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COLORADO DEPARTMENT OF REGULATORY AGENCIES
OFFICE OF POLICY AND RESEARCH

# INTERIOR DESIGNERS

## 2000 SUNRISE REVIEW

October 15, 2000

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed the evaluation of the sunrise application for licensure of interior designers. I am pleased to submit this written report which will be the basis for my office's oral testimony before the 2001 Legislative Committees of Reference. The report is submitted pursuant to section 24-34-104.1, Colorado Revised Statutes, 1988 Repl. Vol., (the "Sunrise Act") which provides that the Department of Regulatory Agencies shall conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The report discusses the question of whether there is a need for the regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm and, whether the public can be adequately protected by other means in a more cost-effective manner.

Sincerely,

M. Michael Cooke
Executive Director

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## Background

### *The Sunrise Process*

Colorado law, §24-34-104.1, Colorado Revised Statutes (C.R.S.), requires that individuals or groups proposing legislation to regulate any occupation or profession first submit information to the Department of Regulatory Agencies (DORA) for the purposes of a sunrise review. The intent of the law is to impose regulation on occupations and professions only when it is necessary to protect the public health, safety or welfare. DORA must prepare a report evaluating the justification for regulation based upon the criteria contained in the sunrise statute:

> (I) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public, and whether the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;
>
> (II) Whether the public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence; and
>
> (III) Whether the public can be adequately protected by other means in a more cost-effective manner.

Any professional or occupational group or organization, any individual, or any other interested party may submit an application for the regulation of an unregulated occupation or profession. Applications must be accompanied by supporting signatures and must include a description of the proposed regulation and justification for such regulation.

## Methodology

The Department of Regulatory Agencies (DORA) has completed its evaluation of the proposal for regulation of interior designers. During the sunrise review process, DORA contacted and interviewed the applicants, representatives from the American Institute of Architects, professional organizations, and surveyed county building officials. Interior design licensure laws in other states were reviewed and interviews with administrators of those programs were conducted. In order to determine the number and types of complaints filed against interior designers in Colorado, DORA contacted representatives of the Denver District Attorney's office, the Denver/Boulder Better Business Bureau, the Office of the Attorney General Consumer Protection Section, the State Board of Examiners of Architects, and the Governor's Advocacy Office.

## *Proposal for Regulation*

The Colorado Interior Design Coalition (CIDC) submitted a sunrise application to the Department of Regulatory Agencies in 1999 for review in accordance with the provisions of §24-34-104.1, C.R.S. CIDC represents practitioners in Colorado from the American Society of Interior Designers, International Interior Design Association, and the National Kitchen & Bath Association. The applicant originally requested state regulation of interior designers, but no specific level of regulation was specified. The applicants contend that the sunrise review process will help determine the appropriate level of regulation for interior designers in Colorado. They further state that the public has the right to know that the individuals in whose hands they place their trust and their dollars are qualified by education and training to practice their profession.

Additional information was submitted to the Department of Regulatory Agencies on May 31, 2000 that addressed the issue of the level of regulation requested. The membership of CIDC requested "title registration" as the appropriate level of regulation. Furthermore, the applicant contends that the designation "interior designer" should include standards for education, experience, and examination equal to those of the National Council for Interior Design Qualification (NCIDQ) in order to identify those individuals qualified to engage in the practice of interior design at that level of competency. A grandfather clause designating a combination of experience, education and examination standards was also recommended whereby qualified interior designers who have been in business are still able to practice.

In 1989, the Colorado Coalition of Interior Designers (Coalition) submitted a sunrise application to the Department of Regulatory Agencies. The Coalition was comprised of individuals belonging to the following professional organizations representing practitioners of interior design:

- the Interior Design Educators Council;
- the American Society of Interior Designers;
- the Interior Furnishing Designer Association;
- the International Society of Interior Designers;
- Institute of Business Designers; and
- the American Institute of Architects Interior Committee.

The Coalition proposed "title protection" based on education, training, and testing criteria. After a careful review, the Department of Regulatory Agencies concluded that the applicant had not demonstrated that the unregulated practice of interior design within Colorado clearly harms or endangers the health, safety and welfare of the public. The review recommended against regulation of interior designers.

The sunrise application asks the question "If the occupational group is a former applicant re-submitting a sunrise application, please include updated information that will substantiate the request for regulation." Although the applicant submitted no new information regarding actual harm to the public by the unregulated practice of interior design, they contend that once local building departments start adopting the International Building Code (IBC) and International Residential Code (IRC), most professional interior designers will no longer be able to function in their profession. They state the following: "Under the new International Building Code and International Residential Code without legal recognition for interior design, many projects which do not currently require an architect would then require an architect thus adding substantially to costs for consumers."

There is a range of interior design providers currently practicing in Colorado using the titles: interior designer, professional interior designer, interior decorator, interior architecture, or furniture consultant. As defined by the applicant, the professional interior designer practices independently or as a member of the overall design team and is a person qualified by education, experience, and examination to identify, research, and creatively solve problems pertaining to the function and quality of interior environments. Furthermore, while both interior designers and interior decorators have decorating skills and a concern with aesthetics, interior designers have comprehensive professional training and technical responsibilities. These include knowledge of:

- frame spread rating, smoke, toxicity and fire rating classification of materials;
- space planning for public and private facilities;
- national, state and local building codes and standards;
- the needs of disabled and elderly persons;
- ergonomics;
- lighting quality and quantity; and
- acoustics and sound transmission.

