

**2016 -- S 2866 SUBSTITUTE A**

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LC005153/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2016**

**A N A C T**

**RELATING TO BUSINESSES AND PROFESSIONS -- ENGINEERS**

Introduced By: Senator Hanna M. Gallo

Date Introduced: March 31, 2016

Referred To: Senate Commerce

(Business Regulation)

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 5-8-12 and 5-8-15 of the General Laws in Chapter 5-8 entitled  
2 "Engineers" are hereby amended to read as follows:

3           **5-8-12. Form of application for registration or certification -- Registration,**  
4 **certification, and enrollment fees. --** (a) Application for registration as a professional engineer  
5 or land surveyor or certification as an engineer-in-training shall:

6           (1) Be on a form prescribed and furnished by the board;

7           (2) ~~Contain statements made under oath, showing the applicant's education and a~~  
8 ~~detailed summary of his or her technical experience, and~~ Establish compliance with the licensing  
9 requirements pursuant to §5-8-11; and

10           (3) Contain references as prescribed in § 5-8-11, none of whom may be members of the  
11 board.

12           (b) The application and reexamination fees for professional engineers shall be set by the  
13 board in an amount to cover the charges and expenses of examination and scoring, and shall  
14 accompany the application.

15           (c) The fee for engineer-in-training certification or enrollment shall be set by the board  
16 in an amount to cover the charges and expenses of examination and scoring, and shall accompany  
17 the application.

18           (d) Should the board deny the issuance of a certificate to any applicant, the fee paid shall  
19 be retained as an application fee.

1           **5-8-15. Expiration and renewal of certificates of registration.** -- (a) Certificates of  
2 registration shall expire on the last day of the month of June following their issuance and become  
3 invalid after that date unless renewed. It is the duty of the board to notify every person registered  
4 under this chapter of the date of the expiration of his or her certificate, and the amount of the fee  
5 required for its renewal. The notice shall be ~~mailed~~ delivered, electronically or otherwise to the  
6 registrant at his or her last known address at least one month in advance of the date of the  
7 expiration of the certificate.

8           (b) Renewal may be effected at any time prior to or during the month of June by the  
9 payment of a fee set by the board in an amount not less than one hundred fifty dollars (\$150), but  
10 not to exceed one hundred eighty dollars (\$180). Renewal of an expired certificate may be  
11 effected within a period of three (3) years, provided evidence is submitted to the board attesting  
12 to the continued competence and good character of the applicant. In the event renewal is not  
13 made before the end of the third year, the board may require any reexamination that it deems  
14 appropriate. The amount to be paid for that renewal is the annual fee set by the board in an  
15 amount not to exceed one hundred eighty dollars (\$180) times the number of years the applicant  
16 has been delinquent, plus a penalty of sixty dollars (\$60.00) per delinquent year.

17           SECTION 2. Sections 5-8.1-7, 5-8.1-10 and 5-8.1-13 of the General Laws in Chapter 5-  
18 8.1 entitled "Land Surveyors" are hereby amended to read as follows:

19           **5-8.1-7. Board of registration for professional land surveyors -- Organization.** -- (a)  
20 The board of land surveyors shall hold at least ~~ten (10)~~ three (3) regular meetings each year. A  
21 meeting of the board shall be held once each year, at which time the board shall elect from its  
22 membership a chairperson, vice-chairperson and a secretary, who shall serve one year or until  
23 their successors are elected and qualified. Special meetings of the board may be called by the  
24 chairperson or other members of the board in accordance with the rules and regulations of the  
25 board.

26           (b) Three (3) members of the board shall constitute a quorum for the transaction of all  
27 business, but no action shall be taken at any meeting without three (3) members in accord.

28           (c) The board shall adopt a seal for its official actions.

29           **5-8.1-10. Board of registration for professional land surveyors -- Issuance and**  
30 **renewal of certificates.** -- (a) Surveyors previously registered. - Each land surveyor holding a  
31 certificate of registration under the laws of this state as previously in effect shall be deemed  
32 registered as a professional land surveyor under this chapter.

