

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS – ARCHITECTS, ENGINEERS, LAND
SURVEYORS AND LANDSCAPE ARCHITECTS

Introduced By: Senator John A. Celona

Date Introduced: February 26, 2003

Referred To: Senate Commerce, Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-1-2, 5-1-3, 5-1-7, 5-1-8, 5-1-9, 5-1-13.1 and 5-1-15.1 of the
2 General Laws in Chapter 5-1 entitled "Architects" are hereby amended to read as follows:

3 **5-1-2. Definitions.** -- The following definitions apply in the interpretation of the
4 provisions of this chapter, unless the context requires another meaning:

5 (1) "Architect" means any person who engages in the practice of architecture as that term
6 is defined in this section as attested by his or her licensing as an architect in this state.

7 (2) "Board" means the board of examination and registration of architects established by
8 this chapter.

9 (3) "Certificate" means the certificate of registration issued annually by the board,
10 indicating that the individual named in the certificate is an architect.

11 (4) "Practice of architecture" means rendering or offering to render those services,
12 described as follows:

13 (i) Rendering or offering to render services in connection with the design and
14 construction, enlargement or alteration of a building or group of buildings and the space within
15 and surrounding the buildings, which have as their principal purpose human occupancy or
16 habitation;

17 (ii) The services referred to in this section include, but are not limited to, planning,
18 providing preliminary studies, designs, drawings, specifications, and other technical submissions,

1 the administration of construction contracts and the coordination of any elements of technical
2 submissions prepared by others including, as appropriate and without limitation, consulting
3 engineers and landscape architects;

4 (iii) The practice of architecture does not include the practice of engineering as defined
5 in section 5-8-1 et seq., but a registered architect may perform any engineering work that is
6 incidental to the practice of architecture.

7 (5) "Certificate of Authorization" means the certificate of authorization issued by the
8 board, indicating the ~~corporation, partnership, or sole proprietorship~~ sole proprietor, partnership,
9 limited liability partnership, corporation, or limited liability company named in the certificate is
10 permitted to practice architecture in the state.

11 **5-1-3. Board -- Membership -- Appointments and term.** -- (a) There is established a
12 board of examination and registration of architects, composed of five (5) architects. Each member
13 of the board must be a qualified elector of this state for three (3) consecutive years prior to
14 appointment. Each member of the board shall have engaged in the practice of architecture, as
15 defined by this chapter, as an individual practitioner, ~~a general partner of a firm~~ a partner of a
16 partnership or limited liability partnership, an officer or director of a corporation, or a member or
17 manager of a limited liability company engaged in the practice of architecture, ~~or an officer or~~
18 ~~director of a corporation engaged in the practice of architecture~~, for not less than seven (7) years
19 prior to his or her appointment.

20 (b) Each member of the board is appointed by the governor with the advice and consent
21 of the senate, to serve for a term of five (5) years and until a successor is appointed and qualified.
22 No member of the board shall be associated in the practice of architecture, either individually or
23 as a member of a firm, with any other member of the board.

24 (c) Vacancies occurring in the membership of the board are filled by the governor, with
25 the advice and consent of the senate, for the unexpired portion of the term. A member appointed
26 for a full term is not eligible for more than two (2) consecutive terms.

27 (d) Each member of the board takes, and subscribes to, the oath of office required of
28 state officials generally.

29 **5-1-7. Practice prohibited -- Criminal penalties -- Injunctions.** -- (a) No individual
30 shall: (1) practice or offer to practice architecture in this state; (2) use any title, sign, card, or
31 device implying that the individual is an architect or is competent to practice architecture in this
32 state; (3) use in connection with his or her name or otherwise any title or description conveying or
33 tending to convey the impression that the individual is an architect or is competent to practice
34 architecture in this state; or (4) use or display any words, letters, figures, seals, or advertisements

1 indicating that the individual is an architect or is competent to practice architecture in this state,
2 unless that individual holds a currently valid certificate issued pursuant to this chapter or is
3 specifically exempted from holding a certificate under the provisions of this chapter.

4 (b) No sole proprietorship, partnership, ~~or limited liability partnership~~ corporation, or
5 limited liability company shall: (1) practice or offer to practice architecture in this state; (2) use
6 any title, sign, card, or device implying that the sole proprietorship, partnership, ~~or limited~~
7 liability partnership, corporation, or limited liability company is competent to practice
8 architecture in this state; (3) use in connection with its name or otherwise any title or description
9 conveying or tending to convey the impression that the entity is an architectural firm or is
10 competent to practice architecture in this state; or (4) use or display any works, letters, figures,
11 seals, or advertisements indicating that the entity is an architectural firm or is competent to
12 practice architecture in this state, unless that sole proprietorship, partnership, ~~or limited liability~~
13 partnership, corporation, or limited liability company complies with the requirements of this
14 chapter.

15 (c) Any individual, sole proprietorship, partnership, ~~or limited liability partnership~~,
16 corporation, or limited liability company which: (1) violates subsection (a) or (b) of this section;
17 (2) presents or attempts to use the certificate of registration/authorization of another; (3) gives any
18 false or forged evidence of any kind to the board or to any member of the board in obtaining or
19 attempting to obtain a certificate of registration/authorization; (4) falsely impersonates any other
20 registrant whether of a like or different name; (5) uses or attempts to use an expired, revoked, or
21 nonexistent certificate of registration/authorization; (6) falsely claims to be registered under this
22 chapter; or (7) otherwise violates any provision of this chapter, is guilty of a misdemeanor, and
23 upon conviction by a court of competent jurisdiction shall be sentenced to: (i) pay a fine of not
24 more than one thousand dollars (\$1,000) for the first offense and a fine of not less than one
25 thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) for each subsequent
26 offense or imprisonment for not more than one year, or both; and (ii) in the court's discretion and
27 upon good cause shown, reimburse the board for any and all fees, expenses, and costs incurred by
28 the board in connection with the proceedings, including attorneys fees (which amounts shall be
29 deposited as general revenues); and (iii) be subject to, in the board's discretion, public censure or
30 reprimand.

31 (d) The board has the power to institute injunction proceedings in superior court to
32 prevent violations of subsection (a) or (b) or violations of section 5-1-12. In injunction
33 proceedings, the board is not required to prove that an adequate remedy at law does not exist, or
34 that substantial or irreparable damage would result from continued violations. The superior court,

1 in its discretion and in addition to any injunctive relief granted to the board, may order that any
2 person or entity in violation of this section shall: (1) upon good cause shown reimburse the board
3 for any and all fees, expenses, and costs incurred by the board in connection with the
4 proceedings, including attorneys fees (which amounts shall be deposited as general revenues);
5 and/or (2) be subject to public censure or reprimand.

6 **5-1-8. Examination and qualifications of applicants for certificates of registration. --**

7 (a) Any individual who is at least twenty-one (21) years of age ~~and a resident of Rhode Island~~
8 may apply for a certificate of registration under this chapter; provided, that the board may waive
9 the requirement of residency in any case or category of cases where the board determines that the
10 applicant is not seeking to avoid the registration requirements of his or her state or country of
11 residence.

12 (b) Each applicant for a certificate of registration shall submit evidence satisfactory to
13 the board that he or she holds a National Architectural Accrediting Board (NAAB) professional
14 degree in architecture from an accredited school and has had any practical experience including
15 academic training, that the board, by regulations uniformly applied, deems appropriate. The board
16 may, in its discretion, adopt as its standards for minimum experience the guidelines on practical
17 experience of the National Council of Architectural Registration Boards.

18 (c) Each applicant for a certificate of registration who satisfies subsections (a) and (b)
19 shall submit to a registration examination. The examination shall cover any technical and
20 professional subjects and shall be graded on any basis that the board prescribes by regulation.
21 Results of the examination are announced within ninety (90) days of the date on which the
22 examination commenced. The board may, in its discretion, adopt the examinations and
23 recommended grading procedures of the National Council of Architectural Registration Boards.

