

2010 -- H 7693

LC01798

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS – ARCHITECTS

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. Sections 5-1-6, 5-1-8, 5-1-12, 5-1-15.1 and 5-1-16 of the General Laws in  
2 Chapter 5-1 entitled "Architects" are hereby amended to read as follows:

3 **5-1-6. Board -- Records of proceedings -- Roster of architects -- Report of**  
4 **transactions.** -- (a) The ~~secretary~~ board executive of the board shall keep a record of its  
5 proceedings. The record shall include the name, age, and last known address of each applicant for  
6 registration, information concerning each applicant's education, experience, and other  
7 qualifications, the text of all examinations administered and their results and any other  
8 information that the board deems appropriate. The record of the board is prima facie evidence of  
9 the proceedings and a certified transcript by the ~~secretary~~ board executive is admissible in  
10 evidence with the same force and effect as if the original were produced.

11 (b) The board shall maintain a roster of architects. Copies of the roster may be mailed  
12 annually to resident architects and to federal agencies within the state, and to state, city and town  
13 officials, and may be distributed or sold to the public.

14 **5-1-8. Examination and qualifications of applicants for certificates of registration.** --

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

19 (b) Each applicant for a certificate of registration shall submit satisfactory evidence to

1 the board that he or she holds a National Architectural Accrediting Board (NAAB) professional  
2 degree in architecture from an accredited school and has had any practical experience including  
3 academic training, that the board, by regulations uniformly applied, deems appropriate. The board  
4 may, in its discretion, adopt as its standards for minimum experience the guidelines on practical  
5 experience of the National Council of Architectural Registration Boards.

6 (c) Each applicant for a certificate of registration who satisfies ~~subsections~~ subsection (a)  
7 ~~and (b)~~ of this section and holds a professional degree in architecture as described in subsection  
8 (b) of this section shall submit to a registration examination. Results of the examination are  
9 announced within ninety (90) days of the date on which the examination commenced. The board  
10 shall adopt the examinations and recommended grading procedures of the National Council of  
11 Architectural Registration Boards.

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

14 **5-1-12. Architect's stamp.** -- (a) Every architect shall obtain a stamp designated and  
15 approved by the board, and shall impress that stamp on drawings and specifications prepared by  
16 him or her or under his or her responsible control for use in this state. An architect who impresses  
17 his or her stamp, or knowingly permits it to be impressed on drawings or specifications which  
18 were not prepared by him or her or under his or her responsible control is guilty of a  
19 misdemeanor and is subject to the penalties provided in section 5-1-7(c). Any person who  
20 impresses an architect's stamp, or knowingly permits it to be impressed on drawings and  
21 specifications after the architect's certificate of registration has expired, or has been revoked,  
22 annulled, or suspended, is guilty of a misdemeanor and is subject to the penalties provided in  
23 section 5-1-7(c).

24 (b) Upon forfeiture, revocation, suspension, annulment of his or her certificate of  
25 registration, or upon expiration of his or her certificate of registration without renewal, an  
26 architect shall surrender his or her stamp to the board. ~~Upon the death of an architect, his or her~~  
27 ~~personal representatives shall surrender his or her stamp to the board. The board has the power to~~  
28 ~~institute proceedings in superior court or probate court to enforce this subsection.~~

29 **5-1-15.1. Certificate of authorization for sole proprietorships, partnerships, limited**  
30 **liability partnerships, corporations or limited liability companies.** -- (a) A sole proprietorship,  
31 partnership, limited liability partnership, corporation or limited liability company shall be  
32 admitted to practice architecture in this state if:

33 (1) Two-thirds ( 2/3) of the partners (if a partnership or limited liability partnership) two-  
34 thirds ( 2/3) of the directors and officers (or shareholders if there are no directors, if a

1 corporation) or two-thirds ( 2/3) of the managers (or members if there are no managers, if a  
2 limited liability company) are registered under the laws of any state or any reciprocal jurisdiction  
3 as defined by the National Council of Architectural Registration Boards to practice architecture or  
4 engineering;

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

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

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

18 (c) The practice or offer to practice architecture as defined by this chapter by a sole  
19 proprietorship, partnership, limited liability partnership, corporation, or limited liability company  
20 subsequently referred to as the "firm", through one or more architects registered under the  
21 provisions of this chapter, is permitted provided that the registered architect or architects are in  
22 direct control of the practice or exercise responsible control of all personnel who act in behalf of  
23 the firm in professional and technical matters; and provided, that the firm has been issued a  
24 certificate of authorization by this board.