The applicants propose that the minimum competencies for an interior designer reflect the requirements of the International Interior Design Association that requires a minimum of a two-year degree, successful passage of the NCIDQ examination, and six years experience.

## *Profile of the Profession*

The *Occupational Outlook Handbook* prepared by the Bureau of Labor Statistics defines an interior designer as one who plans the space and furnishes the interiors of private homes, public buildings, and commercial establishments, such as offices, restaurants, hospitals, hotels, and theaters. An interior designer develops, designs, and prepares working drawings and specifications for interior construction, furnishings, lighting, and finishes. Increasingly, they use computers to plan layouts. Interior designers design space in accordance with federal, state, and local laws, including building codes and meet accessibility standards for disabled and elderly individuals.

The National Council for Interior Design Qualification (NCIDQ) and the Foundation for Interior Design Education Research (FIDER) further define the practice of interior design as the following:

- analyzes client's needs, goals, and life safety requirements;
- integrates findings with knowledge of interior design;
- formulates preliminary design concepts that are aesthetic, appropriate, and functional, and in accordance with codes and standards;
- develops and presents final design recommendations through appropriate presentation media;

- prepares working drawings and specifications for non-load bearing interior construction, reflected ceiling plans, lighting, interior detailing, materials, finishes, space planning, furnishings, fixtures, and equipment in compliance with universal accessibility guidelines and all applicable codes;

- collaborates with professional services of other licensed practitioners in the technical areas of mechanical, electrical and load-bearing design as required for regulatory approval;

- prepares and administers bids and contract documents as the client's agent; and

- reviews and evaluates design solutions during implementation and upon completion.

Interior designers work as independent practitioners or as owners of design businesses in both the residential and commercial fields. Other interior designers are employees of design firms and architectural firms, government agencies, facility planners for individual businesses, and planners for commercial furniture dealers. Many designers specialize in an area of design such as medical facilities, special needs groups, elderly, hotel and restaurant design, retail store design, and layouts of offices and open office systems.

## *Education*

Formal training for interior designers is available in two, three, and four-year programs at community colleges, universities, and art institutes. The two and three year programs generally offered in community colleges award certificates or associate degrees in design, and graduates generally start as assistants to designers. The four-year degree program in accredited universities offers a Bachelor of Fine Arts in Interior Design.

The Foundation for Interior Design Education Research (FIDER) is an independent, non-profit accrediting agency for post secondary interior design education that is recognized by the U.S. Department of Education. Standards for interior design education are formulated in consultation with practitioners, educators, employers, and students. The current FIDER standards require student achievement in theory of interior design; design process, programming, space planning, and application of design elements; technical knowledge; communication skills; ethics; history of interiors, art, and architecture; and techniques and research methods.

There are several institutions offering interior design courses in Colorado. However, only Colorado State University's Bachelor of Science degree in Interior Design is accredited by FIDER. The University of Colorado merged its interior design degree with its architect's degree and currently offers a Master of Architecture with an Interior Design option. Arapahoe Community College in Littleton offers a two-year course leading to an Associate of Applied Science degree that prepares the student for a career as an interior designer. The University of Colorado at Denver offers a four-year Bachelor of Fine Arts degree with a concentration in Interior Design. The Colorado Institute of Art offers a Bachelor of Arts degree in Interior Design while the Rocky Mountain College of Art & Design offers a Bachelor of Fine Arts degree in Interior Design.

## *Associations*

Interior design organizations that offer memberships to individuals include:

### ASID - American Society of Interior Designers

With more than 30,000 members, the American Society of Interior Designers (ASID) is the oldest and largest professional organization for interior designers with the largest residential and commercial membership. Of the society's 20,000 practicing interior designers, 6,500 practice primarily in the commercial field with 4,000 members practicing primarily as residential designers. The remaining 9,500 work in both commercial and residential design. The Colorado chapter currently has 415 active members.

The association has 49 chapters throughout the United States and more than 450 international members. ASID was founded in 1975 with the consolidation of the American Institute of Designers (AID) and the National Society of Interior Designers (NSID). Professional members of ASID must fulfill acceptance standards that include a combination of accredited design education and/or full-time work experience and passage of a two-day accreditation examination (NCIDQ).

**IIDA – International Interior Design Association**

The International Interior Design Association (IIDA) is a professional networking and educational association of more than 11,000 members in 8 specialty forums, 9 regions, and more than 30 chapters around the world. Their mission statement espouses their commitment to enhancing the quality of life through excellence in interior design and advancing interior design through knowledge. The Rocky Mountain chapter currently has 198 active members.

**IDEC – Interior Design Educators Council**

The Interior Design Educators Council, Inc. (IDEC) was founded in 1963 and strives for the advancement of education and research in interior design. IDEC fosters the exchange of information, improvement of educational standards, and development of the body of knowledge relative to the quality of life and human performance in the interior environment.

## *Private Credentials*

The Council for Qualifications of Residential Interior Designers (CQRID) and the National Council for Interior Design Qualification (NCIDQ) are national, nonprofit organizations that conduct voluntary certification programs for interior designers. Both organizations have developed examinations that measure an interior designer's education and knowledge. Successful completion of the NCIDQ examination is a prerequisite for professional registration in those states that have enacted licensing, registration, or certification requirements.