24 (d) The board may require applicants under this section and under section 5-1-9 to
25 submit to a personal interview.

26 **5-1-9. Interstate practice. --** A non-resident licensed architect seeking to practice
27 architecture in the state of Rhode Island shall, upon application, obtain a certificate of registration
28 by submitting evidence satisfactory to the board that he or she is registered to practice
29 architecture in another state, and that he or she has fulfilled the requirements for National Council
30 of Architectural Registration Board's certification, ~~and that he or she meets the requirements~~
31 ~~prescribed in section 5-1-8.~~ The board shall act upon the application for a certificate of
32 registration within forty-five (45) days of submission of evidence that the applicant is registered
33 in that manner.

34 **5-1-13.1. Initiation of proceedings -- Hearings before the board -- Appeals -- Notice**

1 **to other states.** -- (a) The board may initiate proceedings under this chapter against holders of a
2 certificate of registration and/or a certificate of authorization (subsequently referred to as
3 licensee(s)) either on its own motion, or on complaint of any person, upon a finding of probable
4 cause by a probable cause committee appointed by the board pursuant to section 5-1-5, or upon
5 receiving notification from another state board of architects or from the appropriate authority in
6 another country/jurisdiction of its decision to:

7 (1) Revoke, suspend, or refuse to renew the practice privileges granted in that state or in
8 that country/jurisdiction to the licensee; or

9 (2) Publicly censure, or censure in writing, limit the scope of practice of, impose an
10 administrative fine upon, or place on probation the licensee.

11 (b) A written notice stating the nature of the charge or charges against the licensee and
12 the time and place of the hearing before the board on the charges shall be served on the licensee
13 not less than twenty (20) days prior to the date of the hearing either personally or by mailing a
14 copy of the notice by certified mail, return receipt requested, to the address of the licensee last
15 known to the board.

16 (c) If, after being served with the notice of hearing as provided for in this section, the
17 licensee fails to appear at the hearing and to defend against the stated charges, the board may
18 proceed to hear evidence against the licensee and may enter any order that is justified by the
19 evidence. That order is final unless the licensee petitions for a review of it as provided in this
20 section; provided, that within thirty (30) days from the date of any order, upon a showing of good
21 cause for failing to appear and defend, the board may reopen the proceedings and may permit the
22 licensee to submit evidence in his, her or on its behalf.

23 (d) (1) At any hearing under this section, the licensee may:

24 (i) Appear in person or be represented by counsel;

25 (ii) Produce evidence and witnesses on his, her, or its behalf;

26 (iii) Cross examine witnesses; and

27 (iv) Examine the evidence that is produced.

28 (2) A sole proprietorship may be represented before the board by counsel or by the sole
29 proprietor. A partnership or limited liability partnership may be represented before the board by
30 counsel or any partner of ~~counsel~~ the partnership. A corporation may be represented by counsel
31 before the board or by any shareholder, officer or director of the corporation. ~~A sole~~
32 ~~proprietorship may be represented by counsel before the board or by the sole proprietor.~~ A
33 limited liability company may be represented before the board by counsel or by any member or
34 manager of the limited liability company. The licensee is entitled, upon written application to the

1 board, to the issuance of subpoenas to compel the attendance of witnesses on the licensee's
2 behalf.

3 (e) The board or any member of the board may issue subpoenas to compel the attendance
4 of witnesses and the production of documents and may administer oaths, take testimony, hear
5 proofs and receive exhibits in evidence in connection with or upon hearing under this chapter. In
6 case of disobedience to a subpoena, the board may petition the superior court to require the
7 attendance and testimony of witnesses and the production of documentary evidence.

8 (f) The board is not bound by strict rules of procedure or by laws of evidence in the
9 conduct of its proceedings, but any determination of the board is based upon sufficient legal
10 evidence to sustain the determination.

11 (g) A stenographic record of all hearings under this section shall be kept and a transcript
12 of the record filed with the board.

13 (h) The decision of the board is made by vote in accordance with the rules and
14 regulations established under section 5-1-5.

15 (i) Any appeal from the decision of the board, by a person or persons adversely affected
16 by the decision, is governed by section 42-35-15.

17 (j) On rendering a decision to: (1) revoke or suspend or refuse to renew a certificate of
18 registration issued under the laws of this state; (2) revoke or suspend or refuse to renew a
19 certificate of authorization issued under the laws of this state; or (3) publicly censure, censure in
20 writing, limit the scope of practice of, impose an administrative fine upon, or place on probation a
21 licensee, the board shall examine its records to determine whether the licensee holds a certificate
22 of registration or a certificate of authorization to practice in any other state or
23 country/jurisdiction. If the board determines that the licensee in fact holds a certificate of
24 registration or certificate of authorization, the board shall immediately notify the board of
25 architecture of the other state or country/jurisdiction by mail of its decision under this section, and
26 include in the notice an indication as to whether or not the licensee has appealed the decision.

27 (k) The board may, in its discretion, order any licensee against whom proceedings have
28 been initiated under sections 5-1-13 and 5-1-13.1 to reimburse the board for any fees, expenses,
29 and costs incurred by the board in connection with the proceedings, including attorneys fees.
30 These fees shall be paid within thirty (30) days from the date they are assessed and may be
31 reviewed in accordance with section 42-35-15, and deposited as general revenues.

32 (l) The board may, in its discretion, issue a certificate of registration or certificate of
33 authorization to any applicant denied a certificate of registration or certificate of authorization,
34 under any of the provisions of this section upon presentation of suitable evidence.

1 (m) The attorney general or his or her deputy shall act as legal advisor to the board and
2 render any legal assistance as is necessary in carrying out the provisions of this chapter. The
3 board may employ other counsel and obtain other necessary assistance to be appointed by the
4 governor to aid in the enforcement of this chapter, and the compensation and expenses for the
5 employment shall be paid from the fund of the board.

6 **5-1-15.1. Certificate of authorization for sole proprietorships, partnerships, or**
7 **corporations. -- Certificate of authorization for sole proprietorships, partnerships, limited**
8 **liability partnerships, corporations or limited liability companies. --** (a) A sole proprietorship,
9 partnership, ~~or~~ limited liability partnership, corporation or limited liability company is admitted
10 to practice architecture in this state if:

11 (1) Two-thirds (2/3) of the partners (if a partnership or limited liability partnership) ~~or~~
12 two-thirds (2/3) of the directors and officers (or shareholders if there are no directors, if a
13 corporation) or two-thirds (2/3) of the managers (or members if there are no managers, if a
14 limited liability company) are registered under the laws of any state or any reciprocal jurisdiction
15 as defined by the National Council of Architectural Registration Boards to practice architecture or
16 engineering;

17 (2) One-third (1/3) of the partners (if a partnership or limited liability partnership) or
18 one-third (1/3) of the directors and officers (or shareholders if there are no directors, if a
19 corporation), or one-third (1/3) of the managers (or members if there are no managers, if a limited
20 liability company) are registered under the laws of any state or reciprocal jurisdiction as defined
21 by the National Council of Architectural Registration Boards to practice architecture; and

22 (3) The person having the practice of architecture in his or her charge is himself or
23 herself a partner (if a partnership or limited liability partnership) ~~or~~ a director or officer (or
24 shareholders if there are no directors, if a corporation) or a manager (or members if there are no
25 managers, if a limited liability company) and registered to practice architecture in this state.

26 (b) The board is empowered to require any sole proprietorship, partnership, or limited
27 liability partnership, ~~or~~ corporation or limited liability company practicing architecture in this
28 state to file information concerning its partners, shareholders, officers, directors, members,
29 managers, and other aspects of its business organization, upon any forms that the board
30 prescribes.

