

Proposed Legislation to Create the Interior Designer Registration Act

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On April 21, bipartisan House Bill (HB) 1258 was introduced to the General Assembly by several Pennsylvania legislators. H.R. 1258, 205th Gen. Assemb., Reg. Sess. (Pa. 2021). HB 1258, if passed, would create the Interior Designer Registration Act. Currently, Pennsylvania’s interior designers cannot become registered. The Interior Designer Registration Act would permit, but not require, interior designers to register with the Bureau of Consumer Protection.

To qualify as a “registered interior designer,” an applicant must pass the Council for Interior Design Qualification (CIDQ) examination and maintain a valid and active National Council for Interior Design Qualifications (NCIDQ) certification. The CIDQ is an independent, nonprofit organization of state and provincial credentialing bodies that develops and administers the NCIDQ examination with “the purpose of establishing minimum standards of competence for the professional practice of interior design relative to building codes and industry standards.” Applicants must provide proof of general liability insurance of at least

\$50,000. A registration issued under the act would be valid for two years and may be subsequently renewed pending several conditions being met, including a minimum 10 hours of continuing education.

A registered interior designer (R.I.D.) practicing code-regulated interior design services would be qualified to affix their signature and registration number to interior construction documents certifying compliance with applicable building codes, ordinances, laws and regulations defining the work to be constructed for approval of a construction permit by a building official or fire marshal. Documents may be combined with those of other professionals who are licensed and performing services on a project, such as registered architects. R.I.D.s would also be able to submit stamped R.I.D. documents to governmental entities to obtain construction permits.

Prohibited under the act would be misrepresentations by an individual not registered by the Bureau of Consumer Protection as a R.I.D. via a written or printed circular, business card, letterhead or sign, or otherwise assuming the title of

registered interior designer or using the abbreviation R.I.D. An individual who misrepresents themselves as a R.I.D. could be found guilty of a misdemeanor of the third degree. However, nothing in the act would prohibit use of the title “interior designer” by a nonregistered individual.

No political subdivision could regulate a R.I.D. Further, a R.I.D. could request the bureau to review local ordinances or actions taken by a building official, fire marshal or other municipal employee authorized to issue construction permits that may be in violation of the section barring regulatory conduct. The bureau may then bring an action against the political subdivision in the Pennsylvania Commonwealth Court.

Several states already have legislation offering certification or registration to interior designers. In California, similar to HB 1258, certification is voluntary. Cal. Bus. & Prof. Code Section 5801, et seq. (West 1990). A certified interior designer may obtain a stamp from an interior design organization that shall include a number that uniquely identifies and bears the name of that person. The stamp certifies that the interior designer has met the requisite education and training requirements. Further, certified interior designers are authorized to prepare drawings for submission to any government regulatory agency to be stamped and signed by that certified interior designer. All such documents shall be identified as “interior design documents,” thereby differentiating them from engineering or architectural drawings. California’s certified interior designers are prohibited from identifying as “state certified,” as they are designated as such

by the California Council for Interior Design Certification (CCIDC), a nonprofit organization. See About the California Council for Interior Design Certification (CCIDC), CALIFORNIA COUNCIL FOR INTERIOR DESIGN CERTIFICATION (CCIDC), <https://ccidc.org/about-us/> (last visited Aug. 31). Cal. Bus. & Prof. Code Section 5804 (West 1990). A certified interior designer who markets themselves as “state certified” in California commits unfair trade practice.

In Georgia, registration of interior designers is also voluntary. See Ga. Code Ann. Section 43-4-32 (West 2010). Any person wishing to use the title “registered interior designer” shall apply to the board for a certificate of registration as a registered interior designer. Similar to California, Georgia allows registered interior designers to sign construction documents permitting nonstructural interior work.

From the designer’s perspective, the option to become “registered” and market themselves with the title permits them to differentiate their skill sets from unregistered designers and, in some states such as California and Georgia, sign and seal permitting approvals. See Meaghan O’Neill, “Am I a Real Designer if I’m Not Licensed?” *Architectural Digest*, May 30, 2019. The legislators behind Pennsylvania’s HB 1258 informed their colleagues that “over 60% of interior design firms are women-owned businesses in Pennsylvania. Under the current system, these businesses are at competitive disadvantage with several neighboring states while bidding for federal contracts as Pennsylvania does not currently recognize the interior design profession.” See

Memorandum re: the Interior Designer Registration Act, H.R., 205th Gen. Assemb., Reg. Sess. (Feb. 11, 2021).