### CQRID - The Council for Qualifications of Residential Interior Designers

The Council for Qualifications of Residential Interior Designers developed an examination for residential interior designers to attain state licensure/certification credentials. The Professional Examination Service, an independent, nonprofit testing company administers the two-part examination. Part one consists of 200 multiple choice questions with a time allotment of three hours. Part two consists of three practical design problems requiring competence in basic drafting skills, space planning, and barrier-free design. In addition, part two requires the applicant to draw an elevation and an electrical overlay. Six hours are allocated to complete this section of the exam.

The CQRID examination is available to practitioners of residential interior design who, at the time of application, have a total of six years of interior design education from an accredited institution and/or experience earned in any of the following combinations:

- Four-or five-year degree in interior design or design-related field, plus two years of practical interior design experience.
- Three-year degree in interior design or design-related field, plus three years of practical interior design experience.
- Two-year degree in interior design or design-related field, plus four years of practical interior design experience.

- A high school diploma or GED, plus eight years of practical interior design experience.

**NCIDQ - The National Council for Interior Design Qualification**

The National Council for Interior Design Qualification is an independent, nonprofit organization whose purpose is to provide the public with the means to identify interior designers who have demonstrated the minimum level of competency they believe to be needed to practice interior design. NCIDQ's function in the certification process includes the establishment of standards for education and experience and the administration of a minimum competency examination. Since its inception in 1974, over 13,500 interior designers have successfully completed the examination and are NCIDQ certified.

NCIDQ examinations are developed by interior design practitioners, educators, and a test development consultant, based on current job analysis study of the profession. The analysis examines the knowledge required and the tasks performed by interior design practitioners. The examination is comprised of the following content areas: building and interior systems; codes/standards knowledge; programming, planning and pre-design; contract documents; theory; business and professional practice; project coordination; furniture/fixtures/equipment/finishers; history; and communication models. Within the building and interior systems content area, questions address issues such as types of construction and materials for both building construction and interior construction. The codes/standards knowledge content area includes questions on life safety, building codes, barrier free design, and testing standards. More specifically, code requirements for fire resistance ratings, occupant load, means of egress, occupancy classifications, accessible routes and fixtures and classification/ratings of materials are addressed. Successful completion of the NCIDQ examination is a prerequisite for professional registration and licensure in all 19 states with title protection or practice acts.

## *The Colorado Experience*

Within Colorado there are an estimated 1,000-1,500 interior designers practicing. Approximately two-thirds of those are members of the American Society of Interior Designers or the International Interior Design Association. The National Council for Interior Design Qualification records currently indicate that 245 designers in the State of Colorado have taken and passed the multi-part NCIDQ examination. In addition, NCIDQ reports that a substantial number of interior designers have passed one or more parts of the exam and will complete the NCIDQ in the future.

Currently, there is no Colorado statute or local or county law that specifically requires registration or licensure of interior designers. Furthermore, the Architect Licensing Statute, §12-4-112, C.R.S., exempts activities typically conducted by interior designers. Section 112 of the Architect's Licensing Statute provides exemptions for dwellings for up to four families; commercial buildings designed for less than 10 people and that do not exceed one story in height. Additions or alterations to any building exempt from the statute that do not bring the building or dwelling over the exemption limits are still exempt. Nonstructural alterations to any building that do not affect the life safety of the occupants of the building are exempt.

The 1997 Sunset Review of the Board of Architect Examiners examined the proposal by the American Institute of Architects (AIA) requesting that some of the exemptions in §12-4-112, C.R.S., be modified to bring additional building remodeling and retrofitting projects under the purview of the architect statute. The review reported that "no evidence was presented by AIA or the building officials that the current exemptions present a harm to the public." Furthermore, local jurisdictions have the option of adopting standards stricter than state law for building requirements, therefore if the existing exemptions present a problem in a particular jurisdiction; local governments can address the issue without state government mandates.

Current Colorado law does not limit or prohibit any individual from the practice of interior design. However, the Colorado Consumer Protection Act (§6-1-105(1)(b), (c), (e) and (l), C.R.S.) prohibits individuals from misrepresenting their certification, abilities, and associations, and making false or misleading statements concerning the price of goods, services, or property. In addition, §6-1-707(1)(a)(I), C.R.S., prohibits an individual from claiming "either orally or in writing, to possess either an academic degree or an honorary degree of the title associated with said degree, unless the person has, in fact, been awarded said degree." While this Act does not prohibit individuals from performing interior design tasks, it does prohibit individuals from claiming that they have an education or background they do not possess. An individual who misrepresents his or her qualifications may be in violation of this Act.

## *Regulation in Other States*

Interior design regulation, either title protection or practice act, currently exists in 19 states: Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Louisiana, Maine, Maryland, Minnesota, Missouri, Nevada, New Mexico, New York, Tennessee, Texas, Virginia, and Wisconsin. Of the 19 jurisdictions with interior design regulation, 15 states have established title protection, three states (Florida, Louisiana, Nevada) have practice acts, and one state (California) has self-certification. Of the 15 states with title protection acts, California, Georgia, Illinois, and Texas also have provisions for disciplinary actions and grounds for revocation of license or registration.

