomics,  
13 conservation, illumination, and acoustics.

14            NEW SECTION.    **Sec. 2.** As used in this chapter, unless the context  
15 otherwise requires:

16            (1) "Department" means the department of licensing.

17            (2)(a) "Interior design" means client consultation and the  
18 preparation and administration of design documents, including design

1 studies, drawings, schedules, specifications, and contracts relating to  
2 the nonstructural and nonseismic interior elements of a building or  
3 structure. "Interior design" includes but is not limited to space  
4 plans, reflected ceiling plans, fire codes, permits, entrances, egress,  
5 ergonomics, and the design or specification of fixtures, furnishings,  
6 equipment, cabinetry, lighting, materials, finishes, and interior  
7 construction that does not materially affect building systems.

8 (b) "Interior design" does not include the architectural and  
9 engineering design of interior construction. Architectural and  
10 engineering interior construction includes but is not limited to  
11 structural, mechanical, plumbing, heating, air conditioning,  
12 ventilation, electrical, and vertical transportation systems or any  
13 other elements specifically reserved for architects registered under  
14 chapter 18.08 RCW.

15 (3) "Interior designer" means an interior designer registered under  
16 this chapter who is a registered design professional qualified by  
17 education, experience, and examination to affect the function, safety,  
18 and quality of interior spaces.

19 (4) "Nonstructural and nonseismic interior elements" means the  
20 interior elements of a building or structure that are not load-bearing,  
21 do not assist in the seismic design, and do not require design  
22 computations for the building's structure. "Nonstructural and  
23 nonseismic interior elements" includes but is not limited to ceilings  
24 and partition systems. "Nonstructural and nonseismic interior  
25 elements" does not include the structural frame system supporting a  
26 building or structure.

27 (5) "Reflected ceiling plan" means a ceiling design drawing that  
28 includes the locations of lighting fixtures and specifications of  
29 ceiling materials, finishes, or other ceiling elements.

30 (6) "Registration" means the certificate of registration issued by  
31 the department to an interior designer under this chapter.

32 (7) "Space planning" means the analysis of spatial and occupancy  
33 requirements, including but not limited to preliminary space, final  
34 space, furnishing, fixture, and equipment plans.

35 NEW SECTION. **Sec. 3.** (1) An applicant may qualify for  
36 registration as an interior designer if the applicant pays any

1 applicable fee established by the department and shows to the  
2 satisfaction of the department that the applicant:

3 (a)(i) Has a current certificate number issued by the national  
4 council for interior design qualification; and

5 (ii) Has six years combined work experience and formal education in  
6 interior design. At a minimum, there must be two years of formal  
7 education in interior design; or

8 (b) Provides the department, by July 1, 2006, with proof of ten  
9 years of work experience as an interior designer and two years of  
10 formal education in interior design prior to the effective date of this  
11 section.

12 (2) The department may also grant registration by reciprocity. An  
13 applicant applying to the department for registration by reciprocity  
14 must furnish satisfactory evidence that the applicant meets both of the  
15 following requirements:

16 (a) Holds a valid registration or license issued by another  
17 registration authority recognized by the department, where the  
18 qualifications for registration or licensure are substantially  
19 equivalent to those required by this chapter on the date of original  
20 registration or licensure with the other registration authority; and

21 (b) Holds a current certificate number issued by the national  
22 council for interior design qualification.

23 (3) The department must develop, in consultation with professional  
24 organizations representing interior design, the necessary forms to use  
25 in verifying education and work experience for registration.

26 NEW SECTION. **Sec. 4.** The department must grant a certificate of  
27 registration to an applicant who meets the requirements of section 3 of  
28 this act.

29 NEW SECTION. **Sec. 5.** (1) The renewal date for certificates of  
30 registration shall be set by the director in accordance with RCW  
31 43.24.086. An interior designer who fails to pay the renewal fee  
32 within thirty days of the due date shall pay all delinquent fees plus  
33 a penalty fee equal to one-third of the renewal fee. An interior  
34 designer who fails to pay a renewal fee for a period of five years may  
35 be reinstated under such circumstances as the department determines.

1 The renewal and penalty fees and the frequency of renewal assessment  
2 must be adopted by the department by rule.

3 (2) An interior designer in good standing may withdraw from the  
4 practice of interior design by giving written notice to the department,  
5 and may within five years thereafter resume active practice upon  
6 payment of the then-current renewal fee. An interior designer may be  
7 reinstated after a withdrawal of more than five years under such  
8 circumstances as the department determines by rule.

