REVIEW OF SENATE BILL 305

WHICH PROPOSES TO LICENSE

INTERIOR DESIGNERS

IN GEORGIA

GEORGIA OCCUPATIONAL REGULATION REVIEW COUNCIL

DECEMBER, 1989

EXECUTIVE SUMMARY

As provided in O.C.G.A. 43-1A, the Georgia Occupational Regulation Review Council reviews all bills proposing licensure of a profession or business referred to it by the chairperson of the legislative committee of reference. Accordingly, the Council has examined Senate Bill 305 which proposes to license interior designers at the request of the Chairperson of the Senate Governmental Operations Committee.

During the course of this study, we obtained information from interior design instructors, interior design professionals, manufacturers, hotel and hospital buyers and architects. We then performed our analyses based on the resulting information and prepared recommendations which are included in the text of this report. We briefly describe our findings and recommendations in the following pages and present them in greater detail in other sections of this report.

Findings

Based upon the criteria in O.C.G.A. 43-1A which the Council is required to use to make its basis for a decision, we found the following conditions exist:

- The unregulated practice of interior design does not pose a recognizable threat to the health, safety and welfare of the general public. The applicant group could not cite any instances in which death or serious injury has occurred involving the general public.

- Interior designers may perform projects involving programming and program development, planning and schematic design, and administering construction contracts. Consequently, some interior design projects may involve the practice of architecture which may cause a potential conflict to exist between the current architecture law and the proposed legislation's definition of interior design.

- While qualified licensed or unlicensed interior designers may incorporate some minimal life safety codes in their building designs, the building owner will decide whether additional costs should be incurred to make an exempt building meet minimum code requirements. As a result, mandatory regulation may not necessarily lead to better practices.

- The practice of interior design requires skills generally acquired through formal schooling or through a structured apprenticeship. Building owners usually contract with larger, more qualified firms to provide commercial design services. These firms typically hire interior designers who have completed a formal course of study in an interior design program.

- Educational programs in interior design can still vary significantly between schools. Since Senate Bill 305 does not set educational requirements and educational programs may vary between schools, licensing may not ensure initial competency.

- The proposed legislation would allow an individual with six years of undefined experience to obtain licensure upon passing the NCIDQ examination. Typically, professions which provide for a journeyman's route to licensure specify the type of experience necessary and with whom the experience must be gained.

- An architect or engineer must review and approve interior design plans. The State or local fire marshal also reviews these plans and specifications and inspects the facility during and after construction. Additionally, most cities and counties in Georgia have adopted State minimum building codes. Thus, present statutes governing the review, construction, and inspection of interior design plans and work adequately protect the public.

- An architect not only coordinates and monitors the entire building project in most instances, but also assumes liability for the project by affixing his/her architectural seal to design plans and related documents. Therefore, the responsibility for protecting the health, safety and welfare of the public rests with an architect.

- The federal Consumer Product Safety Commission and the Federal Trade Commission respectively set flammability standards for fabrics and finishes, and establish labeling requirements for fabrics, carpeting, furnishings and other textile products. Since manufacturers apply labels and provide detailed information, upon request, which indicate flammability standards for interior products, buyers have the ability to distinguish which products are safer than others.

- The private sector has developed quality controls to monitor the quality of interior design services. These quality controls help ensure that interior spaces are safe for the public and are planned by reliable personnel.

- Professional interior designer organizations are recognized by the industry and their members must have the same qualifications as those outlined within the proposed legislation. The existence of these organizations facilitates the public's ability to determine which professionals are qualified.

- The Federal Trade Commission stated in 1987 that legislation which regulates the interior design industry will likely lead to higher prices because it restricts entry into the industry. However, the Council found no real evidence from which to draw any firm conclusions that interior designer costs would be measurably higher or lower.

Recommendation

Based on the information developed and received by the Council, the Council does not recommend passage of Senate Bill 305, which proposes to license interior designers, because the proposal does not meet statutory criteria.

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INTRODUCTION

Senate Bill 305 proposes to regulate certain individuals who provide interior design services. Only interior designers whose work involves compliance with building and life safety codes are required to obtain licensure under the proposed legislation. We provide a summary of the proposed legislation in Appendix I and a copy of the proposed legislation in Appendix II. The Georgia Alliance of Interior Design Professionals has supported this legislation. This group represents members of the American Society of Interior Designers, the Institute of Business Designers, the Interior Designers Education Council, the Institute of Store Planners, the International Society of Interior Designers, and the National Home Fashions League.

In conducting its review, the Georgia Occupational Regulation Review Council obtained input from as many sources as possible. We first sent out a questionnaire to the applicant group -- the Georgia Alliance of Interior Design Professionals -- and to 61 other organizations or groups that we believed would be interested in this piece of proposed legislation. After receiving responses from these groups, we formulated some additional questions to ask the applicant group and requested their further input. Any groups which desired to make a formal presentation before the Council were given that privilege, and four groups made presentations to the Council. All groups which responded to our questionnaire, as well as anyone else who requested to be notified of our meetings, were informed of each of our meetings so that they could attend. We also interviewed interior design instructors, interior design professionals, manufacturers, hotel and hospital buyers and architects.

We then compiled and analyzed the information received from these various sources and developed our findings and recommendations. Our discussion of present practices, present statutory requirements and voluntary certification efforts, other states' regulatory programs, our findings, and our recommendations follow.

PRESENT PRACTICES

In the following paragraphs, we describe persons involved in planning, designing, and implementing interior spaces; education and experience requirements for persons involved with interior spaces; types of firms offering interior design services; types of interior design projects and procedures; potential hazards associated with interior design; and methods for obtaining design services.

Persons Involved in Planning, Designing, and Implementing Interior Spaces

During the course of our study, we identified several groups of persons who are involved in the design and development of interior spaces. Our discussion of the professionals involved in a project involving interior spaces, along with the activities performed by each profession, follows.

Interior Designers

Through interviews with persons engaged in the practice of interior design, we identified a number of activities associated with planning, designing and implementing interior spaces. We discuss some of these activities in the following paragraphs:

Programming and Program Development - As part of a design project, an interior designer may collect and analyze background information regarding interior space and its proposed use. A designer uses this information to determine the amount of space required for employees, equipment and other facilities. Additionally, a designer may assess the condition of existing furnishings, equipment, ceiling and lighting systems and space division needs. Once all information has been collected and analyzed, the designer may prepare a programming report, which includes the proposed design and a detailed project budget. A designer presents the programming report to the client for review and approval.

Planning and Schematic Design - Once a client approves all or part of the programming report and detailed project budget, a designer may prepare an implementation plan. The implementation plan generally incorporates the specifications, requirements, aesthetics and business goals identified in the programming and program development phase. A designer may prepare schematic diagrams or plans which illustrate space and furniture layout. These diagrams may incorporate research data on appropriate life safety codes. Additionally, a designer may prepare a preliminary budget indicating the cost and a preliminary schedule indicating the time requirements for each major phase of a project.

Design Development - Once a client approves the planning and schematic design concepts, an interior designer may prepare final space layout and design details. During this phase, a designer may finalize recommendations regarding doors, windows, ceilings, lighting systems, interior trim, finishes and furniture. An interior designer may also develop cost estimates for each item included in the recommended design scheme. In most instances, an interior designer presents the recommended designs, colors and finishes, as well as cost estimates, to the client for approval.

Construction and Furniture Documents - Once a client approves a design development plan, an interior designer may draw necessary plans, elevations, and details to communicate the full intent of the design to the contractors executing the work. A designer may prepare specifications for furniture which indicate a specific manufacturer, model and type of finish. A designer may also prepare other documents to solicit bids from sub-contractors.

Contract Administrators - An interior designer may provide assistance to sub-contractors by interpreting design plans. Additionally, a designer may establish a project schedule indicating the projected completion date for each construction phase. Finally, a designer may conduct inspections, on an interim or final basis, to ensure work conforms to quality standards.

Senate Bill 305 requires only those individuals using the title "registered interior designer" and performing work involving life safety codes to be licensed.

Interior Decorators

Interior decorators primarily provide services connected with the aesthetic appearance of a given room or interior space in a residential environment. Interior decorators do not ordinarily perform projects that involve services requiring compliance with life safety, building and handicap access codes, since most projects involve a single family residence. An interior decorator may assist a client in selecting wallpaper, window accessories, carpeting, colors and patterns.