Currently a bill before the California General Assembly will repeal the private certification program and establish a nine-member board of Interior Design in the Department of Consumer Affairs. It will adopt guidelines for the use of the title "registered interior designers", require designers to use a written contract, form a consumer restitution fund for aggrieved consumers, and establish options for disciplinary action against unethical registered interior designers.

DORA contacted and interviewed representatives from all 19 states to determine the level of complaint and disciplinary activity imposed on interior designers. The primary findings of the interviews conducted with representatives from the state licensing boards and divisions were that there were relatively few or no complaints filed against interior designers and no suspensions or revocations imposed.

The chart on the following page summarizes the regulation of interior designers in other states including type of law, regulatory agency, number of licensees, complaint activity, education, and examination requirements.

# Other State Regulatory Programs for Interior Designers

| STATE | YEAR LAW ENACTED | TYPE OF LAW | REGULATORY BODY | NO. OF LICENSEES | COMPLAINT / DISCIPLINARY ACTIVITY | EXAM REQUIREMENTS | EDUCATION/TRAINING REQUIREMENTS |
|---|---|---|---|---|---|---|---|
| Alabama | 1982 | Title Protection: Certificate of Registration | State Board of Registration for Interior Designers | 181 | No disciplinary activity to date. | NCIDQ | Completed 48 semester hours of education related to interior design |
| Arkansas | 1993 | Title Protection: Registered Interior Designer | Board of Registered Interior Designers | N/A | N/A | NCIDQ | 4 years, Master's degree, or licensed architect |
| California | 1991<br><br>2000 | Private, non profit self-certification<br><br>Registered Interior Designer | Council for Interior Design Certification<br><br>Board of Interior Designers | 3,500 | 20 complaints from 1995-1999 (13 certified designers & 7 uncertified designers)<br>Code of ethics – 1<br>Fraud – 2<br>Monetary – 12<br>Misrepresentation – 3<br>Breach of Contract – 2<br>1 suspension*<br>1 revocation+ | NCIDQ | Graduate of:<br>4 or 5 year program – 2 years experience<br>3 year program - 3 years experience<br>Combination of 8 years education and diversified interior design experience |
| Connecticut | 1983 | Certificate of Registration | Dept. of Consumer Protection – Professional Licensing Division | 604 | N/A | NCIDQ | None |
| Florida | 1994 | Practice Act: Registered Interior Designer | Board of Architecture and Interior Design | 2,552 | For 1998-99 there were 238 complaints - 186 of which were determined legally sufficient. Also received 136 complaints regarding unlicensed activity. (These numbers include complaints against architects and architecture businesses.) | NCIDQ | Graduate of:<br>5 year program – 1 year experience<br>4 year program – 2 years experience<br>3 year program – 3 years experience<br>2 year program – 4 years experience |
| Georgia | 1995 | Title Protection: Registered Interior Designer | State Board of Architects | 235 | Not available | NCIDQ or any examination accepted by the NCARB | 4 year degree whose program is accredited by the NAAB or by FIDER |
| Illinois | 1994 | Title Protection: Registered Interior Designer<br><br>Also<br><br>Title Protection: Registered Residential Interior Designer | Department of Professional Regulation – Board of Interior Design Professionals | 1,659 | N/A | NCIDQ for interior designers;<br><br>CQRID for residential interior designers (and a high school diploma) | Graduate of:<br>5 year Interior Design Program from accredited institution - 2 years experience;<br>4 year Interior Design Program from accredited institution - 2 years experience;<br>2 year Interior Design Program from accredited institution - 4 years experience;<br>Completed 3 years of Interior Design curriculum from accredited institution and 3 years of experience; or<br>Holds a high school diploma or GED and 5 years of experience |
| Louisiana | Enacted 1984<br><br>Revised 1999 | Title Protection: Licensed Interior Designer<br><br>Practice Act: Registered Interior Designer | State Board of Examiners of Interior Designers | 600 | Issued 20 letters in the past 13 years regarding misuse of the title "Licensed Interior Designer." | Passage of the NCIDQ exam<br>or<br>Passage of the building and barrier free section of the NCIDQ and 15 hours of board-approved continuing education relating to barrier free code | Graduate of:<br>5 year program – 1 year experience<br>4 year program – 2 years experience<br>3 year program – 3 years experience<br>2 year program – 4 years experience |
| Maine | 1993 | Title Protection: | State Board for Licensure of | | No complaints | NCIDQ | Graduate of: |

