

# 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 penal-  
ties on developers who fraudulently use architect seals

The People of the State of New York, represented in Senate and Assem-  
bly, 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.

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