31 (c) The practice or offer to practice architecture as defined by this chapter by a sole
32 proprietorship, partnership, limited liability partnership, ~~or~~ corporation, or limited liability
33 company subsequently referred to as the "firm", through one or more architects registered under
34 the provisions of this chapter, is permitted provided that the registered architect(s) are in direct

1 control of the practice or exercise personal supervision of all personnel who act in behalf of the
2 firm in professional and technical matters; and provided, further, that the firm has been issued a
3 certificate of authorization by this board.

4 (d) Within one year after enactment of this chapter, every firm must obtain a certificate
5 of authorization from this board, and those individuals in direct control of the practice or who
6 exercise personal supervision of all personnel who act in behalf of the firm in professional and
7 technical matters must be registered with the board. The certificate of authorization is issued by
8 the board upon satisfaction of the provisions of this chapter and the payment of a fee as
9 determined by the board in accordance with section 5-1-11. This fee is waived if the firm consists
10 of only one person who is the registered architect. Every firm must file with the board an
11 application for a certificate of authorization on a form provided by the board.

12 (e) Every certificate of authorization is valid for a period of two (2) years and expires on
13 the last day of December of each even numbered year following its issuance. A separate form
14 provided by the board is to be filed with each renewal of the certificate of authorization. The firm
15 shall complete a renewal form within thirty (30) days of the time any information previously filed
16 with the board has changed, is no longer true or valid, or has been revised for any reason. If, in its
17 judgment, the information contained on the application and/or renewal form is satisfactory and
18 complete, the board will issue a certificate of authorization for the firm to practice architecture in
19 this state. The board may require all applicants for renewal to provide the board with information,
20 including but not limited to, a brief outline setting forth the professional activities of any
21 applicant during a period in which a certificate of authorization has lapsed and other evidence of
22 the continued competence and good character of the applicant, all as the board deems necessary.

23 SECTION 2. Sections 5-8-18, 5-8-19, 5-8-20, 5-8-21 and 5-8-24 of the General Laws in
24 Chapter 5-8 entitled "Engineers" are hereby amended to read as follows:

25 **5-8-18. Suspension, refusal to renew, and revocation of certificates -- Complaints --**
26 **Hearings.** -- (a) After notice and hearing as provided in this section, the board may in its
27 discretion: (1) suspend, revoke, or refuse to renew any certificate of registration; (2) revoke or
28 suspend or refuse to renew any certificate of authorization; (3) publicly censure, or reprimand or
29 censure in writing; (4) limit the scope of practice of; (5) impose an administrative fine upon, not
30 to exceed one thousand dollars (\$1,000) for each violation; (6) place on probation; and/or (7) for
31 good cause shown order a reimbursement of the board for all fees, expenses, costs, and attorneys
32 fees in connection with the proceedings, which amounts shall be deposited as general revenues,
33 all with or without terms, conditions or limitations, holders of a certificate of registration or a
34 certificate of authorization, hereafter referred to as licensee(s), for any one or more of the causes

1 set out in subsection (b).

2 (b) The board may take actions specified in subsection (a) for any of the following
3 causes:

4 (1) Bribery, fraud, deceit, or misrepresentation in obtaining a certificate of registration or
5 certificate of authorization;

6 (2) Practicing engineering in another state or country/jurisdiction in violation of the laws
7 of that state or country/jurisdiction;

8 (3) Practicing engineering in this state in violation of the standards of professional
9 conduct established by the board;

10 (4) Fraud, deceit, recklessness, gross negligence, misconduct, or incompetence in the
11 practice of engineering;

12 (5) Use of an engineer's stamp in violation of section 5-8-14;

13 (6) Violation of any of the provisions of this chapter;

14 (7) Suspension or revocation of the right to practice engineering before any state or
15 before any other country/jurisdiction;

16 (8) Conviction of or pleading guilty or nolo contendere to any felony or to any crime of,
17 or an act constituting a crime of, forgery, embezzlement, obtaining money under false pretenses,
18 bribery, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses
19 involving moral turpitude, in a court of competent jurisdiction of this state or any other state or of
20 the federal government;

21 (9) Failure to furnish to the board or any person acting on behalf of the board in a
22 reasonable time any information that may be legally requested by the board;

23 (10) In conjunction with any violation of subsection (b)(1) through (9), any conduct
24 reflecting adversely upon the licensee's fitness to engage in the practice of engineering; and

25 (11) In conjunction with any violation of subsection (b)(1) through (9), any other
26 conduct discreditable to the engineering profession.

27 (c) Any person may file complaints of fraud, deceit, gross negligence, incompetence, or
28 misconduct against any registrant. Those charges shall be in writing, sworn to by the person or
29 persons making them and filed with the board.

30 (d) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by
31 the board within three (3) months after the date on which they have been properly filed.

32 (e) The time and place for the hearing pursuant to subsection (c) is fixed by the board,
33 and a copy of charges, together with a notice of the time and place of hearing, personally served
34 on or mailed to the last known address of the registrant, at least thirty (30) days before the date

1 fixed for the hearing. At any hearing, the accused registrant shall have the right to appear
2 personally and/or by counsel, to cross-examine witnesses appearing against him or her, and to
3 produce evidence and witnesses in his or her own defense.

4 (f) If, after the hearing pursuant to subsection (d), the evidence is in favor of sustaining
5 the charges, the board may in its discretion suspend, refuse to renew, or revoke the certificate of
6 registration or certificate of authorization, or publicly censure the licensee, or take any other
7 action and/or order any other penalty permitted by this section. The board, for reasons it deems
8 sufficient, may reissue a certificate of registration or certificate of authorization or renewal to any
9 person or firm whose certificate has been revoked.

10 (g) In addition, the board may on its own motion investigate the conduct of an applicant,
11 engineer, ~~corporation, professional service corporation, partnership and/or sole proprietorship~~
12 partnership, limited liability partnership corporation, limited liability company or individual.

13 **5-8-19. Appeals. --** Any person, sole proprietorship, partnership, limited liability
14 partnership, corporation or limited liability company aggrieved by any decision or ruling of the
15 board may appeal from it in accordance with the provisions of chapter 35 of title 42. For the
16 purposes of this section, the division or board is considered a person.

17 **5-8-20. Violations and penalties -- Enforcement -- Injunctions. --** (a) No individual
18 shall: (1) practice or offer to practice engineering in this state; (2) use any title, sign, card, or
19 device implying that the individual is an engineer or is competent to practice engineering in this
20 state; (3) use in connection with his or her name or otherwise any title or description conveying or
21 tending to convey the impression that the individual is an engineer or is competent to practice
22 engineering in this state; or (4) use or display any words, letters, figures, seals, or advertisements
23 indicating that the individual is an engineer or is competent to practice engineering in this state,
24 unless that individual holds a currently valid certificate issued pursuant to this chapter or is
25 specifically exempted from the certificate requirement under the provisions of this chapter.

26 (b) No sole proprietorship, partnership, ~~or corporation~~ limited liability partnership,
27 corporation or limited liability company shall: (1) practice or offer to practice engineering in this
28 state; (2) use any title, sign, card, or device implying that the sole proprietorship, partnership, ~~or~~
29 ~~corporation~~ limited liability partnership, corporation or limited liability company is competent to
30 practice engineering in this state; (3) use in connection with its name or otherwise any title or
31 description conveying or tending to convey the impression that the entity is an engineering firm
32 or is competent to practice engineering in this state; or (4) use or display any words, letters,
33 figures, seals, or advertisements indicating that the entity is an engineering firm or is competent
34 to practice engineering in this state, unless that sole proprietorship, partnership, ~~or corporation~~

1 limited liability partnership, corporation or limited liability company complies with the
2 requirements of this chapter.

