



INTERIOR DESIGN LICENSING

PLEASE OPPOSE HB 1608 & 5514

SPONSORS: REP. BRENDAN WILLIAMS AND SENATOR ROSA FRANKLIN

Background

The AIA Washington Council (AIA/WA) supports efforts to raise the level of professionalism in the interior design industry. However, state regulation of this industry is not needed to ensure professionalism or protect the public health and safety.

Interior designers are valuable colleagues in the development of buildings. At the highest levels they work in conjunction with licensed professionals, such as architects and engineers, to contribute to a better aesthetic and function of interior spaces. However, their education, training and testing do not prepare interior designers to have sole responsibility for the public health and safety aspects of buildings.

State mandated licensing and title protection should be enacted only when the lack of regulation of an industry or profession poses a clearly identified threat to the public health, safety and welfare. Study after study has failed to find a significant threat to public safety from the unregulated practice of interior design.

AIA/WA Opposes Practice Act Regulation of Interior Designers

The AIA/WA is adamantly opposed to imposing restrictions on the practice of interior design. Numerous government studies into the practice have found no, direct impact on public safety from the practice of interior design. Therefore it is inappropriate to impose onerous practice restrictions on the industry.

HB 1608 and SB 5514 carve out whole new areas of practice for interior designers, including areas that are traditionally included in the practice of architecture. For instance, the bill would require that building officials accept plans stamped by an interior designer. No other profession has a provision that mandates acceptance of their plans. Building officials review plans based on their compliance with the state's building codes and protection of the public safety.

DOL Sunrise Review Recommended AGAINST Any Licensure

At the urging of the state legislature, the Department of Licensing conducted an extensive sunrise review of the interior designers' proposal for new state regulation. The department recommended "That no state licensing of interior designers be required at this time since there was no clear evidence that the unregulated practice can clearly harm or endanger the health, safety, or welfare of the citizens of the state."

KEY POINTS

- *The education, training and testing of interior designers does not prepare them to have sole responsibility for the public health and safety aspects of buildings.*
- *There is no clear evidence that the unregulated practice can clearly harm or endanger the health, safety, or welfare of the citizens of the state.*
- *No other profession has a provision that mandates acceptance of plans by building code officials.*
- *Several other state supreme courts have overturned similar laws.*
- *The Washington State Department of Licensing has already recommended that "that no state licensing of interior designers be required at this."*

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DOL Sunrise Review Recommendations Cont.>

The DOL report is only the latest in a long line of government reports, committee reports and veto messages to find no need for interior design practice restrictions. Some states that have rejected their efforts are: Indiana, Colorado, New York, New Hampshire, Georgia, Tennessee, South Carolina, Florida, Maryland and California.

Legal Concerns

HB 1608 & SB 5514 are poorly written and could expose the state to litigation. In New Mexico, Texas and Alabama, legal challenges to the laws were filed. In 2007, the Alabama Supreme overturned a law that is very similar to HB 1608 & SB 5514. It upheld a lower court decision that found the act was "...overly broad, unreasonably and unduly vague and therefore violates due process as guaranteed by the Constitution of the State of Alabama."

The court also held that, "The evidence before the Court shows unreasonableness of the Act and that the enforcement of the Act has national relationship to the health, safety, or welfare of the citizens..." Citing similar legal concerns Governors in New York, California, New Jersey, Ohio and Indiana have vetoed interior design bills. Further, attorneys general in Iowa and Colorado have written letters in opposition to interior design licensing, citing the lack of evidence for a public safety need.

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