

2016 -- H 7704

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - HAWKERS AND PEDDLERS

Introduced By: Representatives Winfield, Costantino, and Newberry

Date Introduced: February 24, 2016

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-11-18 of the General Laws in Chapter 5-11 entitled "Hawkers and  
2 Peddlers" is hereby amended to read as follows:

3 **5-11-18. Local licensing -- Fees -- Persons exempt. --** (a) (1) The board or bureau of  
4 police commissioners in any city or town where a board or bureau of police commissioners is  
5 established, and if no board or bureau of police commissioners is established then the town or city  
6 council, is authorized to provide, by ordinance in the case of any city or town council:

7 (i) For the issuing and revocation for just and good cause of licenses to all hawkers and  
8 peddlers;

9 (ii) In the same manner to fix a penalty, not exceeding a fine of two hundred dollars  
10 (\$200) for any one offense or imprisonment not exceeding ten (10) days, for selling or offering  
11 for sale any goods, wares, or merchandise, including food or beverages, as hawkers and peddlers  
12 within that town or city without a license; and

13 (iii) For charging and collecting fees for those licenses; provided, that the fee charged by  
14 any board or bureau of police commissioners or city or town council, for any one license for any  
15 one year, for selling or offering for sale, as a hawker and peddler, shall not exceed the sum of  
16 fifty dollars (\$50.00).

17 (2) No license is required of any person selling religious books and publications on  
18 behalf of bible, tract, or other religious or moral societies for the purpose of promoting religious  
19 or moral improvement, and which are sold for that purpose and not for pecuniary profit; nor of

1 any person peddling or selling any articles of wearing apparel manufactured with his or her own  
2 hands.

3 (b) The following provisions as to the issuance and revocation of licenses apply to the  
4 city and town councils specified:

5 (1) Woonsocket. - The city council of the city of Woonsocket is authorized to provide,  
6 by ordinance, for the issuing and revocation at pleasure of licenses to hawkers and peddlers,  
7 pursuant to the provisions of this section, on a weekly basis and to establish a fee not to exceed  
8 five hundred dollars (\$500) per year;

9 (2) Middletown, East Greenwich and Glocester. - Town councils of the towns of  
10 Middletown, East Greenwich, and Glocester are authorized to provide, by ordinance, for the  
11 discretionary issuance and revocation of licenses to hawkers and peddlers, pursuant to the  
12 provisions of this section on a daily or weekly basis, to establish reasonable fees for the issuance  
13 and revocation, and to promulgate, by ordinance, reasonable rules and regulations as to the  
14 placement, duration, location, number, and operation of those licenses within the town;

15 (3) Cumberland and Bristol. - The town councils of the towns of Cumberland and Bristol  
16 are authorized to provide, by ordinance, for the discretionary issuance and revocation of licenses  
17 to hawkers and peddlers on all state highways within the town on July 4 in any year and on a  
18 daily or weekly basis, and to establish reasonable fees for the issuance and revocation, and to  
19 promulgate, by ordinance, reasonable rules and regulations as to placement, duration, location,  
20 number, and operation of those licenses within the town;

21 (4) Smithfield. - The town council of the town of Smithfield is authorized to provide, by  
22 ordinance, for the discretionary issuance and revocation of licenses on a daily, weekly, monthly  
23 or annual basis, to establish reasonable fees for the issuance and revocation not to exceed five  
24 hundred dollars (\$500) per year and to promulgate, by ordinance, reasonable rules and regulations  
25 as to the placement, duration, location, number, and operation of these licenses within the town of  
26 Smithfield;

27 (5) Providence. - The city council of the city of Providence is authorized to provide, by  
28 ordinance, for the issuance and revocation of licenses to hawkers and peddlers and to provide for  
29 the promulgation of reasonable rules and regulations as to the placement, duration, location,  
30 number and operation of those licenses within the city of Providence, and to establish reasonable  
31 fees for the issuance and revocation that may exceed the sum prescribed in this section;

32 (6) Pawtucket. - The city council of the city of Pawtucket is authorized to provide, by  
33 ordinance, for the discretionary issuance and revocation of licenses to hawkers and peddlers on a  
34 daily, weekly, monthly, or annual basis and to promulgate, by ordinance, reasonable rules and

