



# **Dora**

Department of Regulatory Agencies

**Office of Policy, Research and Regulatory Reform**

# **2008 Sunrise Review: Interior Designers**

December 16, 2008





**Dora**  
Department of Regulatory Agencies

**Executive Director's Office**  
D. Rico Munn  
Executive Director

Bill Ritter, Jr.  
Governor

December 16, 2008

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The mission of the Department of Regulatory Agencies (DORA) is consumer protection. As a part of the Executive Director's Office within DORA, the Office of Policy, Research and Regulatory Reform seeks to fulfill its statutorily mandated responsibility to conduct sunrise reviews with a focus on protecting the health, safety and welfare of all Coloradans.

DORA has completed its evaluation of the sunrise application for regulation of Interior Designers and is pleased to submit this written report. The report is submitted pursuant to section 24-34-104.1, Colorado Revised Statutes, which provides that DORA shall conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The report discusses the question of whether there is a need for regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm, and whether the public can be adequately protected by other means in a more cost-effective manner.

Sincerely,

D. Rico Munn  
Executive Director

# Table of Contents

Background-----	1
<i>Sunrise Process</i> -----	3
<i>Methodology</i> -----	4
Profile of the Profession -----	5
Proposal for Regulation-----	13
Summary of Current Regulation-----	14
<i>The Colorado Regulatory Environment</i> -----	14
<i>Regulation in Other States</i> -----	15
Analysis and Recommendations-----	17
<i>Public Harm</i> -----	17
<i>Need for Regulation</i> -----	24
<i>Alternatives to Regulation</i> -----	25
<i>Conclusion</i> -----	26
Appendix A – State Regulatory Requirements-----	28

---

---

## Background

---

Regulation, when appropriate, can serve as a bulwark of consumer protection. Regulatory programs can be designed to impact individual professionals, businesses or both.

As regulatory programs relate to individual professionals, such programs typically entail the establishment of minimum standards for initial entry and continued participation in a given profession or occupation. This serves to protect the public from incompetent practitioners. Similarly, such programs provide a vehicle for limiting or removing from practice those practitioners deemed to have harmed the public.

From a practitioner perspective, regulation can lead to increased prestige and higher income. Accordingly, regulatory programs are often championed by those who will be the subject of regulation.

On the other hand, by erecting barriers to entry into a given profession or occupation, even when justified, regulation can serve to restrict the supply of practitioners. This not only limits consumer choice, but can also lead to an increase in the cost of services.

There are also several levels of regulation.

### Licensure

Licensure is the most restrictive form of regulation, yet it provides the greatest level of public protection. Licensing programs typically involve the completion of a prescribed educational program (usually college level or higher) and the passage of an examination that is designed to measure a minimal level of competency. These types of programs usually entail title protection – only those individuals who are properly licensed may use a particular title(s) – and practice exclusivity – only those individuals who are properly licensed may engage in the particular practice. While these requirements can be viewed as barriers to entry, they also afford the highest level of consumer protection in that they ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

### Certification

Certification programs offer a level of consumer protection similar to licensing programs, but the barriers to entry are generally lower. The required educational program may be more vocational in nature, but the required examination should still measure a minimal level of competency. Additionally, certification programs typically involve a non-governmental entity that establishes the training requirements and owns and administers the examination. State certification is made conditional upon the individual practitioner obtaining and maintaining the relevant private credential. These types of programs also usually entail title protection and practice exclusivity.

---

While the aforementioned requirements can still be viewed as barriers to entry, they afford a level of consumer protection that is lower than a licensing program. They ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

### Registration

Registration programs can serve to protect the public with minimal barriers to entry. A typical registration program involves an individual satisfying certain prescribed requirements – typically non-practice related items, such as insurance or the use of a disclosure form – and the state, in turn, placing that individual on the pertinent registry. These types of programs can entail title protection and practice exclusivity. Since the barriers to entry in registration programs are relatively low, registration programs are generally best suited to those professions and occupations where the risk of public harm is relatively low, but nevertheless present. In short, registration programs serve to notify the state of which individuals are engaging in the relevant practice and to notify the public of those who may practice by the title(s) used.

### Title Protection

Finally, title protection programs represent one of the lowest levels of regulation. Only those who satisfy certain prescribed requirements may use the relevant prescribed title(s). Practitioners need not register or otherwise notify the state that they are engaging in the relevant practice, and practice exclusivity does not attach. In other words, anyone may engage in the particular practice, but only those who satisfy the prescribed requirements may use the enumerated title(s). This serves to indirectly ensure a minimal level of competency – depending upon the prescribed preconditions for use of the protected title(s) – and the public is alerted to the qualifications of those who may use the particular title(s).

Licensing, certification and registration programs also typically involve some kind of mechanism for removing individuals from practice when such individuals engage in enumerated proscribed activities. This is generally not the case with title protection programs.

### Regulation of Businesses

As regulatory programs relate to businesses, they can enhance public protection, promote stability and preserve profitability. But they can also reduce competition and place administrative burdens on the regulated businesses.

Regulatory programs that address businesses can involve certain capital, bookkeeping and other recordkeeping requirements that are meant to ensure financial solvency and responsibility, as well as accountability. Initially, these requirements may serve as barriers to entry, thereby limiting competition. On an ongoing basis, the cost of complying with these requirements may lead to greater administrative costs for the regulated entity, which costs are ultimately passed on to consumers.

---

Many programs that regulate businesses involve examinations and audits of finances and other records, which are intended to ensure that the relevant businesses continue to comply with these initial requirements. Although intended to enhance public protection, these measures, too, involve costs of compliance.

Similarly, many regulated businesses may be subject to physical inspections to ensure compliance with health and safety standards.

Regulation, then, has many positive and potentially negative consequences.

### *Sunrise Process*

Colorado law, section 24-34-104.1, Colorado Revised Statutes (C.R.S.), requires that individuals or groups proposing legislation to regulate any occupation or profession first submit information to the Department of Regulatory Agencies (DORA) for the purposes of a sunrise review. The intent of the law is to impose regulation on occupations and professions only when it is necessary to protect the public health, safety or welfare. DORA must prepare a report evaluating the justification for regulation based upon the criteria contained in the sunrise statute:<sup>1</sup>

- (I) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public, and whether the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;
- (II) Whether the public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence; and
- (III) Whether the public can be adequately protected by other means in a more cost-effective manner.

Any professional or occupational group or organization, any individual, or any other interested party may submit an application for the regulation of an unregulated occupation or profession. Applications must be accompanied by supporting signatures and must include a description of the proposed regulation and justification for such regulation.

---

<sup>1</sup> § 24-34-104.1(4)(b), C.R.S.

---

## *Methodology*

DORA has completed its evaluation of the proposal for regulation of Interior Designers. During the sunrise review process, DORA performed a literature search; contacted and interviewed the applicant; reviewed licensure laws in other states and interviewed administrators of those programs; and interviewed members of the American Society of Interior Design, the National Certification of Interior Design Association and International Interior Design Association. In order to determine the number and types of complaints filed against Interior Designers in Colorado, DORA contacted representatives of the Denver/Boulder Better Business Bureau, the Office of the Attorney General Consumer Protection Section and the Colorado Board of Architects, Professional Engineers and Professional Land Surveyors. To better understand the practice of Interior Design, the author of this report visited three commercial buildings where Interior Designers had designed the interior.