3 (c) Any individual, sole proprietorship, partnership, ~~or corporation~~ limited liability
4 partnership, corporation or limited liability company which: (1) violates subsection (a) or (b) of
5 this section; (2) presents or attempts to use the certificate of registration/authorization of another;
6 (3) gives any false or forged evidence of any kind to the board or to any member thereof in
7 obtaining or attempting to obtain a certificate of registration/authorization; (4) falsely
8 impersonates any other registrant whether of a like or different name; (5) uses or attempts to use
9 an expired, revoked, or nonexistent certificate of registration/authorization; (6) falsely claims to
10 be registered under this chapter; or (7) otherwise violates any provision of this chapter, is guilty
11 of a misdemeanor, and upon conviction by a court of competent jurisdiction shall be sentenced to:
12 (i) pay a fine of not more than one thousand dollars (\$1,000) for the first offense and a fine of not
13 less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) for each
14 subsequent offense or imprisonment for not more than one year, or both; and (ii) in the court's
15 discretion and upon good cause shown reimburse the board for any and all fees, expenses, and
16 costs incurred by the board in connection with the proceedings, including attorneys fees, which
17 amount shall be deposited as general revenues; and (iii) be subject to, in the board's discretion,
18 public censure or reprimand.

19 (d) The board has the power to institute injunction proceedings in superior court to
20 prevent violations of subsection (a) or (b) of this section or violations of section 5-8-1. In
21 injunction proceedings, the board is not required to prove that an adequate remedy at law does not
22 exist, or that substantial or irreparable damage would result from continued violations. The
23 superior court, in its discretion and in addition to any injunctive relief granted to the board, may
24 order that any person or entity in violation of this section shall: (1) upon good cause shown
25 reimburse the board for any and all fees, expenses, and costs incurred by the board in connection
26 with the proceedings, including attorneys fees, which amounts shall be deposited as general
27 revenues; and/or (2) be subject to public censure or reprimand.

28 (e) It is the duty of all constituted officers of the state and all political subdivisions of the
29 state, to enforce the provisions of this chapter and to prosecute any persons violating those
30 provisions.

31 (f) The attorney general of the state or his or her assistant shall act as legal adviser to the
32 board and render any legal assistance that is necessary in carrying out the provisions of this
33 chapter. The board may employ counsel and necessary assistance to aid in the enforcement of this
34 chapter, and their compensation and expenses shall be paid from funds as provided in section 5-8-

1 23.

2 **5-8-21. Exemptions.** -- This chapter is not construed to prevent or to affect:

3 (1) Temporary certificates of registration.

4 (i) Nonresidents. - The practice or offer to practice of engineering by a person not a
5 resident of or having no established place of business in this state, when that practice does not
6 exceed in the aggregate more than thirty (30) days in any calendar year; provided, the person is
7 legally qualified by registration to practice engineering as defined in section 5-8-2(f), in his or her
8 own state or country. The person shall make application to the board, in writing, and after
9 payment of a fee of one hundred and fifty dollars (\$150) may be granted a written temporary
10 certificate of registration for a definite period of time to do a specific job; provided, no right to
11 practice engineering accrues to an applicant as to any work not prescribed in the temporary
12 certificate.

13 (ii) Recent arrivals in state. - The practice of a person not a resident of and having no
14 established place of business in this state, or who has recently become a resident of the state,
15 practicing or offering to practice engineering in the state for more than thirty (30) days in any
16 calendar year, if he or she has filed with the board an application for a certificate of registration
17 and has paid the fee required by this chapter; provided that the person is legally qualified by
18 registration to practice engineering in his or her own state or country. That practice continues
19 only for the time that the board requires for the consideration of the application for registration.

20 (2) Employees and subordinates. - The work of an employee or a subordinate of a person
21 holding a certificate of registration under this chapter, or an employee of a person practicing
22 lawfully under subdivision (1)(ii); provided that work does not include final engineering designs
23 or decisions and is done under the direct supervision of or checked by a person holding a
24 certificate of registration under this chapter or a person practicing lawfully under subdivision (1)
25 of this section.

26 (3) ~~Corporate and partnership obligations.~~ - Partnership, limited liability partnership,
27 corporate and limited liability company practice. The practice or offer to practice of engineering
28 as defined by this chapter, by individual registered professional engineers through a partnership,
29 limited liability partnership, corporation, joint stock company, or corporation limited liability
30 company, or by a partnership, limited liability partnership, corporation, limited liability company,
31 or joint stock company, or corporations through individual registered professional engineers as
32 agents, employees, officers, or partners; or members or managers, provided, that they are jointly
33 and severally liable for their professional acts; and provided, further, that all personnel of that
34 partnership, limited liability partnership, joint stock company, or corporation or limited liability

1 company who act in its behalf as engineers in the state are registered under this chapter or are
2 persons practicing lawfully or are exempt under subdivision (2) or (3). Each partnership, limited
3 liability partnership, joint stock company, ~~or~~ corporation or limited liability company providing
4 engineering services is jointly and severally liable with the individually registered professional
5 engineers, and all final plans, designs, drawings, specifications, and reports involving engineering
6 judgment and discretion, when issued, shall be dated and bear the seals and signatures of the
7 engineers who prepared them.

8 (4) Federal employees. - The practice by officers and employees of the government of
9 the United States while engaged within this state in the practice of engineering for that
10 government; provided, that no right to practice engineering accrues to those persons as to any
11 other engineering work. The rights to registration after leaving government employment shall not
12 be granted except under the provisions established under section 5-8-11.

13 (5) Railroad, telephone, telegraph, and other public utility companies. - The practice of
14 engineering, as prescribed in this chapter, by railroad, telephone, telegraph, and other public
15 utility companies, and their officers and employees while engaged in the work of those
16 companies in this state; provided, that the practice is carried on under the responsible charge of an
17 engineer or engineers in this state, or in any other state under requirements equivalent to those
18 prescribed in this chapter; and provided, further, that no right to practice engineering accrues to
19 any unregistered person as to any other engineering work.

20 (6) Manufacturing corporations. - The practice of engineering, as prescribed in this
21 chapter, by manufacturing corporations, and their officers and employees while engaged in
22 manufacturing, research and development activities for those corporations.

23 (7) Research and development corporations. - The practice of engineering, as prescribed
24 in this chapter, by research and development corporations, and their officers and employees while
25 engaged in research and development activities for that corporation.

26 (8) Other professions. - The practice of architecture, landscape architecture, or land
27 surveying.

28 **5-8-24. Corporate, partnership and sole proprietorship practice.---** **Sole**
29 **proprietorship, partnership, limited liability partnership, corporate and limited liability**
30 **company.** -- (a) The practice or offer to practice engineering as defined by this chapter by a
31 ~~corporation, partnership, or~~ sole proprietorship, partnership, limited liability partnership,
32 corporation or a limited liability company subsequently referred to as the "firm", through
33 individuals is permitted; provided, that the individuals: (1) are in direct control of the practice; (2)
34 exercise personal supervision of all personnel who act in behalf of the firm in professional and

1 technical matters; and (3) are registered under the provisions of this chapter; and provided,
2 further, that the firm has been issued a certificate of authorization by the board of engineers.

3 (b) (1) Within one year after enactment of this chapter every firm must obtain a
4 certificate of authorization from the board and those individuals in direct control of the practice
5 and who exercise direct supervision of all personnel who act in behalf of the firm in professional
6 and technical matters must be registered with the board. The certificate of authorization is issued
7 by the board upon satisfaction of the provisions of this chapter and the payment of a fee not to
8 exceed one hundred twenty-five dollars (\$125). This fee is waived if the firm consists of only one
9 person who is the person in responsible charge.

10 (2) Every firm desiring a certificate of authorization must file with the board an
11 application for a certificate of authorization on a form to be provided by the board. A separate
12 form provided by the board is to be filed with each renewal of the certificate of authorization and
13 within thirty (30) days of the time any information previously filed with the board has changed, is
14 no longer true or valid, or has been revised for any reason. If, in its judgment, the information
15 contained on the application and renewal form is satisfactory and complete, the board will issue a
16 certificate of authorization for the firm to practice engineering in this state.

17 (3) No firm that has been granted a certificate of authorization by the board is relieved of
18 responsibility for modification or derivation of the certificate, unless the board has issued for the
19 applicant a certificate of authorization or a letter indicating the eligibility of the applicant to
20 receive the certificate. The firm applying shall supply the certificate or letter from the board with
21 its application for incorporation, organization or registration as a foreign corporation.

