



LEGISLATURE OF PUERTO RICO

Office of Legislative Services

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 333 (S.B. 2393) (Conference) of the 6th Session of the 14th Legislature of Puerto Rico:

AN ACT to amend Section 35 of Act No. 173 of August 12, 1988, as amended, in order to provide that the unauthorized practice of the engineering, surveying, architecture and landscape architecture professions shall constitute a felony, and to impose responsibility upon any person who associates, contracts, or abets the illegal practice of the aforementioned professions; and to increase penalties for the same,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 27th of October of 2004.


Elba Rosa Rodríguez Fuentes
Director

(S. B. 2393)
(Conference)

(No. 333)

(Approved December 29, 2003)

AN ACT

To amend Section 35 of Act No. 173 of August 12, 1988, as amended, in order to provide that the unauthorized practice of the engineering, surveying, architecture and landscape architecture professions shall constitute a felony, and to impose responsibility upon any person who associates, contracts, or abets the illegal practice of the aforementioned professions; and to increase penalties for the same.

STATEMENT OF MOTIVES

The practice of engineering, architecture, surveying and landscape architecture has been highly regulated in Puerto Rico, since it directly affects the safety, lives, health, property, environment and welfare of the public in general. Therefore, any person who practices or offers to practice the profession of engineer, surveyor or landscape architect in Puerto Rico, whether in the public or private sector, is bound to present proof accrediting that said person is authorized to practice as such in Puerto Rico, and is registered in the Official Registry of the Board of Examiners of Engineers, Surveyors, Architects and Landscape Architects of Puerto Rico, or the Board of Examiners of Architects and Landscape Architects of Puerto Rico, as the case may be.

Act No. 173 of August 12, 1988, as amended, sets forth criminal sanctions for the illegal practice of these professions. However, said sanctions have failed to dissuade such prohibited conduct. This Legislature

deems its proper to increase the penalties entailed by the illegal practice of said professions in order for said penalties to become an effective deterrent.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 35 of Act No. 173 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 35.- Criminal Violations and Sanctions

Any person who practices or offers to practice the professions of engineering, architecture, surveying or landscape architecture in the Commonwealth of Puerto Rico without being duly authorized pursuant to this Act, or uses or attempts to use a professional license, certificate or seal as his/her own, or who presents before the Board or any of the members thereof false or altered evidence to obtain any license or certificate, or for the renewal or reactivation of same, or who passes as a registered professional, or attempts to use a license or certificate which has been revoked, or who violates any of the provisions of this Act or its regulations shall incur in a misdemeanor and if convicted, shall be sanctioned with a fine of not less than ten thousand (10,000) dollars, or a jail term of not less than six (6) months, or both penalties, at the discretion of the Court. If there are aggravating circumstances, the fixed penalty may be increased up to a maximum of one (1) year.

Any natural or juridical person who knowingly associates with, abets, or favors any other person in the practice of the professions of engineer, architect, surveyor or landscape architect without being duly authorized to practice as such in the Commonwealth of Puerto Rico shall incur in a misdemeanor, and if convicted, shall be sanctioned with a jail term which shall not exceed six (6) months, or a fine which shall not exceed ten thousand (10,000) dollars, or both penalties, at the discretion of the Court,

which may impose the penalty of rendering community services in lieu of the established jail term.

In the case of subsequent convictions the penalty shall be a fine of not less than ten thousand (10,000) dollars, nor more than fifteen thousand (15,000) dollars, or a jail term of not less than six (6) months nor more than one (1) year, or both penalties, at the discretion of the Court. When the person convicted is a professional engineer, architect, surveyor or landscape architect, the Court shall issue a notification of said conviction to the Board, accompanied by a copy of the judgment.

The Board may resort to the Court, on its own initiative or with the corresponding assistance of the Department of Justice of Puerto Rico, in cases of illegal practice of the professions regulated herein, or other violations against this Act, as set forth in this Section, to obtain the issuing of an order to cease and desist by means of injunction under penalty of contempt against the offenders who commit the criminal conduct herein established.”

Section 2.- This Act shall take effect immediately after its approval.