

Legislative Analysis



INTERIOR DESIGN LICENSING

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 5960 and 5961 as introduced
Sponsor: Rep. Carol Glanville

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5962 as introduced
Sponsor: Rep. Erin Byrnes

Committee: Regulatory Reform
Complete to 11-12-24

SUMMARY:

House Bill 5960 would add Article 20A to the Occupational Code to provide for the licensing of interior designers in Michigan.

Interior Design Board

The bill would create the Interior Design Board within the Department of Licensing and Regulatory Affairs (LARA). Terms for board members would begin April 1.

The board could hire any of the following to fulfill its duties:

- An executive director.
- Legal counsel.
- Investigator.
- Professional consultant.
- Any other employee.

The board would have to promulgate rules to implement the bill, including at least rules governing all of the following:

- The adoption of a common seal.
- Creation and maintenance of a roster of interior designers.
- Continuing education requirements for license renewal under the bill.
- Implementation and enforcement of the bill.

License requirements

Beginning January 1, 2026, and no later than four years after the bill's effective date, LARA would have to issue an interior design license to any individual that does either of the following:

- Submits to LARA a document from the Council for Interior Design Accreditation (CIDA)¹ qualification that verifies both of the following:
 - The individual passed an examination prepared and administered by CIDA.
 - The individual meets the conditions and eligibility standards of CIDA.
- As determined by LARA, meets the conditions and eligibility standards of the Council for Interior Design Qualification (CIDQ).²

¹ <https://cida.org/>

² <https://www.cidq.org/>

In addition, beginning four years after the bill's effective date, LARA would have to issue an interior design license to an individual that meets all of the following:

- As determined by LARA, successfully completed any of the following:
 - An interior design program accredited by CIDA, another national accrediting body approved by LARA, or another substantially equivalent program.
 - An alternate education review process administered by CIDQ.
- As determined by LARA, successfully completed either an interior design experience program administered by CIDQ or another substantially equivalent program approved by LARA.
- Does either of the following to LARA's satisfaction:
 - Submits a document from the CIDQ that verifies that the individual passed an examination prepared and administered by CIDQ.
 - Passes an examination approved by LARA that is substantially similar to the CIDQ exam.
- Submits any other information required by LARA.

A license issued under the bill would have to include all of the following:

- The individual's name.
- A serial number assigned to the individual.
- The chairperson's and secretary of the board's signature.
- The board's official stamp.

An individual issued a license under the bill could use the title "licensed interior designer" in connection with their *practice of interior design*.

Practice of interior design would mean the design of an interior space as a part of an interior alteration or interior construction project. It would include at least the following:

- Preparation of an interior technical submission related to space planning, finish materials, furnishings, fixtures, and equipment, not including building equipment.
- Preparation of a document related to interior construction that does not affect the engineered systems of a building.
- Programming, planning, pre-design analysis, and conceptual design of interior nonstructural elements, including the selection of materials, furniture, fixtures, and equipment, but not building equipment.
- Alteration or construction of interior nonstructural elements and any interior technical submissions related to alteration or construction.
- Preparation of a physical plan of space within a proposed or existing building or structure that may include all of the following:
 - Determinations of circulation systems or patterns.
 - Determinations of the location of exit requirements based on occupancy loads.
 - Assessment and analysis of interior safety factors to comply with building codes related to interior nonstructural elements.
- Application of building codes, fire codes, and accessibility standards, including at least the federal Americans with Disabilities Act as applicable to interior technical submissions for interior nonstructural elements.

- Rendering of designs, plans, drawings, specifications, contract documents, or other interior technical submissions and administration of interior nonstructural element construction and contracts that relate to nonstructural elements in interior alteration or construction of a proposed or existing building or structure.

Practice of interior design would *not* include any of the following:

- Except as otherwise provided, services that constitute the practice of professional engineering or professional architecture.
- Making changes or additions to any of the following:
 - The structural system of a building, including changing the building's live or dead load on the structural system.
 - The building envelope, including exterior walls, exterior wall coverings, exterior wall openings, exterior windows and doors, architectural trim, balconies and similar projections, bay and oriel windows, roof assemblies and rooftop structures, and glass and glazing for exterior use in both vertical and sloped applications in buildings and structures.
 - The mechanical, plumbing, heating, air conditioning, ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems.
 - Construction that materially affects life safety systems pertaining to fire safety of structural elements or the fire protection of structural elements, smoke evacuation and compartmentalization systems, or fire-rated vertical shafts in multistory structures.
 - Changes of building use to occupancies not already allowed by the current building.
 - The construction classification of the building or structure according to the International Building Code.

Reproducible seal

The bill would require each interior designer to have a reproducible, mechanical or electronic seal containing all of the following:

- The interior designer's name.
- The interior designer's serial number.
- The statement "Licensed Interior Designer, State of Michigan."

