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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - DESIGN PROFESSIONALS

Introduced By: Representative Michael J. Marcello

Date Introduced: February 25, 2010

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"

2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 84

4 DIVISION OF DESIGN PROFESSIONALS

5 **5-84-1. Short title.** -- This chapter shall be known and may be cited as "The Division of
6 Design Professionals Act."

7 **5-84-2. Division of design professionals.** -- There has been created within the
8 department of business regulation a division known as the division of design professionals.

9 **5-84-3. Division membership.** -- The division shall consist of the membership of the
10 board of registration for professional engineers, board of registration for professional land
11 surveyors, board of examination and registration of architects, and the board of examiners of
12 landscape architects.

13 **5-84-4. Office space for the division.** -- The department of business regulation shall
14 provide suitable and adequate space for the division.

15 **5-84-5. Imposition of fines for unregistered activity.** -- (a) In addition to any other
16 provision of general or public law to the contrary, if the person or business practices or offers to
17 practice architecture, engineering, land surveying, or landscape architecture in the state without
18 being registered or authorized to practice as required by law, the boards within the division may
19 recommend that the director of the department of business regulation issue an order imposing a

1 fine; provided, however, that this section shall not apply to issues between the boards referred to
2 in section 5-84-3 herein as to the scope of a board registrant's authority to engage in work relating
3 to another board's jurisdiction.

4 (b) A fine ordered under this section may not exceed two thousand five hundred dollars
5 (\$2,500) for each offense. In recommending a fine, the board shall set the amount of the penalty
6 imposed under this section after taking into account appropriate factors, including the seriousness
7 of the violation, the economic benefit resulting from the violation, the history of violations, and
8 other matters the board considers appropriate.

9 (c) Before recommending that a fine be ordered under this section, the board shall
10 provide the person or business written notice and the opportunity to request, within thirty (30)
11 days of issuance of notice by the board, a hearing on the record.

12 (d) A person or business aggrieved by the ordering of a fine under this section may file an
13 appeal with the superior court for judicial review of the ordering of a fine.

14 (e) If a person of business fails to pay the fine within thirty (30) days after entry of an
15 order under subsection 5-84-5(a), or if the order is stayed pending an appeal, within ten (10) days
16 after the court enters a final judgment in favor of the board of an order appealed under subsection
17 5-84-5(d), the board shall notify the department of the attorney general. The attorney general may
18 commence a civil action to recover the amount of the fine.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS - DESIGN PROFESSIONALS

- 1 This act would create the division of design professionals to regulate the business of
- 2 architecture, engineering and surveying or landscape architecture.
- 3 This act would take effect upon passage.

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