

[Passed Both Houses]

[First Reprint]

**SENATE, No. 2336**

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# STATE OF NEW JERSEY

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INTRODUCED DECEMBER 1, 1997

**By Senators SINGER, ADLER,  
Assemblymen Moran and Impreveduto**

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

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SCM committee amendments adopted December 15, 1997.**

1 design services, or the substantial equivalent thereof.

2 g. "Engineering systems" means those systems necessary for the  
3 proper function of a building and the surrounding site, the proper  
4 design of which requires engineering knowledge acquired through  
5 engineering or architectural education, training, or experience. These  
6 systems include but are not limited to structural, electrical, heating,  
7 lighting, acoustical, ventilation, air conditioning, grading, plumbing,  
8 and drainage. Drainage facilities for sites of ten acres or more or  
9 involving stormwater detention facilities or traversed by a water  
10 course shall only be designed by a professional engineer.

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

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

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

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

29 l. "Responsible charge" means the rendering of regular and  
30 effective supervision by a competent licensed architect to those  
31 individuals performing services which directly and materially affect the  
32 quality and competence of architectural services rendered by the  
33 licensee. A licensee engaged in any of the following acts or practices  
34 shall be deemed not to have rendered regular and effective supervision:

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

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

41 (3) The rendering of a limited, cursory or perfunctory review of  
42 plans for a building or structure in lieu of an appropriate detailed  
43 review;

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

1 <sup>1</sup>m. "Interior design services" means rendering or offering to render  
2 services, for a fee or other valuable consideration, in the preparation  
3 and administration of interior design documents, including, but not  
4 limited to, drawings, schedules and specifications which pertain to the  
5 design intent and planning of interior spaces, including furnishings,  
6 layouts, non-load bearing partitions, fixtures, cabinetry, lighting  
7 location and type, outlet location and type, switch location and type,  
8 finishes, materials and interior construction not materially related to or  
9 materially affecting the building systems, in accordance with applicable  
10 laws, codes, regulations and standards.<sup>1</sup>

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

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

15 4. a. Architectural services shall not be rendered or offered  
16 through any business associations other than a sole proprietorship of  
17 a licensed architect, a partnership of licensed architects, a partnership  
18 of closely allied professionals including at least one licensed architect,  
19 a professional service corporation established pursuant to the  
20 "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1  
21 et seq.), a corporation authorized pursuant to section [4] 5 of [this  
22 amendatory and supplementary act] P.L.1989, c.275 (C.45:3-18) or as  
23 prescribed in the "Building Design Services Act," P.L.1989, c.277  
24 (C.45:4B-1 et seq.).

25 b. Nothing in this section shall prohibit a licensed architect from  
26 rendering architectural services as an agent, director, member, officer,  
27 shareholder, associate, employee or partner of a person <sup>1</sup>[that  
28 provides] whose principal business is<sup>1</sup> space planning services, interior  
29 design services or the substantial equivalent thereof; provided that the  
30 architect, at all times, exercises independent professional judgment in  
31 the rendering of architectural services, and adheres to the standards set  
32 forth in section 1 of P.L. 1989, c. 275 (C.45:3-1.1).

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

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35 3. This act shall take effect immediately.

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40 Allows interior designers to enter into business relationships with  
41 architects under certain circumstances.