

2021 -- H 5766

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- ARCHITECTS

Introduced By: Representatives Williams, Hull, Barros, Alzate, Batista, Henries, Biah,
Morales, Giraldo, and Perez

Date Introduced: February 24, 2021

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-1-7 of the General Laws in Chapter 5-1 entitled "Architects" is
2 hereby amended to read as follows:

3 **5-1-7. Practice prohibited -- Criminal penalties -- Injunctions.**

4 (a) No individual shall:

5 (1) Practice or offer to practice architecture in this state;

6 (2) Use any title, sign, card, or device implying that the individual is an architect or is
7 competent to practice architecture in this state;

8 (3) Use in connection with his or her name, or otherwise, any title or description conveying
9 or tending to convey the impression that the individual is an architect or is competent to practice
10 architecture in this state; or

11 (4) Use or display any words, letters, figures, seals, or advertisements indicating or
12 implying that the individual is an architect or is competent to practice architecture in this state,
13 unless that individual holds a currently valid certificate of registration/authorization issued pursuant
14 to this chapter or is specifically exempted from holding a certificate under the provisions of this
15 chapter.

16 (b) No sole proprietorship, partnership, limited-liability partnership, corporation, or
17 limited-liability company shall:

18 (1) Practice or offer to practice architecture in this state;

19 (2) Use any title, sign, card, or device implying that the sole proprietorship, partnership,

1 limited-liability partnership, corporation, or limited-liability company is competent to practice
2 architecture in this state;

3 (3) Use in connection with its name, or otherwise, any title or description conveying or
4 tending to convey the impression that the entity is an architectural firm or is competent to practice
5 architecture in this state; or

6 (4) Use or display any words, letters, figures, seals, or advertisements indicating that the
7 entity is an architectural firm or is competent to practice architecture in this state, unless that sole
8 proprietorship, partnership, limited-liability partnership, corporation, or limited-liability company
9 complies with the requirements of this chapter.

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

26 (d) Either on his or her own initiative or on the recommendation of the board, the director
27 has the power to institute injunction proceedings in superior court to prevent violations of
28 subsection (a) or (b) or violations of § 5-1-12. In injunction proceedings, the director is not required
29 to prove that an adequate remedy at law does not exist, or that substantial or irreparable damage
30 would result from continued violations. The superior court, in its discretion and in addition to any
31 injunctive relief granted to the department, may order that any person or entity in violation of this
32 section shall:

33 (1) Upon good cause shown, reimburse the department for any and all fees, expenses, and
34 costs incurred by the department and/or board in connection with the proceedings, including

1 attorney's fees (which amounts shall be deposited as general revenues); ~~and/or~~

2 (2) Be subject to public censure or reprimand; and/or

3 (3) Upon good cause shown, require any person who has affixed an architecture stamp to
4 provide evidence that the plans were properly stamped in compliance with § 5-1-12 and chapter 1
5 of title 5.

6 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 -- ARCHITECTS

1 This act would allow the superior court, upon good cause shown, to require any person
2 who affixed an architecture stamp within five (5) years, to provide evidence that the architectural
3 services were performed by an individual, sole proprietor, partnership, limited-liability partnership,
4 corporation, or limited liability company named in the "certificate" or "certificate of authorization."

5 This act would take effect upon passage.

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