

**SUMMER LEGISLATIVE UPDATE**  
**2008 RECAP and PLANNING FOR THE FUTURE**

2008 has been a very interesting year, filled with challenges. The year started off with a bang, with the introduction of H-4244, a practice act requiring all interior designers working in Washington State to be registered. After several months of struggle, the bill died in committee. Several months later, SB-1312 was introduced in California, to change voluntary certification to mandatory certification. The bill almost squeaked through, but overwhelming opposition forced the bill's sponsor, Senator Leland Yee, to withdraw the bill before a vote on the senate floor. The bills in Washington and California contained similar language, based on the templates provided by ASID, IIDA, and NCIDQ.

Comments about the bill's language are inserted before the excerpts, to help you zero in on important information. No words were changed; everything is quoted as written, shortened for easier reading.

***COMMENT #1: At the June NKBA meeting, Fu Tung Cheng stated openly that he would have been prevented from what he has achieved, if interior design laws were enforceable in California 25 years ago. Many talented designers, like him, have come from different backgrounds and educational paths to get where they are today. By strictly limiting education, experience, and examination to a narrow definition, a high percentage of them would not be working. The bills clearly state:***

- "Limit the practice of interior design to persons having specific design education, experience, and examination."

***COMMENT #2: This description applies to bath-kitchen design specialists, independent design firms, design-build companies, and design organization affiliates who haven't passed the NCIDQ, and designers who have passed the NCIDQ, i.e., all designers:***

- "Preparing detailed working drawings that define the work to be constructed" (*that may include*) "partition plans, power and communication plans, reflected ceiling plans, material and finishes plans, and furniture layout plans, as well as elevations, sections, and details..."
- Defines the role of interior design: "...designs, consultations, studies, drawings, specifications, and the contract administration of design construction contracts relating to nonstructural interior elements of a building or structure. Interior design includes, but is not limited to, space planning, finishes, furnishings, and the design for fabrication of nonstructural or non-seismic elements within and surrounding interior spaces of a building..."

***COMMENT #3: The third paragraph below refers to codes. Do we need government control of the interior design profession, in addition to established codes, to ensure the health and safety of our clients? Do we need such a narrow definition of interior design that would apply to a minority of organizations?***

- "Research and analysis of the client's goals and requirements, and development of documents, drawings, and diagrams that outline those needs;
- "Formulation of preliminary space plans and two and three-dimensional design concept studies and sketches that integrate the client's program needs and are based on knowledge of the principles of interior design and theories of human behavior;
- "Confirmation that preliminary space plans and design concepts are safe, functional, aesthetically appropriate, and meet all public health, safety, and welfare requirements, including code, accessibility, environmental, and sustainability guidelines."

***COMMENT #4: Ed Nagorsky stated at the May meeting that Oregon does not have enough certified designers to comply with the requirement for supervision. Legislation prevents students from following a career path, and prohibits entry into interior design. It also ends the careers of talented designers who cannot meet the education, experience, and examination requirements. As you read the second and third sentences, think of the impact that this law would have on a large company, such as Neil Kelly. The definition of "responsible supervisory control" is:***

- "...supervision by a registered interior designer of the work and the decision-making process such as reviewing, enforcing, and controlling compliance with all design criteria and life-safety requirements. Each location designated for the practice of interior design must have in that location a registered interior designer who bears regulatory responsibility for the interior design work in that location. The registered interior designer must provide responsible supervisory control over non-registered persons working in that location in the practice of interior design.

"Each applicant shall provide proof of a minimum of two years of full-time diversified interior design experience under direct supervision of a registered interior designer or licensed architect..."

**COMMENT #5: You may be confused by all of this lingo, especially if you are a bath-kitchen specialist. If you are unsure, go back and read the definitions following Comments #2 and #3. You may not call yourself an interior designer, but by definition, you are performing the duties of an interior designer. If you are not registered, you'll be legally prohibited from working. If you think this can't happen to you, check out what's happening in Florida (link:). In fact, if you get a job for someone's Florida vacation home (even if they're a relative), the Florida authorities could levy a heavy fine and incarcerate you for practicing interior design illegally.**

- "Only individuals registered ... may render interior design services. No firm, partnership, association, or corporation may engage in the practice of interior design, or hold itself out to the public as being engaged in the practice of interior design or use the word "interior design" or "registered interior designer" in its name in any manner unless all interior design services are rendered by or under the responsible supervisory control of persons registered under this chapter."