| STATE | YEAR LAW ENACTED | TYPE OF LAW | REGULATORY BODY | NO. OF LICENSEES | COMPLAINT / DISCIPLINARY ACTIVITY | EXAM REQUIREMENTS | EDUCATION/TRAINING REQUIREMENTS |
|---|---|---|---|---|---|---|---|
| | | Certified Interior Designer | Architects, Landscape Architects and Interior Designers | 28 | No disciplinary actions | | 5 year program – 1 year experience<br>4 year program – 2 years experience |
| Maryland | 1991 | Title Protection: Certified Interior Designer | Board of Certified Interior Designers | 299 | 1 complaint since 1991 | NCIDQ | NCIDQ education and experience qualifications necessary to take their exam |
| Minnesota | 1993 | Title Protection: Certified Interior Designer | Board of Architecture, Engineering, Landscaping, Landscape Architects, Geoscience and Interior Design | 1,000 (includes architects certified as IDs.) | 2 complaints for practicing as an architect (cease and desist order imposed) | NCIDQ | Graduate of:<br>4 or 5 year program – 2 years experience<br>2 year degree - 4 years experience |
| Missouri | 1993 | Title Protection: Registered Commercial Interior Designer | Division of Professional Registration, Interior Design Council | N/A | N/A | NCIDQ | Graduate of:<br>4 or 5 year program – 2 years experience<br>3 year program – 3 years experience<br>2 year program – 4 years experience |
| Nevada | 1995 enforcement initiated in 1998 | Practice Act:: Registered Interior Designer | State Board of Architecture, Interior Design, and Residential Design | 56 | 8 cases to date<br>All violations for practicing, advertising, as registered design professional without a certificate of registration | NCIDQ | Graduate of:<br>5 year program – 1 year experience<br>4 year program – 2 years experience<br>3 year program – 3 years experience<br>2 year program – 4 years experience<br>At least 6 consecutive years experience |
| New Mexico | 1989 | Title Protection: Interior Designer | State Regulation and Licensing Department, Board of Interior Design | 126 | One complaint pending re: fee dispute<br>No discipline in the past years | NCIDQ | Graduate of:<br>5 year program – 1 year experience<br>4 year program – 2 years experience<br>3 year program – 3 years experience<br>2 year program – 4 years experience<br>Has apprenticed under a designer who has passed the NCIDQ or a licensed designer for 8 years |
| New York | 1991 (first licensed in 1994) | Title Protection: Licensed Certified Interior Designer | State Education Dept. State Board of Interior Design | 144 | No complaints<br>No disciplinary actions | NCIDQ | Accrue at least 7 years of education and experience including 2-5 years of postsecondary education in an approved program; at least 2 years of work experience |
| Tennessee | 1991 (first registered in 1993) | Title Protection: Registered Interior Designer | Board of Architectural and Engineering Examiners | | No complaints<br>No disciplinary actions | NCIDQ | Graduate of:<br>5 year program – 1 year experience<br>4 year program – 2 years experience<br>3 year program – 3 years experience<br>2 year program – 4 years experience |
| Texas | 1991 | Title Protection: Registered Interior Designer | Board of Architectural Examiners | 8,000 | In 1999 32 complaints (20 for incomplete renewal form)<br>No disciplinary actions | NCIDQ | A degree in Interior design from a FIDER accredited program and one or more years of experience in interior design; or a combined total of six or more years of interior design education and/or experience including at least one year of each |
| Virginia | 1990 | Title Protection: Certified Interior Designer | Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects | 362 | No complaints<br>No disciplinary actions | NCIDQ | Graduate of:<br>4 or 5 year program – 2 years experience |
| Wisconsin | 1995 (first registered in 1996) | Title Protection: Registered Interior Designer | Department of Regulation & Licensing | 367 | 1 complaint against unregistered interior designer<br>No disciplinary actions | NCIDQ or CQRID (with building barrier free section of NCIDQ) | NCIDQ education and experience qualifications necessary to take their exam |

## Sunrise Analysis and Recommendations

*Recommendation: The General Assembly Should Not License or Otherwise Regulate Interior Designers.*

*Potential Public Harm*

The sunrise statute requires an analysis of whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public and whether the potential for harm is easily recognized and not remote or dependent on tenuous argument.

The applicants have not submitted information demonstrating that harm to the public has occurred, or that the public was endangered by the threat of potential harm from the unregulated practice of interior design. Although recognizing that documenting financial and physical harm is difficult, this review found no evidence of physical or financial harm being caused to Colorado consumers by the unregulated practice of interior designers. The Department investigated the types and numbers of complaints received by the American Society of Interior Designers (ASID), the Denver/Boulder Better Business Bureau, Office of the Attorney General Consumer Protection Section, Board of Architecture, the Governor's Advocacy Office, and the Denver District Attorney's Office, Economic Crime Unit. There is no indication that poor interior design work is a problem amongst consumers. The following information details the response from each of the above-mentioned agencies.

*American Society of Interior Designers* (ASID). The national chapter of ASID is the central agency that receives all ethics complaints concerning members. ASID reports that there has been a 39% increase in the number of ethics cases filed between 1997 and 1999. The dominant issue involved in the majority of ethics complaints filed is compensation. This includes anything from payment for services rendered, possible over-billing, unclear methods of compensation, and hidden charges. Communication was identified as the issue in the next largest group of complaints received. This includes lack of communication, miscommunication, unreturned telephone calls, and dishonesty. Unprofessionalism follows communication as the third leading cause of ethics complaints. This includes unprofessional behavior, improper conduct of business practices, and improper business relationships. The next leading categories of complaints are quality/competency and contract disputes.

*Denver/Boulder Better Business Bureau.* A representative from the Better Business Bureau (BBB) reported that consumers filed 10 complaints against interior designer/decorator firms during the past three years. There are currently 150 interior designer/decorator firms established in their database. The BBB reports that approximately 12,000 complaints were submitted against all business categories during that period. The BBB does not make any judgments as to the validity of complaints.

*Office of the Attorney General Consumer Protection Section.* Of the 3,855 formal complaints received by the Colorado Office of the Attorney General during calendar year 1999, 1,080 were dismissed and 726 were referred to other agencies. Of the remaining 2,050 complaints, 4 were against interior designers. Of these, one was referred to the Electrical Board, one was withdrawn, and two were financial complaints.