---

---

## Profile of the Profession

---

Interior Designers are responsible for space planning and working with various colors, textures, furniture and lighting in order to meet the needs of a building's occupants.<sup>2</sup> Interior Designers plan interior spaces of almost every type of building, including:<sup>3</sup>

- Offices;
- Airport terminals;
- Theaters;
- Shopping malls;
- Restaurants;
- Hotels;
- Schools;
- Hospitals; and
- Private residences.

Interior Designers must also be able to read blueprints, understand building and fire codes, and know how to make space accessible to people who are disabled.<sup>4</sup>

Interior Designers are also responsible for a variety of additional duties, including but not limited to:<sup>5</sup>

- Formulating preliminary design concepts that are appropriate, functional and aesthetic;
- Collaborating with other types of practitioners in the technical areas of mechanical, electrical and load-bearing design as required for regulatory approval;
- Preparing and administering bids and contract documents as a client's agent; and
- Reviewing and evaluating design solutions during implementation and upon completion.

Additionally, the National Council for Interior Design Qualification (NCIDQ) offers certification for Interior Designers through the passage of the NCIDQ examination. There are also a variety of interior design organizations that offer memberships to individuals, including but not limited to: the American Society of Interior Designers (ASID) and the International Interior Design Association (IIDA).

---

<sup>2</sup> U.S. Department of Labor. *Occupational Outlook Handbook, 2008-09 Edition, Interior Designers*. Retrieved November 23, 2008, from <http://www.bls.gov/oco/ocos293.htm#empty>

<sup>3</sup> U.S. Department of Labor. *Occupational Outlook Handbook, 2008-09 Edition, Interior Designers*. Retrieved November 23, 2008, from <http://www.bls.gov/oco/ocos293.htm#empty>

<sup>4</sup> U.S. Department of Labor. *Occupational Outlook Handbook, 2008-09 Edition, Interior Designers*. Retrieved November 23, 2008, from <http://www.bls.gov/oco/ocos293.htm#empty>

<sup>5</sup> International Interior Design Association. Definition of an Interior Designer. Retrieved November 25, 2008, from <http://www.iida.org/i4a/pages/index.cfm?pageid=379>



---

## **NCIDQ Certification**

The NCIDQ serves to identify to the public those Interior Designers who have met the minimum standards for professional practice by passing the NCIDQ examination.<sup>6</sup>

In order to qualify to take the NCIDQ examination, a candidate is required to possess a minimum of six years of combined work experience and/or college-level education related to interior design. There are five options available to satisfy this minimum level of work experience and education required. All of the options available differ slightly in their requirements.

The first option requires a candidate to complete a bachelor's degree from a Council for Interior Design Accreditation (CIDA)-accredited interior design program. The CIDA is an international non-profit organization that accredits post-secondary interior design education programs in the United States and Canada.<sup>7</sup>

Currently, there are three schools in Colorado that are CIDA-accredited:

- Colorado State University (Bachelor of Science in Interior Design);
- Rocky Mountain College of Art Design (Bachelor of Fine Arts in Interior Design); and
- Colorado Art Institute (Bachelor of Arts).

The second option requires the completion of a bachelor's degree in an interior design program not accredited by the CIDA. In Colorado, Westwood College is the only school not accredited by the CIDA that offers a bachelor's degree in interior design.

The third option requires the completion of a bachelor's degree in any major as long as at least 60 credit hours or 90 quarter hours of interior design coursework was taken and successfully passed, resulting in the completion of a degree (associate's, bachelor's or master's).<sup>8</sup>

In addition to the education requirements, options one, two and three require a candidate to accumulate a minimum of 3,520 hours of interior design experience, which must be completed under the direct supervision of an NCIDQ certificate holder, a licensed/registered Interior Designer or an architect who offers interior design services.<sup>9</sup> Half of the required experience (1,760 hours) must be earned after the education requirement is completed.<sup>10</sup>

---

<sup>6</sup> National Council for Interior Design Qualification. *Who We Are*. Retrieved November 13, 2008, from <http://www.ncidq.org/who/index.asp>

<sup>7</sup> The Council for Interior Design Accreditation. *Council for Interior Design Accreditation – Accreditation Process*. Retrieved September 20, 2008, from <http://www.accredit-id.org/accredprocess.php>

<sup>8</sup> National Council for Interior Design Qualification. *Exam & IDEP Eligibility Requirements*. Retrieved November 17, 2008, from [http://www.ncidq.org/pdf/eligibility\\_chart.pdf](http://www.ncidq.org/pdf/eligibility_chart.pdf)

<sup>9</sup> National Council for Interior Design Qualification. *Exam & IDEP Eligibility Requirements*. Retrieved November 17, 2008, from [http://www.ncidq.org/pdf/eligibility\\_chart.pdf](http://www.ncidq.org/pdf/eligibility_chart.pdf)

<sup>10</sup> National Council for Interior Design Qualification. *Exam & IDEP Eligibility Requirements*. Retrieved November 17, 2008, from [http://www.ncidq.org/pdf/eligibility\\_chart.pdf](http://www.ncidq.org/pdf/eligibility_chart.pdf)

---

The fourth option of eligibility to take the NCIDQ examination requires a candidate to complete at least 60 semester or 90 quarter hours of interior design coursework that culminates in a degree or diploma.<sup>11</sup>

Upon completion of the aforementioned coursework requirement, a candidate must also complete 5,280 hours of supervised interior design experience, and all of the education must be completed prior to completing the required hours of experience.<sup>12</sup>

The final option available to be eligible to take the NCIDQ examination requires a candidate to complete at least 40 semester or 60 quarter hours of interior design coursework that culminates in a certificate, degree or diploma.<sup>13</sup>

This option also requires an increase in work experience related to interior design. Specifically, a candidate must complete a minimum of 7,040 hours of supervised interior design experience after completion of the education requirement.<sup>14</sup>

Upon successful completion of any of the available options, a candidate is eligible to take the NCIDQ examination.

In order to take the NCIDQ examination, a candidate must complete an application either online *via* the NCIDQ website or through a paper application. The cost to submit an online application is \$150, while the cost for submitting a paper application is \$230 if returned before the deadline or \$330 after the deadline. The NCIDQ examination is offered twice annually – fall (October) and spring (April).

The application must also include the following:<sup>15</sup>

- Work experience verification forms signed by all past employers;
- Official college transcripts; and
- Three letters of reference from employers, clients, and/or professional peers.

The NCIDQ website lists Denver as the location in Colorado for the NCIDQ examination; however, a specific location is not delineated.

