



Interior Design Legislation 101

Do you know that 26 U.S. states and jurisdictions and eight Canadian provinces have laws recognizing interior designers? If you answered yes, what do you know about those laws?

Why Register or License a Profession?

The 10th Amendment to the U.S. Constitution gives states the powers not delegated to the federal government. Under this framework, states regulate professions that impact the health, safety and welfare of the public.

Professional registration or licensure laws do not say who provides “good design” or “bad design;” this is a decision that can only be made by a client. Professional regulations set a minimum level of competencies required to safely practice a profession.

Title Acts and Practice Acts

In 1973, Puerto Rico was the first U.S. jurisdiction to pass a practice act. Nine years later, Alabama became the first state to pass an interior design title act. To date, 19 U.S. jurisdictions have title acts and six jurisdictions have practice acts, and one state has a permitting statute. The most recent states to join this growing list are Colorado, which passed a permitting statute in 2001, Alabama, which passed a practice law in 2001, and Kentucky and New Jersey, which each passed title laws in 2002, Iowa, which passed a title act in 2005, and Oklahoma, which passed a title act in 2006.

A title act regulates the use of a title, such as “registered interior designer” or “certified interior designer.” Different states have different titles. A few title acts grant interior designers sealing privileges that enable them to submit their drawings to building departments for permits. In other states, interior designers who meet certain qualifications are exempt from the architectural statutes and are able to practice within the scope of their profession.

Title acts do not require individuals to become “*licensed*” to practice interior design. Title acts govern use of a title. In other words, you can provide interior design services in a title act state, as long as you do not use the regulated title. Title acts benefit the public by providing an identifiable choice when hiring a designer – consumers can be confident that state registered interior designers have met a minimum level of professional qualifications.

Practice acts, in addition to regulating who may call themselves interior designers, require individuals practicing interior design to become licensed. In virtually all such laws, individuals practicing under the direct supervision of licensed designers are not required to be licensed. This particular provision allows people new to the profession to practice interior design under a qualified practitioner while accumulating the needed years of experience and professional skills to eventually become licensed.

Some practice law states have exemptions for residential work, which means if you only practice residential design, you do not need a license. Interior design laws generally follow a precedent set by other design profession laws in this regard. Many states do not regulate what a citizen does to their home, going back to the adage, “a man’s home is his castle.” It is important to note, however, that with more states adopting residential codes and more laws requiring a state-registered professional for any code-compliant work, more residential interior designers will need to become registered or licensed.



Requirements

Each state's requirements are different, but ALL states' current interior design legislation requires passage of the NCIDQ to be registered [licensed or certified] as an interior designer.¹ All states also require a combination of education and experience, usually totaling six years. Some states require an additional code exam, specific to their state. Half of the states also require CEUs for renewal.

When a state implements a new law, it generally provides a “window of opportunity” or “grandfather” period to allow interior designers currently practicing in the state who do not meet the proposed level of requirements to become registered. Legislators do this because they do not want to disenfranchise their citizens. Often these “grandfathered” designers must pass the Building and Barrier-Free Code portion of the NCIDQ, in addition to having a specified amount of experience.²

Other Laws and Issues

Besides interior design laws, each state as well as the federal government, has laws and regulations that affect interior designers' right-to-practice and their business' bottom line. These regulations include contractor and architectural statutes, Americans with Disabilities Act compliance, independent contractor classification, sales tax on service provisions and many other general business laws. Another area of interest to interior designers is the International Codes Council's development of the model International Building, Residential, Fire and Performance codes and the adoption and/or modification of these codes by states. The adoption of the model code and/or any state modifications may affect the interior designers' right-to-practice, as an important part of the code is the definition of who qualifies as a “design professional” to submit plans and drawings for permit.

What You Can Do

First, make sure you take the NCIDQ when you are eligible. No matter what state you live in, this will be a requirement for interior design licensure or certification. Second, before you move to a state, make sure you know what the laws are and if you have the requirements to register in that state. Third, get involved with your local chapter of ASID or state legislative coalition. They are always eager for volunteers and will be happy to “teach you the ropes.” They are fighting for the future of the profession; shouldn't you join them to ensure that there continues to be a profession to fight for?

¹ California's independent self-certifying board recently moved to allow passage of the CQRID or both the CKD and CBD examinations in lieu of the NCIDQ.

²The Building and Barrier Free Code portion of the exam is no longer offered by NCIDQ. Contact NCIDQ about alternatives.