22 SECTION 3. Sections 5-8.1-2, 5-8.1-5, 5-8.1-8, 5-8.1-13 and 5-8.1-17 of the General
23 Laws in Chapter 5-8.1 entitled "Land Surveyors" are hereby amended to read as follows:

24 **5-8.1-2. Definitions.** -- The following definitions apply in the interpretation of the
25 provisions of this chapter, unless the context requires another meaning:

26 (1) "ABET" means the accreditation board for engineering and technology.

27 (2) "Accredited program" means an approved program or course of study currently
28 accredited and subject to review by the accepted national organization ABET (land surveying)
29 and any other similar school or course of study which fulfills equivalent requirements which the
30 board approves.

31 (3) "Applicant" means an individual who has submitted an application for registration to
32 practice land surveying as a surveyor-in-training, and/or a certification of authorization.

33 (4) "Board of land surveyors", "board of professional land surveyors" or "board" means
34 the board of registration for professional land surveyors, as subsequently provided by this

1 chapter.

2 (5) "Candidate" means a person who has the qualifications prerequisite by statute and
3 board regulation for admission to examination and who has filed with the board an application for
4 registration accompanied by the required examination fee.

5 (6) "Certificate of registration" means a certificate issued by the board of professional
6 land surveyors to a person to engage in the profession regulated by the board.

7 (7) "Land surveyor-in-training" means a person who has qualified for, taken and passed
8 an examination in the fundamentals of land surveying.

9 (8) "NCEES" means the National Council of Examiners for Engineering and Surveying.

10 (9) "Part-time" means any type of employment or work engagement that requires less
11 than twenty (20) hours of labor per week.

12 (10) "Practice of land surveying" means any service or work, the adequate performance
13 of which involves the application of special knowledge of the principles of mathematics, the
14 related physical and applied sciences and the relevant requirements of law for adequate evidence
15 to perform the act of measuring and locating lines, angles, elevations, natural and manmade
16 features in the air, on the surface of the earth, within underground workings, and on the beds of
17 bodies of water for the purpose of determining areas and volumes, for the monumenting of
18 property boundaries and for the platting and layout of lands and their subdivisions, including the
19 topography, alignment, and grades of streets and for the preparation of maps, record plats, field
20 note records and property descriptions that represent these surveys.

21 (11) "Practice or offer to practice" means a person who engages in land surveying, or
22 who by verbal claim, sign, letterhead, card or in any other way represents himself/herself to be a
23 professional land surveyor.

24 (12) "Principal" means an individual who is a registered professional land surveyor and
25 who is an officer, shareholder, director, partner, member, manager or owner of that organization
26 and who is in responsible charge of an organization's professional practice for which he or she is
27 registered.

28 (13) "Professional land surveyor" means a person who has been duly registered as a
29 professional land surveyor by the board established under this chapter, and who is a professional
30 specialist in the technique of measuring land, educated in the basic principles of mathematics, the
31 related physical and applied sciences and the relevant requirements of law for adequate evidence
32 and all to surveying of real property and engaged in the practice of land surveying as defined in
33 this section.

34 (14) "Registrant" means an individual who has been issued a certificate of registration by

1 the board of professional land surveyors.

2 (15) "Registrant's seal" means an emblem of a type, shape, and size and as specified by
3 the board of registration of professional land surveyors for use by an individual registrant to
4 stamp legal descriptions final drawings, specifications, and reports.

5 (16) "Responsible charge" means direct control and personal supervision of the work
6 performed. No person may serve in responsible charge of land surveying work done in Rhode
7 Island unless that person is registered as a professional land surveyor by the board.

8 (17) "Rules and regulations" means that document of the same title as amended from
9 time to time that has been duly adopted by the board of professional land surveyors and which
10 prescribes the manner in which that board administers its affairs and establishes rules of conduct,
11 procedures, and standards for adherence by all persons registered by the board, filed with the
12 secretary of state in accordance with the provisions of sections 42-35-3(a) and 42-35-4(b), and
13 this chapter.

14 (18) "Experience" means combined office and field work in land surveying satisfactory
15 to the board, including any work which is performed under the direct control and personal
16 supervision of a professional land surveyor.

17 (19) "Related curriculum" means an educational program of sufficient length and
18 academic quality and content to satisfy the board.

19 **5-8.1-5. Board of registration for professional land surveyors -- Membership,**
20 **appointments, terms, and vacancies.** -- (a) The board of land surveyors consists of five (5)

21 professional land surveyors only one of whom may also be a professional engineer and all of
22 whom are registered in the state. Each member of the board must be a qualified elector of this
23 state for three (3) years prior to appointment. Each member been engaged in the lawful practice
24 of land surveying for at least seven (7) years and shall have been in responsible charge of
25 surveying work for at least five (5) years.

26 (b) Each member of the board is appointed by the governor, within sixty (60) days of the
27 enactment of this chapter, for staggered terms, to serve a term of five (5) years or until his or her
28 successor is appointed and qualified; however, in the original appointments under this section:

29 (1) One member is appointed for a period of one year,

30 (2) One member is appointed for a period of two (2) years,

31 (3) One member is appointed for a period of three (3) years,

32 (4) One member is appointed for a period of four (4) years and

33 (5) One member is appointed for a period of five (5) years.

34 (c) No member of the board of land surveyors shall be associated in the practice of

1 surveying either individually or as a member of a ~~firm~~, partnership, limited liability partnership,
2 ~~or corporation~~, or limited liability company with any other member of the board.

3 (d) Vacancies in the membership of the board of land surveyors are filled for any
4 unexpired terms by appointment of the governor.

5 (e) A member appointed for a full term is not eligible for more than two (2) consecutive
6 terms.

7 (f) The governor may remove any member of the board of land surveyors for
8 misconduct, incompetency, neglect of duty, or for any sufficient cause, in the manner prescribed
9 by law for removal of state officials.

10 (g) Each member of the board of land surveyors receives a certificate of his or her
11 appointment from the governor and files with the secretary of state his or her written oath or
12 affirmation for the faithful discharge of his or her official duties.

13 (h) Within thirty (30) days of the appointment of the board, the director or his or her
14 designee shall summon the members of the board to organize and elect a chairperson, vice-
15 chairperson and secretary from the appointed members.

16 **5-8.1-8. Board of registration for professional land surveyors -- Records and**

17 **reports.** -- (a) The board of land surveyors shall keep a record of its proceedings and of all
18 applications for registration, which applications shall show:

19 (1) Name, date of birth, and last known address of each applicant;

20 (2) Date of the application;

21 (3) The last known place of business of the applicant;

22 (4) The education, experience and other qualifications of the applicant;

23 (5) The type of examination administered;

24 (6) Whether or not the applicant was accepted or rejected;

25 (7) Whether or not a certificate of registration was granted;

26 (8) The date of action of the board; and

27 (9) Any other information that the board deems appropriate.

28 (b) Board records and papers of the following classes are of a confidential nature and are
29 not public records:

30 (1) Examination material for examinations not yet given;

31 (2) File records of examination problem solutions;

32 (3) Letters of inquiry and references concerning applicants;

33 (4) Completed board inquiry forms concerning applicants;

34 (5) Investigatory files where any investigation is still pending; and

1 (6) All other materials of like nature.

2 (c) The record of the board of land surveyors is prima facie evidence of the proceedings
3 of the board and a certified transcript by the board is admissible in evidence with the same force
4 and effect as if the original were produced.

5 (d) A complete roster showing the names and last known addresses of all registered
6 professional land surveyors and surveyors in training and any ~~corporation~~ sole proprietorship,
7 partnership, or sole proprietorship limited liability partnership, corporation or limited liability
8 company receiving a certificate of authorization is compiled by the board of land surveyors once
9 each year, or at intervals as established by board regulations. Copies of this roster are placed on
10 file with the secretary of state and may be mailed to each person listed in the roster and in
11 addition may be distributed or sold to the public.