9 (3) An interior designer registered under this chapter must  
10 complete one continuing education unit, equal to ten hours of  
11 continuing education instruction, every two years. The department, in  
12 consultation with professional organizations representing interior  
13 design, must develop a form to verify continuing education.

14 NEW SECTION. **Sec. 6.** The director may issue a new certificate of  
15 registration to replace a lost, destroyed, or mutilated certificate.  
16 The director must charge a fee as determined by RCW 43.24.086 for the  
17 issuance of the new certificate.

18 NEW SECTION. **Sec. 7.** A person may not use the title "interior  
19 designer" in this state or any other title, designation, sign, card, or  
20 device indicating that the person is an interior designer unless he or  
21 she is registered under the provisions of this chapter. Every holder  
22 of a certificate of registration under this chapter must display it in  
23 a conspicuous place in the holder's principal office, place of  
24 business, or employment. No corporation, firm, partnership, or  
25 association may be granted a certificate of registration under this  
26 chapter. This chapter does not prevent any individual from offering or  
27 providing interior design services provided they do not use the title  
28 "interior designer."

29 NEW SECTION. **Sec. 8.** (1) An interior designer registered under  
30 this chapter must sign, seal, and date all drawings, plans,  
31 specifications, and reports issued by the interior designer. An  
32 interior designer must include the designer's registration number on  
33 all drawings, plans, specifications, and reports issued by the interior  
34 designer that are filed with the state or a local government for the  
35 purpose of obtaining a building permit. An interior designer must

1 personally prepare or supervise the preparation of any document that is  
2 signed and sealed by the interior designer or that lists the interior  
3 designer's registration number.

4 (2) Design documents prepared by an interior designer and bearing  
5 the interior designer's registration number must, if complete, be  
6 accepted for filing by a state or local building official for purposes  
7 of administering and enforcing the state building code. A local  
8 building official is not required to accept for filing any design  
9 document that does not comply with applicable state laws, rules, or  
10 local ordinances.

11 (3) An interior designer is not liable for the construction of or  
12 modification to structural or seismic elements of a building or other  
13 structures that are built or modified under the supervision of an  
14 architect certified under chapter 18.08 RCW or an engineer registered  
15 under chapter 18.43 RCW.

16 (4) The department, in consultation with professional organizations  
17 representing interior design, must develop the seal to be used by  
18 interior designers registered by the state.

19 NEW SECTION. **Sec. 9.** An interior designer may affix their seal  
20 and signature to interior design construction documents if required by  
21 any state or local building department for the purpose of obtaining a  
22 building permit.

23 NEW SECTION. **Sec. 10.** The uniform regulation of business and  
24 professions act, chapter 18.235 RCW, governs unlicensed practice, the  
25 issuance and denial of licenses, and the discipline of licensees under  
26 this chapter.

27 NEW SECTION. **Sec. 11.** This act may be known and cited as the  
28 interior design professionals act of 2004.

29 **Sec. 12.** RCW 18.08.410 and 1985 c 37 s 12 are each amended to read  
30 as follows:

31 This chapter shall not affect or prevent:

32 (1) The practice of naval architecture, landscape architecture,  
33 engineering, space planning, interior design or interior designers

1 registered under sections 1 through 11 of this act, or any legally  
2 recognized profession or trade by persons not registered as architects;

3 (2) Drafters, clerks, project managers, superintendents, and other  
4 employees of architects, engineers, naval architects, or landscape  
5 architects from acting under the instructions, control, or supervision  
6 of their employers;

7 (3) The construction, alteration, or supervision of construction of  
8 buildings or structures by contractors or superintendents employed by  
9 contractors or the preparation of shop drawings in connection  
10 therewith;

11 (4) Owners or contractors from engaging persons who are not  
12 architects to observe and supervise construction of a project;

13 (5) Any person from doing design work including preparing  
14 construction contract documents and administration of the construction  
15 contract for the erection, enlargement, repair, or alteration of a  
16 structure or any appurtenance to a structure, if the structure is to be  
17 used for a residential building of up to and including four dwelling  
18 units or a farm building or is a structure used in connection with or  
19 auxiliary to such residential building or farm building such as a  
20 garage, barn, shed, or shelter for animals or machinery;

21 (6) Any person from doing design work including preparing  
22 construction contract documents and administering the contract for  
23 construction, erection, enlargement, alteration, or repairs of or to a  
24 building of any occupancy up to four thousand square feet of  
25 construction;

26 (7) Design-build construction by registered general contractors if  
27 the structural design services are performed by a registered engineer;

28 (8) Any person from designing buildings or doing other design work  
29 for any structure prior to the time of filing for a building permit; or

30 (9) Any person from designing buildings or doing other design work  
31 for structures larger than those exempted under subsections (5) and (6)  
32 of this section, if the plans, which may include such design work, are  
33 stamped by a registered engineer or architect.