*Board of Architecture.* The Board of Architecture stated that they have not received any complaints against interior designers during the past two years.

*Governor's Advocacy Office.* This office has not received any complaints against interior designers during the past three years.

*Denver District Attorney's Office Economic Crime Unit.* The Denver District Attorney's office received two complaints against interior designers in the past five years. Both complaints were potential criminal cases and not cases of professional incompetence.

## *Barriers to Practice for Colorado Interior Designers*

The applicants have emphasized that one of the primary motivating factors for the request for licensure is the probable implementation in Colorado of the new International Building Code (IBC) and the International Residential Code (IRC). The IBC reflects the consolidation of three existing model building codes currently utilized in the United States: Uniform Building Code (currently adopted by a majority of Colorado cities and counties), the Southern Building Code Congress International, and the Building Officials and Code Administrators International (BOCA). The applicants contend that the new International Building Code and International Residential Code will result in a restraint of trade for interior designers. It is suggested that building officials will no longer accept drawings submitted by interior designers.

The current section of the Uniform Building Code that is pertinent to the concern of the interior designers reads as follows:

> ***106.3.2 Submittal documents*** *Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.*

The *2000 International Building Code* and the *2000 International Residential Code* have revised this section to read:

> ***106.1 Submittal documents.*** *Construction documents, special inspections and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. (Emphasis added)*

The applicant asserts that a regulatory scheme is necessary for interior designers to continue practicing their profession in the State of Colorado. The newly developed IBC and the IRC state that those persons who are permitted to submit building plans and documents to building departments are limited to a "registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed." Furthermore, the interior designers contend that once local building departments start adopting the IBC and IRC, professional interior designers will no longer be able to function in their profession. They argue that in the state of Colorado, the only two professions that meet the criteria set in the codes are architects and engineers and that without legal recognition by the state of Colorado, many interior designers and interior design firms will be put out of business. The applicants further maintain that under the new IBC and IRC codes, without legal recognition for interior design, many projects which do not currently require an architect would then require an architect thus adding substantially to costs for consumers.

To address the significant concerns of the applicant, the Department of Regulatory Agencies surveyed building officials from 38 counties in Colorado (see Appendix A). Eighteen building officials responded representing the following counties: Adams, Alamosa, Boulder, Chaffee, Denver, Eagle, Fremont, Gunnison, Jefferson, Larimer, Lincoln, Mesa, Montrose, Park, Pitkin, Routt, San Miguel, and Weld. The purpose of the survey was to determine the potential impact of the adoption of the new building codes on interior design practice in Colorado. The survey results clearly show a consensus in the opinions of the building officials. All but one official responding indicated that the adoption of the IRC and IBC would not affect the types of plans and specifications that they currently accept from interior designers; thereby not restricting the practice of interior designers. One official indicated that the county was unsure of the impact of the IBC and IRC on interior designer plan submittal.

Six of the jurisdictions surveyed responded that they were not planning on adopting either the IRC or IBC. The respondents differed as to instances in which they currently accept plans and specifications form interior designers. Nine building officials accept plans and specifications for one, two, three and four family dwellings; whereas 7 accept plans for office buildings not exceeding one story and not designed for occupancy by more than 10 persons. Twelve building officials indicated that they currently accept plans and specifications for non-structural alterations to any building, if alternations do not affect the life safety of the occupants.

Several building officials surveyed had been involved in code change hearings since 1998 and were familiar with the concerns of the interior designers (see Appendix B for statements supplied by building officials). In addition, the Staff Attorney for the Colorado Municipal League (CML) who has been involved in the effort related to municipal support of the new building codes addressed this issue. CML's attorney responded that there is no evidence supported by municipalities that the lack of registration for interior designers would create a problem in submitting drawings (see Appendix C for Colorado Municipal League statement.).

In response to DORA's request for an Informal Opinion, the Colorado Office of the Attorney General concludes that if the IRC and IBC are adopted by a Colorado county or municipality, there will be no effect on the ability of interior designers to submit construction documents. Specifically the Informal Opinion states the following:

> *The IRC defines "Registered Design Professional" as "[a]n individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed. IRC § 202. As indicated in Section I, Interior Designers are not required to be registered or licensed in the State of Colorado. Therefore, Interior Designers are not "registered design professionals" as defined by the IRC. Because Interior Designers are not registered design professionals, they cannot be limited from submitting documents based on their registration status.*
>
> *In conclusion, the IRC recognizes two types of professional designers: those required to be registered by statute or ordinance, the registered design professionals, and those for whom there is no registration requirement, the "non-registered design professionals" (including Interior Designers). Under the IRC, a building official cannot accept documents of a type required to be prepared by a registered design professional unless the designer is properly registered, but the building official can accept any document prepared by a non-registered designer. The only occasion a building official may have to refuse documents submitted by a non-registered design professional is when the documents are not necessary to show a project's compliance with the building codes (i.e. are not relevant to the building official's review of the permit application). Therefore, the IRC will not put any limitations on, nor hinder the practice of interior design.*

The issue of regulating interior designers is not unique to Colorado. There is a concentrated effort by members of the interior design profession across the nation to be regulated. Also, nationally there is disagreement by certain bodies on the necessity of regulation. On the "for" side are the interior design associations, while on the "against or neutral" side is the American Institute of Architects (including the Colorado chapter).