Pennsylvania considered similar legislation in 2009, with HB 1521, referred to the Committee on Professional Licensure on May 26, 2009. See H.R. 1521, 193rd Gen. Assemb., Reg. Sess. (Pa. 2009). It was placed on the committee's schedule, but ultimately no votes were taken. See House Committee on Professional Licensure, Committee Schedule, Feb. 10, 2010 and June 24, 2010.

In 2015, Senate Bill (SB) 1021 was introduced during the 2015 Senate Session. S. 1021, 199th Gen. Assemb., Reg. Sess. (Pa. 2015). SB 1021 was referred to the Committee of Consumer Protection and Professional Licensure on Oct. 9, 2015, but was never placed on the committee's schedule.

Members of the American Institute of Architects (AIA) Pennsylvania have provided grassroots opposition to proposed legislation in Pennsylvania that would authorize the registration of interior designers, including HB 1258. "Protected: Legislation Giving Interior Designers Signing and Sealing Rights Tabled," AIA Pennsylvania Blog (June 16, 2021). With this most recent bill, AIA Pennsylvania members "garnered over 2,000 touchpoints (calls/emails) and the impact needed to halt this bill temporarily and progress to the next steps in the process." AIA Pennsylvania believes this to be a favorable outcome because "in its drafted form, this legislation does not contain certain safeguards necessary to protect the public's health, safety and welfare."

However, this is not the first proposed piece of legislation contemplating the registration of interior designers that the AIA has publicly opposed. See Paula R. Maynes, "Why Does the AIA Oppose Interior-Design Licensure?," Pennsylvania Architect V3N1, 2011. In a 2011 opinion piece published in Pennsylvania Architect, the reasons cited for the AIA's opposition to interior design licensure include designers' lack of education, training and testing to competently address design issues that impact the health, safety and welfare of the public, lack of evidence calling for interior design licensure (i.e., the public is not being harmed as a result of a lack of interior design regulation) and public confusion by adding a "lower level of building-design licensure."

It appears that Georgia has managed to gel the two industries as its State Board of Architecture and Interior Designers reviews applications for interior designer registration. Georgia Board of Architects & Interior Designers, <https://sos.ga.gov/index.php/licensing/plb/2> (last visited Sept. 2). The Georgia Alliance of Interior Design Professionals, a not-for-profit legislative coalition of interior designers, touts that "the interior design law in Georgia defines interior design services, making clearer the lines of overlap and separation between those of interior designers and architects." See Georgia Alliance of Interior Design Professionals, <http://gaidp.org/law.html> (last visited Sept. 2). While Registered Interior Designers have the ability to stamp, sign and seal drawings for construction for projects which meet certain parameters, they "are required to collaborate with engineers or/and an architect, as appropriate, for work beyond

interior design scope and expertise, including modifications to the building shell, structural work, or other building systems work such as electrical, mechanical, plumbing or fire protection systems.” Similarly, in California, certified interior designers are permitted to prepare and submit nonstructural and nonseismic plans only. See Cal. Bus. & Prof. Code Section 5800 (West 2002).

HB 1258 similarly defines “interior design services” as the selection and placement of nonstructural elements within the interior space of a building or structure.” More so, services include “the administration of interior construction and contracts relating to nonload-bearing interior construction of a building or structure.” Therefore, it appears that Pennsylvania’s Interior Designer Registration Act would mirror that of Georgia and California in excluding structural plans from the designer’s scope

of drawings to be submitted for permitting purposes.

HB 1258 was referred to the House Consumer Affairs Committee, which tabled the vote on the bill previously scheduled for June 15. While this is not HB 1258’s absolute demise, it remains to be seen whether Pennsylvania’s interior designers will join the ranks of their colleagues in other states and be granted the choice to become registered.



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