

# SENATE BILL REPORT

## SB 5514

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As of February 19, 2009

**Title:** An act relating to the practice of interior design.

**Brief Description:** Concerning the practice of interior design.

**Sponsors:** Senators Franklin, Keiser, Kohl-Welles and Jacobsen.

**Brief History:**

**Committee Activity:** Labor, Commerce & Consumer Protection: 2/12/09.

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Staff:** Ingrid Mungia (786-7423)

**Background:** Interior design is not regulated in Washington State. Anyone may do interior design work and anyone may use the title interior designer. As they are not required to register, the number of individuals who do interior design as a profession is not known for certain.

There are two national nonprofit organizations that administer examinations allowing interior designers to become voluntarily certified in their profession. The qualifying standard for both examinations include requirements of knowledge through education and experience. The examination administered by the National Council of Interior Design Qualifications (NCIDQ) is used by states that currently regulate interior designers. Some states also use the examination administered by The Council for Qualification of Residential Interior Designer (CQRID).

**Summary of Bill:** The practice of registered interior design is restricted to those who are registered in the state of Washington by the state board for registered interior designers (Board). Use of the phrases "interior design" or "interior designer" are not affected if a person does not practice registered interior design.

Requirements for Certificate of Registration. The Director of the Department of Licensing must grant a certificate of registration to all qualified applicants who have been determined qualified by the Board. In order to qualify, an applicant must pass the required examination, offer proof of completing required education and work experience, be of good moral

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character, and be at least 18 years of age. The required education and work experience consist of either:

- an interior design degree from an institution of higher education as necessary to sit for the NCIDQ exam including no less than 60 semester or 90 quarter credit hours of interior design coursework that culminates in a degree or diploma;
- a substantially equivalent program of interior design education approved by the Board including, no less than 60 semester or 90 quarter credit hours of interior design coursework that culminates in a degree or diploma; or
- proof of documented experiences as required by the NCIDQ for exam eligibility including, no less than 3,520 hours of interior design work experience; and
- verification issued by the NCIDQ as proof that the applicant has passed the examination prepared and administered by the NCIDQ, or the applicant is a registered architect with documented proof of six years of combined education and experience in the practice of interior design and approved by the Board.

The Director may register an applicant who is registered or licensed in another state or jurisdiction if the individual's qualification and active certificate number issued by the NCIDQ are determined by the Board to be equivalent or more stringent than Washington's requirements. An interior designer or interior design firm registered in any other jurisdiction, but not registered in the state, may offer to practice in Washington if:

- it is clearly stated in their proposal for services that they are not currently registered in Washington; and
- prior to practicing registered interior design, the person or firm registers to practice as an interior designer in Washington.

Grandfathering. Any person who applies for registration within the first two years of the bill going into effect must be registered by the Board if they meet the following requirements:

1. the education, examination, and experience requirements for all applicants;
2. the applicant had previously passed the NCIDQ examination; or
3. the applicant has 15 years of documented proof of diversified experience in the practice of interior design as approved by the Board.

Board of Registered Interior Designers. The State Board for Registered Interior Designers is created within the Department of Licensing. The membership of the Board consists of three registered interior designers and one member of the public. The interior design members must be residents of the state of Washington and have at least eight-years experience in the practice of interior design work or teaching. Members are appointed to six-year terms by the Governor.

The Board certifies the education and work experience of applicants and determines the applicant has passed the required examination. The Board may adopt rules for the application process.

The Board must impose disciplinary procedures under the Uniform Regulation of Business and Professions Act for the following reasons:

- holding himself/herself out to the public or to solicit business as a registered interior designer in Washington without having a certificate of registration or temporary certificate issued by the Board;

- advertising in a way that indicates to the public that the person is a registered interior designer or otherwise qualified to practice as a registered interior designer, without having a certificate of registration issued by the Board;
- practicing as a registered interior designer without a certificate of registration issued by the Board; or
- violating any other provisions of the interior design regulations.

Exemptions from Registration. These registration requirements do not affect or prevent:

- the practice of architecture, landscape architecture, and engineering or naval architecture;
- an architect who is registered in this state from providing interior design services or registered interior design services;
- any persons from calling themselves an interior designer or offering interior design services, provided they do not refer to themselves as a registered interior designer;
- any person who provides decorative services;
- any employee of a retail establishment, wholesale establishment, or commercial furniture dealership;
- any person from doing interior design work including preparing construction contract documents and administration of the construction contract;
- drafter, clerks, project managers, superintendents and other employees, or consultants of a registered interior designer from acting under the instruction of their employers;
- the construction, alteration, or supervision of construction by registered contractors or superintendents employed by contractors;
- owners or contractors from engaging persons who are not registered interior designers or registered architects to observe and supervise construction of a project; or
- any person who prepares plans, drawings, or specifications for buildings for that person's own private residential use.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill has generated a lot of controversy and anxiety in the business of interior design. There has been no desire from the proponents of this bill to put anyone out of business. As occupations and professions grow and mature, they show a desire to be recognized as a credentialed profession. Those who seek to be registered or have credentials in licensing come to the Legislature and ask for the privilege to be licensed or registered. This is what this bill is about. Interior design students support this bill. To be a safe and effective interior designer, you need to have education in interior design and experience in a design firm to properly practice interior design. The state should set a minimum standard for the practice of interior design. Minimum standards guarantee the consumer that there is a standardize way to identify designers who practice safe and effective design services. It guarantees the consumer that an interior designer has the minimum

education and experience requirements to practice interior design. It also validates the hard work and interior design education a person had done. This legislation validates the dedication and hard work persons have put toward their interior design career. Other design professionals are held to certain standards, but not interior designers. Interior designers need this knowledge to create safe and comfortable spaces. Design professionals need to understand design, life safety, and code. The bill mirrors the architect license statute and includes many exemptions for people to continue being interior designers. This bill would benefit consumers and does not prevent people from practicing. This bill expands the rights of what interior designers are able to do. People need to be accountable.

CON: There is no need for one governing body to govern interior designers. The interior designer legislation is being used to put people out of business. There was a Sunrise Review done by the Department of Licensing in 2005 that found there was no need for licensing legislation or that people were at risk without licensing legislation. This legislation would benefit so few designers in Washington. The free market system is working in Washington and, in the current state of the economy, this is not the time to put people out of work or spend more money on creating an oversight board. If this legislation is passed, many designers will not have the opportunity to practice. Interior designers will have few career choices. People do not ask if I am licensed, but they do ask if I am kitchen and bath design certified. If passed, designers would be required to take a long and very focused path of education and experience. Consumers will have few choices to hire for their projects. The NCIDQ is a disqualifier, not a qualifier. This bill is not necessary and the Department of Licensing found no need to change the current policy. No matter what the bill calls interior designers, we all have to follow the codes. The permissive grandfathering language is a problem. The scope of the bill is overreaching. There is no need for this bill and it is unconstitutional. There is room for everyone under the architecture statute exemptions.

**Persons Testifying:** PRO: Senator Franklin, prime sponsor; Lee Ajay, Jennifer Murphy, Michael Culpepper, Sue Gentry; Steve Manthey, Kristi Hanna, Emily Moses, Interior Design Coalition of Washington; Ernest Rhodes, ASIO.

CON: Vawn Greany, Collaborative Interiors; Kenna Stout, Brio Interior Design LLC; Eleanor Olsen, Total Space Design, National Kitchen and Bath Association; Richard Landon, Richard Landon Design; Stan Bowman, American Institute of Architects, Washington Council; Peter Rasmussen, Architects Rasmussen Trebelhorn, LLC; Michael Bindas, Institute for Justice.