Interior technical submissions

Any ***interior technical submissions*** required by a state or local government agency and under an interior designer's responsible control [the bill does not define this term] would have to include all of the following, either mechanically or electronically, on the first page:

- The interior designer's signature.
- The date the document was signed by the interior designer.
- The statement: "My license expires ____."
- The interior designer's reproducible seal.

Interior technical submission would mean a design, drawing, specification, study, or other technical report that establishes the scope of an interior alteration or interior construction project.

Interior designers could not sign and seal any interior technical submission they did not prepare or that was not under their responsible control, except for the following:

- An interior technical submission prepared by another interior designer that the interior designer has reviewed in whole or in part and has coordinated the preparation of the submission or integrated the submission into an interior alteration or interior construction project.
- A document not required to be prepared by an interior designer under the bill that the interior designer reviewed and adopted, in whole or in part, and integrated into an interior alteration or interior construction project.

If an interior designer signed and sealed an interior technical submission that was prepared under their responsible control by a person not regularly employed by the same employer as the interior designer, the interior designer would have to maintain and make available to the board, upon request, records that demonstrate the extent of the interior designer's control over and detailed professional knowledge of the submission throughout its preparation.

Finally, an interior designer could sign and seal an interior technical submission and submit it to a state or local governmental entity for the purpose of obtaining a requisite permit for an interior alteration or construction project.

Reciprocity

The bill would allow LARA to issue an interior design license to an individual who holds an interior design license from an equivalent department, board, or authority, as determined by the department, in at least one other state, if that state has qualifications that are greater or equal to the qualifications under the bill when the individual applies for licensure.

Continuing education

The bill would require a licensee to complete at least 12 hours of continuing education per year and submit proof of compliance to LARA as a condition of license renewal.

Violations

In addition to other penalties prescribed by law, an interior designer would be subject to additional education or counseling and to penalties under Article 6 of the Occupational Code if they, or an employee of theirs, does either of the following:

- Except as otherwise provided above, signs or affixes their seal to plans, drawings, specifications, or other instruments of services that were not prepared by the interior designer or their office, or were not under the interior designer's responsible control.
- Aids an unauthorized individual to practice as an interior designer, including by allowing the unauthorized individual to use the interior designer's name to avoid the bill's requirements.

Exemptions

The bill would exempt the following from its licensure requirements:

- An architect.
- An employee of an architect or an interior designer if the work the employee performs does not include responsible control or supervision.
- A consultant retained by an architect or interior designer.

- An individual who prepares plans, drawings, or specifications for buildings that are for the individual's private use.
- An individual who prepares drawings of the layout of material or furnishing used in interior design or provides assistance in the selection of material or furnishing used in interior design, including, but not limited to, any of the following:
 - Decorative accessories.
 - Wallcoverings, wall finishes, or paint.
 - Floor coverings, tile, wood, stone, or concrete.
 - Window coverings.
 - Lighting or plumbing fixtures that do not disrupt structural elements.
 - Furniture, equipment, cabinetry, or millwork.
- An individual who performs an activity traditionally performed by an interior designer that is limited to the planning, design, and implementation of kitchen and bathroom spaces, or the specification of products for kitchen and bathroom areas, in a noncommercial setting.

Civil liability

The bill would exempt the following from civil liability arising from the described action, as long as the action was taken in good faith and without malicious intent:

- An individual who provides information to the board relating to an investigation of an applicant for licensure or a licensee.
- A person that assists the board in the investigation or prosecution of an alleged violation of the bill or a proceeding for licensure or renewal of an interior design license.

MCL 339.303a and 339.601 and proposed MCL 339.2001a et. seq.

House Bill 5961 would amend the State License Fee Act to establish the following fees for licensure of interior designers:

- Application processing fee: \$175.
- License fee (annual): \$125.

Proposed MCL 338.2214

House Bill 5962 would amend the Stille-Derossett-Hale Single State Construction Code Act to allow licensed interior designers preparing interior technical submissions to submit an application for a building permit to the appropriate enforcing agency.

MCL 125.1510

FISCAL IMPACT:

House Bills 5960, 5961, and 5962 would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs. House Bill 5960 would create a new category of licensure for interior designers and a corresponding occupational licensing board. House Bill 5961 would require LARA to assess an application processing fee of \$175 and an annual license fee of \$125. It is expected that LARA would receive increased revenue from collected license fees, but the revenue would depend on the volume of licenses. The bills could result in

increased costs related to the administration of licenses and support of the occupational licensing board. The bills would not have a fiscal impact on any other units of state or local government.

Legislative Analyst: Alex Stegbauer
Fiscal Analyst: Una Jakupovic

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.