---

<sup>11</sup> National Council for Interior Design Qualification. *Exam & IDEP Eligibility Requirements*. Retrieved November 17, 2008, from [http://www.ncidq.org/pdf/eligibility\\_chart.pdf](http://www.ncidq.org/pdf/eligibility_chart.pdf)

<sup>12</sup> National Council for Interior Design Qualification. *Exam & IDEP Eligibility Requirements*. Retrieved November 17, 2008, from [http://www.ncidq.org/pdf/eligibility\\_chart.pdf](http://www.ncidq.org/pdf/eligibility_chart.pdf)

<sup>13</sup> National Council for Interior Design Qualification. *Exam & IDEP Eligibility Requirements*. Retrieved November 17, 2008, from [http://www.ncidq.org/pdf/eligibility\\_chart.pdf](http://www.ncidq.org/pdf/eligibility_chart.pdf)

<sup>14</sup> National Council for Interior Design Qualification. *Exam & IDEP Eligibility Requirements*. Retrieved November 17, 2008, from [http://www.ncidq.org/pdf/eligibility\\_chart.pdf](http://www.ncidq.org/pdf/eligibility_chart.pdf)

<sup>15</sup> National Council for Interior Design Qualification. *NCIDQ Examination FAQs*. Retrieved November 19, 2008, from [http://www.ncidq.org/pdf/exam\\_faqs.pdf](http://www.ncidq.org/pdf/exam_faqs.pdf)

---

After a candidate's application is approved, he or she is eligible to register for one or all of the sections of the examination. The NCIDQ examination is divided into three sections:<sup>16</sup>

- Section I: Principles and Practices of Interior Design (multiple-choice, three and a half hours, 150 questions);
- Section II: Contract Documents and Administration (multiple-choice, three hours, 125 questions); and
- Section III: Schematics and Design Development (practicum, seven hours, two parts).

A candidate may choose to take all three sections at the same time, which results in a slight discount in fees for the sections (\$720). However, a candidate may also complete one section at a time. The cost for each section is as follows:<sup>17</sup>

- Section I: \$240;
- Section II: \$200; and
- Section III: \$375.

If a candidate fails any of the sections and would like to re-take a section(s), he or she is required to re-register and pay for the specific section. For instance, if a candidate fails Section III he or she must register with NCIDQ and pay \$375.

When a candidate passes all three sections of the NCIDQ examination, he or she is issued a certificate from NCIDQ.<sup>18</sup> NCIDQ staff stated that there are currently 501 NCIDQ certificate holders practicing interior design in Colorado.

The three examination sections cover a variety of content areas related to the practice of interior design, including:<sup>19</sup>

- Programming;
- Schematic design;
- Design development;
- Contract documents;
- Contract administration; and
- Professional practice.

---

<sup>16</sup> National Council for Interior Design. *NCIDQ Examination FAQs*. Retrieved November 19, 2008, from [http://www.ncidq.org/pdf/exam\\_faqs.pdf](http://www.ncidq.org/pdf/exam_faqs.pdf)

<sup>17</sup> National Council for Interior Design. *NCIDQ Examination FAQs*. Retrieved November 19, 2008, from [http://www.ncidq.org/pdf/exam\\_faqs.pdf](http://www.ncidq.org/pdf/exam_faqs.pdf)

<sup>18</sup> National Council for Interior Design. *Frequently Asked Questions*. Retrieved October 20, 2008, from <https://www.ncidq.org/faqs/certificate.htm>

<sup>19</sup> National Council for Interior Design Qualification. *NCIDQ Examination FAQs*. Retrieved November 19, 2008, from [http://www.ncidq.org/pdf/exam\\_faqs.pdf](http://www.ncidq.org/pdf/exam_faqs.pdf)

---

## **Interior Design Professional Associations**

### **ASID**

ASID is a membership organization charged with promoting the value of interior design, while providing indispensable knowledge and experiences that build relationships.<sup>20</sup> There are six levels of membership in ASID:

- Professional;
- Professional Educator;
- Allied;
- Allied Educator;
- Student; and
- Industry Partners.

Professional membership is the highest level of membership within ASID. In order to qualify to obtain a professional membership, an individual must provide evidence that he or she possesses a NCIDQ certificate.

Professional members are the only members entitled to use the appellation without stating their qualifying membership classification (e.g., John Doe, ASID).<sup>21</sup> All of the other levels of membership are required to include their ASID membership designation after their name (e.g., John Doe, Allied Member ASID). An ASID representative stated that there are currently 194 Professional ASID members in Colorado.

To achieve a Professional Educator membership within ASID, a person is required to be actively engaged as a department chair or full-time instructor in a post-secondary interior design program at any university or CIDA-accredited school of interior design.<sup>22</sup> The post-secondary interior design program must also require completion of 40 semester credit hours in interior design courses.<sup>23</sup> Professional Educator members must have successfully passed the NCIDQ examination.<sup>24</sup> There are three ASID Professional Educator members in Colorado.

---

<sup>20</sup> American Society of Interior Designers. *ASID 2008-2010 Strategic Plan*. Retrieved November 19, 2008, from <http://www.asid.org/NR/rdonlyres/FB86A09F-010A-47D6-97CD-699636E5F153/0/ASIDFY20082010StrategicPlanWeb.pdf>

<sup>21</sup> American Society of Interior Designers. *The ASID Appellation and Membership Designations*. Retrieved November 20, 2008, from <http://www.asid.org/members/appellation.htm>

<sup>22</sup> American Society of Interior Designers. *Educator Members*. Retrieved November 19, 2008, from <http://www.asid.org/members/edmem/default.htm?PF=1>

<sup>23</sup> American Society of Interior Designers. *Educator Members*. Retrieved November 19, 2008, from <http://www.asid.org/members/edmem/default.htm?PF=1>

<sup>24</sup> American Society of Interior Designers. *Educator Members*. Retrieved November 19, 2008, from <http://www.asid.org/members/edmem/default.htm?PF=1>

---

In order to qualify as an Allied member within ASID an individual is required to complete a minimum of 40 semester hours or 60 quarter hours in interior design education from a CIDA-accredited institution.<sup>25</sup> Currently, there are 317 ASID Allied members in Colorado.

Allied Educator memberships are available to educators who are actively engaged as department chairs or full-time instructors in a post-secondary program in interior design education at any university or accredited school of interior design.<sup>26</sup> Also, the university or accredited school must require the completion of 40 semester credit hours in interior design-related courses.<sup>27</sup> There are two ASID Allied Educator members in Colorado.

Professional, Professional Educator, Allied and Allied Educator ASID members are required to complete six hours of continuing education instruction every two years in order to retain their membership.<sup>28</sup>

Additionally, a Student membership within ASID is available to students who are currently enrolled in an interior design program of study where 40 credit hours or 60 quarter credit hours of interior design coursework are required to graduate.<sup>29</sup> There are 371 ASID Student members in Colorado.

The final level of membership offered through ASID is for Industry Partners, which includes design industry manufacturers and their representatives, related trade associations and market centers.<sup>30</sup> There are a total of 227 ASID Industry Partner members in Colorado.