Senate Bill 305 does not require interior decorators to be licensed as interior designers, but prohibits interior decorators from performing projects involving life safety codes. Since most commercial projects require compliance with life safety codes, the proposed legislation would likely exclude an interior decorator from performing work in a commercial setting.

Architects

Architects provide a variety of services in connection with the design of buildings and structures. Architects plan, design, and coordinate work connected with new buildings, and alterations or additions to existing buildings. Architects are involved in planning, designing and coordinating work involving the interior and exterior of a building. Traditionally, architects are responsible for overseeing and coordinating all building projects and ensuring that a total building concept is carried through. In many instances, an architect supervises an interior designer responsible for completing the work.

Senate Bill 305 permits a registered architect to practice interior design.

Engineers

Engineers, such as structural engineers, mechanical engineers, and electrical engineers, may perform work involved in the design and development of interior spaces. An explanation of each type of engineer follows:

- Structural engineers provide technical expertise in the construction of buildings. Structural engineers may determine the load stress of a building and evaluate construction materials.

- Mechanical engineers provide assistance in connection with the installation and operation of machinery and equipment such as heating and air conditioning systems.

- Electrical engineers determine the electrical loads for the control systems and oversee electrical equipment, control systems, and electrical wiring to ensure compliance with electrical codes.

Senate Bill 305 does not require architects to be licensed as interior designers. However, the bill does require an engineer, who also performs work involving interior spaces and life safety codes, to be licensed as an interior designer.

Landscape Architects

Landscape architects provide services associated with the functionality and beauty of land. Landscape architects must complete five years of college, serve an apprenticeship of one and one-half years under the supervision of a licensed landscape architect, and pass a written examination to become licensed in Georgia. Like engineers, the proposed legislation does not exempt a landscape architect, who performs work involving life safety codes, from having to be licensed as an interior designer.

Construction Trades

Individuals employed in construction trades as electrical contractors; plumbing contractors; heating, ventilation and air conditioning (HVAC) contractors; and low voltage contractors may perform work involving interior spaces. In the following paragraphs, we discuss the responsibilities and qualifications of each of these professions.

Electrical Contractors - Electrical contractors install, maintain, and repair electrical systems, equipment and wiring included in buildings and structures. Electrical contractors are not required to have any formal education, but must meet certain experience requirements, pass a written examination and hold a certificate of competency to be licensed to practice in Georgia.

Plumbing Contractors - Plumbing contractors install, maintain, and repair pipes and related fixtures, and provide services connected with sanitary drainage, venting systems, and water supply systems within a building or structure. Plumbing contractors are not required to have any formal education, but plumbing contractors must meet certain experience requirements and pass a written examination to be licensed to practice in Georgia.

Heating, Ventilation, and Air Conditioning (HVAC) Contractors - Heating, ventilation, and air conditioning contractors install, repair, and service air conditioning, heating systems and equipment. HVAC contractors are not required to have any formal education, but must meet certain experience requirements and pass a written examination to hold a license to practice in Georgia.

Low Voltage Contractors - Low voltage contractors install, repair and service low voltage telecommunications equipment, burglar and fire alarm systems, and cable systems. Low voltage contractors are not required to have any formal education but must meet certain experience requirements and pass a written examination to be licensed to practice in Georgia.

Building Contractors

A building contractor performs a variety of functions in overseeing the construction of a new building or the renovation or remodeling of an existing building. Building contractors are not required to have any formal education or training. Currently, there are no statutory requirements regulating building contractors in this State unless the contractor actually performs one of the construction trade services described above.

Education and Experience Requirements for Persons Involved With Interior Spaces

In the following paragraphs, we discuss education and experience requirements for interior designers, interior decorators, architects and engineers.

Interior Designers

Individuals practicing as interior designers may have a combination of education and experience. An interior designer may obtain a formal education in interior design from a college accredited by the Foundation for Interior Design Educational Research (FIDER). FIDER establishes standards and guidelines for interior design programs and requires that students be exposed to areas such as planning and programming, furniture layout, detailing, material composition and other related areas. Beginning in September, 1989, FIDER will also require accredited programs to expose students to life safety issues, codes and standards. Currently, FIDER accredits 88 of the 430 schools, nationwide, offering baccalaureate degrees in interior design.

Interior Decorators

Interior decorators typically have varying degrees of education and experience. For example, an interior decorator may have a formal education in interior design. Some interior decorators may work with another designer or decorator to gain formal training and experience. Conversely, a number of interior decorator have little, if any, formal training, education or experience.

Architects

To be licensed in Georgia, an architect must receive a professional five year degree in architecture from a school or college approved by the National

Architectural Accrediting Board or four year degree professional degree from Southern Tech. While in college, an architect ordinarily receives training in programming, site analysis, building design, building cost analysis, building code research, specifications and material research, bidding and contract negotiations, construction, and mechanical, electrical, civil and structural engineering. In addition to five years of college, an architect must serve a three year apprenticeship under a licensed architect and pass the Architect Registration Examination.

Engineers

An engineer registered in Georgia must complete four years of college in an engineering field and obtain a minimum of four years of defined experience. Additionally, an engineer must pass a written examination to demonstrate competency. Engineers are not licensed by specialty in Georgia.

Types of Firms Offering Interior Design Services

There are basically three types of firms which provide interior design services. These firms include interior design firms, architectural firms, and retail stores and outlets. In the following paragraphs, we discuss each type of firm, along with the professionals employed and the services provided by the firms.

Interior Design Firms

Interior design firms may perform residential or commercial design services or a combination of both. To determine the type of work most commonly performed by interior design firms, we conducted a telephone survey of 50 firms throughout the State which employ interior designers. Our survey indicated that 38 of the 50 firms perform both commercial and residential work. The survey also indicated that larger design firms located within the metropolitan Atlanta area tend to specialize in commercial interior design; whereas, design firms outside the metropolitan Atlanta area tend to do both residential and commercial work. Additionally, firms located outside the Atlanta area generally perform interior decorating projects due to the lack of full-time designing jobs. Interior design firms ordinarily employ an interior designer to coordinate design and construction activities involving interior spaces.

Architectural Firms

While architectural firms specialize in the building as a whole, a number of architectural firms provide interior design services for the design, selection, and specification of furniture and accessories. An architectural firm must employ architects and may employ other disciplines such as interior designers, landscape architects and engineers. Architectural firms generally designate an architect to be the project leader and approve all designs and specifications. Other professionals on staff consult with the architect regarding their particular areas of expertise. An interior designer on staff, and under the direct supervision of an architect, typically draws interior plans depicting furniture and finishes and writes specifications for furniture and finishes which are then reviewed and approved by an architect.

Most architectural firms providing interior design services and employing interior designers are located in the metropolitan Atlanta area. Generally, these architectural firms specialize in commercial interior design projects. Nine of the 50 respondents to our 1987 telephone survey indicated that they were part of an architectural firm, while national statistics indicate that nine percent of the interior designers surveyed are employed by architectural firms.

Stores and Retail Outlets

Various stores and retail outlets engage in the practice of interior design and interior decorating. These retail establishments often sell paint, wallpaper, carpeting, furniture and home decorations in addition to providing design and decorating services. Retail stores and outlets may employ interior designers and interior decorators to provide these residential and/or commercial design and decorating services.

Types of Interior Design Projects and Procedures

Interior designers perform commercial and residential design projects. The process the designer uses is similar for both commercial and residential services. In the following paragraphs, we discuss typical commercial and residential projects.

Commercial Projects

An architect must perform services on all commercial projects over $100,000. These projects normally involve the construction or renovation of public buildings. All residential projects, except for one and two family residences, must also be designed by an architect. In performing commercial projects, a designer or architect begins conducting the "programming" phase of the project. During this phase, the designer or architect defines how interior spaces will be used and the work to be performed. The designer or architect may also develop time schedules and cost estimates for the proposed work. During the "programming" phase, an interior designer or architect may conduct interviews and surveys to determine furniture, equipment, electrical and special needs of the client such as audio visual or security needs. The designer or architect may draw and present preliminary designs to the client for approval. If approved, the interior designer or architect proceeds to develop floor plans and furniture layouts.