## *Benefit and Need*

The second criteria states "whether the public needs, and can be reasonably expected to benefit from an assurance of initial and continuing professional or occupational competence."

It is difficult to see a benefit to the public in regulating interior designers. From research conducted, it appears that the marketplace has no complaints about the current situation of nonregulation. There has been no evidence supplied by the applicant that the public needs or demands this type of regulation. It is certainly agreed that environments need to be safe, functional, and comfortable and that services must be performed by individuals who are both ethical and competent. However, DORA has not found documentation to the contrary that suggests that this is not currently occurring. There does not appear to be a public demand for regulation nor is there any evidence of wrong being perpetrated by the various "unqualified" practitioners operating in this field.

Results of Regulation in Other States Do Not Support the Argument to Regulate in Colorado

The lack of need to regulate interior designers in Colorado is supported by contact with other states that have chosen to regulate in this area as illustrated in the table beginning on page 14. Of the 19 states with regulation, 5 have not received any complaints nor taken any disciplinary action. Complaint activity is low in general in 12 states and the few complaints that have been received involved use of the restricted title. The State of Maryland received one complaint because the customer was distressed over the size and geometric design of a rug ordered by the interior designer. The two complaints received in Minnesota involved interior designers who were practicing architecture without a license. Texas, with 8,000 registered interior designers, and California with 3,500 privately certified interior designers, has received 32 and 20 complaints respectively. In Texas, the Board initiated 20 of the 32 complaints for improper application renewal. California complaints are related to ethics violations, fraud, misrepresentation, breach of contract, and monetary disputes (see Appendix D). The experience of the states that regulate interior designers has been one of few complaints. There is no reason to expect that the Colorado experience will be any different if it chooses to regulate interior designers.

The available evidence establishes that regulation in other states is questionable as to its need. Further, no persuasive evidence has been submitted to DORA that actual or potential measurable harm exists in the interior designers field that would be solved by the imposition of a licensing scheme. Although we have no doubt that there are incidents of substandard practice in this profession as in any other profession, we have been presented with little evidence which would lead us to believe that there is a significant threat which the state should seek to address through new regulation.

Furthermore, there is not a strong argument that the public would benefit from regulation placed on interior designers. As the report indicates, contact made with the appropriate agencies indicate very little record of complaints by consumers against interior designers.

## *Cost*

The third criteria questions whether the public can be adequately protected by other means in a more cost-effective manner. Current Colorado statutes provide penalties for persons involved in deceptive advertising and fraud. Falsely representing the use or benefits of products or services through any medium of communication violates the Colorado Consumer Protection Act (§6-1-101, et seq., C.R.S.). Such violations also include falsely representing an association affiliation of a practitioner. In addition, this Act includes false claims concerning education degrees (§6-1-707, C.R.S.). Successful prosecution by consumers under the Colorado Consumer Protection Act can result in the payment of triple damages and the award of the plaintiff's attorney fees.

The National Council for Interior Design Qualification, a private credentialling entity, certifies interior designers who pass an exam and who meet certain educational requirements. Since this exam is used in all states that regulate interior designers, this vehicle for testing the competency of an interior designer is available to anyone in Colorado who wishes to take it. The state does not need to duplicate the efforts of the NCIDQ.

If regulation were to be imposed by the Legislature, the cost of such regulation would be dependent upon a number of issues, such as:

1. The establishment of a Board of Interior Designers;
2. The amalgamation of interior designers with an existing Board;
3. The numbers of interior designers in Colorado who would become licensed, certified, or registered;
4. The type of regulation imposed;
5. The establishment of a new examination or usage of the National Certification for Interior Design Qualifications (NCIDQ);
6. The requirements necessary to ensure initial or continuing competency with the profession; and

7. Other matters to be considered by the Board such as handling of complaints and rulemaking.

The *Conclusion* is

Given the data submitted and obtained during this review, and that the unregulated practice of interior designers has not resulted in significant harm to Colorado consumers, this sunrise review contends that regulation of this occupation is not necessary. The applicant has not demonstrated that the unregulated practice of interior design within the State of Colorado clearly harms or endangers the health, safety and welfare of the public. Consumers have the means to verify the credentials of interior designers in order to make their own informed decisions. They also have the provisions in the Colorado Consumer Protection Act to pursue damages in relation to a violation of deceptive trade practices.

Although the profession is regulated in some states, these acts generally deal with protecting the title of "interior designer" and also include exemptions such as architecture and engineering. As found by contacting other states that have chosen to regulate in this area, complaint activity is low in general and the few complaints that have been received mainly involve use of the restricted title. Results of regulation in other states do not support the argument to regulate in Colorado.

In response to the applicant's concern regarding the adoption of the IRC and IBC, DORA conducted interviews and received correspondence from Colorado building officials, the Office of the Attorney General, and the Colorado Municipal League. These entities verified that the adoption of the *2000 International Residential Code* and *2000 International Building Code* will have no impact on the Colorado interior design industry.