1 regulations as to the placement, duration, location, number, and operation of those licenses within  
2 the city of Pawtucket and to establish reasonable fees for the issuance and revocation that may  
3 exceed the sum prescribed in this section;

4 (7) Tiverton. - The town council of the town of Tiverton is authorized to provide, by  
5 ordinance, for the discretionary issuance and revocation of licenses to hawkers and peddlers on a  
6 daily, weekly, monthly or annual basis, to establish reasonable fees for the issuance and  
7 revocation not to exceed five hundred dollars (\$500) per year, and to promulgate, by ordinance,  
8 reasonable rules and regulations as to the placement, duration, location, number and operation of  
9 these licenses within the town of Tiverton;

10 (8) Warwick. - The city council of the city of Warwick is authorized to provide, by  
11 ordinance, for the discretionary issuance and revocation of licenses to hawkers and peddlers on a  
12 daily, weekly, monthly, or annual basis and to promulgate, by ordinance, reasonable rules and  
13 regulations as to the placement, duration, location, number, and operation of those licenses within  
14 the city of Warwick and to establish reasonable fees for the issuance and revocation that may  
15 exceed the sum prescribed in this section;

16 (9) West Warwick. - The town council of the town of West Warwick is authorized to  
17 prescribe through ordinance reasonable rules and regulations as to the placement, duration,  
18 location, number and operation of those licenses within the town of West Warwick and to  
19 establish a fee not to exceed five hundred dollars (\$500) per issuance. The town council is also  
20 authorized to establish by ordinance a penalty for violation of the ordinance not to exceed one  
21 thousand dollars (\$1,000) enforced through the West Warwick municipal court; and

22 (10) Burrillville. - The town council of the town of Burrillville is authorized to provide,  
23 by ordinance, for the discretionary issuance and revocation of licenses to hawkers and peddlers  
24 on a daily, weekly, monthly or annual basis, and to promulgate, by ordinance, reasonable rules  
25 and regulations as to the placement, duration, location, number and operation of those licenses  
26 within the town of Burrillville, and to establish reasonable fees for the issuance and revocation  
27 that may exceed the sum prescribed in this section. The town council is also authorized to  
28 establish, by ordinance, a penalty for violation of the ordinance not to exceed one thousand  
29 dollars (\$1,000) enforced through the Burrillville municipal court; and

30 (11) Richmond. - The town council of the town of Richmond is authorized to provide by  
31 ordinance for the licensing of any person over the age of eighteen (18) who sells or attempts to  
32 sell, merchandise at the home or business of a customer having not been invited to the home or  
33 business by the occupant for purposes of the sale, in the same manner that hawkers and peddlers  
34 are licensed and the town is further authorized to provide by ordinance for the licensing of these

1 sellers as well as hawkers and peddlers on a daily, weekly, monthly, or annual basis for a fee not  
2 to exceed five hundred dollars (\$500) per year.

3 (c) No license shall be issued under this section without the hawker or peddler providing  
4 proof that he or she has been issued a permit to make sales at retail by the division of taxation.  
5 Each applicant shall provide two (2) forms of identification containing the applicant's address  
6 prior to the issuance of that peddling license. If the applicant is a resident of a homeless shelter or  
7 other transitional housing program, a letter certifying this residency from the homeless shelter or  
8 transitional housing program is acceptable in lieu of the two (2) forms of identification containing  
9 the applicant's address.

10 (d) Any applicant seeking the issuance of a license under this section shall not be  
11 required by any city or town as a part of the licensing procedure to undergo or present a copy of a  
12 criminal background record from the bureau of criminal identification of the office of attorney  
13 general, if, and only if the applicant possesses a valid and unexpired hackney operator's license,  
14 commonly referred to as a "Blue Card" issued by the division of public utilities and carriers.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS - HAWKERS AND PEDDLERS

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1           This act would exempt any hawkers or peddlers possessing a valid and unexpired  
2   hackney operator's license issued by the division of public utilities and carriers applying for a  
3   license in any city or town of undergoing a criminal background record from the office of the  
4   attorney general.

5           This act would take effect upon passage.

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