12 **5-8.1-13. Board of registration for professional land surveyors -- Permitted**
13 **practices.** -- (a) Exemption clause. - This chapter is not construed to prevent or to affect:

14 (1) Employees and subordinates. The work of an employee or subordinate of a person
15 holding a certificate of registration under this chapter; provided, that the work does not include
16 final land surveying work or decisions and is done under the direct supervision of, or checked by,
17 a person holding a certificate of registration issued under this chapter.

18 (2) Federal employees. The practice by officers and employees of the government of the
19 United States while engaged within this state in the practice of land surveying for the government
20 on property owned by the federal government; provided, that no right to practice land surveying
21 accrues to those persons as to any other land surveying work. The right to registration after
22 government employment is not granted except under the provisions prescribed under section 5-
23 8.1-11.

24 (3) Other professions. The practice of engineering, architecture, or landscape
25 architecture.

26 (b) ~~Corporate, partnership and sole~~ Sole proprietorship, partnership, limited liability
27 partnership, corporate and limited liability company practice. - (1) The practice or offer to
28 practice land surveying as defined by this chapter by a ~~corporation, partnership, or sole~~
29 proprietorship, partnership, limited liability partnership, corporation or limited liability company,
30 subsequently referred to as the "firm", through individuals is permitted; provided, hat the
31 individuals are in direct control of that practice; exercise personal supervision of all personnel
32 who act in behalf of the firm in professional and technical matters; and, are registered under the
33 provisions of this chapter; and provided, further, that the firm has been issued a certificate of
34 authorization by the board of land surveyors.

1 (2) Within one year after enactment of this chapter every firm must obtain a certificate of
2 authorization from the board and those individuals in direct control of the practice and who
3 exercise direct supervision of all personnel who act in behalf of the firm in professional and
4 technical matters must be registered with the board. The certificate of authorization is issued by
5 the board upon satisfaction of the provisions of this chapter and the payment of an annual fee not
6 to exceed fifty dollars (\$50.00).

7 (3) It is the intent of the board of registration to establish that the professional land
8 surveyor is responsible for land surveying services.

9 (4) Every firm desiring a certificate of authorization must file with the board an
10 application for the certificate on a form provided by the board. A separate form provided by the
11 board is to be filed with each renewal of the certificate of authorization and within thirty (30)
12 days of the time any information previously filed with the board has changed, is no longer true or
13 valid, or has been revised for any reason. If in its judgment, the information contained on the
14 application and renewal form is satisfactory and complete, the board issues a certificate of
15 authorization for the firm to practice land surveying in this state.

16 (5) No firm that has been granted a certificate of authorization by the board of land
17 surveyors is relieved of responsibility for the conduct or acts of its agents, employees, ~~officers, or~~
18 partners (if a partnership or a limited liability partnership), officers or directors (if a corporation),
19 or members or managers (if a limited liability company) because of its compliance with the
20 provisions of this section. No individual practicing land surveying under the provisions of this
21 chapter is relieved of responsibility for land surveying services performed by reason of his or her
22 employment or other relationship with a firm holding a certificate of authorization as
23 subsequently described.

24 (6) A land surveyor may not, for the purposes of this section, be designated as being in
25 responsible charge on more than two (2) certificates of authorization.

26 (7) Certificates of authorization are renewed as previously provided for certificates of
27 registration in section 5-8.1-11.

28 (8) ~~Corporations organized under the provisions of chapter 5.1 of title 7 entitled~~
29 ~~"Professional Service Corporations"~~ Limited liability partnerships, corporations and limited
30 liability companies shall submit a copy of their articles of incorporation, articles of organization
31 or certificate of registration in order to obtain a certificate of authorization from the board of land
32 surveyors.

33 (9) Corporations other than those organized under chapter 5.1 of title 7, partnerships and
34 sole proprietorships practicing in this state prior to the date of the enactment of this chapter shall

1 fully comply with the provisions of this section within one year of the date of that enactment.

2 (10) Effective one year from July 1, 1990, the secretary of state shall not issue a
3 certificate of incorporation or certificate of organization or certificate of registration to any
4 applicant, or a registration as a foreign corporation, limited liability partnership or limited liability
5 company, to any firm, which includes among the objectives for which it is being established any
6 of the words "surveyor", "surveying" or any modification or derivation of those words, unless the
7 board of land surveyors has issued for the applicant a certificate of authorization or a letter
8 indicating the eligibility of the applicant to receive the certificate. The firm applying shall supply
9 the certificate or letter from the board with its application for incorporation or registration as a
10 foreign corporation, limited liability partnership or limited liability company.

11 (c) Land surveyor previously registered. Each land surveyor holding a certificate of
12 registration and each land surveyor-in-training under the laws of this state as previously in effect
13 is deemed registered as a land surveyor or land surveyor-in-training as appropriate under this
14 chapter.

15 (d) This section does not exempt the political subdivisions of the state, such as county,
16 city, or town, or legally constituted boards, districts, or commissions, from obtaining a certificate
17 of authorization from the board of registration when applicable.

18 **5-8.1-17. Board of registration for professional land surveyors -- Violations and**
19 **penalties --Injunctions.** -- (a) No individual shall: (1) practice or offer to practice land surveying
20 in this state; (2) use any title, sign, card, or device implying that the individual is a land surveyor
21 or is competent to practice land surveying in this state; (3) use in connection with his or her name
22 or otherwise any title or description conveying or tending to convey the impression that the
23 individual is a land surveyor or is competent to practice land surveying in this state; or (4) use or
24 display any words, letters, figures, seals, or advertisements indicating that the individual is a land
25 surveyor or is competent to practice land surveying in this state, unless that individual holds a
26 currently valid certificate issued pursuant to this chapter or is specifically exempted from the
27 certificate requirement under the provisions of this chapter.

28 (b) It shall be the duty of all duly constituted officers of this state and all political
29 subdivisions of the state to enforce the provisions of this chapter and to prosecute any persons
30 violating those provisions.

31 (c) No sole proprietorship, partnership, ~~or~~ limited liability partnership, corporation or
32 limited liability company shall: (1) practice or offer to practice land surveying in this state; (2)
33 use any title, sign, card, or device implying that the sole proprietorship, partnership, ~~or~~ limited
34 liability partnership, corporation or limited liability company is competent to practice land

1 surveying in this state; (3) use in connection with its name or otherwise any title or description
2 conveying or tending to convey the impression that the entity is a land surveying firm or is
3 competent to practice land surveying in this state; or (4) use or display any words, letters, figures,
4 seals, or advertisements indicating that the entity is a land surveying firm or is competent to
5 practice land surveying in this state, unless that sole proprietorship, partnership, ~~or~~ limited
6 liability partnership, corporation or limited liability company complies with the requirements of
7 this chapter.

8 (d) Any individual, sole proprietorship, partnership, ~~or~~ limited liability partnership,
9 corporation or limited liability company which: (1) violates subsection (a) or (c) of this section;
10 (2) presents or attempts to use the certificate of registration/authorization of another; (3) gives any
11 false or forged evidence of any kind to the board or to any member of the board in obtaining or
12 attempting to obtain a certificate of registration/authorization; (4) falsely impersonates any other
13 registrant whether of a like or different name; (5) uses or attempts to use an expired, revoked, or
14 nonexistent certificate of registration/authorization; (6) falsely claims to be registered under this
15 chapter; or (7) otherwise violates any provision of this chapter, shall be guilty of a misdemeanor,
16 and upon conviction by a court of competent jurisdiction shall be sentenced to: (i) pay a fine of
17 not more than one thousand dollars (\$1,000) for the first offense and a fine of not less than one
18 thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) for each subsequent
19 offense or imprisonment for not more than one year, or both; (ii) in the court's discretion and
20 upon good cause shown reimburse the board for any and all fees, expenses, and costs incurred by
21 the board in connection with the proceedings, including attorneys' fees, which amounts shall be
22 deposited as general revenues; and (3) be subject to, in the board's discretion, public censure or
23 reprimand.