# *Appendix A - Results of DORA Survey of County Building Officials*

County: ***18 counties responded***

*What building code do you currently use, if any?*

☐ Uniform Building Code ***(12) 1997 (5) 1994 (1) Not specified***

☐ Building Officials and Code Administrators International (BOCA)

☐ Other _____

☐ None

*The current architectural statute, §12-4-112, C.R.S., provides exemptions from the practice act. Please indicate in which instances you currently accept plans and specifications from interior designers.*

☐ One, two, three and four family dwellings, including accessory buildings ***(12)***

☐ Office buildings not exceeding one story and not designed for occupancy by more than 10 persons ***(9)***

☐ Non structural alterations to any building, if alterations do not affect the life safety of the occupants ***(15)***

Are there any additional instances in which you accept plans or specifications from interior designers? Please specify.

*The 2000 International Residential Code (IRC) and the 2000 International Building Code (IBC) are replacing the existing codes used by building officials throughout the United States.*

Is your jurisdiction planning to adopt the IRC? Yes ☐ No ☐ When _____
***Yes (13) No (6) When: 2000 (1) 2001 (5) 2002 (1) 2003 (3) 2005 (1)***

Will the adoption of the IRC affect the types of plans and specifications that you currently accept from interior designers? Yes ☐ No ☐
***Yes (0) No (13) Unknown (1)***

If Yes, please specify.

Is your jurisdiction planning to adopt the IBC? Yes ☐ No ☐ When _____
***Yes (11) No (6) When: 2000 (1) 2001(4) 2003 (3) 2005 (1)***

Will the adoption of the IBC affect the types of plans and specifications that you currently accept from interior designers? Yes ☐ No ☐
***Yes (0) No (13) Unknown (1)***

If Yes, please specify.

## Appendix B - Building Officials' Statements Regarding Regulation of Interior Designers

*Becky Baker, Building Official*
*County of Jefferson*

As a practicing building official active in local and national affairs of the International Conference of Building Officials, it is my opinion that the International Codes do not affect the practice of Interior Designers.

The International Building Code defines a REGISTERED DESIGN PROFESSIONAL as "an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed." This language was recently upheld at the code hearings April 9 - 20, 2000.

Previously the 1997 Uniform Building Code specifically mentioned architects and engineers, whereas the new language is much broader and is not intended to be exclusionary. In addition, the new language specifically references state law, which has precedence. If a problem exists, it is suggested that it is in statutes governing the practice of architecture - - specifically the exemptions to when an architect is required.

Having listened to the debate, particularly in St. Louis, it is interesting that both 'sides' are concerned with the language. Interior Designers now argue that without new state regulation, their practice will be excluded or limited. At the recent code hearings in Birmingham, architects tried to change the language contending the wording is too vague which may allow work to be performed by less qualified persons. Regardless, it is my opinion building officials are familiar with the laws of the State of Colorado and generally view the language as not altering from current practices.

In conclusion, I believe additional regulation is not necessary.

Please feel free to contact me if I can be of further assistance.

*Thomas Meyers, Plans Analyst*
*City of Broomfield Building Department*

This E-mail is intended to follow up our telephone conversation from this morning. This is my understanding of the implications of "registered design professional" in the 2000 International Residential Code.

Section R101.2 limits the scope of this code to "detached one and two family residential dwellings and multiple single family dwellings (townhomes) not more than 3 stories in height with a separate means of egress and their accessory structures.

Section R106.1 states, "The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is being constructed". In my opinion, CRS 12-4-112 **Exemptions** would preclude me from requiring sealed plans for "one, two, three, and four family dwellings, including accessory buildings commonly associated with such dwellings". Therefore, no registered design professional seal would be required for normal construction document submittal under the limited scope of the IRC.

Section R403.1.8 states, "foundations and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1805.8 of the International Building Code". The City of Broomfield will amend this section to require a Colorado registered professional engineer to design and perform special inspections on foundations subject to expansive soils. We currently amend the Uniform Building Code similarly.

In addition to my duties as Secretary for the Colorado Chapter or the International Conference of Building Officials, I am the current chairman of the International Residential Code code change and development committee. I have attended every IRC code change hearing since the Public Comment Forum held in Kansas City in July of 1998. Based on the testimony I have heard, I believe that the membership's intent is not to supercede state or local licensing regulations in any way. I believe that the current definition of "registered design professional" is intended to allow states to broaden which professionals they consider competent to do specific types of design. I do not believe that the IRC provisions are intended to restrict the practice of any specific group of individuals, not currently regulated (or exempted) under state statutes.

I hope that this helps clarify your understanding. If I can be of any assistance, feel free to contact me.

## Appendix C - Colorado Municipal League Statement

*Carolynne C. White, Staff Attorney*
*Colorado Municipal League*

In response to your request, I am not aware of any municipality in which the lack of registration for interior designers would create a problem in submitting drawings.

I have been involved in the effort related to municipal support of the new uniform building codes, and our Executive Board has adopted a resolution recommending adoption of the uniform code.

Although the uniform code contains the language requiring that drawings must be submitted by a "registered design professional," it also contains the language "where required by the statutes of the jurisdiction."

Thus, in order for there to be some problem in submission by an interior designer of drawings to a local government, the local government would have to have adopted not only the uniform code, but also some additional requirement related to registration. I am unaware of any plan by any municipality to do so. Therefore I believe that the risk, if any, is extremely small.

Please let me know if I can be of further assistance.

## *Appendix D - California Council for Interior Design Certification Complaint Log*