A licensed architect, rather than an interior designer, by law specifies the location of load bearing walls and fire exits on the blueprints for a building. The architect must specify such things as corridor lengths and exit routes which must be in compliance with applicable life safety, building and handicap access codes. Once the floor plans and furniture layouts are completed, a designer presents the plans to the client for approval. Upon approval of the client, the designer may select finishes, fabrics, furnishings and equipment. For those buildings governed by life safety codes, a designer must refer to the applicable sections of the code to ensure all finishes, fabrics and furnishings meet minimum standards for the type of building or interior space under construction.

Many firms employing interior designers have a library where they maintain fabric swatches, carpet samples, paint chips, wallcovering books, and furniture and hardware brochures. The manufacturer provides specifications noting fire code compliance directly on the sample or in the brochure so that the designer can tell immediately if the finish, fabric, furnishing or hardware meets the code requirements.

A designer generally completes blueprint plans once interior finishes and furnishings have been selected. In addition to space plans and furniture layouts, a designer may draw plans, called electrical and reflected ceiling plans, showing the location of lights, electrical outlets and switches. A designer sends these plans to an electrical engineer who calculates the electrical loads for the building and determines the wiring configuration. A designer may also determine the location of air vents, grills and thermostats. A designer sends these plans to a mechanical engineer who draws the plans for placement of the air ducts. A designer may also draw plans indicating finishes and depicting custom mill work details and wall elevations.

Once the designer completes the design, an interior designer may write specifications for the interior spaces. These specifications may indicate finishes, fabrics, furnishings and equipment which go into the interior of a building. These specifications explain all details required to implement the project. Specifications may include fire ratings which must be met, how to apply finishes, acceptable finishes and other details necessary to ensure interiors are properly completed. At this point, a designer presents the project to the client for final approval and implementation.

Once approved by the client, an interior design project may proceed along one of two routes. For buildings with a value of $100,000 or more, an interior designer must work under the direct supervision of a registered architect or engineer. An architect or engineer must review design plans submitted by an interior designer to ensure all applicable building and life safety codes have been addressed. An architect or engineer must also affix his/her architectural and/or engineering seal on the plans before a building permit can be granted. If local building codes are in place, a local building inspector must also review the plans for compliance with local codes. Plans for buildings which fall under the jurisdiction of the State Fire Marshal must be reviewed by the State or local fire marshal prior to construction and prior to the completion of the project. For buildings with a value of less than $100,000, an interior designer may work independently or with an architect or engineer.

Residential Projects

An interior designer performs activities for a residential project which are similar to those performed for a commercial project. Residential projects involving one or two family residences do not require a designer to adhere to life safety or handicap access codes. However, other residential projects, such as hotels, motels and apartments, require a designer to adhere to life safety codes. A designer must adhere to State minimum building codes or county building codes in those counties which have adopted more stringent building requirements. In a residential project, a designer may identify the scope of the project and draw preliminary plans to meet customer requirements.

For a residential project, an interior designer typically draws all of the architectural and interior space plans or contracts with a draftsman or architect to draw the plans. A designer ordinarily consults with an engineer for those decisions which involve structural, electrical, or mechanical systems. Once a residential client approves the preliminary designs, a designer may recommend interior finishes, fabrics and furnishings.

A residential client generally obtains the services of a building contractor to complete the actual construction or renovation work. In some instances, a designer may assist the client in obtaining a building contractor to complete the project. A building contractor, in turn, may obtain the services of any specialized construction professionals who are needed to complete electrical, plumbing, and heating, ventilation and air conditioning projects.

An interior designer may work closely with a contractor during the implementation of a project. If a design is not structurally safe or cannot be implemented, the appropriate contractor may advise the designer and explain potential problems. A designer would likely modify the plans, accordingly. If a contractor performs unsatisfactory work or is negligent, the building contractor, rather than the designer, may be held liable for damages.

Potential Hazards Associated With Interior Design

In conducting our background research, we identified three potential hazards related to the practice of interior design. We discuss these potential hazards in the following paragraphs.

Interior Element Flammability and Toxicity

In performing an interior design project, a designer may specify interior finishes and furnishings for a given interior space. These interior finishes and furnishings may include such items as wall covering, carpeting, draperies, furniture and furniture coverings. During a fire, these materials may contribute to the spread of a fire or emit toxic fumes. As a result, these materials may be a contributing factor in fire deaths. According to National Fire Protection Association statistics, 5,810 fire deaths were reported in the United States during 1987. Of these fire deaths, 485 (8%) occurred in commercial buildings, 755 (13%) occurred in automobile accidents and 4,570 (79%) occurred in private residences. For those fire deaths which occurred in commercial buildings, the number resulting from smoke or toxic fume inhalation, fire or other causes could not be determined. It should be noted that existing building codes, where adopted, specify building flammability requirements for products to be placed in public buildings.

Indoor Pollution

Interior products, such as adhesives, carpeting, paints, furniture, rubber moldings, and vinyl floor coverings, may be composed of materials which emit fumes. Individuals exposed to these fumes for prolonged periods, as a result of improper ventilation, may become ill. Fumes from these products may contribute to headaches, eye and nose irritation, throat discomforts, dizziness and nausea.

Improper Space Planning

In performing a design project, an interior designer may specify the location of doors and exits. A designer may also specify the location of non-load bearing walls, the length of dead-end corridors, and the location of furnishings and equipment. In the event of a fire or other disaster, these fixtures, if improperly located, may present an obstacle to individuals seeking safe exit from a building. Additionally, the arrangement of fixtures, such as furniture, electrical cords and outlets, and stair railings, may contribute to accidents in the workplace.

Methods for Obtaining Design Services

Building owners and other potential clients typically obtain design services through a formal request for proposal, a personal referral or through yellow page advertisements. We discuss each of these methods in the following paragraphs.

For commercial projects, most companies or individuals desiring to obtain design services prepare a request for proposal and send the request to interested design firms. Design firms responding to the request for proposal generally provide information on the qualifications of the design team which will work on the project, the financial stability of the firm, and other projects completed for similar types of buildings. The company or individual then evaluates the resulting proposals and selects the firm that best meets its needs.

For smaller commercial projects and for residential projects, a company or individual desiring design services may contact a designer based on the designer's professional reputation. Outside of Atlanta, this method for obtaining services is quite common.

Finally, if a company or individual does not know of a good designer, then they may turn to the yellow pages. The consumer can usually identify designers who belong to professional associations since these designers often display the acronyms of professional organizations to which they belong in the yellow page advertisements.

PRESENT STATUTORY REQUIREMENTS AND VOLUNTARY CERTIFICATION EFFORTS

We describe present federal requirements, State requirements, other regulatory agencies and voluntary certification organizations in the following paragraphs.

Federal Requirements

The federal government has issued no mandates which require states to develop certification programs for interior designers. Additionally, no federal departments are responsible either for developing standards for the interior design profession or for establishing educational requirements for interior designers.

While the federal government has not issued any mandates requiring certification or licensure of interior designers, both the Federal Trade Commission and the Consumer Product Safety Commission each regulate the manufacture and sale of fabrics, interior furnishings and related products. The Federal Trade Commission requires fabrics, carpeting, furnishings and other textile products to be properly labeled and indicate the types of materials included. Often, manufacturers submit products to independent testing laboratories who prepare labels and corresponding paperwork indicating the flame spread rating and toxicity of a given product. The Consumer Product Safety Commission (CPSC) tests fabrics, interior finishes, and other products for flammability. The CPSC establishes standards and regulations for these products to protect the public against the unreasonable risk of fire leading to death, injury or significant property damage.

State Requirements

In the following paragraphs, we discuss State requirements concerning interior spaces and fire safety.

State Fire Marshal's Office

The State Fire Marshal inspects and licenses certain facilities for compliance with State fire safety laws and life safety codes. The State Fire Marshal has adopted the 1985 version of the National Fire Protection Association's (NFPA) fire safety codes as the minimum requirements for preventing loss of life and property from fire. Facilities under the jurisdiction of the State Fire Marshal include buildings and structures more than three stories in height, hotels, motels, schools, hospitals, nursing homes, prisons, buildings with occupant loads of 300 or greater and buildings with 25,000 square feet or more of floor space. Single family dwellings are not under the jurisdiction of the State Fire Marshal's Office.

