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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

Introduced By: Senators Thompson, Kallman, Patalano, Famiglietti, and Quezada

Date Introduced: March 04, 2026

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 28-14 of the General Laws entitled "Payment of Wages" is hereby
2 amended by adding thereto the following section:

3 **28-14-32. Construction industry paycheck recovery.**

4 (a) Definitions

5 As used in this section:

6 (1) "Benefits" means any and all benefits, including paid vacations, holidays, sick leave,
7 employer contributions and reimbursements to health insurance and/or any other retirement
8 benefits, and any other similar benefits that are incidents of employment.

9 (2) "Construction" means the alteration, building, maintenance, reconstruction, moving or
10 demolition of any building or structure, not including design services, or any appurtenances
11 connected or attached to such buildings or structures.

12 (3) "Construction contract" means a written or oral agreement for construction.

13 (4) "Contractor" means any person, firm, partnership, corporation, association, company,
14 organization or other entity, including a construction manager, general or prime contractor, joint
15 venture, or any combination thereof, which enters into a construction contract for construction
16 services with an owner.

17 (5) "Notice" means a written communication mailed, postage prepaid, or hand delivered to
18 the contractor's place of business, registered agent, officer, director, worksite manager or a
19 supervisor, or any other individual identified by the contractor as its representative. Notice shall

1 include, if known and available, the name of the employer, the amount of the claim or an
2 explanation of any data needed to calculate the amount of the claim and the dates that the claimant
3 worked.

4 (6) "Owner" means any person, firm, partnership, corporation, company, association or
5 other organization or other entity, or a combination of any thereof, (with an ownership interest,
6 whether the interest or estate is in fee, as vendee under a contract to purchase, as lessee or another
7 interest or estate less than fee) that causes a building, structure or improvement, new or existing, to
8 be constructed, altered, repaired, maintained, moved or demolished or that causes land to be
9 excavated or otherwise developed or improved. "Owner" includes successors interest of the owner
10 and agents of the owner acting within their authority or on the owner's behalf. An owner shall not
11 be subject to liability under subsection (b) of this section unless the owner is a contractor or
12 subcontractor.

13 (7) "Person" means, and shall include, any natural person, corporation, municipality,
14 partnership, unincorporated association, or other legal entity.

15 (8) "Subcontractor" means any person, firm, partnership, corporation, company,
16 association, organization or other entity, or any combination thereof, which is a party to a contract
17 with a contractor, and/or the contractor's subcontractors to perform any portion of work within the
18 scope of the contractor's construction contract with the owner, including where the subcontractor
19 has no direct privity of contract with the contractor.

20 (b) A contractor making or taking a construction contract for construction work to be
21 performed under the International Building Code (IBC), as modified and adopted as the Rhode
22 Island building code RISBC-1 (510-RICR-00-00-1), shall assume liability for any debt resulting
23 from an action brought under §§ 28-14-19, 28-14-19.1, 28-14-19.2, 37-13-14.1, or 37-13-17 owed
24 to a wage claimant or third party on the wage claimant's behalf, incurred by a subcontractor within
25 a chain of construction contracts at any tier acting under, by, or for the construction contractor or
26 its subcontractors for the wage claimant's performance of labor; provided that, written notice of the
27 alleged violation to be raised in that action is provided to the contractor not more than forty-five
28 (45) days from the last occurrence of the alleged wage theft. A written offer and payment in full of
29 all such wages allegedly owed during the forty-five (45) day period after a receipt of the notice by
30 a contractor, shall extinguish a contractor's liability for damages under this section.

31 (c) The construction contractor's joint and several liability shall be limited to one hundred
32 twenty (120) consecutive days of any alleged wage theft, counting back the one hundred twenty
33 (120) days from the day of the last violation prior to the notice. This one hundred twenty (120) day
34 damages limitation period shall not impact other wage violation remedies available to a claimant.

1 (d) No agreement or release by an employee or subcontractor to waive liability assigned to
2 a construction contractor under this section shall be valid. The provisions of this section shall not
3 be deemed to impair the rights of a contractor to maintain an action against a subcontractor for
4 owed wages that are paid by a contractor pursuant to this section.

5 (e) Notwithstanding any other provision of law, the remedies available for a claim pursuant
6 to subsection (b) of this section, shall only be civil and administrative actions.

7 (f) In the case of a private civil action brought by an employee under §§ 28-14-19.2 and
8 37-13-17, such employee may authorize and designate any person, organization or collective
9 bargaining agent to file a complaint with the director, to make a wage claim on their behalf.

10 (g) In the case of an action against a subcontractor, the construction contractor shall be
11 considered jointly and severally liable for any unpaid wages, benefits, wage supplements, attorneys'
12 fees and any other costs resulting from such action in addition to any other damages and penalties
13 specified in §§ 28-14-17, 28-14-19, 28-14-19.1, 37-13-16, and 37-13-12.4 that are applicable.

14 (h) Nothing in this section shall preclude the attorney general from bringing a civil action
15 to collect unpaid wages and penalties on behalf of employees pursuant to this section.

16 (i) A contractor or any other person shall not evade, or commit any act that negates, the
17 requirements of this section; provided, however, that this section shall not be deemed to prohibit a
18 contractor or subcontractor from establishing by contract or enforcing any other lawful remedies
19 against a subcontractor it hires for liability created by violation of this section; provided, further,
20 that such contract or arrangement does not diminish the right of employees to bring an action under
21 the provisions of this section.

22 (j) Except as herein provided, nothing in this section shall be deemed to diminish the rights,
23 privileges, or remedies of any employee under any collective bargaining agreement. The provisions
24 of this section may be waived in a collective bargaining agreement between a contractor or
25 subcontractor and a bona fide building and construction trade labor organization, which has
26 established itself, and/or its affiliates, as the collective bargaining representative for persons
27 performing work on a project; provided that, for such waiver to be valid, it shall explicitly reference
28 this section; and provided further, however, that such waiver shall not diminish or impair the rights
29 of an employee provided under any other section of this chapter.

30 (k) The provisions of this section shall apply to construction contracts entered into,
31 renewed, modified or amended on or after January 1, 2027.

32 (l) Severability. If any provision of this section, or any application of any provision of this
33 section, is held to be invalid, that shall not affect the validity or effectiveness of any other provision
34 of this section, or of any other application of any provision of this section, which can be given

1 [effect without that provision or application; and to that end, the provisions and applications of this](#)
2 [section are severable.](#)

3 SECTION 2. This act shall take effect on January 1, 2027.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

1 This act would make contractors civilly liable and/or jointly civilly liable for any claims
2 of wage theft or nonpayment from an employee against the contractor, its subcontractors and any
3 subcontractor, involved in the performance of a contract solely for construction services performed
4 under the International Building Code, as locally amended and adopted as the RISBC-1; provided
5 that, written notice of the alleged violation be given to the contractor not more than forty-five (45)
6 days from the last occurrence of the alleged wage theft. This act would also authorize only
7 administrative and/or civil actions to recover the claimed wages. This act would further provide
8 that these provisions could be waived by a collective bargaining agreement with a bona fide
9 building and construction trade labor organization which has established itself as the collective
10 bargaining representative for persons performing work on a project. This act would apply to
11 construction contracts entered into, renewed, modified or amended on or after the effective date of
12 this act.

13 This act would take effect on January 1, 2027.

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