## IIDA

IIDA's mission statement states that it is a professional networking and educational association consisting of 13,000 members throughout the world.<sup>31</sup> IIDA works to enhance the quality of life through excellence in interior design and to advance interior design through knowledge, value and community.<sup>32</sup>

---

<sup>25</sup> American Society of Interior Designers. *Allied Members*. Retrieved November 19, 2008, from <http://www.asid.org/members/allimem/default.htm?PF=1>

<sup>26</sup> American Society of Interior Designers. *Educator Members*. Retrieved November 19, 2008, from <http://www.asid.org/members/edmem/default.htm?PF=1>

<sup>27</sup> American Society of Interior Designers. *Educator Members*. Retrieved November 19, 2008, from <http://www.asid.org/members/edmem/default.htm?PF=1>

<sup>28</sup> American Society of Interior Designers. *Continuing Education Units*. Retrieved November 23, 2008, from <http://www.asid.org/events/ceus/default.htm?PF=1>

<sup>29</sup> American Society of Interior Designers. *Student Members*. Retrieved November 20, 2008, from <http://www.asid.org/members/stumembers/default.htm?PF=1>

<sup>30</sup> American Society of Interior Designers. *Industry Partners*. Retrieved November 19, 2008, from <http://www.asid.org/members/indpart/default.htm?PF=1>

<sup>31</sup> International Interior Design Association. *Key Facts*. Retrieved November 20, 2008, from <http://www.iida.org/i4a/pages/index.cfm?pageid=125>

<sup>32</sup> International Interior Design Association. *Key Facts*. Retrieved November 20, 2008, from <http://www.iida.org/i4a/pages/index.cfm?pageid=125>

---

IIDA has 29 chapters located throughout the world, and Colorado belongs to the Rocky Mountain Chapter. There are currently more than 300 members within the Rocky Mountain Chapter. A representative of IIDA stated that there are currently 244 members in Colorado.

The IIDA memberships available are as follows:

- Professional;
- Associate;
- Educator;
- Affiliate;
- Student; and
- Industry.

In order to obtain a Professional membership through IIDA, an applicant must provide a photocopy of either a current NCIDQ certificate or National Council of Architectural Registration Boards certification.<sup>33</sup> Professional members must also pay an annual fee of \$455. There are 68 IIDA Professional members in Colorado.

To achieve Associate membership, an individual is required to provide a photocopy of either a college diploma (minimum two year degree) or official college transcripts (40 semester credits or 60 quarter credits).<sup>34</sup> Associate members must pay an annual membership fee of \$260.<sup>35</sup> There are currently 44 IIDA Associate members in Colorado.

IIDA also offers an Educator membership for individuals that have completed the NCIDQ examination. An Educator member must be actively engaged as a department chair or full-time instructor in a post-secondary program of interior design education.<sup>36</sup> The post-secondary program must be at a university of an accredited school of interior design that requires a minimum of 40 semester or 60 quarter hours in interior design related courses.<sup>37</sup>

Educator members must pay an annual membership fee of \$225. There are three IIDA Educator members in Colorado.

Professional, Associate and Educator members of IIDA are required to complete a minimum of 10 hours of continuing education instruction every two years

---

<sup>33</sup> International Interior Design Association. *2009 IIDA Individual Membership Application*. Retrieved November 19, 2008, from [https://www.iida.org/files/pdf\\_IIDA\\_individual\\_mem\\_app.pdf](https://www.iida.org/files/pdf_IIDA_individual_mem_app.pdf)

<sup>34</sup> International Interior Design Association. *2009 IIDA Individual Membership Application*. Retrieved November 19, 2008, from [https://www.iida.org/files/pdf\\_IIDA\\_individual\\_mem\\_app.pdf](https://www.iida.org/files/pdf_IIDA_individual_mem_app.pdf)

<sup>35</sup> International Interior Design Association. *2009 IIDA Individual Membership Application*. Retrieved November 19, 2008, from [https://www.iida.org/files/pdf\\_IIDA\\_individual\\_mem\\_app.pdf](https://www.iida.org/files/pdf_IIDA_individual_mem_app.pdf)

<sup>36</sup> International Interior Design Association. *IIDA Educator Membership Application*. Retrieved November 25, 2008, from [http://www.iida.org/files/pdf\\_mem\\_app\\_education.pdf](http://www.iida.org/files/pdf_mem_app_education.pdf)

<sup>37</sup> International Interior Design Association. *IIDA Educator Membership Application*. Retrieved November 25, 2008, from [http://www.iida.org/files/pdf\\_mem\\_app\\_education.pdf](http://www.iida.org/files/pdf_mem_app_education.pdf)

---

Additionally, Affiliate members are actively engaged in a field of expertise that is directly related to the interior design industry (lighting designers, architects not practicing interior design, photographers, etc.) and pay the applicable annual membership fee of \$455.<sup>38</sup> There are 10 IIDA Affiliate members in Colorado.

Student memberships are available to students who are enrolled in a post-secondary interior design or related education program.<sup>39</sup> Student members pay an annual membership of \$50. Currently, there are 70 IIDA Student members in Colorado.

Finally, IIDA offers an Industry membership, which is highlighted as follows, including membership dues as well as the number of individuals included in each level:<sup>40</sup>

- \$7,500 Industry membership – 30 individuals;
- \$5,000 Industry membership – 15 individuals;
- \$3,500 Industry membership – 10 individuals;
- \$1,500 Industry membership – 6 individuals; and
- \$900 Industry membership – 3 individuals.

There are a total of 49 IIDA Industry members in Colorado.

---

<sup>38</sup> International Interior Design Association. Individual Memberships. Retrieved December 1, 2008, from <http://www.iida.org/i4a/pages/index.cfm?pageid=118>

<sup>39</sup> International Interior Design Association. *IIDA Student Membership Application*. Retrieved November 25, 2008, from [http://www.iida.org/files/pdf\\_mem\\_app\\_stu.pdf](http://www.iida.org/files/pdf_mem_app_stu.pdf)

<sup>40</sup> International Interior Design Association. *IIDA Industry Membership Application*. Retrieved November 25, 2008, from [http://www.iida.org/files/pdf\\_IIDA\\_Industry\\_Application.pdf](http://www.iida.org/files/pdf_IIDA_Industry_Application.pdf)

---

---

## Proposal for Regulation

---

The Colorado Interior Design Coalition (Applicant) has submitted a sunrise application to the Department of Regulatory Agencies for review in accordance with the provisions of section 24-34-104.1, Colorado Revised Statutes (C.R.S.). The application identifies state certification of Interior Designers who possess a minimum of six years of combined education and experience in interior design and successful completion of the National Council for Interior Design Qualification (NCIDQ) examination as the appropriate level of regulation to protect the public. The application also states that certification will create a registry of qualified Interior Designers as well as provide title protection of “Certified Interior Designers.”

The sunrise application details (after successful completion of the NCIDQ examination) the areas in which “Certified Interior Designers” are trained, including:

- Life-safety;
- Building codes;
- Barrier-free design, including but not limited to, the Americans with Disabilities Act;
- Fire code requirements for fire resistance ratings;
- Occupant load requirements;
- Means of egress and accessibility routes;
- Occupancy classifications; and
- Classification ratings of materials.

Also, the sunrise application states that regulation of Interior Designers would serve to benefit consumers by:

- Assuring that attention has been given to the safe egress, selections of fire resistant materials and safe and ergonomic interior spaces;
- Providing durability and spaces that will wear well with time; and
- Relying on the appropriateness of materials selected.

According to the Applicant, certification of Interior Designers in Colorado would add credibility to the profession.

It should be noted that the proposed regulatory framework would not prohibit individuals in Colorado from providing interior design services to consumers; however, only individuals who have the appropriate education and experience and are on the “registry” can call themselves “Certified Interior Designers.”