Plans and specifications for buildings under the jurisdiction of the State Fire Marshal's office must be submitted to the State Fire Marshal, a local fire marshal or a State inspector for review. The fire marshal or inspector reviews the plans and inspects the building during various stages of construction for compliance with State fire safety laws and life safety codes.

All plans submitted to the State Fire Marshal's Office must have the seal of an architect or engineer before the appropriate official will review the plans.

Department of Community Affairs

The Department of Community Affairs administers a set of State minimum building codes for use by counties and municipalities. Previously, State minimum building codes could be adopted by a county or municipality on a voluntary basis. However, Act No. 676, passed by the Georgia General Assembly during the 1989 legislative session, provides that certain State minimum building codes shall have Statewide application beginning October 1, 1991. Act No. 676 authorizes counties and municipalities to enforce the following codes:

- Building Code -- This code applies to the structural aspects of building construction and includes requirements for foundations, framing, flooring, roofing and other basic structural elements. Provisions for the alteration, repair, removal and demolition of buildings are also commonly included in a building code, as well as provisions covering design requirements for the handicapped, fire detection and suppression, earthquakes, snow and wind.

- Electrical Code -- The manner of installing, connecting and insulating electrical service and equipment, as well as the materials to be used, are covered by this code.

- Plumbing Code -- This code specifies the nature and type of equipment that may be installed to provide for an uninterrupted flow of uncontaminated water and for the disposal of sewage.

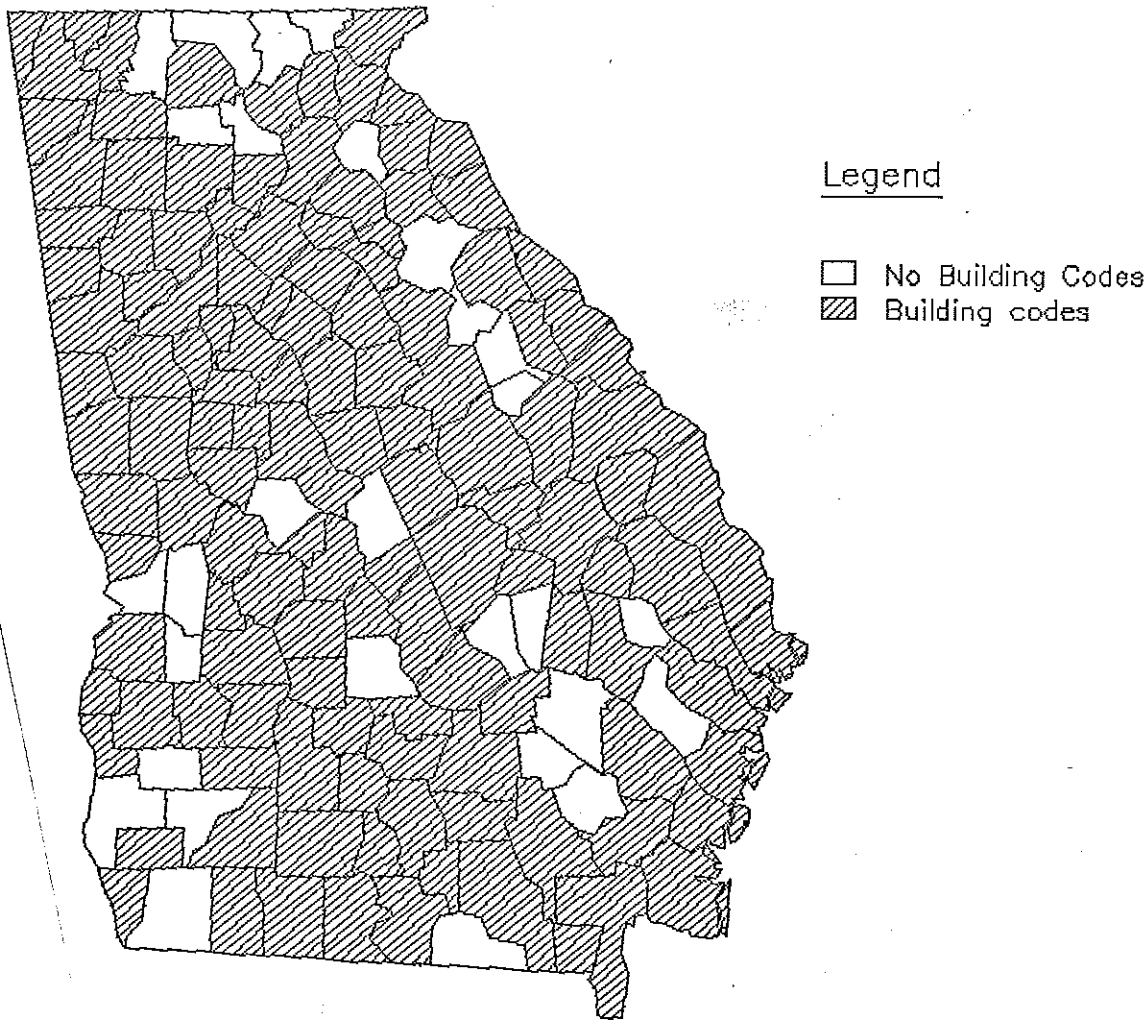
- Heating and Air Conditioning Code -- Specified in this code are material standards and proper procedures for installing heating and air cooling equipment, including ducts and piping related thereto. This code is also often referred to as a "mechanical code."

- Gas Code -- This code sets forth basic requirements to assure the safe design and installation of gas piping and appliances used for both natural and manufactured gases.

Act No. 676 also provides that counties or municipalities may continue to adopt certain building codes on a voluntary basis. For example, a county and municipality may choose to adopt the State minimum building code for fire prevention. In some instances, a county or municipality may decide to adopt National Fire Protection Association standards or may adopt no fire protection standards. Exhibit 1 indicates the counties and municipalities which have adopted either the State minimum fire prevention code or the National Fire Prevention Association standards. Counties and municipalities conduct inspections and monitor compliance with building codes.

Exhibit 1

COUNTIES WITH NATIONAL, STATE OR LOCAL BUILDING CODES



Office of Secretary of State

Many of the people involved in the planning, design and implementation of interior spaces are currently regulated by one of the State examining boards which organizationally are part of the Office of the Secretary of State. We describe these boards below.

State Board of Architects - The State Board of Architects licenses persons who practice the profession of architecture. The Act which establishes the registration of architects also places the responsibility of preparing plans, drawings, and specifications under the architect. Additionally, the Act gives an architect responsibility for the administration of construction contracts.

State Board of Registration for Professional Engineers and Land Surveyors - The State Board of Registration for Professional Engineers and Land Surveyors regulates professional engineers and land surveyors. The Act which establishes the registration of engineers places the responsibility of preparing plans and specifications, and supervising construction projects for buildings which could jeopardize the health, safety and welfare of the public with a registered professional engineer or architect.

Georgia Board of Landscape Architects - The Georgia Board of Landscape Architects regulates the profession of landscape architecture. The practice of landscape architecture includes the planning and design of exterior spaces such as land uses, land features and drainage of land as well as interior spaces such as planting plans and shaping plants for aesthetic effects.

State Construction Industry Licensing Board - The State Construction Industry Licensing Board regulates electrical, plumbing and conditioned air contractors. The Act which establishes the regulation of construction industry trades was passed to protect the safety of homeowners, property owners, tenants and the general public against faulty, inadequate, inefficient, or unsafe electrical, plumbing, low-voltage wiring or conditioned air installations.

Office of Consumer Affairs

The Office of Consumer Affairs administers the Fair Business Practice Act of Georgia. This Office receives and processes complaints concerning unfair or deceptive practices in the conduct of any trade or commerce in the State. Accordingly, a consumer may file a complaint, with the Office of Consumer Affairs, against any interior designer which he believes has engaged in an unfair or deceptive practice. The Office of Consumer Affairs processes such a claim if it is determined the interior designer has misrepresented himself as having specialized skills, knowledge or training in the field of interior or structural design.

Other Regulatory Agencies

Consumers may file complaints with the local Better Business Bureau concerning any interior designer whose services were unsatisfactory. The Better Business Bureau maintains a file for each company and type of business, such as interior design, for which a complaint has been filed. Additionally,

consumers may utilize the Better Business Bureau to identify less reputable designers who should be avoided.

