

2016 -- S 2539

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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 - CONTRACTORS' REGISTRATION  
AND LICENSING BOARD

Introduced By: Senators McCaffrey, Felag, and Walaska

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-65-19 of the General Laws in Chapter 5-65 entitled "Contractors'  
2 Registration and Licensing Board" is hereby amended to read as follows:

3 **5-65-19. Penalty for operating without a registration -- Failure to comply with a**  
4 **final order of the board -- Repeat offense a felony.** -- (a) Any person who ~~violates a final order~~  
5 ~~of the board, or~~ fails to register as a contractor as ~~stipulated~~ adjudged in a final order issued by the  
6 board, and upon proper written notification, is deemed guilty of a misdemeanor, and, upon  
7 conviction, shall be imprisoned for a term not exceeding one year, ~~or~~ fined not more than ~~five~~  
8 ~~thousand dollars (\$5,000)~~ one thousand dollars (\$1,000), or both for a first or second offense ~~and~~  
9 ~~not more than ten thousand dollars (\$10,000) for a second and/or subsequent offense(s) each.~~ A  
10 third or subsequent violation of this subsection is to be deemed a felony, and upon conviction,  
11 shall be imprisoned for a term not exceeding two (2) years, fined not more than two thousand  
12 dollars (\$2,000), or both.

13 (b) Any person who violates a final order of the board where the monetary total of the  
14 order including, but not limited to, the monetary judgment and/or fines, is not more than five  
15 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor,  
16 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than  
17 one thousand dollars (\$1,000), or both.

18 (c) Any person who violates a final order of the board where the monetary total of the

1 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars  
2 (\$5,000) or more, upon written notification, is deemed guilty of a felony, and, upon conviction,  
3 shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten thousand  
4 dollars (\$10,000), or both.

5 ~~(b)~~(d) A final order shall be considered delivered when served to a defendant or  
6 designated agent to accept service. In addition to any sentence or fine imposed by the court under  
7 ~~subsection (a)~~ subsections (a), (b), and (c) of this section, the court ~~may~~ shall order a defendant to  
8 comply with any outstanding final order of the board, including any monetary judgment, ~~and/or~~  
9 or to pay to the board any outstanding fine or fines previously imposed by the board pursuant to  
10 this chapter.

11 ~~(e)~~(e) If a contractor is a repeat offender with violations of three (3) or more final orders  
12 of the board with respect to three (3) separate contracts executed by three (3) separate  
13 individuals/aggrieved parties and said violations are filed within a twenty-four (24) month period,  
14 the violation shall be prosecuted as a felony and upon conviction the violator shall be subject to  
15 imprisonment for a term not to exceed ~~five (5)~~ ten (10) years or fined not more than ten thousand  
16 dollars (\$10,000).

17 SECTION 2. Section 5-65.1-13 of the General Laws in Chapter 5-65.1 entitled "Home  
18 Inspectors" is hereby amended to read as follows:

19 **5-65.1-13. Violations -- Penalties. – (a) Any person who operates as a home inspector**  
20 without a license as adjudged in a final order issued by the board, upon proper written  
21 notification, is deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a  
22 term not exceeding one year, fined not more than one thousand dollars (\$1,000), or both for a first  
23 or second offense. A third or subsequent violation of this subsection is to be deemed a felony, and  
24 upon conviction, the person shall be imprisoned for a term not exceeding two (2) years, fined not  
25 more than two thousand dollars (\$2,000), or both.

26 ~~(a)~~(b) Any person who violates a final order of the board where the monetary total of the  
27 order including, but not limited to, the monetary judgment and/or fines, is not more than five  
28 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor  
29 and, upon conviction, ~~may~~ shall be imprisoned for a term not exceeding one year, ~~or~~ fined not  
30 more than one thousand dollars (\$1,000) ~~for each offense,~~ or both.

31 (c) Any person who violates a final order of the board where the monetary total of the  
32 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars  
33 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon  
34 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten

1 thousand dollars (\$10,000), or both.