---

---

## Summary of Current Regulation

---

### *The Colorado Regulatory Environment*

Currently, there is no statute or municipal law that specifically requires registration or licensure of Interior Designers. However, the Architect Licensing Statute, specifically section 12-25-303(6)(c), Colorado Revised Statutes (C.R.S.), permits Interior Designers, who possess the requisite education and experience and have passed the National Council for Interior Design Qualification (NCIDQ) examination, to engage in the following, including but not limited to:

- Consultation, study, design analysis, drawing, space planning and specification for non-structural or non-seismic interior construction with concern for the life safety of the occupants of the building;
- Preparation and filing of interior design documents for the purpose of obtaining approval for a building permit as provided by law for non-structural or non-seismic interior, construction, materials, finishes, space planning, furnishings, fixtures, equipment, lighting and reflected ceiling plans; and
- Design for fabrication non-structural elements within and surrounding interior spaces of buildings.

It is important to note that Interior Designers, as outlined in the Architect Licensing Statute, section 12-25-303(6)(b), C.R.S., are not permitted to submit design documents in order to obtain a local building permit in the following areas:

- Construction of the structural frame system supporting a building;
- Mechanical, plumbing, heating, air conditioning, ventilation or electrical vertical transportation systems;
- Fire-related vertical shafts in any multi-story structure;
- Fire-related protection of structural elements;
- Smoke evacuation and compartmentalization;
- Emergency sprinkler systems;
- Emergency alarm systems; and
- Any other alteration affecting the life safety of the occupants of a building.

Additionally, the Architect Licensing Statute, specifically section 12-25-303(1)(a-d), C.R.S., permits any individual to prepare designs and specifications for the following, including but not limited to:

- One, two, three or four family dwellings including accessory buildings commonly associated with such dwellings;
- Commercial buildings designed for less than 10 people and that do not exceed one story in height; or
- Non-structural alterations of any nature to any building so the alterations do not affect the life safety of the occupants of the building.

---

## *Regulation in Other States*

There are currently 26 jurisdictions that provide various levels of regulation concerning the interior design profession: Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, Oklahoma, Puerto Rico, Tennessee, Texas, Virginia, Washington, D.C., and Wisconsin.

Of the 26 jurisdictions that regulate Interior Designers, 19 (Arkansas, California, Connecticut, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Minnesota, Missouri, New Jersey, New Mexico, New York, Oklahoma, Tennessee, Texas, Virginia and Wisconsin) have established title protection acts.

A title protection act regulates the use of a title, such as “Registered Interior Designer” or “Certified Interior Designer.”<sup>41</sup> A title protection act does not prohibit any Interior Designer from engaging in the profession; however, it does prohibit the use of the regulated title if an individual does not complete the necessary prerequisites in order to use the title (e.g., pass an examination and register with the state).

One state, California, operates under a title protection act; however, the state does not have regulatory oversight. Instead, a non-profit agency (California Council for Interior Design Certification) acts as an independent self-certifying agency and is charged with providing regulatory oversight of certified Interior Designers.

Additionally, all 19 jurisdictions that have title protection acts concerning Interior Designers require the passage of the NCIDQ examination prior to becoming eligible to use the relevant protected title.

One jurisdiction, Arkansas, requires Interior Designers to pass the NCIDQ and the Council for Qualification of Residential Interior Designers (which tests specifically for residential design) examinations prior to utilizing the relevant protected title.

In addition to passing the NCIDQ examination, the State of New York requires Interior Designers to pass a state examination, which tests applicants on fire, safety and building codes.

There are also six jurisdictions (Alabama, Florida, Louisiana, Nevada, Puerto Rico and Washington, D.C) that have established practice acts. Generally, a practice act, in addition to regulating who may call themselves Interior Designers, requires individuals practicing interior design to become licensed by the state.<sup>42</sup>

---

<sup>41</sup> American Society of Interior Design. *Difference between Title Acts, Practice Acts, “Self-Certification” and Permitting Statute*. Retrieved November 20, 2008, from <http://www.asid.org/NR/rdonlyres/5D716B78-A6AC-4563-A4D9-B67B9041F6F5/0/DifferencesinLeg.pdf>

<sup>42</sup> American Society of Interior Design. *Difference between Title Acts, Practice Acts, “Self-Certification” and Permitting Statute*. Retrieved November 20, 2008, from <http://www.asid.org/NR/rdonlyres/5D716B78-A6AC-4563-A4D9-B67B9041F6F5/0/DifferencesinLeg.pdf>

---

All of the jurisdictions that have implemented Interior Design practice acts require practitioners to pass the NCIDQ examination.

Finally, Michigan does not restrict or regulate the practice of interior design; however, a listing of qualified individuals who have passed the NCIDQ examination is posted on the state website for access by consumers who are seeking the services of Interior Designers.

A complete list of the 26 jurisdictions that regulate Interior Designers, as well as the various distinctions, can be found in Appendix A on page 28.

---

---

## Analysis and Recommendations

---

### *Public Harm*

The first sunrise criterion asks:

Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument.

Before moving forward in the analysis of the harm concerning Interior Designers, it is important to identify what constitutes harm to the public. The selection of the appropriate interior finishes that comply with local, state and national fire codes could serve to protect consumers from harm.<sup>43</sup> The absence of interior finishes compliant with applicable fire safety codes could result in both physical and financial harm to consumers.

Also, Interior Designers are trained to address accessibility issues for consumers. Failing to offer appropriate accessibility to persons with disabilities, for example, could result in harm to consumers by not allowing them to function adequately in their workplace.

Interior Designers design workspaces that are ergonomic and functional, which could prevent physical harm such as repetitive motion strain to consumers.<sup>44</sup>

Interior Designers work to create environments that are safe for the elderly population. Doing so could assist in the prevention of physical harm. For instance, Interior Designers select safe furniture, adding railings and grab bars where necessary and specifying non-skid surfaces.<sup>45</sup>

In order to determine whether regulation of Interior Designers is necessary in Colorado, the Department of Regulatory Agencies (DORA) requested specific examples of harm to the public from the Colorado Coalition of Interior Designers (Applicant).

The Applicant did not provide any examples of harm in Colorado in its sunrise application; however, three examples of harm were submitted to DORA on behalf of an insurance company. The three cases are outlined below and do not contain reserves, amounts paid, claimants, etc.

---

<sup>43</sup> American Society of Interior Designers. *Health, Safety and Welfare*. Retrieved November 24, 2008, from <http://www.asid.org/NR/rdonlyres/EC6604D5-6173-4B52-BBDB-D6EA23AD0AED/0/HealthSafetyandWelfare2.pdf>

<sup>44</sup> American Society of Interior Designers. *Health, Safety and Welfare*. Retrieved November 24, 2008, from <http://www.asid.org/NR/rdonlyres/EC6604D5-6173-4B52-BBDB-D6EA23AD0AED/0/HealthSafetyandWelfare2.pdf>

<sup>45</sup> American Society of Interior Designers. *Health, Safety and Welfare*. Retrieved November 24, 2008, from <http://www.asid.org/NR/rdonlyres/EC6604D5-6173-4B52-BBDB-D6EA23AD0AED/0/HealthSafetyandWelfare2.pdf>

---

## **Case 1**

An interior design company designed a restaurant, including the design of interior aesthetic lighting into a step-down area. A patron of the restaurant fell down the step while being led to her table. The patron sued the Interior Designer, claiming that the step was not sufficiently illuminated, causing her to fall.

