

45:3-1.1

LEGISLATIVE HISTORY CHECKLIST
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(Architects--interior designers)

NJSA: 45:3-1.1

LAWS OF: 1997 CHAPTER: 403

BILL NO: S2336

SPONSOR(S): Singer

DATE INTRODUCED: December 1, 1997

COMMITTEE: ASSEMBLY: _____
SENATE: Commerce

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
First reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: January 8, 1998
SENATE: December 18, 1997

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

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KBP:pp

P.L. 1997, CHAPTER 403, *approved January 19, 1998*
Senate, No. 2336 (*First Reprint*)

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

2

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

5

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

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:

¹ Senate SCM committee amendments adopted December 15, 1997.

1 engineering or architectural education, training, or experience. These
2 systems include but are not limited to structural, electrical, heating,
3 lighting, acoustical, ventilation, air conditioning, grading, plumbing,
4 and drainage. Drainage facilities for sites of ten acres or more or
5 involving stormwater detention facilities or traversed by a water
6 course shall only be designed by a professional engineer.

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

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

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

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

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

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

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

37 (3) The rendering of a limited, cursory or perfunctory review of
38 plans for a building or structure in lieu of an appropriate detailed
39 review;

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

43 ¹m. "Interior design services" means rendering or offering to render
44 services, for a fee or other valuable consideration, in the preparation
45 and administration of interior design documents, including, but not
46 limited to, drawings, schedules and specifications which pertain to the

1 design intent and planning of interior spaces, including furnishings,
2 layouts, non-load bearing partitions, fixtures, cabinetry, lighting
3 location and type, outlet location and type, switch location and type,
4 finishes, materials and interior construction not materially related to or
5 materially affecting the building systems, in accordance with applicable
6 laws, codes, regulations and standards.¹

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

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

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

21 b. Nothing in this section shall prohibit a licensed architect from
22 rendering architectural services as an agent, director, member, officer,
23 shareholder, associate, employee or partner of a person ¹[that
24 provides] whose principal business is¹ space planning services, interior
25 design services or the substantial equivalent thereof; provided that the
26 architect, at all times, exercises independent professional judgment in
27 the rendering of architectural services, and adheres to the standards set
28 forth in section 1 of P.L. 1989, c. 275 (C.45:3-1.1).

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

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31 3. This act shall take effect immediately.

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36 _____
37 Allows interior designers to enter into business relationships with
architects under certain circumstances.

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
6 as 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.

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Sponsor's
STATEMENT

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

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

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

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2336

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 1997

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2336.

This bill, as amended by the committee, allows a licensed architect to render architectural services as an agent, director, member, officer, shareholder, associate, employee or partner of a person whose principal business is space planning services, interior design services or the substantial equivalent thereof, provided that the architect exercises independent professional judgment in the rendering of architectural services.

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

The committee amended the bill to include a definition of "interior design services."