

2013 -- S 0307

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - LICENSES AND PERMITS

Introduced By: Senators Raptakis, Walaska, Lombardo, Jabour, and Pichardo

Date Introduced: February 13, 2013

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-19-2 of the General Laws in Chapter 44-19 entitled "Sales and
2 Use Taxes - Enforcement and Collection" is hereby amended to read as follows:

3 **44-19-2. Issuance of permit -- Assignment prohibited -- Display -- Fee for renewal**
4 **after suspension or revocation. --** Upon receipt of the required application and permit fee, the
5 tax administrator shall issue to the applicant a separate permit for each place of business within
6 the state. If the applicant, at the time of making the application, owes any tax, penalty, or interest
7 imposed under chapters 18 and 19 of this title, then before a permit is issued the applicant shall
8 pay the amount owed. A permit is not assignable and is valid only for the person in whose name it
9 is issued and for the transaction of business at the place designated in the permit. The permit shall
10 at all times be ~~conspicuously displayed at the place for which issued~~ be displayed within the
11 premises but need not be posted. The permit shall be exhibited to any deputy sheriff of the
12 county, to any city or town sergeant, constable, officer or member of the city or town police or to
13 any member of the department of state police or agent of the department who requests proof that
14 the establishment has a valid permit. A retailer whose permit has been previously suspended or
15 revoked shall pay to the tax administrator a fee of ten dollars (\$10.00) for the renewal or issuance
16 of a permit.

17 SECTION 2. Section 5-24-2 of the General Laws in Chapter 5-24 entitled "Taverns,
18 Cookshops, and Oyster Houses" is hereby amended to read as follows:

19 **5-24-2. Terms and duration of licenses. --- Terms and duration of licenses - Display. -**

1 ~~Every~~ license issued pursuant to sections 5-24-1 and 5-24-1.1 shall specify the person licensed,
2 the business licensed, the hours during which the premises may be opened for business, and the
3 building or room in which the business shall be pursued, and shall continue and be in force until
4 the first of December, unless revoked sooner for cause. The license shall be displayed within the
5 premises but need not be posted. The license shall be exhibited to any deputy sheriff of the
6 county, to any city or town sergeant, constable, officer or member of the city or town police or to
7 any member of the department of state police or agent of the department who requests proof that
8 the establishment has a valid license.

9 SECTION 3. Section 21-27-10 of the General Laws in Chapter 21-27 entitled "Sanitation
10 in Food Establishments" is hereby amended to read as follows:

11 **21-27-10. Registration of food businesses.** -- (a) No person shall operate a food business
12 as defined in section 21-27-1(8) unless he or she annually registers the business with the state
13 director of health; provided, that food businesses conducted by nonprofit organizations, hospitals,
14 public institutions, farmers markets, roadside farmstands, or any municipality shall be exempt
15 from payment of any required fee.

16 (b) In order to set the registration renewal dates so that all activities for each
17 establishment can be combined on one registration instead of on several registrations, the
18 registration renewal date shall be set by the department of health. The registration period shall be
19 for twelve (12) months commencing on the registration renewal date, and the registration fee
20 shall be at the full annual rate regardless of the date of application or the date of issuance of
21 registration. If the registration renewal date is changed, the department may make an adjustment
22 to the fees of registered establishments, not to exceed the annual registration fee, in order to
23 implement the changes in registration renewal date. Registrations issued under this chapter may
24 be suspended or revoked for cause. Any registration or license shall be ~~posted in a place~~
25 ~~accessible and prominently visible to an agent of the director~~ displayed within the premises but
26 need not be posted. The license shall be exhibited to any agent of the director.

27 (c) Registration with the director of health shall be based upon satisfactory compliance
28 with all laws and regulations of the director applicable to the food business for which registration
29 is required.

30 (d) The director of health is authorized to adopt regulations necessary for the
31 implementation of this chapter.

32 (e) Classification for registration shall be as follows:

33 (1) In state and out of state food processors that sell food in Rhode Island (Wholesale)

34 (2) Food processors (Retail)

- 1 (3) Food service establishments:
- 2 (i) 50 seats or less
- 3 (ii) More than 50 seats
- 4 (iii) Mobile food service units
- 5 (iv) Industrial caterer or food vending machine commissary
- 6 (v) Cultural heritage educational facility
- 7 (4) Vending machine sites or location:
- 8 (i) Three (3) or less machines
- 9 (ii) Four (4) to ten (10) machines
- 10 (iii) Eleven (11) or more machines
- 11 (5) Retail markets:
- 12 (i) 1 to 2 cash registers
- 13 (ii) 3 to 5 cash registers
- 14 (iii) 6 or more cash registers
- 15 (6) Retail food peddler (meat, seafood, dairy, and frozen dessert products)
- 16 (7) Food warehouses
- 17 (f) In no instance where an individual food business has more than one activity eligible
- 18 under this chapter for state registration within a single location shall the business be required to
- 19 pay more than a single fee for the one highest classified activity listed in subsection (e) of this
- 20 section; provided, that where several separate but identically classified activities are located
- 21 within the same building and under the management and jurisdiction of one person, one fee shall
- 22 be required. In each of the instances in this subsection, each activity shall be separately registered.
- 23 (g) Fees for registration of the above classifications shall be as set forth in section 23-1-
- 24 54.

25 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would eliminate the requirement of the posting of certain licenses and permits.
- 2 This act would take effect upon passage.

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