### **Analysis**

This case highlights an instance in which an Interior Designer has harmed a consumer. However, it is unclear where this case happened. Did it occur in a state that currently regulates Interior Designers? Also, the information provided to DORA did not mention when it happened. It is also unclear if the Interior Designer completed the NCIDQ examination, which assesses and measures an Interior Designer's competency. Absent this critical information it is impossible to provide a complete and detailed analysis.

Also, it is unclear how the regulatory framework proposed by the Applicant would mitigate a case similar to this if it happened in Colorado. Recall that the sunrise application requests certification of Interior Designers who have passed the NCIDQ examination and possess a minimum of six years of experience and education in interior design. Interior Designers who meet the minimum requirements for certification can then be placed on a registry maintained by the state. Interior Designers who are listed on the registry may call themselves "Certified Interior Designers," and Interior Designers who are not on the registry may continue to practice in Colorado but may not call themselves "Certified Interior Designers."

Assuming that this case occurred in Colorado under the regulation proposed by the Applicant, if the Interior Designer was on the registry he or she may be removed, but the Interior Designer may still practice in Colorado. Conversely, if the Interior Designer was not on the state registry, he or she may have an insurance claim but would still be able to practice in Colorado.

The proposed regulation by the Applicant, in response to the case outlined above, would not provide any additional protection to the consumer than already exists. Therefore, the Interior Designer who was negligent would still be able to practice in Colorado.

However, licensure, the most restrictive form of regulation, could provide a regulatory framework to address the harm to the consumer in this case. Typically, licensure requires the passage of an examination, minimum level of education and experience, which ensures minimum competency of practitioners in a profession.

---

## **Case 2**

An interior design company designed the common areas of a mall. The Interior Designers specified tile floors to be used inside the mall entrances and around the fountain and planters within the mall. On a rainy day, a shopper walked into the mall, shook off her umbrella and slid on the tile causing bodily injury. The Interior Designer was sued for specifying this tile in areas where it was foreseeable that the tile could become wet and hazardous.

### **Analysis**

This case also details harm to a consumer by an Interior Designer. However, the information provided to DORA does not provide critical information, which would allow for a more thorough and complete analysis. Too many questions remain about the incident. When and where did the incident occur? Did the incident occur in a state that currently regulates Interior Designers? Did the Interior Designer possess an NCIDQ certificate?

Also, the regulation proposed by the Applicant would not adequately address this case. Assuming this case occurred under the regulation outlined by the Applicant, the negligent Interior Designer would still be able to practice regardless of whether he or she was on the state registry as a “Certified Interior Designer” or practicing as an Interior Designer who was not regulated by the state.

A licensure program could also address the harm to the consumer in this case. Licensure programs have disciplinary actions in place that, if violated by licensed practitioners, could prevent violators from practicing in Colorado. In this case, the Interior Designer, under a licensing program, could be disciplined and may be prevented from practicing.

## **Case 3**

An Interior Designer designed the interior of a law firm, including the fabric wall panels that created the office cubicles. One evening, after hours, there was a fire in the law office. No one was injured, but the office was a complete loss. The fire investigation showed that the fire started when a spark from a defective computer ignited one of the fabric cubicle panels. The remaining panels in the office continued to fuel the fire. The Interior Designer was sued for specifying the flammable fabric cubicles.

### **Analysis**

This case demonstrates that an Interior Designer has caused financial harm to a consumer. Again, without additional information, it is difficult to provide a complete analysis.

---

However, in this case the proposed regulation by the Applicant would not provide protection to consumers. Instead, it would still enable a negligent Interior Designer to continue to practice in Colorado and potentially cause additional harm to consumers.

Licensure may mitigate the issue outlined in this case. Licensure tests for minimum competency in a profession. Although there are many questions related to this case, it appears that a licensing program, which could address competency issues, may provide protection to consumers.

The Applicant also provided information on several states that currently regulate Interior Designers. DORA also researched all the jurisdictions (26) that regulate Interior Designers in an attempt to identify harm to consumers.

Of the 26 jurisdictions that regulate Interior Designers, eight (Arkansas, Georgia, Iowa, Maine, Michigan, Missouri, New York and Oklahoma) did not have any complaints or disciplinary actions in the past five years. Also, after several requests for information, DORA was unable to obtain complaint or disciplinary action information from four jurisdictions (Connecticut, Maryland, Puerto Rico, and Washington, D.C.).

The following information related to complaints and disciplinary actions against Interior Designers was received in the sunrise application.

**California** – The sunrise application states that California has experienced 64 consumer complaints in the last five years. However, the application does not highlight the nature of the complaints; therefore, it is impossible to determine whether the complaints are attributable to the consumer being harmed or whether the complaints were due to administrative issues (e.g., failing to complete continuing education requirements, etc.).

**Illinois** – The sunrise application highlighted two instances in which disciplinary action was taken against Interior Designers. Both of the disciplinary actions were for administrative issues, not harm to consumers. One of the disciplinary actions was taken because the licensee failed to divulge that he had a criminal conviction. The final disciplinary action was taken against a licensee because she defaulted on an Illinois student loan.

**Minnesota** – There were four disciplinary actions against certified Interior Designers since 2004. All of the disciplinary actions were for administrative issues rather than harm to consumers. Two of the disciplinary actions were taken because the certified Interior Designers failed to pay their taxes.

One of the remaining disciplinary actions was related to a person who was licensed as an architect and the architect license expired due to a clerical error. The example does not identify issues related to the Interior Design certification nor does it identify harm to consumers.

---

The final example was for a certified Interior Designer who continued to use the title “Certified Interior Designer” after her certification had expired. This is an administrative issue rather than an instance when consumers were harmed.

**Nevada** – The sunrise application states that the State of Nevada experienced one of the largest losses of life in which an Interior Designer may have contributed to the rapid spread and severity of a fire at the MGM Grand in Las Vegas (1980). However, the example does not delineate whether the cause of the fire was attributable to an Interior Designer’s negligence.

**Texas** - In the last five years, 30 registered Interior Designers received disciplinary action for failing to complete continuing education requirements. None of the 30 instances identified harm to consumers.

Also, from 1998 through 2008, 122 Interior Designers were ordered to cease using the title “Interior Designer” to describe themselves or the term “Interior Design” to describe the services they offer. The sunrise application did not provide any additional information related to the circumstances under which the 122 Interior Designers were disciplined. Therefore, it does not appear as though discipline imposed was due to harm to the consumer.

Two Interior Designers were disciplined for administrative matters, both of which involved failure to respond to, or untimely responses to board inquiries.

One Interior Designer was disciplined for holding himself out as an architect.

Two Interior Designers were disciplined for making fraudulent or misleading statements. One of these cases may have involved harm to consumers, but the information provided does not clearly articulate what the harm may have been.

Two Interior Designers were disciplined for issues related to their seals. One Interior Designer failed to affix the seal to plans submitted to the client. The other Interior Designer failed to properly mark plans as incomplete.

The final example in Texas provided by the Applicant involved an Interior Designer who was disciplined for preparing architectural plans improperly; however, no harm to consumers is alleged in this instance.