**COMMENT #6: Education requirements proposed by the bill only apply to a small number of programs available throughout the country. Accreditation of an interior design program is a long and expensive process, one reason why accredited programs are more expensive. Do the students really get additional value for their larger investment? Fundamental principles are learned in school, enhanced by real-world situations.**

- "Each applicant for registration shall be required to hold an accredited certificate, diploma, or degree in interior design.

"As of January 1, 2012, all interior design programs must be accredited by the Council for Interior Design Accreditation or be an interior design program determined by the board to be substantially equivalent to an accredited program."

**COMMENT #7A: Education and experience have been addressed. Now the bill discusses examination requirements:**

- "Each applicant shall provide to the board proof of passage of the examination administered by the National Council for Interior Design Qualification.

**COMMENT #7B: The NCIDQ examination heavily emphasizes commercial design and minimizes residential design in all of its six components. Bath-kitchen design specialists and residential design specialists should have the option to choose programs and examinations that are geared to their specialty.**

**COMMENT #8: There is ongoing discussion about "grandfathering". Many talented, qualified professional designers believe what they've been told, i.e., not to worry, that they'll be able to continue their practice. This is, perhaps, the most harmful clause in the bill, because it could end the careers of many professionals who have reached their goals in different ways.**

- “Any person who applies for registration ... within a two-year period after the effective date of this act shall be registered or licensed by the board provided that the applicant meets subsections(1), (2), and (3) of this section:

“(1) The applicant has previously passed the National Council for Interior Design Qualification examination;

“(2) In lieu of the requirement for an accredited baccalaureate degree or degree, diploma, or certificate from a program with a minimum number of credit hours in interior design coursework as determined by the board, the board may register an applicant who demonstrates in accordance with such standards that the board deems equivalent; and

“(3) In lieu of the requirement for an accredited baccalaureate degree or degree, diploma, or certificate from a program with a minimum number of credit hours in interior design coursework as determined by the board, the board may register applicants who provide documented proof of diversified experience in the practice of interior design for a minimum of fifteen years.”

In 2008, 30 bills (similar to the one excerpted above) were introduced all over the United States, but none of the bills became laws. Recently, bills in Massachusetts and New York were vetoed by the governors of those states. Again, the language of the bills was based on the model language proposed by ASID, IIDA, and NCIDQ. Fighting legislation has been a challenge for NKBA's Legal Counsel, Ed Nagorsky, and all of the grassroots organizations that oppose interior design legislation, but we have the distinct advantage of factual information to support our arguments against interior design legislation:

- No evidence exists that the public's health, safety, and welfare needs to be protected, based on historical cases.
- There is reliable evidence that the number of lawsuits against interior designers have increased in states where legislation is enforced, but most of these cases are for contract disputes (not health and safety issues).
- Interior design legislation will limit the consumers' ability to choose from a wide range of available design professionals, and pay reasonable fees for design services.
- Oregon (and other states) cannot afford the additional financial burden of another bureaucratic board to govern the interior design profession, which totals approximately 1,500 in this state.
- Interior design legislation will harm the future of the profession, by artificially limiting who may practice (free enterprise?).
- Arguments by proponents include that legislation is needed to garner respect for the interior design profession. Respect must be earned; it cannot be legislated.

One has to wonder why legislation continues to be introduced, given the growing number of defeats. Wouldn't the time, energy, and money be better spent promoting the profession? Last month, NARI announced that it is going to fight legislation. We are hoping that NAHB will also join the fight, to protect the viability of interior design, building, and remodeling. Opposition has won many battles, but the war continues. In Washington, California, and other states, the coalitions have vowed to introduce bills again in 2009. Rumors persist that a bill is ready for introduction in the 2009 Oregon session, but there is no evidence to confirm or deny the rumor. We must remain vigilant, and be ready to help each other defeat bills that will be detrimental to our future, and the future of our profession.

Respectfully submitted,

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