

2010 -- S 2464

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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: Senator William A. Walaska

Date Introduced: February 11, 2010

Referred To: Senate 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 department
8 of business regulation, a division known as the division of design professionals.

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

13 **5-84-4. Suitable quarters.** – The department of business regulation shall provide suitable
14 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 law, if a person or business practices or offers to practice architecture, engineering,
17 land surveying, or landscape architecture in the state without being registered or authorized to
18 practice as required by law, the boards within the division may recommend that the director of the
19 department of business regulations issue an order imposing a fine; provided, however, that this

1 section shall not apply to issued between the boards referred to in subsection (a) of this section as
2 to the scope of a board registrant's authority to engage in work relating to another board's
3 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 factors, including the seriousness of the
7 violation, the economic benefit resulting from the violation, the history of violations, and other
8 matters the board considers appropriate.

9 (c) Before recommending that a fine be order under this section, the board shall provide
10 the person or business written notice and the opportunity to request, with thirty (30) days of
11 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 (a) of this section, 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 (d) of this
17 section, the board shall notify the attorney general. The attorney general may commence a civil
18 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
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RELATING TO BUSINESSES AND PROFESSIONS – DESIGN PROFESSIONALS

1 This act would authorize the division of design professionals to impose fines for
2 unregistered activity.

3 This act would take effect upon passage.

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