

## EXECUTIVE SUMMARY:

HB 590 is proposing to establish a Professional Practice Act to allow Interior Designers (ID's) to submit their documents for permitting in all occupancy classifications identified in the North Carolina Building Code. However, there is substantial evidence to indicate ID's are not educated, trained nor examined to ensure competency in all areas this bill allows their practice. This fact suggests that HB 590 be changed to a Title Act, as is the case for most of the states who regulate the practice of Interior Design.

**How was this bill justified by the American Society of Interior Designers (ASID) to members of the NC House and Senate ...and why it got as far as it did?**

- i. Architects hold a monopoly on sealing drawings. (Response: Standards are set by the Licensing Board, not architects)
- ii. The majority of ID's are women and need special consideration: (Response: In 2016, 45% of US architectural graduates were women)
- iii. Architects cut ID's out of income by 12%. (Response: No documentation to support this number. ID's are permitted to receive a commission on the sale of products they specify for clients. Architects cannot under Chapter 83A-15. ID's often advertise their design services as being free if owners purchase products from them. Most often mark-up on products is between 40-70%.)
- iv. Architectural firms are not open to ownership by ID's. (Response: While Architectural Corporations may have 1/3 ownership by a non-licensed person, including Interior Designers, Partnership laws 83-9A, require the ownership to be held by licensed practitioners. This same standard exists for engineers, lawyers and doctors.)

*The main point stressed by ASID, who represents some 300 member of the Interior Design profession in North Carolina, is that some of the work of ID's impacts Health, Safety and Welfare (HSW) issues. Therefore, ID's should be permitted to not only seal their own drawings, but take the lead in assembling full sets of drawings, which could include documents from several other licensed professionals in order to obtain a building permit.*  
(Ref: §93F-11 (k))

**Note 1: Everyone working on construction documents impacts HSW, this is not unique to ID's.**

Architects and architectural designers, Landscape Architects, Engineers and their designers in disciplines including Civil, Structural, Mechanical HVAC, Plumbing, Lighting, Power, Controls, Communications, Safety, Fire Protection and specification writers who are engaged in all areas. And there are specialty design firms such as Kitchen and Bath designers along with Interior Design companies who provide casework and furniture, including systems furniture which may include modular lighting and power components after the Certificate of Occupancy is issued. Using the logic of HB590, every one of the persons working on these projects should be able to seal their own work.

**Note 2: No requirement to coordinate documents:** A significant distinction missed by the ASID initiative between those who currently seal permit documents and their proposal is the requirement to have a comprehensive understanding of how all the parts of a building are related to one another and a willingness to take legal and financial responsibility for the coordination. When any bill, such as HB 590 specifically excludes this responsibility, as it does for building equipment under §93F-3 (12 a) and structure under §93F-3 (12 e), gaps are created which significantly compromises HSW of the public. The ability to properly coordinate trades should be a requirement for any seal authority.

**Note 3: Minimal education, training and examination:** The current laws in North Carolina require Architects and Engineers to demonstrate a high degree of competency through education, training and examination. The current standards being implemented for ID certification by NCIDQ are substantially below standards for Architects and Engineers.

As shown on the attached, architect education includes a minimum of 5 years of comprehensive education in design and the coordination of building systems. Their internship includes requirements to complete 96 specific requirements, and then pass a six part comprehensive examination. (Of the 600 questions on the Architect's exam, 180 deal with project coordination, compared to 23 for ID's, which also only cover residential and some commercial)

Under the proposed law, the interior designer may be given authority to seal and assemble permit sets with as little as a two-year technical degree, or presently only 40 credit hours in a two-year degree; the ability to self report work experience, which does not have to be diverse or comprehensive and the ability to pass an exam covering only some residential and commercial applications.

**Note 4: Building Code officials: Won't they catch any problems if a drawing has an error?**

To become a building code official in North Carolina at the highest level, a Level III Inspector, one must have at least one year of experience with a probationary Level III building inspection certificate inspecting the construction of a minimum of two Level III buildings and pass an open book examination with a grade of 70 or better.

Building officials are not trained nor expected to look for coordination conflicts on a set of plans. Large projects are often divided, with electrical, mechanical and architectural drawings being sent to different reviewers. They do not coordinate the sets among themselves. So if all HVAC duct work is acceptable, no one may be checking to see if it interferes with plumbing or lacks coordination with fire protection or other building systems. They rightfully can assume this is done by the person sealing the drawing, typically the architect. Knowledge to coordinate systems impacted by the work of the ID is not a requirement under HB 590, but should be an essential component.

While ID's are educated and tested on some commercial and some residential applications of the building code, if licensed, they will be permitted to seal drawings for all building classifications as defined by the North Carolina Edition of the International Building and International Residential Codes (IBC & IRC respectively).

They include:

- a) Assembly Occupancy (all 5 types including but not limited to Performing Arts Theaters, Motion Picture Theaters, Arenas, Stadiums, Gathering Halls, and Airport Terminals)
- b) Business Occupancy;
- c) Educational Occupancy (Kindergarten through Grade Twelve);
- d) High Hazard Occupancy (all 5 types including but not limited to Flammable Materials, Combustible Materials, and Toxic Materials);
- e) Institutional I-1 Occupancy (Congregate Care, Senior Assisted Living, Group Homes);
- f) Institutional I-2 Occupancy (Hospitals, Skilled Nursing, Child Care, and 24-hour care);
- g) Institutional I-3 Occupancy (Jails, Prisons, and Courthouse Holding Cells);
- h) Mercantile Occupancy;
- i) Residential Occupancy (Hotels, Multi-family Apartments, and Dormitories);
- j) High Rise Buildings (more than 75 feet from the lowest level of fire department access to the highest floor).

***CONCLUSION: Under HB 590, with no evidence that you have ever produced a set of documents dealing with HSW, you can legally prepare and submit plans for a hospital surgical suite or hazardous chemical storage facility with no oversight by a knowledgeable agency as to your competency.***

**What are other states doing?**

According to the graphic provided by NCIDQ, there are 26 states with some form of Interior Design Title or Practice Act. 18 have Title Acts with no permitting privileges, 3 are Practice Acts and 3 are Title Acts with permitting privileges, and 3 others have unique restrictive certifications. The states with permitting privileges are regulated under a Board of Architecture and/or Interior Design. A professional licensing Board for design professionals has the knowledge to determine if a practitioner is operating outside their area of expertise or is endangering HSW. Some states have additional restrictions beyond NCIDQ. And in at least two states, the seals for Interior Designers are a unique geometry from Architect seals.

In the case of HB 590, the bill states that the regulatory body would be the Department of Insurance. Since the DOI does not have the ability to identify when a practitioner has exceeded their area of expertise, allowing ID's to submit for building permits without regulatory oversight is fraught with potential problems.

**For this reason HB 590 should be modified to become a Title Act. Permitting privileges could be limited to occupancy classifications already exempted from the requirement for professional seals under Chapter 83A.**

AIA supports the institution of a Title Act for Interior Designers in North Carolina. But strongly recommends that the standards set by the State for sealing drawings be maintained at its current level. It will not serve the Health Safety and Welfare of the people in North Carolina to lower the standards to any degree, especially to the standards proposed in HB 590.