34 **Sec. 13.** RCW 18.27.110 and 1997 c 314 s 11 are each amended to  
35 read as follows:

36 (1) No city, town, or county shall issue a construction building  
37 permit for work which is to be done by any contractor required to be

1 registered under this chapter or an interior designer registered under  
2 sections 1 through 11 of this act without verification that such  
3 contractor or interior designer is currently registered as required by  
4 law. When such verification is made, nothing contained in this section  
5 is intended to be, nor shall be construed to create, or form the basis  
6 for any liability under this chapter on the part of any city, town, or  
7 county, or its officers, employees or agents. However, failure to  
8 verify the contractor registration number or interior designer  
9 registration number results in liability to the city, town, or county  
10 to a penalty to be imposed according to RCW 18.27.100(7)(a).

11 (2) At the time of issuing the building permit, all cities, towns,  
12 or counties are responsible for:

13 (a) Printing the contractor registration number or interior  
14 designer registration number on the building permit; and

15 (b) Providing a written notice to the building permit applicant  
16 informing them of contractor registration laws and the potential risk  
17 and monetary liability to the homeowner for using an unregistered  
18 contractor.

19 (3) If a building permit is obtained by an applicant or contractor  
20 who falsifies information to obtain an exemption provided under RCW  
21 18.27.090, the building permit shall be forfeited.

22 **Sec. 14.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to  
23 read as follows:

24 (1) A valid and fully complete building permit application for a  
25 structure, that is permitted under the zoning or other land use control  
26 ordinances in effect on the date of the application shall be considered  
27 under the building permit ordinance in effect at the time of  
28 application, and the zoning or other land use control ordinances in  
29 effect on the date of application.

30 (2) The requirements for a fully completed application shall be  
31 defined by local ordinance but for any construction project costing  
32 more than five thousand dollars the application shall include, at a  
33 minimum:

34 (a) The legal description, or the tax parcel number assigned  
35 pursuant to RCW 84.40.160, and the street address if available, and may  
36 include any other identification of the construction site by the prime  
37 contractor;

1 (b) The property owner's name, address, and phone number;

2 (c)(i) The prime contractor's business name, address, phone number,  
3 current state contractor registration number; or

4 (ii) The business name, address, phone number, and current  
5 registration number of an interior designer licensed under sections 1  
6 through 11 of this act; and

7 (d) Either:

8 (i) The name, address, and phone number of the office of the lender  
9 administering the interim construction financing, if any; or

10 (ii) The name and address of the firm that has issued a payment  
11 bond, if any, on behalf of the prime contractor for the protection of  
12 the owner, if the bond is for an amount not less than fifty percent of  
13 the total amount of the construction project.

14 (3) The information required on the building permit application by  
15 subsection (2)(a) through (d) of this section shall be set forth on the  
16 building permit document which is issued to the owner, and on the  
17 inspection record card which shall be posted at the construction site.

18 (4) The information required by subsection (2) of this section and  
19 information supplied by the applicant after the permit is issued under  
20 subsection (5) of this section shall be kept on record in the office  
21 where building permits are issued and made available to any person on  
22 request. If a copy is requested, a reasonable charge may be made.

23 (5) If any of the information required by subsection (2)(d) of this  
24 section is not available at the time the application is submitted, the  
25 applicant shall so state and the application shall be processed  
26 forthwith and the permit issued as if the information had been  
27 supplied, and the lack of the information shall not cause the  
28 application to be deemed incomplete for the purposes of vesting under  
29 subsection (1) of this section. However, the applicant shall provide  
30 the remaining information as soon as the applicant can reasonably  
31 obtain such information.

32 (6) The limitations imposed by this section shall not restrict  
33 conditions imposed under chapter 43.21C RCW.

34 NEW SECTION. Sec. 15. Sections 1 through 11 of this act  
35 constitute a new chapter in Title 19 RCW.

--- END ---