None of the cases outlined above, with the possible exception of the one involving fraud, allege any harm to consumers.

Additionally, DORA contacted the remaining jurisdictions (Alabama, Minnesota, Tennessee, Kentucky, Louisiana, New York, Virginia and Wisconsin) in an attempt to identify harm to consumers.

**Alabama** – There were 31 complaints filed against Interior Designers in the past five years. All of the complaints were for use of the registered interior design title without being registered with the state.



---

All of the complaints were for administrative issues rather than issues related to the practice of interior design.

**Florida** – The State of Florida was unable to provide a complete listing of the number of Interior Designer complaints in the past five years. However, DORA completed a random sample of the complaint cases posted on the state’s website. DORA reviewed 61 complaints concerning Interior Designers.

All of the complaints reviewed by DORA highlighted administrative issues rather than issues related to the practice of interior design (e.g., practicing without a license, unlicensed use of a title, etc.).

**Kentucky** – Six complaints have been filed during the last five years concerning Interior Designers. Five of the complaints were for Interior Designers using Certified Interior Designer (CID) after their names. The other complaint was for an individual who claimed to be certified by the state, but was not.

All of the complaints were for administrative issues, not the practice of interior design.

**Louisiana** – There were a total of 205 complaints filed against Interior Designers in the past five years. All of the complaints were for administrative issues (e.g., using the title “Registered Interior Designer”).

**New York** – Information provided by the State of New York staff highlighted 19 cases that were opened as a result of complaints filed. None of the complaints provided highlighted specific harm to consumers.

**Tennessee** – There were three complaints filed against Interior Designers in the past five years. All three complaints were for failure to demonstrate continuing education requirements. These complaints are administrative issues not harm to consumers.

**Virginia** – Eight complaints were filed in the past five years concerning Interior Designers. One of the complaints was for the unlicensed practice of interior design. Staff, due to insufficient evidence, closed the complaint. Two complaints were for issues with a licensing application. Staff approved one application and closed the other complaint without taking any action. Two of the complaints were related to professional conduct, with one of the complaints being closed by staff with no disciplinary action taken. The other professional conduct complaint was successfully adjudicated through dispute resolution. Two complaints were closed after it was determined by staff that no laws or regulatory violations occurred. Staff closed the final complaint after it was determined that regulatory compliance was obtained.

All of the complaints outlined above appear to be for administrative violations rather than the practice of interior design.

---

**Wisconsin** – Two complaints were received concerning Interior Designers in the past five years. Both of the complaints were related to the Interior Designers not showing proof of continuing education. The complaints against Interior Designers are administrative and did not result in harm to consumers.

In an attempt to identify additional harm to consumers, DORA contacted representatives of the American Society of Interior Designers (ASID). ASID staff provided ethics cases against ASID members in the past five years. There were a total of 116 cases from 2004 through 2008.

The information provided by ASID staff related to ASID ethics violations does not highlight any actual harm to consumers. Also, codes of ethics violations are not commonly included in a state's regulatory authority.

DORA also contacted the Colorado State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors (Board) staff in an attempt to identify additional harm. Staff indicated that the Board has not received any complaints concerning Interior Designers in the past five years.

Also, DORA contacted the Attorney General Consumer Protection Section (AGO) to identify harm to consumers. AGO staff indicated that there were 32 complaints filed with the AGO related to Interior Designers. DORA requested additional information regarding the complaints; however, as of this writing, DORA has not received a response from AGO staff. Therefore, it is impossible to determine whether actual harm to consumers has occurred.

DORA also contacted the Denver/Boulder Better Business Bureau (BBB) in an attempt to identify harm to consumers related to Interior Designers. A representative from the BBB reported that there were 15 complaints in the last three calendar years. There are six categories that the complaints fall within, including:

- Billing/Collection
  - Billing errors, unauthorized charges and questionable collection practices.
- Contract Issues
  - Failure to honor a contract or invalid contract work performed without authorization.
- Sales Practice
  - Misrepresentations of products or services, high pressure sales practices, failure to disclose key conditions and verbal representations not consistent with contract.
- Service
  - Delay in completing or failure to provide promised service, inferior quality of service, damaged merchandise as a result of delivery.

- 
- Delivery
    - Delayed delivery or ordered merchandise.
  - Refund/Exchange
    - Failure to honor company policy, verbal commitment to provide refunds, exchanges or credit for products or services.

DORA was not provided all of the information related to many of these complaints. However, from the information obtained, it does appear that none of the complaints received by the BBB address the practice of interior design.

Although the Applicant was able to provide three instances in which Interior Designers have harmed consumers, the Applicant's regulatory framework would not provide additional consumer protection than already exists due to the fact that Interior Designers may still continue to practice regardless of whether they are on the state's registry as a "Certified Interior Designer."

Additionally, considering the United States Department of Labor and Statistics estimates that there are approximately 1,400 Interior Designers operating in Colorado, three instances of harm is very small. It is important to note that critical information such as when or where the incidents occurred or whether the Interior Designers possessed a certificate from NCIDQ makes it impossible to complete a thorough analysis.

Also, the information provided by states that currently regulate Interior Designers does not highlight any harm to consumers nor does the information provided by the Board, AGO and BBB. As a result the lack of identifiable harm to consumers from a variety of sources indicates that Interior Designers do not harm Colorado consumers.

### ***Need for Regulation***

The second sunrise criterion asks:

Whether the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional or occupational competence.

This criterion addresses the proposition of whether the state should require a certain level of education and/or impose a requirement that Interior Designers pass an examination before being certified in Colorado. As outlined earlier in this report, all of the jurisdictions require the passage of an examination prior to being regulated.

According to the information provided to DORA for this sunrise review, very little evidence has been presented that Interior Designers do not possess adequate skills, education or competence to practice safely. This review uncovered limited evidence of harm to the public resulting from lack of education of practitioners.

---

The United States Department of Labor and Statistics delineates that there are slightly more than 1,400 Interior Designers practicing in Colorado, and 501 Interior Designers or approximately 36 percent have passed the NCIDQ examination. This reflects a commitment to provide quality service to the public, and to continue to improve quality standards in the Interior Design profession without a state mandate to do so.

### *Alternatives to Regulation*

The third sunrise criterion asks:

Whether the public can be adequately protected by other means in a more cost-effective manner.

As outlined earlier in this sunrise report, the NCIDQ already has a voluntary examination in order to adequately test Interior Designers' knowledge of important issues. The NCIDQ examination is widely accepted as a valuable indicator as to whether a practitioner has achieved the necessary knowledge base to effectively practice interior design. This is evidenced by the fact that 25 of the 26 jurisdictions that have a regulatory framework in place require passage of the NCIDQ examination prior to operating as a regulated professional.

As a result, it is clear that an alternative to governmental regulation already exists and is commonly accepted as a viable tool in testing Interior Designers.

Also, the Applicant proposed a regulatory framework that would "certify" Interior Designers and create a state "registry" for Interior Designers who possess the required experience and education as well as pass the NCIDQ examination.

An alternative to certification is licensure. Licensure is the most restrictive form of regulation and requires a demonstration of competency prior to obtaining a license to practice. An example of a licensing program would be the Board of Medical Examiners where the state requires license candidates to complete a certain level of education and pass certain examinations that establish minimum competency. Licensure only enables practitioners to operate within a profession if they complete education and examination requirements.

