

SENATE, No. 2336

STATE OF NEW JERSEY

INTRODUCED DECEMBER 1, 1997

By Senators SINGER and ADLER

1 AN ACT concerning interior designers and amending P.L.1989, c.275.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

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6 1. Section 1 of P.L.1989, c.275 (C.45:3-1.1) is hereby amended as
7 follows:

8 1. For the purposes of this act:

9 a. "Aesthetic principles" means the concepts of order, balance,
10 proportion, scale, rhythm, color, texture, mass and form as used in the
11 design process.

12 b. "Architect" means an individual who through education,
13 training, and experience is skilled in the art and science of building
14 design and has been licensed by the New Jersey State Board of
15 Architects to practice architecture in the State of New Jersey.

16 c. "Architecture" means the art and science of building design and
17 particularly the design of any structure for human use or habitation.
18 Architecture, further, is the art of applying human values and aesthetic
19 principles to the science and technology of building methods, materials
20 and engineering systems, required to comprise a total building project
21 with a coherent and comprehensive unity of structure and site.

22 d. "Board" means the New Jersey State Board of Architects.

23 e. "Certificate of authorization" means a certificate issued by the
24 board pursuant to this amendatory and supplementary act.

25 f. "Closely allied professional" means and is limited to licensed
26 architects, professional engineers, land surveyors, [and] professional
27 planners, and persons that provide space planning services, interior
28 design services, or the substantial equivalent thereof.

29 g. "Engineering systems" means those systems necessary for the
30 proper function of a building and the surrounding site, the proper
31 design of which requires engineering knowledge acquired through
32 engineering or architectural education, training, or experience. These
33 systems include but are not limited to structural, electrical, heating,
34 lighting, acoustical, ventilation, air conditioning, grading, plumbing,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 and drainage. Drainage facilities for sites of ten acres or more or
2 involving stormwater detention facilities or traversed by a water
3 course shall only be designed by a professional engineer.

4 h. "Joint committee" means the Joint Committee of Architects and
5 Engineers established pursuant to the "Building Design Services Act,"
6 P.L.1989, c.277 (C.45:4B-1 et seq.).

7 i. "Human use or habitation" means the activities of living,
8 including, but not limited to fulfilling domestic, religious, educational,
9 recreational, employment, assembly, health care, institutional,
10 memorial, financial, commercial, industrial and governmental needs.

11 j. "Human values" means the social, cultural, historical, economic
12 and environmental influences that have an impact on the quality of life.

13 k. "Practice of architecture" or "architectural services" means the
14 rendering of services in connection with the design, construction,
15 enlargement, or alteration of a building or a group of buildings and the
16 space within or surrounding those buildings, which have as their
17 principal purpose human use or habitation. These services include site
18 planning, providing preliminary studies, architectural designs,
19 drawings, specifications, other technical documentation, and
20 administration of construction for the purpose of determining
21 compliance with drawings and specifications.

22 l. "Responsible charge" means the rendering of regular and
23 effective supervision by a competent licensed architect to those
24 individuals performing services which directly and materially affect the
25 quality and competence of architectural services rendered by the
26 licensee. A licensee engaged in any of the following acts or practices
27 shall be deemed not to have rendered regular and effective supervision:

28 (1) The regular and continuous absence from principal office
29 premises from which professional services are rendered, except for
30 performance of field work or presence in a field office maintained
31 exclusively for a specific project;

32 (2) The failure to personally inspect or review the work of
33 subordinates where necessary and appropriate;

34 (3) The rendering of a limited, cursory or perfunctory review of
35 plans for a building or structure in lieu of an appropriate detailed
36 review;

37 (4) The failure to personally be available on a reasonable basis or
38 with adequate advance notice for consultation and inspection where
39 circumstances require personal availability.

40 (cf: P.L.1989, c.275, s.1)

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42 2. Section 4 of P.L.1989, c.275 (C.45:3-17) is hereby amended as
43 follows:

44 4. a. Architectural services shall not be rendered or offered
45 through any business associations other than a sole proprietorship of
46 a licensed architect, a partnership of licensed architects, a partnership

1 of closely allied professionals including at least one licensed architect,
2 a professional service corporation established pursuant to the
3 "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1
4 et seq.), a corporation authorized pursuant to section [4] 5 of [this
5 amendatory and supplementary act] P.L.1989, c.275 (C.45:3-18) or as
6 prescribed in the "Building Design Services Act," P.L.1989, c.277
7 (C.45:4B-1 et seq.).

8 b. Nothing in this section shall prohibit a licensed architect from
9 rendering architectural services as an agent, director, member, officer,
10 shareholder, associate, employee or partner of a person that provides
11 space planning services, interior design services or the substantial
12 equivalent thereof; provided that the architect, at all times, exercises
13 independent professional judgment in the rendering of architectural
14 services, and adheres to the standards set forth in section 1 of P.L.
15 1989, c. 275 (C.45:3-1.1).

16 (cf: P.L.1989, c.275, s.4)

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18 3. This act shall take effect immediately.

21 STATEMENT

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23 This bill would allow a licensed architect to render architectural
24 services as an agent, director, member, officer, shareholder, associate,
25 employee or partner of a person or business entity that provides space
26 planning services, interior design services or the substantial equivalent
27 thereof, provided that the architect exercises independent professional
28 judgment in the rendering of architectural services. It is the sponsor's
29 belief that permitting such employment relationships will result in the
30 more efficient and convenient provision of design services to the
31 public at lower cost, without sacrificing the high professional
32 standards that apply to architects.

33 The bill also amends the definition of "closely allied professional"
34 to include individuals or business entities that provide space planning
35 services, interior design services, or the substantial equivalent thereof.
36 Additionally, this would allow an interior designer to become a part
37 owner of entities that render architectural services, as provided in
38 section 5 of P.L.1989, c.275 (C.45:3-18).

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43 Allows interior designers to enter into business relationships with
44 architects under certain circumstances.