24 (e) The board has the power to institute injunction proceedings in superior court to
25 prevent violations of subsection (a) or (c) of this section or violations of section 58.1-1. In
26 injunction proceedings, the board is not required to prove that an adequate remedy at law does not
27 exist, or that substantial or irreparable damage would result from continued violations. The
28 superior court, in its discretion and in addition to any injunctive relief granted to the board, may
29 order that any person or entity in violation of this section shall: (1) upon good cause shown
30 reimburse the board for any and all fees, expenses, and costs incurred by the board in connection
31 with the proceedings, including attorneys fees, which amounts shall be deposited as general
32 revenues; and/or (ii) be subject to public censure or reprimand.

33 SECTION 4. Sections 5-51-9, 5-51-11, 5-51-13, 5-51-16 and 5-51-17.1 of the General
34 Laws in Chapter 5-51 entitled "Rhode Island State Board of Examiners of Landscape Architects"

1 are hereby amended to read as follows:

2 **5-51-9. Annual renewal of licenses and certificates of authorization.** -- (a) (1) Every
3 license is valid for a period of two (2) years and expires on the last day of June of each odd
4 numbered year following its issuance. Every certificate of authorization shall be valid for a period
5 of two (2) years and expires on the last day of June of each even numbered year following its
6 issuance. A license or certificate of authorization may be renewed by paying the renewal fee
7 required by section 5-51-14. A landscape architect who fails to renew his or her license prior to
8 each June 30, may not thereafter renew his or her license except upon payment of the renewal fee
9 and the additional fee(s) required by section 5-51-14. A landscape architectural firm which fails
10 to renew its certificate of authorization prior to each June 30, may not thereafter renew its
11 certificate of authorization except upon payment of the renewal fee and the additional fee(s)
12 required in section 5-51-14. The certificates of authorization are issued by the board, indicating
13 the sole proprietorship, partnership, limited liability partnership, corporation, ~~partnership, or sole~~
14 ~~proprietorship~~ or limited liability company named in it is permitted to practice landscape
15 architecture in this state. A license or certificate of authorization is not renewed until the renewal
16 fee is received by the board.

17 (2) Licenses and certificates of authorization not renewed by the payment of the renewal
18 fee prior to each June 30, are construed to be expired, and require an application for
19 reinstatement.

20 (b) The board may determine and establish rules and regulations for continuing
21 education requirements and other recertification procedures as the board deems necessary.

22 (c) The board may require all applicants for renewal to provide the board with any
23 information, including but not limited to, a brief outline setting forth the professional activities of
24 any applicant during a period in which a license or certificate of authorization has lapsed and
25 other evidence of the continued competence and good character of the applicant, that the board
26 deems necessary.

27 **5-51-11. Duplicate licenses -- Seals -- Rubber stamps.** -- (a) Only one certificate of
28 registration or license is issued to a licensed landscape architect. A duplicate certificate may be
29 issued by the board should the original certificate be lost or damaged. Applications for a duplicate
30 certificate are submitted to the board office. The required fee must be submitted with the
31 application for a duplicate certificate.

32 (b) (1) For the purpose of signing all final drawings, plans, specifications, reports, and
33 other contract documents, each licensed landscape architect shall obtain an individual seal, and a
34 rubber stamp (a facsimile of the seal) to be used on documents prepared by him or her, or under

1 his or her supervision.

2 (2) Firms consisting of more than one licensed landscape architect may use a single seal
3 identifying a ~~principal corporate officer or partner~~ (if a partnership or limited liability
4 partnership), officer, or director (if a corporation) or a member or manager (if a limited liability
5 company) as being personally responsible for the professional services provided.

6 (3) The board furnishes a copy of the authorized seal from which the applicant can have
7 a seal and stamp made.

8 (c) The application of the seal impression, to the first sheet of bound sets of drawings
9 (with index of drawings included), title page of specifications, and to other drawings and contract
10 documents constitute the registered landscape architect stamp.

11 (d) The rubber stamp may be applied on all tracings to produce legible reproduction on
12 all copies or prints made from the tracings. This provision does not in any manner modify the
13 above requirements.

14 **5-51-13. Corporations and partnerships. Partnerships, limited liability partnerships,**

15 **corporations, and limited liability companies.** -- (a) ~~A corporation or partnership~~ Partnerships,
16 limited liability partnerships, corporations and limited liability companies may not be licensed as
17 registered to practice landscape architecture or to use any form of the title "landscape architect" in
18 connection with the corporate or partnership company name unless authorized by this chapter.

19 (b) (1) The right to engage in the practice of landscape architecture is a personal right,
20 based upon the qualifications of the individual evidenced by his or her license and is not
21 transferable.

22 (2) No person shall practice landscape architecture, or use the title "landscape architect",
23 or any title, sign, card, or device to indicate that this person is practicing landscape architecture,
24 or is a landscape architect, unless that person has secured from the board a license in the provided
25 manner.

26 (3) All final drawings, specifications, plans, reports, or other papers or documents
27 involving the practice of landscape architecture, as defined in section 5-51-1, for use in this state
28 shall be dated, and bear the signature and seal of the landscape architect or landscape architects
29 who prepared or personally supervised their preparation.

30 (c) The practice or offer to practice landscape architecture as defined by this chapter by a
31 sole proprietorship, partnership, limited liability partnership, corporation, ~~partnership, or sole~~
32 ~~proprietorship~~ or limited liability company (hereafter "the firm"), through one or more landscape
33 architects license under the provisions of this chapter, is permitted provided, that those licensed
34 landscape architect(s) are in direct control of the practice; exercise personal supervision of all

1 personnel who act on behalf of the firm in professional and technical matters; and are registered
2 under the provisions of this chapter; and, provided further, that the firm has been issued a
3 certificate of authorization by the board of examiners of landscape architects.

4 (d) (1) Within one year after enactment of this chapter, every firm must obtain a
5 certificate of authorization from the board, and those individuals in direct control of the practice,
6 and who exercise direct supervision of all personnel who act on behalf of the firm in professional
7 and technical matters, must be registered with the board.

8 (2) The certificate of authorization is issued by the board upon satisfaction of the
9 provisions of this chapter and the payment of the required fee. This fee is waived if the firm
10 consists of only one person who is the person in responsible charge.

11 (e) (1) Every firm desiring a certificate of authorization must file with the board an
12 application on a form provided by the board. Every certificate of authorization is valid for a
13 period of two (2) years and expires on the last day of June of each even numbered year following
14 its issuance.

15 (2) A separate form provided by the board is to be filed with each renewal of the
16 certificate of authorization. In addition, each firm shall complete a renewal form within thirty (30)
17 days of the time any information previously filed with the board has changed, is no longer true or
18 valid, or has been revised for any reason.

19 (3) If, in its judgment, the information contained on the application and renewal form is
20 satisfactory and complete, the board issues a certificate of authorization for the firm to practice
21 landscape architecture in this state.

22 **5-51-16. Penalty for violations -- Injunctive relief.** -- (a) No individual shall: (i)
23 practice or offer to practice landscape architecture in this state; or (ii) use any title, sign, card, or
24 device implying that the individual is a landscape architect or is competent to practice landscape
25 architecture in this state; or (iii) use in connection with his or her name or otherwise any title or
26 description conveying or tending to convey the impression that the individual is a landscape
27 architect or is competent to practice landscape architecture in this state; or (iv) use or display any
28 words, letters, seals, or advertisements indicating that the individual is a landscape architect or is
29 competent to practice landscape architecture in this state, unless that individual holds a current
30 valid license issued pursuant to this chapter or is specifically exempted therefrom under the
31 provisions of this chapter.

