

STATE OF NEW YORK

4101

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to imposing penalties on developers who fraudulently use architect seals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 392-k to read as follows:

3 § 392-k. Fraudulent use of an architectural seal. 1. No developer may
4 use or display the seal of an architect or landscape architect licensed
5 in this state on the developer's plans unless such architect or land-
6 scape architect has overseen and approved the development and creation
7 of the plans.

8 2. a. A developer that violates the provisions of this section shall
9 be liable for a fine of three hundred thousand dollars per violation;
10 provided, however, that if the violation involved plans for a project at
11 which a person suffered serious injury or death as a result of a defect
12 in the design of such plans, the developer shall be liable for a fine of
13 five hundred thousand dollars per violation.

14 b. A developer that violates the provisions of this section shall be
15 prohibited from being awarded any state or municipal contract and shall
16 be ineligible to claim any state or municipal tax benefits or credit
17 otherwise available to a developer.

18 3. Whenever there shall be a violation of this section, the attorney
19 general, in the name of the people of the state of New York, or a city
20 corporation counsel on behalf of the locality, may bring an action in
21 the supreme court or federal district court to enjoin and restrain such
22 violations and to obtain restitution and damages.

23 4. All moneys collected from fines imposed under this section shall be
24 deposited to the credit of the general fund.

25 § 2. This act shall take effect on the thirtieth day after it shall
26 have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD02741-01-3