25 (d) ~~Within one year after the enactment of this chapter, every~~ Every firm must obtain a  
26 certificate of authorization from this board, and those individuals in direct control of the practice  
27 or who exercise responsible control of all personnel who act in behalf of the firm in professional  
28 and technical matters must be registered with the board. The certificate of authorization shall be  
29 issued by the board upon satisfaction of the provisions of this chapter and the payment of a fee as  
30 determined by the board in accordance with section 5-1-11. This fee shall be waived if the firm  
31 consists of only one person who is the registered architect. Every firm must file an application for  
32 a certificate of authorization with the board on a form provided by the board.

33 (e) Every certificate of authorization is valid for a period of two (2) years and expires on  
34 the last day of December of each even numbered year following its issuance. A separate form

1 provided by the board shall be filed with each renewal of the certificate of authorization. The firm  
2 shall complete a renewal form within thirty (30) days of the time any information previously filed  
3 with the board has changed, is no longer true or valid, or has been revised for any reason. If, in  
4 the board's judgment, the information contained on the application and/or renewal form is  
5 satisfactory and complete, the board will issue a certificate of authorization for the firm to  
6 practice architecture in this state. The board may require all applicants for renewal to provide the  
7 board with information, including but not limited to, a brief outline setting forth the professional  
8 activities of any applicant during a period in which a certificate of authorization has lapsed and  
9 other evidence of the continued competence and good character of the applicant, all as the board  
10 deems necessary.

11 [\(f\) In the event of ownership transition or change in the responsible control of a firm, the](#)  
12 [board may permit a six \(6\) month grace period to allow a Rhode Island registered architect to](#)  
13 [continue to practice until a new certificate of authorization \(COA\) is issued.](#)

14 **5-1-16. Architects rendering assistance during disaster emergency -- Immunity from**  
15 **civil liability. --** (a) An architect or architectural firm, duly licensed to practice in Rhode Island  
16 under this chapter, who voluntarily and without compensation provides architectural services at  
17 the scene of a disaster emergency is not liable for any personal injury, wrongful death, property  
18 damage, or other loss or damages caused by an act or omission of the architect or architectural  
19 firm in performing the services.

20 (b) As used in this section, "disaster emergency" means a disaster emergency declared by  
21 executive order or proclamation of the governor pursuant to chapter 15 of title 30.

22 (c) The immunity provided in subsection (a) of this section applies only to the practice of  
23 architecture as defined in this chapter regarding an architectural service that:

24 (1) Concerns any building, structure, or system, whether publicly or privately owned that  
25 is identified pursuant to a disaster emergency executive order or proclamation;

26 (2) Relates to the structural integrity of the entire building, structure, or system or any  
27 portion of the structure or system, or to a nonstructural element of the structure or system,  
28 affecting public safety; and

29 (3) Is rendered during the time in which a state of disaster emergency exists, as provided  
30 in chapter 15 of title 30.

31 (d) The immunity granted by this section shall not apply to acts or omissions constituting  
32 gross negligence or willful misconduct.

33 [\(e\) In the event that the governor of Rhode Island declares a state disaster, all registered](#)  
34 [architects with a national council of architectural registration boards \(NCARB\) certification will](#)

1 [be allowed to practice for a period of ninety \(90\) days for the date of the declared disaster.](#)

2 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 -- ARCHITECTS

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- 1           This act would make several technical changes in the registration requirements of the
- 2 board of examination and registration of architects.
- 3           This act would take effect upon passage.

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