32 (b) No sole proprietorship, partnership, ~~or~~ limited liability partnership, corporation or
33 limited liability company shall: (i) practice or offer to practice landscape architecture in this state;
34 or (ii) use any title, sign, card, or device implying that the sole proprietorship, partnership, ~~or~~

1 limited liability partnership, corporation or limited liability company is competent to practice
2 landscape architecture in this state; or (iii) use in connection with its name or otherwise any title
3 or description conveying or tending to convey the impression that the entity is a landscape
4 architectural firm or is competent to practice landscape architecture in this state; or (iv) use or
5 display any words, letters, figures, seals, or advertisements indicating that the entity is a
6 landscape architectural firm or is competent to practice landscape architecture in this state, unless
7 that sole proprietorship, partnership ~~or~~, limited liability partnership, corporation or limited
8 liability company complies with the requirements of this chapter.

9 (c) Any individual, sole proprietorship, partnership ~~or~~, limited liability partnership,
10 corporation or limited liability company which: (i) violates subsection (a) or (b) of this section; or
11 (ii) presents or attempts to use the license/certificate of authorization of another; or (iii) gives any
12 false or forged evidence of any kind to the board or to any member thereof in obtaining or
13 attempting to obtain a license/certificate of authorization; or (iv) falsely impersonates any other
14 registration whether of a like or different name; or (v) uses or attempts to use an expired, revoked,
15 or nonexistent license/certificate of authorization; or (vi) falsely claims to be registered under this
16 chapter; or (vii) otherwise violates any provision of this chapter, shall upon determination thereof
17 by a court of competent jurisdiction, (1) be subject to a civil penalty of one thousand dollars
18 (\$1,000) for the first offense, and a civil penalty of two thousand dollars (\$2,000) for each
19 subsequent offense; and (2) in the court's discretion and upon good cause shown, reimburse the
20 board for any and all fees, expenses, and costs incurred by the board in connection with the
21 proceedings, including attorneys fees (which amounts shall be deposited as general revenues);
22 and (3) be subject to, in the board's discretion, public censure or reprimand.

23 (d) The board has the power to institute injunction proceedings in superior court to
24 prevent violations of subsection (a) or (b) of this section and/or for violations of section 5-51-3.
25 In injunction proceedings, the board shall not be required to prove that an adequate remedy at law
26 does not exist, or that substantial or irreparable damage would result from continued violations.
27 The superior court, in its discretion and in addition to any injunctive relief granted to the board,
28 may order that any person or entity in violation of this section shall: (i) upon good cause shown,
29 reimburse the board for any and all fees, expenses, and costs incurred by the board in connection
30 with the proceedings, including attorneys fees (which amounts shall be deposited as general
31 revenues); and/or (ii) be subject to public censure or reprimand.

32 **5-51-17.1. Initiation of proceedings -- Hearings before the board -- Appeals -- Notice**
33 **to other states.** -- (a) The board may initiate proceedings under this chapter against holders of a
34 license and/or certificate of authorization (hereafter referred to as licensee(s)) either on its own

1 motion, or on complaint of any person, upon a finding of probable cause by the board, or upon
2 receiving notification from another state board of landscape architects or from the appropriate
3 authority in another country/jurisdiction of its decision to: (1) revoke, suspend, or refuse to renew
4 the practice privileges granted in that state or in that country/jurisdiction to the licensee, or (2)
5 publicly censure, or censure in writing, limit the scope of practice of, impose an administrative
6 fine upon, or place on probation the licensee.

7 (b) A written notice stating the nature of the charge or charges against the licensee and
8 the time and place of the hearing before the board on the charges shall be served on the licensee
9 not less than twenty (20) days prior to the date of the hearing either personally or by mailing a
10 copy of the notice by certified mail, return receipt requested, to the address of the licensee last
11 known to the board.

12 (c) If, after being served with the notice of hearing as provided for in this section, the
13 licensee fails to appear at the hearing and to defend against the charges stated, the board may
14 proceed to hear evidence against the licensee and may enter any order that is justified by the
15 evidence. Any order is final unless the licensee petitions for a review of the order as provided in
16 this section; provided, however, that within thirty (30) days from the date of any order, upon a
17 showing of good cause for failing to appear and defend, the board may reopen the proceedings
18 and may permit the licensee to submit evidence in his, her or on its behalf.

19 (d) At any hearing under this section, the licensee may: (1) appear in person or be
20 represented by counsel; (2) produce evidence and witnesses on his, her, or its behalf; (3) cross-
21 examine witnesses; and (4) examine any evidence that might be produced. A sole proprietorship
22 may be represented by counsel before the board or by the sole proprietor. A partnership or
23 limited liability partnership may be represented before the board by counsel or any partner. A
24 corporation may be represented by counsel before the board or any shareholder, officer or
25 director of the corporation. ~~A sole proprietorship may be represented by counsel before the board~~
26 ~~or by the sole proprietor.~~ A limited liability company may be represented before the board by
27 counsel or any member or manager of the limited liability company. The licensee is entitled, upon
28 written application to the board, to the issuance of subpoenas to compel the attendance of
29 witnesses on the licensee's behalf.

30 (e) The board or any member of the board may issue subpoenas to compel the attendance
31 of witnesses and the production of documents and may administer oaths, take testimony, hear
32 proofs and receive exhibits in evidence in connection with or upon hearing under this chapter. In
33 case of disobedience to a subpoena, the board may petition the superior court to require the
34 attendance and testimony of witnesses and the production of documentary evidence.

1 (f) The board is not bound by strict rules of procedure or by laws of evidence in the
2 conduct of its proceedings, but any determination of the board shall be based upon sufficient legal
3 evidence to sustain the determination.

4 (g) A stenographic record of all hearings under this section shall be kept and a transcript
5 of the record filed with the board.

6 (h) The decision of the board is made by vote in accordance with this chapter and with
7 the rules and regulations established by the board.

8 (i) Any appeal from the decision of the board, by a person or persons adversely affected
9 by the decision, is governed by section 42-35-15.

10 (j) On rendering a decision to: (1) revoke or suspend or refuse to renew a license issued
11 under the laws of this state; (2) revoke or suspend or refuse to renew a certificate of authorization
12 issued under the laws of this state; or (3) publicly censure, censure in writing, limit the scope of
13 practice of, impose an administrative fine upon, or place on probation a licensee, the board shall
14 examine its records to determine whether the licensee holds a license or a certificate of
15 authorization to practice in any other state or country/jurisdiction. If the board determines that the
16 licensee in fact holds a license or certificate of authorization, the board shall immediately notify
17 the board of landscape architecture of the other state or country/jurisdiction by mail of its
18 decision under this section, and include in the notice an indication as to whether or not the
19 licensee has appealed the decision.

20 (k) The board may, in its discretion, order any licensee against whom proceedings have
21 been initiated under this chapter to, upon good cause shown, reimburse the board for any and all
22 fees, expenses, and costs incurred by the board in connection with these proceedings, including
23 attorneys fees. The fees shall be paid within thirty (30) days from the date they are assessed and
24 may be reviewed in accordance with section 42-35-15, and shall be deposited as general
25 revenues.

26 (l) The attorney general or his or her deputy acts as legal advisor to the board and renders
27 any legal assistance that may be necessary in carrying out the provisions of this chapter. The
28 board may employ other counsel and obtain other necessary assistance to be appointed by the
29 governor to aid in the enforcement of this chapter, and the compensation and expenses shall be
30 paid from the fund of the board.

31 SECTION 5. This act shall take effect upon passage.

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LC01918/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS – ARCHITECTS, ENGINEERS, LAND
SURVEYORS AND LANDSCAPE ARCHITECTS

1 This act would provide that limited liability partnerships and limited liability companies,
2 in addition to corporations, partnerships, and sole proprietorships, may engage in the practice of
3 architecture, the practice of engineering, the practice of land surveying and the practice of
4 landscape architecture.

5 This act would take effect upon passage.

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LC01918/SUB A
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