2 ~~(b)~~(d) A final order shall be considered delivered when served to a defendant or  
3 designated agent to accept service. In addition to any sentence or fine imposed by the court under  
4 ~~subsection (a)~~ subsection (a), (b), and (c) of this section, the court ~~may~~ shall order a defendant to  
5 comply with any outstanding final order of the board, including any monetary judgment and to  
6 pay to the board any outstanding fine or fines previously imposed by the board pursuant to this  
7 chapter. A final order of the board may also be enforced in a civil contempt proceeding brought  
8 upon complaint in the district court.

9 (e) If a home inspector is a repeat offender with violations of three (3) or more final  
10 orders of the board with respect to three (3) separate contracts executed by three (3) separate  
11 individuals/aggrieved parties and said violations are filed within a twenty-four (24) month period,  
12 the violation shall be prosecuted as a felony and upon conviction the violator shall be subject to  
13 imprisonment for a term not to exceed ten (10) years or fined not more than ten thousand dollars  
14 (\$10,000).

15 SECTION 3. Section 5-65.3-17 of the General Laws in Chapter 5-65.3 entitled  
16 "Underground Utility Contractors" is hereby amended to read as follows:

17 **5-65.3-17. Penalties for violations.** – (a) Violations of any provision of this chapter shall  
18 be subject to the penalties as follows: any corporation, association, sole proprietorship, firm  
19 partnership, limited liability corporation, limited liability partnership or other business  
20 organization licensed by the board shall be subject to a fine up to five thousand dollars (\$5,000)  
21 for the first offense and up to ten thousand dollars (\$10,000) for the second and subsequent  
22 violations of this chapter.

23 (b) Any person who operates as an underground utility contractor without a license as  
24 adjudged in a final order issued by the board, upon proper written notification, is deemed guilty  
25 of a misdemeanor, and, upon conviction, shall be imprisoned for a term not exceeding one year,  
26 fined not more than one thousand dollars (\$1,000), or both for a first or second offense. A third or  
27 subsequent violation of this subsection is to be deemed a felony, and upon conviction, the person  
28 shall be imprisoned for a term not exceeding two (2) years, fined not more than two thousand  
29 dollars (\$2,000), or both.

30 (c) Any person who violates a final order of the board where the monetary total of the  
31 order including, but not limited to, the monetary judgment and/or fines, is not more than five  
32 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor,  
33 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than  
34 one thousand dollars (\$1,000), or both.

1 (d) Any person who violates a final order of the board where the monetary total of the  
2 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars  
3 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon  
4 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten  
5 thousand dollars (\$10,000), or both.

6 (e) A final order shall be considered delivered when served to a defendant or designated  
7 agent to accept service. In addition to any sentence or fine imposed by the court under  
8 subsections (b), (c) and (d), the court shall order a defendant to comply with any outstanding final  
9 order of the board, including any monetary judgment and to pay to the board any outstanding fine  
10 or fines previously imposed by the board pursuant to this chapter.

11 (f) If a underground utility contractor is a repeat offender with violations of three (3) or  
12 more final orders of the board with respect to three (3) separate contracts executed by three (3)  
13 separate individuals/aggrieved parties and said violations are filed within a twenty-four (24)  
14 month period, the violation shall be prosecuted as a felony and upon conviction the violator shall  
15 be subject to imprisonment for a term not to exceed ten (10) years or fined not more than ten  
16 thousand dollars (\$10,000).

17 SECTION 4. Chapter 5-65.2 of the General Laws entitled "Rhode Island Well Drilling  
18 Contractors Licensing Law" is hereby amended by adding thereto the following section:

19 **5-65.2-5. Penalties for violations.** -- (a) Any person who operates as a well drilling  
20 contractor without a license as adjudged in a final order issued by the board, upon proper written  
21 notification, is deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a  
22 term not exceeding one year, fined not more than one thousand dollars (\$1,000), or both for a first  
23 or second offense. A third or subsequent violation of this subsection is to be deemed a felony, and  
24 upon conviction, the person shall be imprisoned for a term not exceeding two (2) years, fined not  
25 more than two thousand dollars (\$2,000), or both.