Implementing a licensure program for Interior Designers could potentially cause an unnecessary barrier to entry since very little harm identified in this review was attributable to a lack of competency.

---

## *Conclusion*

The sunrise application submitted to DORA by the Applicant identified certification of Interior Designers as the appropriate level of regulation. The Applicant states that certifying Interior Designers would serve to add credibility to the profession. However, based on the sunrise review criteria and the limited public harm identified through this sunrise review, no regulation of Interior Designers is justified.

Although the Applicant asserts that certifying Interior Designers will serve to add credibility to the profession, this is inconsistent with the first sunrise criterion, which asks whether regulation is necessary to protect the public. Therefore, sunrise reviews, and subsequently recommendations, do not serve to add credibility to professions, instead recommendations create a regulatory framework to provide protection to the public when harm has been identified.

In an attempt to uncover additional examples of harm, DORA contacted a variety of resources, including but not limited to:

- National Federation of Independent Business;
- Denver/Boulder Better Business Bureau;
- Attorney General Consumer Protection Section; and
- American Society of Interior Design.

The additional resources did not highlight any instances in which unregulated Interior Designers harmed consumers in Colorado.

Also, DORA completed a detailed review of the 26 jurisdictions that currently regulate Interior Designers. The research completed by DORA failed to identify Interior Design practice that resulted in harm to consumers. The lack of harm identified in the jurisdictions calls into question the need for regulation of Interior Designers in Colorado.

Additionally, the Applicant claims that Interior Designers are not permitted to submit designs in order to obtain building permits. DORA contacted a variety of municipal building departments and gave a presentation at the Colorado Chapter, Inc. of the International Code Council conference in Denver. In attendance were building officials from around the state of Colorado.

DORA was unable to substantiate the claim by the Applicant that local building officials are not allowing Interior Designers to submit drawings in order to obtain local building permits. Instead, local building officials stated that as long as the designs and specifications do not alter the building's structure or mechanics, Interior Designers are able to submit drawings. In fact, many building officials stated that the purpose of plan review was to work with individuals to ensure their plans conform to applicable building codes. However, if the designs contain any provision that requires an engineer or architect, an Interior Designer may not submit for approval. As a result, this further calls into question the need for regulation of Interior Designers.

---

Further, the local building permit process, as delineated above, provides additional safeguards to consumers by ensuring that drawings comply with applicable building codes. Because this additional protection to consumers is already in place, consumer protection is enhanced. This sunset review did not identify instances in which consumers were harmed by Interior Designers due to building code violations.

In sum, the limited harm identified during this sunrise review and the current local building permit process illustrates that regulation, specifically certification, as requested by the Applicant, is not warranted.

***Recommendation – Impose no regulation on Interior Designers in Colorado.***

## Appendix A – State Regulatory Requirements

State	Type	Residential/ Nonresidential	Titles	Year Enacted	Minimum Education	Total Education Plus Experience	Exam	Continuing Education
AL	Practice	No distinction	Interior Designer, Registered Interior Designer	Title: 1982 Practice: 2001	2 years, or 4 years for registered level	6 years	NCIDQ, or NCIDQ and additional exam for registered level	Interior Designers 8 hrs per year; Registered Interior Designers 10 hrs per year
AR	Title	No distinction	Registered Interior Designer, Registered Residential Interior Designer	1993 amended 1997	4 years	6 years	NCIDQ, CQRID	.5 CEUs per year
CA	Title	No distinction	Certified Interior Designer	1990 amended 1991 extended to 2007	None	6 to 8 years <i>depending on education</i>	CCRE, new exam IDEX	10 hrs every two years
CO	Permitting Statute	NA	None	2001	2 years	6 years	NCIDQ	None
CT	Title	No distinction	Interior Designer	1983 amended 1987	NCIDQ requirements	NCIDQ requirements	NCIDQ	None
FL	Practice	No distinction	Interior Designer	Title: 1988, amended 1989 Practice: 1994	2 years	6 years	NCIDQ	20 hrs every two years
GA	Title	No distinction	Registered Interior Designer	1992 amended 1994	4 years or first professional degree	Not specified	NCIDQ	12 hrs every two years
IL	Title	Residential Interior Designers restricted to residential	Interior Designer, Residential Interior Designer	1990 amended 1994	2 years	6 years	NCIDQ	None
IA	Title	No distinction	Registered Interior Designer	2005	2 years	6 years	NCIDQ	12 hrs per year
KY	Title	No distinction	Certified Interior Designer	2002	4 years	2 years	NCIDQ	12 hrs per year
LA	Practice	Residential title only. Commercial title and practice.	Registered Interior Designer	Title: 1984 amended 1990, 1995, 1997 Practice: 1999	2 years	6 years	NCIDQ	5 hrs per year

State	Type	Residential/ Nonresidential	Titles	Year Enacted	Minimum Education	Total Education Plus Experience	Exam	Continuing Education
ME	Title	No distinction	Certified Interior Designer	1993	4 years	6 years	NCIDQ	None
MD	Title	No distinction	Certified Interior Designer	1991 amended 1997	NCIDQ requirements	NCIDQ requirements	NCIDQ	10 hrs every two years
MI	Listing	No distinction	None	1980 amended 1998	N/A	N/A	NCIDQ	None
MN	Title	No distinction	Certified Interior Designer	1992 amended 1995	NCIDQ requirements	6 years	NCIDQ	24 hrs every two years
MO	Title	No distinction	Registered Interior Designer	1998	2 years	6 years	NCIDQ	10 hrs every two years
NV	Practice	Private residence exempt	Registered Interior Designer	1995	2 years	6 years	NCIDQ	None
NJ	Title	No distinction	Certified Interior Designer	2002	2 years	6 years	NCIDQ	12 hrs every two years
NM	Title	No distinction	Licensed Interior Designer	1989	2 years	6 years	NCIDQ	8 hrs every two years
NY	Title	No distinction	Certified Interior Designer	1990	2 years	7 years	NCIDQ and State exam testing fire, safety, building codes	None
OK	Title	No distinction	Interior Designer	2006	2 years	6 years	NCIDQ	None
PR	Practice		Interior Designer, Interior Decorator	1973 amended 1976	2 years Or 480 hrs	2 years	NCIDQ	.45 hrs per year
TN	Title	No distinction	Registered Interior Designer	1991 amended 1995, 1997	2 years	6 years	NCIDQ	24 hrs every two years
TX	Title	No distinction	Interior Designer	1991	2 years	6 years	NCIDQ	8 hrs per year
VA	Title	No distinction	Certified Interior Designer	1990 amended 1994	4 years	6 years	NCIDQ	None
DC	Practice		Interior Designer	1986	2 years	6 years	NCIDQ	.5 hrs every two years
WI	Title	No distinction	Wisconsin Registered Interior Designer	1996	2 years	6 years	NCIDQ	9 hrs every two years

CBD: Certified Bath Design  
 CCRE: California Codes and Regulations Examination  
 CKD: Certified Kitchen Design  
 IDEX: Interior Design Examination  
 NCIDQ: National Council for Interior Design Qualification