33           (b) Surveyors-in-training previously registered. - Each surveyor-in-training previously  
34 enrolled under the laws of this state as previously in effect shall be deemed enrolled under this

1 chapter.

2 (c) Certificates of registration. - With the assistance of the department, the board of land  
3 surveyors shall issue a certificate of registration upon payment of the registration fee as provided  
4 for in this chapter to any applicant, who, in the judgment of the board, has met the requirements  
5 of this chapter. Enrollment cards are issued to those who qualify as surveyors-in-training. The  
6 certificate of registration shall:

7 (1) Carry the designation "professional land surveyor";

8 (2) Show the full name of the registrant, without any titles;

9 (3) Have a serial number; and

10 (4) Be signed by both the chairperson and secretary of the board of land surveyors.

11 (d) Effect of certification. - The issuance of a certificate of registration by the board of  
12 land surveyors is prima facie evidence that the person named in the certificate is entitled to all  
13 rights and privileges of a professional land surveyor while the certificate of registration remains  
14 unrevoked or unexpired.

15 (e) Expiration and renewals. - Certificates of registration that expire are invalid,  
16 rendering practice authorized on the basis of that certificate illegal. It is the duty of the board of  
17 land surveyors to notify every person registered under this chapter of the date of the expiration of  
18 his or her certificate and the amount of the fee required for its renewal. That notice shall be  
19 ~~mailed~~ delivered, electronically or otherwise to the registrant at his or her last known address at  
20 least one month in advance of the date of the expiration of that certificate and it is the  
21 responsibility of each person registered under this chapter to renew his or her certificate of  
22 registration prior to its expiration. Renewal may be effected at any time prior to or during the  
23 month of June of each odd-numbered year (meaning biennially) commencing in year 2003  
24 (provided, that any said renewal shall be post-marked no later than June 30th in that year in order  
25 to be valid), or at any other time that the law provides for, by the payment of the fee required by  
26 this chapter. Renewal of an expired certificate may be effected, with the director's approval,  
27 within a period of four (4) years, provided, that evidence is submitted to the board of land  
28 surveyors attesting to the continued competence and good character of the applicant. The amount  
29 to be paid for the renewal of a certificate after the date of expiration shall be double the regular  
30 fee. In the event renewal is not made before the end of the second year, the board of land  
31 surveyors may require any re-examination that it deems appropriate and the amount to be paid for  
32 the renewal shall be as stated in this section.

33 (f) Lapsed certificates. - Any registrant who allows his or her certificate of registration to  
34 lapse for more than four (4) years shall reapply for registration in accordance with the

1 requirements stated in § 5-8.1-9.

2 (g) Any party aggrieved by the board's decision regarding license issuance or renewal  
3 may, within ten (10) days of the decision, appeal the matter to the director by submitting a written  
4 request for a formal hearing to be conducted in accordance with the provisions of § 5-8.1-15.

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

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

11 (2) Federal employees. - The practice by officers and employees of the government of  
12 the United States while engaged within this state in the practice of land surveying for the  
13 government on property owned by the federal government; provided, that no right to practice land  
14 surveying accrues to those persons as to any other land surveying work. The right to registration  
15 after government employment shall not be granted except under the provisions prescribed under §  
16 5-8.1-11.

17 (3) Other professions. - The practice of engineering, architecture, or landscape  
18 architecture.

19 (b) Sole proprietorship, partnership, limited liability partnership, corporate and limited  
20 liability company practice.

21 (1) The practice or offer to practice land surveying as defined by this chapter by sole  
22 proprietorship, partnership, limited liability partnership, corporation or limited liability company,  
23 subsequently referred to as the "firm", through individuals is permitted; provided, that the  
24 individuals are in direct control of that practice; exercise personal supervision of all personnel  
25 who act in behalf of the firm in professional and technical matters; and are registered under the  
26 provisions of this chapter; and provided, that the firm has been issued a certificate of  
27 authorization by the board of land surveyors.