26 (b) Any person who violates a final order of the board where the monetary total of the  
27 order including, but not limited to, the monetary judgment and/or fines, is not more than five  
28 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor,  
29 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than  
30 one thousand dollars (\$1,000), or both.

31 (c) Any person who violates a final order of the board where the monetary total of the  
32 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars  
33 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon  
34 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten

1 thousand dollars (\$10,000), or both.

2 (d) A final order shall be considered delivered when served to a defendant or designated  
3 agent to accept service. In addition to any sentence or fine imposed by the court under  
4 subsections (a), (b) and (c) of this section, the court shall order a defendant to comply with any  
5 outstanding final order of the board, including any monetary judgment and to pay to the board  
6 any outstanding fine or fines previously imposed by the board pursuant to this chapter.

7 (e) If a well drilling contractor is a repeat offender with violations of three (3) or more  
8 final orders of the board with respect to three (3) separate contracts executed by three (3) separate  
9 individuals/aggrieved parties and said violations are filed within a twenty-four (24) month period,  
10 the violation shall be prosecuted as a felony and upon conviction the violator shall be subject to  
11 imprisonment for a term not to exceed ten (10) years or fined not more than ten thousand dollars  
12 (\$10,000).

13 SECTION 5. Chapter 5-73 of the General Laws entitled "Roofing Contractors" is hereby  
14 amended by adding thereto the following section:

15 **5-73-5. Penalties for violations. --** (a) Any person who operates as a roofing contractor  
16 without a license as adjudged in a final order issued by the board, upon proper written  
17 notification, is deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a  
18 term not exceeding one year, fined not more than one thousand dollars (\$1,000), or both for a first  
19 or second offense. A third or subsequent violation of this subsection is to be deemed a felony, and  
20 upon conviction, the person shall be imprisoned for a term not exceeding two (2) years, fined not  
21 more than two thousand dollars (\$2,000), or both.

22 (b) Any person who violates a final order of the board where the monetary total of the  
23 order including, but not limited to, the monetary judgment and/or fines, is not more than five  
24 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor,  
25 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than  
26 one thousand dollars (\$1,000), or both.

27 (c) Any person who violates a final order of the board where the monetary total of the  
28 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars  
29 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon  
30 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten  
31 thousand dollars (\$10,000), or both.

32 (d) A final order shall be considered delivered when served to a defendant or designated  
33 agent to accept service. In addition to any sentence or fine imposed by the court under  
34 subsections (a), (b) and (c) of this section, the court shall order a defendant to comply with any

1 outstanding final order of the board, including any monetary judgment and to pay to the board  
2 any outstanding fine or fines previously imposed by the board pursuant to this chapter.

3 (e) If a roofing contractor is a repeat offender with violations of three (3) or more final  
4 orders of the board with respect to three (3) separate contracts executed by three (3) separate  
5 individuals/aggrieved parties and said violations are filed within a twenty-four (24) month period,  
6 the violation shall be prosecuted as a felony and upon conviction the violator shall be subject to  
7 imprisonment for a term not to exceed ten (10) years or fined not more than ten thousand dollars  
8 (\$10,000).

9 SECTION 6. 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 - CONTRACTORS' REGISTRATION  
AND LICENSING BOARD

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1           This act would distinguish the criminal penalties for violations of a final order of the  
2 Contractors' Registration Board based on the amount of the monetary judgment included in the  
3 final order. Violations of a final order where the monetary total of the order including, but not  
4 limited to, the monetary judgment and/or fines, are not more than five thousand dollars (\$5,000)  
5 would be a misdemeanor. Violations of a final order where the monetary total of the order  
6 including, but not limited to, the monetary judgment and/or fines, are five thousand dollars  
7 (\$5,000) or more would be a felony.

8           This act would take effect upon passage.

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