Voluntary Organizations

Interior designers may participate in one of several privately-administered voluntary organizations. These organizations offer varying levels of memberships. The three most recognized organizations are:

- American Society of Interior Designers (ASID),
- Institute of Business Designers (IBD), and
- Institute of Store Planners (ISP).

To be recognized as a professional member in one of these organizations, an individual must pass an examination to demonstrate competency. Each of these organizations has adopted the National Council for Interior Design Qualification (NCIDQ) examination as its examination for those who wish to be recognized as a professional member. The NCIDQ examination is available to candidates who have achieved one of the following combinations of interior design education (or allied field) and professional experience:

- Five-year degree or equivalent educational credits in Interior Design plus one year of professional experience; or

- Four-year degree or equivalent educational credits in Interior Design plus two years of professional experience; or

- Three-year certification or equivalent educational credits in Interior Design plus three years of professional experience; or

- Two-year certificate or equivalent educational credits in Interior Design plus four years of professional experience; or

- One-year of Interior Design education or equivalent educational credits plus five years of professional experience; or

- High School diploma plus six years of professional experience.

OTHER STATES' REGULATORY PROGRAMS

Presently, three states in the southeastern region of the United States license interior designers. Alabama, Florida and Louisiana each require interior designers to be licensed. We summarize the activities of these states in Exhibit 2. While these three states require licensure, all have enacted title protection acts or acts which only prohibit the use of the title of interior designer. We contacted these three states to determine how effective licensing has been in protecting the public. Alabama officials indicated that no complaints have been filed with the board and no licenses have been revoked or suspended. Similarly, Louisiana indicated that few complaints have been filed and no licenses have been revoked or suspended. Florida, which implemented its regulatory program in October, 1988, indicated that no complaints have been received.

Nationally, two other states -- Connecticut and New Mexico -- and the District of Columbia regulate the practice of interior designer. These states also have title protection acts. Currently, legislation is pending in several other states including Illinois, Massachusetts, New York, California and Minnesota.

Exhibit 2

SUMMARY OF OTHER STATES
INTERIOR DESIGNERS

	ALABAMA	FLORIDA	KENTUCKY	LOUISIANA	MISSISSIPPI	NORTH CAROLINA	SOUTH CAROLINA	TENNESSEE
Does this State License Interior Designers?	Yes	Yes	No	Yes	No	No	No	No
Specific group licensed	Interior Designers	Interior Designers	--	Interior Designers	--	--	--	--
Approximate Number of Interior Designers Licensed	117	250	--	865	--	--	--	--
Number of Complaints Filed:								
Fiscal Year 1987	0	NA	--	0	--	--	--	--
Fiscal Year 1988	2	NA	--	5	--	--	--	--
Fiscal Year 1989	1	0	--	5	--	--	--	--
Has the board ever revoked a license?	No	No	--	No	--	--	--	--
Initial License Fee	$225	$250	--	$150	--	--	--	--
Renewal License Fee	$50	$200	--	$50	--	--	--	--
Renewal Period	Annually	Biennially	--	Annually	--	--	--	--
Number of staff persons needed to run regulatory program for interior designers	See (1)	3	--	1	--	--	--	--
Prerequisites:								
Education	See (2)	See (3)	--	See (4)	--	--	--	--
Training/Apprenticeship	None	See (3)	--	See (4)	--	--	--	--
Examination	Yes	No	--	Yes	--	--	--	--
Other	None	None	--	None	--	--	--	--
Other Requirements	None	None	--	None	--	--	--	--

1 - Alabama indicated that no paid employees are used
2 - Alabama requires 60 quarter hours or 35 semester hours in design related courses.
3 - Florida requires applicants to possess a combination of six years of education and experience
4 - Louisiana requires applicants to have one of the following: a four year degree, six years of field experience, four years experience in interior design related instruction, or a combination of six years education and experience (three of each) in interior design.

FINDINGS

In developing its findings concerning the need to regulate interior designers, the Council used the below listed criteria:

- That the unregulated practice of an occupation may harm or endanger the health, safety and welfare of citizens of the State and that the potential for harm is recognizable and not remote;

- That the practice of an occupation requires specialized skill or training and that the public will benefit by assuring initial and continuing occupational ability;

- That the citizens of this State are not or may not be effectively protected by other means; and

- That the overall cost effectiveness and economic impact would be positive for citizens of this State.

We have focused our analyses primarily on interior designers whose work involves compliance with building, life safety, and health codes and requirements for access for the handicapped. We have narrowed the scope of our review because Senate Bill 305 is structured to regulate interior design professionals who provide services under these circumstances.

In this section of the report, we present our findings concerning the need to regulate interior designers.

The Unregulated Practice of Interior Design Does Not Pose A Recognizable Threat to the Health, Safety, and Welfare of the Citizens of this State

Our findings concerning the potential for harm to the health, safety and welfare of the public if interior designers remain unregulated are presented below.

The Applicant Group Could Cite No Evidence of Harm Presently Occurring to the Public

Neither the applicant group nor professionals interviewed provided any examples of structural disasters or fires resulting from poor design practices. Examples were provided where accidents or other potential disasters could have occurred, but in each case either an architect, an engineer, an interior designer, a building inspector or a fire marshal identified the error and had the deficiency corrected. Professionals interviewed provided examples of fires occurring outside of Georgia where interior finishes and/or furnishings contributed to the spread of the fire. While interior furnishings and materials may contribute to the spread of a fire, there was also evidence that inadequate sprinkler and/or detection systems also contributed to the severity of the fire. The National Fire Protection Association has stated that the tragedy associated with these fires could be prevented if current life safety codes were adequately enforced.

In conducting our research regarding interior design practices, we found that the Office of Consumer Affairs and the Better Business Bureaus in Atlanta, Augusta, Columbus, Albany and Savannah have no records of complaints filed against interior designers. Additionally, 96% of the respondents to a 1987 telephone survey did not know of any injuries or lawsuits resulting from poor design practices. Cases where an interior designer knew of injuries or lawsuits due to poor design practices did not occur in this State.

Since design professionals have not been able to demonstrate that the public is at risk from poor design practices, no disasters have occurred as a result of poor design practices and virtually no complaints have been filed against interior designers for poor practices, we believe there is no substantial evidence that the presence of harm to the public's health, safety and welfare exists.

Some Interior Design Projects May Involve the Practice of Architecture

During the course of our interviews with interior designers, several interior designers indicated that they perform projects which may involve programming and program development, planning and schematic design, and administering construction contracts. The interior designers interviewed did not indicate whether the value of the buildings involved in these projects exceeded the $100,000 limit. However, for buildings which exceed $100,000 in value, these projects appear to meet the definition of the practice of architecture. The Official Code of Georgia Annotated (O.C.G.A. 43-4-1) defines the practice of architecture as follows:

> " Rendering or offering to render services in connection with the design of any building or group of buildings or the design of alterations or additions thereto. Such services shall include consultation, planning, analyses, preliminary studies, designs, drawings and specifications, architectural administration of construction contracts, and any other function in connection with such services."

While the State of Georgia has had no official court decisions or Attorney General opinions regarding the practice of interior design versus the practice of architecture, we believe a potential conflict may exist between the current architecture law and definition of interior design as included in the proposed legislation.

Mandatory Regulation May Not Lead To Better Practices

Interior designers indicate that licensure will improve the overall safety of buildings and interior spaces. They believe that life safety codes will be addressed in the design of a building or interior space even if the State or the local county does not require adherence to these codes. Interior designers believe that if a project is performed by a licensed interior designer, the designer will naturally include code requirements in a design, whether required or not, as a matter of habit. We believe that, while a licensed designer may typically design all buildings using some minimal codes, this does not preclude a qualified designer who is not licensed from making the same decisions. We suggest that the building owner will be the most influential determinant in whether additional building costs will be incurred

to make an exempt facility meet minimum code requirements. As a result, mandatory regulation may not necessarily lead to better practices.