28 (2) Within one year after the enactment of this chapter [July 12, 1990] every firm must  
29 obtain a certificate of authorization from the board and those individuals in direct control of the  
30 practice and who exercise direct supervision of all personnel who act in behalf of the firm in  
31 professional and technical matters must be registered with the board. The certificate of  
32 authorization shall be issued by the board upon satisfaction of the provisions of this chapter and  
33 the payment of an annual fee not to exceed sixty dollars (\$60).

34 (3) It is the intent of the board of registration to establish that the professional land

1 surveyor is responsible for land surveying services.

2 (4) Every firm desiring a certificate of authorization must file with the board an  
3 application for the certificate on a form provided by the board. A separate form provided by the  
4 board shall be filed with each renewal of the certificate of authorization and within thirty (30)  
5 days of the time any information previously filed with the board has changed, is no longer true or  
6 valid, or has been revised for any reason. If, in its judgment, the information contained on the  
7 application and renewal form is satisfactory and complete, the board shall issue a certificate of  
8 authorization for the firm to practice land surveying in this state.

9 (5) No firm that has been granted a certificate of authorization by the board of land  
10 surveyors is relieved of responsibility for the conduct or acts of its agents, employees, partners (if  
11 a partnership or a limited liability partnership), officers or directors (if a corporation), or members  
12 or managers (if a limited liability company) because of its compliance with the provisions of this  
13 section. No individual practicing land surveying under the provisions of this chapter is relieved of  
14 responsibility for land surveying services performed by reason of his or her employment or other  
15 relationship with a firm holding a certificate of authorization as subsequently described. In the  
16 event of unexpected death, retirement, dismissal or any other occasion where an entity has one  
17 person who is a registered land surveyor, and that person no longer can continue in the operation  
18 of the entity, then the board of registration may waive certain requirements for a certificate of  
19 authorization, for a period of not longer than forty-five (45) days, provided that the entity retains  
20 a person who is a registered professional land surveyor to review and pursue the duties of  
21 surveying that are required under this chapter.

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

24 (7) Certificates of authorization shall be treated for all purposes hereunder, including, but  
25 not limited to, renewal, expiration and lapsing, as previously provided for certificates of  
26 registration in section 5-8.1-10; provided, however, that renewal may be effected at any time  
27 prior to or during the month of June of each even-numbered year (meaning biennially)  
28 commencing in year 2004.

29 (8) Limited liability partnerships, corporations and limited liability companies shall  
30 submit a copy of their articles of incorporation, articles of organization or certificate of  
31 registration in order to obtain a certificate of authorization from the board of land surveyors.

32 (9) Corporations other than those organized under chapter 5.1 of title 7, partnerships and  
33 sole proprietorships practicing in this state prior to July 12, 1990, shall fully comply with the  
34 provisions of this section within one year of that date.

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

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

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

17           SECTION 3. Chapter 5-84 of the General Laws entitled "Division of Design  
18 Professionals" is hereby amended by adding thereto the following section:

19           **5-84-7. Electronic applications for certificates of authorization. -- All applications to**  
20 **the division of design professionals for certificates of authorization shall be submitted**  
21 **electronically through the department's electronic licensing system, unless special permission to**  
22 **apply in paper format is requested by the applicant and granted by the director.**

23           SECTION 4. 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 -- ENGINEERS

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1           This act would amend the provisions of the general laws governing engineers, land  
2 surveyors and landscape architects (design professionals) to eliminate outmoded, inconsistent and  
3 unnecessary regulations and would bring Rhode Island in line with our neighboring states to  
4 provide consistency for these businesses and would create a system and procedure for  
5 applications for certificates of authorization to be filed online.

6           This act would take effect upon passage.

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