



1           §    -2 Third-party review services licensing board;

2   **established; organization; powers.** (a) There is established  
3   within the department for administrative purposes the  
4   third-party review services licensing board.

5           (b) The board shall consist of                   members,  
6   including                   professional engineers licensed in the  
7   State and having at least five years of experience providing  
8   professional engineering services and                   professional  
9   architects licensed in the State and having at least ten years  
10   of experience providing professional architectural services.

11          (c) In addition to any other powers and duties authorized  
12   by law, the board may:

13          (1) Establish third-party review services licensure  
14             requirements;

15          (2) Grant, deny, or renew third-party review services  
16             licenses;

17          (3) Adopt, amend, or repeal rules, pursuant to chapter 91,  
18             not inconsistent with the law, as may be necessary to  
19             administer, coordinate, and enforce the licensure of  
20             third-party review services pursuant to this chapter;



(4) Take disciplinary action against an entity for violation of this chapter or any rules adopted pursuant to this chapter;

(5) Develop and adopt rules relating to the provision of third-party review services; and

(6) Adopt a code of ethics to address permissible and prohibited activities of licensees.

**§ -3 License fees.** The department may collect a license fee in an amount determined by the department to be reasonably necessary to reimburse the department for the costs incurred in establishing and administering the third-party review services licensure program pursuant to this chapter and conducting any periodic inspections.

**§ -4 Third-party review recovery fund; established.** (a) The board may establish and maintain a third-party review recovery fund from which any person injured by an act, representation, transaction, or conduct of a duly licensed third-party review services provider, which is in violation of this chapter or the rules adopted pursuant to this chapter, may recover, by order of the circuit court or district court of the judicial circuit where the violation occurred, an amount of not



1 more than \$10,000 per contract, regardless of the number of  
2 persons injured under the contract, for damages sustained by the  
3 act, representation, transaction, or conduct. Recovery from the  
4 fund shall be limited to the actual damages suffered by the  
5 claimant, including court costs and fees as set by law, and  
6 reasonable attorney fees as determined by the court; provided  
7 that recovery from the fund shall not be awarded to persons  
8 injured by an act, representation, transaction, or conduct of a  
9 third-party review services provider whose license was  
10 suspended, revoked, forfeited, terminated, or in an inactive  
11 status at the time the claimant entered into the contract with  
12 the third-party review services provider.

13 (b) When any entity applies for a third-party review  
14 services license, the entity shall pay, in addition to any  
15 original license fee collected pursuant to section -3, a fee  
16 of \$50,000 for deposit into the third-party review recovery fund  
17 as provided in rules adopted by the department pursuant to  
18 chapter 91. If the board does not issue the license, these fees  
19 shall be returned to the applicant."



**1** SECTION 2. This Act shall take effect upon its approval.

**2**

INTRODUCED BY:

*Stacy M. BR*

JAN 26 2022



# H.B. NO. 2453

**Report Title:**

Department of Commerce and Consumer Affairs; Third-Party Review Services; Licensure Board; Recovery Fund; Rulemaking

**Description:**

Establishes the third-party review services licensure program and board and the third-party review recovery fund.

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