Specialized Skills Are Needed And Employers Typically Hire Formally Trained Interior Designers

Interior designers are considered to be professionals who need to have the ability to draw, interpret codes, interact with the public, read blue prints, write reports and make oral presentations. These skills must generally be acquired through formal schooling or through a structured apprenticeship. From discussions with architects and interior designers, we found that building owners usually contract with larger, more qualified firms to provide commercial design services. Firms that provide these commercial design services typically hire interior designers who have completed a formal course of study in an interior design program. We verified this information during a 1987 telephone survey. Of 50 design firms contacted, 42 (84%) only hire persons with college degrees in interior design. Therefore, we believe that the industry already looks for and hires qualified interior designers.

Initial and Continued Competencies Are Not Consistent

We have analyzed the educational, experience, testing and continuing education requirements for interior designers. We present our findings concerning these areas in the following paragraphs.

Interior Design Programs Can Vary Significantly and May Not Require Training in Life Safety Issues

The Foundation for Interior Design Education Research (FIDER), the accreditation body for interior design programs, establishes standards and guidelines for interior design programs. FIDER defines standards as areas of primary importance while guidelines are considered areas which contribute to the quality of the interior design program. Beginning in September, 1989, FIDER requires a school seeking accreditation to include instruction on laws, building codes and life safety codes. However, FIDER has only accredited 88 of the 430 schools, nationwide, which offer baccalaureate degrees in interior design. Schools which are not accredited by FIDER may or may not elect to include life safety codes and issues in their curriculum.

While FIDER establishes standards and guidelines for interior design programs, educational programs in interior design can still vary significantly between schools. Neither FIDER nor the interior design schools have adopted a standardized curriculum or uniform, prescribed course of study. For example, an interior designer who attends college may receive a bachelor of arts degree in home economics, a bachelor of fine arts in interior design, or a bachelor of science in interior architecture. Depending upon the school and the emphasis of the program, the program may emphasize structural design and its application to interior spaces or the program may emphasize the use of interior finishes and fabrics. Additionally, FIDER may accredit either two-year, three-year, four-year or five-year education programs.

Senate Bill 305 does not set educational standards for interior designers, either. It is customary for other professions which are regulated by the State to have established mandatory educational standards within their licensing acts. Since Senate Bill 305 does not set educational requirements and educational programs may vary between schools, we believe licensing may not ensure initial competency.

Experience Requirements for Licensure Have Not Been Defined

The proposed method for obtaining licensure would allow an individual with six years of undefined experience to obtain licensure if he or she passes the NCIDQ examination. Typically, professions which provide for a journeyman's route to licensure specify what type of experience may qualify towards licensure and with whom the experience must be gained. The NCIDQ requirements allow an independent practitioner who has not received guidance from an experienced designer to seek licensure.

The Citizens of This State Are Adequately Protected by Other Means

We reviewed statutory requirements and voluntary efforts which have been developed to better ensure safe interiors of buildings. Our findings concerning the adequacy of the present system are addressed below.

Present Statutes Adequately Protect the Public

The State Fire Marshal's Office has developed life safety standards for buildings which have the greatest potential of harm if the building were structurally inadequate or if the building contained fire hazards. While interior designers reference the code books and select fabrics, finishes, furnishings and floor plans to meet these codes, the designer does not complete the plans and specifications for interiors which fall under State life safety codes without extensive review of their work. An architect or engineer must review and show his/her approval of all such work by stamping the plans. Under the architectural and engineering professionals' regulatory acts, if an architect's or engineer's seal appears on a document then he/she is also liable for the structure.

After architectural or engineering approval, a State or local fire marshal reviews the plans and specifications and inspects the facility during construction. The State or local fire marshal inspects the facility a second time after the facility has been completed and before the facility may be occupied. This process occurs for every occupant of the building.

If a building which falls under code is redecorated, the occupant should maintain documentation that the new furnishings and finishes meet the fire codes which were in place when the building was constructed. The fire inspector has the option of requesting to look at this documentation during any inspection. Additionally, if such buildings are renovated and the renovations total 40 percent of the tax-assessed value of the building, the entire building must be brought up to existing life safety code requirements and thus the associated renovation plans would be sealed by an architect or engineer. Otherwise, the occupant should maintain documentation that the renovations meet the fire codes which were in place when the building was constructed.

For additions to applicable buildings, the addition must meet the most recent code provisions; and, in some cases, the entire building must be brought up to current code provisions. It should be noted, however, some projects may be divided into smaller projects to avoid these requirements.

With the passage of Act No. 676 during the 1989 legislative session, most cities and counties in Georgia have adopted State minimum building codes. Many of the cities and counties have also adopted the State minimum building code for fire prevention or National Fire Protection Association standards. In many instances, an architectural or engineering seal is required and a local building inspector must review the plans for the construction project. In cities and counties where no local codes exist, the buildings which are not covered by the State codes are buildings which generally house or serve small numbers of people.

Senate Bill 305 proposes to regulate interior designers whose work is presently reviewed by an architect, an engineer, a fire marshal, and, in some cases, a local building inspector. Since plans drawn by interior designers are reviewed by these professionals for buildings where the greatest potential for harm to the public's safety could occur, we believe present statutes adequately protect the public.

Architects Protect the Health, Safety and Welfare of the Public

As pointed out by the applicant group, interior designers typically represent one member of the design team. Other professionals, such as architects, engineers, general contractors, and other construction personnel, also participate in construction and renovation projects. In most instances, an architect coordinates and monitors the entire building project. Additionally, an architect assumes liability for the project by affixing his/her architectural seal to design plans and related documents. Therefore, we believe the responsibility for protecting the health, safety and welfare of the public rests with an architect.

Manufacturers Are Required to Meet Minimal Flammability Standards

The federal Consumer Product Safety Commission tests fabrics, interior finishes, and other products for flammability. The Consumer Product Safety Commission establishes standards and regulations for these products to protect the public against the unreasonable risk of fire leading to death, injury or significant property damage. Additionally, the Federal Trade Commission requires fabrics, carpeting, furnishings and other textile products to be properly labeled and indicate the types of materials included. In the September/October, 1987 issue of the Fire Journal, officials of the National Fire Protection Association stated "some of the more significant product design advances, such as the development and use of materials with lower ignitability rates in upholstered furniture and mattresses, are now well established and produce smaller changes (in the percentage of fire deaths) each year."

We contacted buyers for hospitals and hotels. These buyers said they are aware of special codes affecting their facilities and purchase interior products, accordingly. They indicated there was no problem determining which products fall within the respective codes for their type of facilities because of the labeling and available literature concerning the flammability of

products. They further stated that if they need more in depth information that the manufacturers willingly answer any questions and conduct tests of products to prove that the product in question meets the applicable code requirements.

Since manufacturers apply labels and provide detailed information, upon request, which indicate flammability standards for interior products, we believe that buyers have the ability to distinguish which products are safer than others.

Quality Controls Exist to Protect the Public

Quality controls have been developed by the private sector to monitor the quality of interior design services. For example, insurance companies send safety engineers to inspect larger facilities before determining if they will insure the building and before determining the liability factor if the building is insured. Interior designers indicated that they work closely with these inspectors and correct deficiencies cited by these inspectors, if necessary. Additionally, building owners indicated that public liability is such an issue that they try to select qualified professionals in order to ensure that life safety codes are met when planning for the interiors of a building. Therefore, we believe that the controls which the private sector has been putting in place help to ensure that interior spaces are safe for the public and are planned by reliable personnel.

The Public Can Adequately Identify Qualified Designers

Professional organizations exist to which designers may belong. These organizations are recognized by the industry and their members must have the same qualifications as those outlined within the proposed legislation. In most instances, an interior designer or interior design firm displays these qualifications in his or her yellow pages advertisement. Additionally, a client seeking an interior designer to perform a commercial project typically looks for qualified individuals and makes an informed decision. Therefore, we believe that the existence of professional organizations facilitates the public's ability to determine which professionals are qualified.

Regulation May Result In Fewer Consumer Choices

In 1987, the State of New Mexico considered legislation which proposed to license interior designers. The Governor of New Mexico asked the Regional Director of the Federal Trade Commission to offer comments on the potential economic impact of this legislation. In response to this request, the Regional Director stated that legislation which regulates the interior design industry will likely lead to higher prices because it restricts entry into the industry. Furthermore, legislation which regulates interior designers would also harm consumers in a second way by limiting the choices available to them. For example, the proposed legislation will likely prevent interior decorators from performing commercial projects. While Senate Bill 305 would likely limit the number of individuals who could perform commercial projects, the Council found no real evidence from which to draw any firm conclusions that interior designer costs would be measurably higher or lower.

RECOMMENDATION

Based on the information developed and received by the Council, the Council does not recommend passage of House Bill 135, which proposes to license interior designers, because the proposal does not meet statutory criteria.

SUMMARY OF SENATE BILL 305
PROPOSING REGULATION OF INTERIOR DESIGNERS

The proposed legislation would amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, to provide for the following:

- 43-21A-1
  States that the General Assembly finds that the licensure and regulation of the practice of interior design is necessary to protect the public health, safety and welfare.

- 43-21A-2
  Provides definitions of terms used in the chapter. An interior designer renders or offers to render services in connection with the interior design of any building or the interior design of alterations or additions thereto. Services provided by an interior designer include consulting, planning, analysis, preliminary studies, designs, drawings and specifications, administration of interior construction and furnishings contracts, and any other functions in connection with such services.

- 43-21A-3
  Establishes the Georgia State Board of Interior Designers; and explains the Board membership, terms of office, reimbursement rates for Board members' travel, and recordkeeping. States that the Board may require continuing education and a passing score on the National Council for Interior Design Qualifications (NCIDQ) exam as conditions for licensure.

- 43-21A-4
  Authorizes the Board to adopt a seal.

- 43-21A-5
  Gives the Board the power to issue, deny, revoke, or suspend licenses and to censure licensees.

- 43-21A-6
  Establishes an enactment date of January 1, 1990 and sets criminal penalties for persons using the title "registered interior designer" without a license.

- 43-21A-7
  Requires any person desiring to act as a registered interior designer to file an application for a license as prescribed by the Board.

- 43-21A-8
  Establishes the following qualifications for applicants and individuals desiring to take the licensure examination:
  - Requires each applicant as a registered interior designer to:
    - Be 21 years old;
    - Pay any required fees; and
    - Successfully pass the NCIDQ examination or the licensure examination established by the Board.

- Sets the eligibility to take the licensure examination as follows:
  - Pay any required examination fee; and
  - Submit evidence of meeting requirements adopted by the National Council for Interior Design Qualifications (NCIDQ).

- Provides that the following persons submitting satisfactory evidence of having passed the NCIDQ examination before 1990 or persons submitting satisfactory evidence of meeting the requirements for taking the NCIDQ examination will be given an interim license which may not be renewed and must be replaced within two years with a permanent license.

- 43-21A-9

Requires the Board to issue a license to all applicants meeting the licensure requirements. Licenses shall be valid for up to two-years and shall be renewable biennially.

- 43-21A-10

Provides that any interior designer, who is licensed or registered in another state, may be issued a temporary license as a registered interior designer. The temporary permit must be for a stipulated project and site within this state and must not exceed one year. The interior designer must also present satisfactory evidence to the Board that he or she has passed the NCIDQ examination.

- 43-21A-11

Provides for the following:

- The Board shall provide a certificate of registration, with the Board's seal on the certificate, to each licensed interior designer.

- Specifies that the seal and signature of a registered interior designer or architect shall be required for permitting of nonload-bearing construction and finishes of interior spaces in buildings where compliance with life safety and accessibility codes is required.

- Requires the seal be affixed to all documentation and plans involved in a particular project.

- States that a registered interior designer shall not seal or sign documents pertaining to the design or engineering of structural, mechanical, plumbing, fire protection, or electrical systems.

- 43-21A-12

Enables the Board to conduct investigations and to revoke or suspend a license issued by the Board.

- 43-21A-13

Requires the Board to adhere to provisions of Chapter 13 of Title 50, the "Georgia Administrative Procedures Act".

- 43-21A-14

States that no firm, partnership, corporation or similar organization shall be licensed as a registered interior designer; however, individuals may perform work for a firm, partnership or corporation under the supervision of a registered interior designer.

- 43-21A-15

Allows the Attorney General to bring action against persons who violate provisions of this act. The Board is not required to give bond in any such action.

- 43-21A-16

States that the act does not exclude a qualified registered architect from the practice of interior design.

- 43-21A-17

Exempts the following groups of people:

- Persons who sell or provide interior materials, equipment, furnishings or furniture;
- Persons directly supervised by a licensee;
- Persons preparing specifications, details and drawings for use in the fabrication, procurement or installment of interior materials, equipment, furnishings or furniture;
- Persons implementing designs, drawings and specifications prepared by a licensee;
- Persons providing advice and services pertaining only to the selection or arrangement of furniture or furnishings as long as the advice or services do not pertain to compliance with the provisions on any life or safety codes of this State; and
- Persons performing interior design services solely for the government of the State of Georgia.

- 43-21A-18

Sets all violations as misdemeanors.

- 43-21A-19

Establishes a termination date for the Board of July 1, 1996.

LC 10 8363

SENATE BILL 305

By: Senators Kidd of the 25th, Walker of the 43rd, Scott of the 2nd and others

A BILL TO BE ENTITLED

AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for the licensing and regulation of interior designers; to provide for declaration of purpose; to define certain terms; to establish the Georgia State Board of Registered Interior Designers and provide for its membership, powers, duties, and compensation; to provide for a seal and records of such board; to provide for the qualifications and standards for licensure of registered interior designers; to provide for injunctive relief; to provide for interim licenses and temporary licenses; to provide certificates for registered interior designers who are licensed and the display of such certificates; to provide for censure of licensees and for revocation or suspension of licenses; to provide for applicability of the "Georgia Administrative Procedure Act"; to restrict the practice of interior design by corporations or partnerships; to provide for applicability of this Act with respect to registered architects; to prohibit persons from engaging in the practice of interior design without a license; to provide a penalty; to provide exceptions; to provide for termination; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by adding following Chapter 21 thereof a new chapter to read as follows:

CHAPTER 21A

43-21A-1. The General Assembly finds that the licensure and regulation of the practice of interior design is necessary to protect public health, safety, and welfare.

43-21A-2. As used in this chapter, the term:

(1) 'Board' means the Georgia State Board of Registered Interior Designers.

(2) 'NCIDQ' means the National Council for Interior Design Qualifications.

(3) 'Practice of interior design' means the rendering or offering to render services in connection with the interior design of any building or the interior design of alterations or additions thereto. Such services shall include consulting, planning, analysis, preliminary studies, designs, drawings and specifications, administration of interior construction and furnishings contracts, and any other functions in connection with such services.

(4) 'Registered interior designer' means a person who is licensed pursuant to this chapter to practice interior design of nonresidential spaces requiring compliance with life safety and accessibility codes as well as other applicable codes.

43-21A-3. (a) The Georgia State Board of Registered Interior Designers is created and shall be under the jurisdiction of the Secretary of State and the joint-secretary. The board shall be composed of five members, each of whom shall be appointed by the Governor. Four of the five members shall be residents of this state who have successfully completed the NCIDQ

examination, are registered interior designers under this chapter, and are actively engaged in the practice of interior design. The fifth member of the board shall be a resident of this state and shall have no connection whatsoever with the practice of interior design.

(b) The members of the initial board shall be appointed as follows: the public member and one other member shall be appointed to a three-year term; two members shall be appointed to two-year terms; and one member shall be appointed to a one-year term. Upon the expiration of the term of office of each member of the initial board, a successor shall be appointed for a term of three years, and all succeeding appointments made under this subsection shall be for three-year terms. Any interior designer appointed as a member of the board prior to July 1, 1990, shall not be required to be licensed under this chapter at the time of appointment but must become so licensed within 12 months following appointment.

(c) Members of the board shall serve until their successors are appointed and qualified. Vacancies on the board shall be filled by appointment of the Governor in the same manner as provided in subsection (a) of this Code section for the unexpired term of the member creating such vacancy.

(d) The board shall select from its members a chairman.

(e) The board may do all things necessary and convenient for its own government and for carrying into effect the provisions of this chapter and may promulgate necessary rules and regulations to carry out the provisions of this chapter, including but not limited to regulations governing the professional conduct and ethics of persons licensed by the board and requiring

continuing education as a condition for licensure renewal. Except as otherwise provided in this chapter, an applicant shall achieve a passing score on the NCIDQ examination or an examination deemed by the board to be the equivalent thereof. The board shall be authorized to meet as often as necessary in order to conduct its business, but in no event shall the board meet less than twice during every calendar year.

(f) The board shall keep a registry of registered interior designers, including their known places of business and residences. The filing, recording, and renewal of all examination papers and other evidence of qualifications submitted by each applicant shall be filed with the board through the joint-secretary's office, and the joint-secretary shall keep a record, open to public inspection at all reasonable times, of the proceedings of the board relating to the issuance, refusal, renewal, suspension, and revocation of licenses.

(g) Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

43-21A-4. (a) The board shall adopt a seal, which may be either an engraved or an ink stamped seal, with the words 'Board of Registered Interior Designers, State of Georgia' or such other device as the board may desire included thereon, by which it shall authenticate the acts of the board.

(b) Copies of all records and papers in the office of the board, certified by the signature of the chairman of the board, shall be received in evidence in all cases equally and with like effect as the originals.

43-21A-5. The board shall have the full power to regulate the issuance of licenses, to deny, revoke, or

suspend licenses issued under this chapter, and to censure licensees.

43-21A-6. (a) On and after January 1, 1990, no person shall perform or offer, attempt, or agree to perform any act which would constitute the practice of interior design, as defined in paragraph (3) of Code Section 43-21A-2, whether as a part of a transaction or as an entire transaction, unless such person has received a license as a registered interior designer pursuant to this chapter.

(b) The commission of a single act by a person required to be licensed under this chapter and who is not licensed shall constitute a violation of this chapter.

(c) Notwithstanding any provisions for criminal liability, any person who, without possessing a valid, unsuspended, unrevoked license as provided in this chapter, uses the title or term 'registered interior designer' in any sign, card, listing, advertisement, or in any other manner that would imply or indicate that he is a registered interior designer as defined in this chapter may be enjoined from using such title or term in such manner.

43-21A-7. Any person desiring to act as a registered interior designer must file an application for a license with the board. The application shall be in such form and detail as the board shall prescribe.

43-21A-8. (a) Each applicant for licensure as a registered interior designer shall:

(1) Be at least 21 years of age;

(2) Pay any required fees; and

(3) Successfully pass the NCIDQ examination or the licensure examination established by the board pursuant to subsection (e) of Code Section

43-21A-8, unless exempt therefrom by subsection (c) of this Code section.

(b) Each applicant for licensure as a registered interior designer shall be eligible to take a licensure examination only upon:

(1) Payment of any required examination fee; and

(2) Submission of satisfactory evidence of having successfully met the requirements adopted by NCIDQ.

(c) Any person who submits to the board satisfactory evidence of having successfully passed the NCIDQ examination before 1990, or any equivalent examination so recognized by the board, will be given an interim license which must be replaced by a license within two years from the date of issuance. Interim licenses shall not be renewed. The applicant shall be eligible to apply for a permanent license upon successful passage of additional testing on life safety and accessibility codes as determined by the board.

(d) Any person who submits to the board satisfactory evidence of meeting the eligibility requirements for taking the NCIDQ examination will be given an interim license. This interim license may be replaced within two years from the date of issuance with a permanent license. Interim licenses shall not be renewed. An applicant shall be eligible to apply for a permanent license upon successful passage of the licensure examination.

43-21A-9. (a) If the applicant successfully passes the examination and is otherwise qualified for licensure as a registered interior designer, the board shall thereafter, upon payment of a fee to be determined by the board, issue a license to the applicant, which

shall be valid for up to two years and shall be renewable biennially. All licenses shall expire on the renewal date established by the joint-secretary. The biennial license renewal fees shall be in an amount established by the board.

(b) Any check presented to the board as a fee for either an original or renewal license which is returned unpaid shall be cause for revocation or denial of the license.

43-21A-10. Any interior designer who is duly licensed or registered in any other state or country may be issued a temporary license as a registered interior designer for a stipulated site and project within this state, not to exceed one year, provided that such person presents evidence satisfactory to the board that such person has passed the NCIDQ examination and pays a fee to be determined by the board for such a temporary license.

43-21A-11. (a) The board shall provide a certificate of registration to each interior designer licensed under this chapter. The board shall prescribe the form of certificate issued. The certificate shall have placed thereon the seal of the board. It shall be the duty of the registered interior designer to display such certificate conspicuously for public view.

(b) The seal and signature of a registered interior designer or architect shall be required for permitting of nonload-bearing construction and finishes of interior spaces of buildings where compliance with life safety and accessibility codes is required. This seal shall be affixed to all documentation, including partition plans indicating types and locations of nonload-bearing partitions and doors; reflected ceiling plans and electrical and communication outlet plans,

indicating types and locations of fixtures, outlets, and switch locations; finish plans indicating types and locations of wall, floor, and ceiling materials and finishes; millwork details indicating types, design, and location of cabinetwork, trim, and moldings; and furniture, fixture, and equipment plans indicating their types and locations.

(c) A registered interior designer shall not seal or sign documents pertaining to the design or engineering of structural, mechanical, plumbing, fire protection, or electrical systems.

43-21A-12. The board may, upon its own motion, and shall, upon the complaint in writing of any person, initiate investigations into the actions of any registered interior designer and shall have the power to censure the licensee or to revoke or suspend any license issued under this chapter as provided in Code Section 43-1-19 or whenever the board concludes that the licensee has violated any provision of this chapter or whenever the board has determined that the licensee:

(1) Has, in the practice of interior design, been guilty of fraud, deceit, negligence, or incompetence; or

(2) Has affixed his signature or seal to plans, drawings, specifications, or other instruments of service which have not been prepared by the licensee or under the immediate and responsible direction of the licensee or has assisted any person who is not a registered interior designer to evade the provisions of this chapter.

43-21A-13. Any action taken by the board with respect to any license issued under this chapter shall be in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

43-21A-14. No firm, partnership, corporation, or similar organization shall be licensed as registered interior designers. Firms, partnerships, and corporations may practice interior design, as defined by this chapter, and perform the services heretofore enumerated common to the practice of interior design, provided that all such work and services are performed under the personal direction of an interior designer registered in this state; provided, however, that the administration of interior construction contracts shall be under the personal direction of the registered interior designer and that such plans, drawings, and specifications shall be prepared under the personal direction of such registered interior designer and bear his individual signature and seal.

43-21A-15. Whenever, in the judgment of the board, any person has engaged in any acts or practices which constitute or will constitute a violation of this chapter, the Attorney General may bring an action in the name of the state to abate and temporarily or permanently enjoin such acts and practices and to enforce compliance with this chapter. The board shall not be required to give bond in any such action.

43-21A-16. Nothing in this chapter shall be construed as excluding a qualified registered architect from the practice of interior design.

43-21A-17. (a) Except as otherwise provided in this chapter, this chapter shall not apply to:

(1) Any person employed by a firm in the business of selling or providing, either on a wholesale or retail basis, interior materials, equipment, furnishings, or furniture, except where such person is required to comply with life safety and accessibility codes;

(2) Any person performing interior design services under the direct supervision and control of a licensee;

(3) Any person preparing details, drawings, including shop drawings, renderings and specifications for use in the fabrication, procurement, or installment of interior materials, equipment, furnishings, or furniture;

(4) Any person implementing designs, drawings, or specifications prepared by a licensee;

(5) Any person or firm providing advice and services pertaining only to the selection or arrangement of furniture or furnishings, as long as such person or firm in so doing does not provide advice or services which pertain to compliance with the provisions of any life safety or accessibility codes in effect in this state; or

(6) Any person performing interior design services solely for the government of the State of Georgia.

(b) None of the persons mentioned in subsection (a) of this Code section shall use the title 'registered interior designer' without complying with this chapter.

43-21A-18. (a) On and after July 1, 1990, any person practicing as a registered interior designer or representing himself or herself to be a registered interior designer or acting as such when such person does not have a valid license as required by this chapter shall be guilty of a misdemeanor.

(b) Any person who violates any other provision of this chapter shall be guilty of a misdemeanor.

43-21A-19. For the purposes of Chapter 2 of this title, the Georgia State Board of Registered Interior Designers shall be terminated on July 1, 1996, and this

chapter and any other laws relating to such board shall be repealed in their entirety effective on the dates specified in Code Section 43-2-8."

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.