

2018 -- S 2607

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS CONTRACTORS - REGISTRATION  
AND LICENSING BOARD

Introduced By: Senators P Fogarty, and McCaffrey

Date Introduced: March 01, 2018

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.**

5 (a) Any person who ~~violates a final order of the board, or~~ fails to register as a contractor  
6 as ~~stipulated~~ adjudged in a final order issued by the board, and upon proper written notification, is  
7 deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a term not  
8 exceeding one year, ~~or~~ fined not more than ~~five thousand dollars (\$5,000)~~ one thousand dollars  
9 (\$1,000), or both for a first or second offense ~~and not more than ten thousand dollars (\$10,000)~~  
10 ~~for a second and/or subsequent offense(s) each.~~ A third or subsequent violation of this subsection  
11 is to be deemed a felony, and upon conviction, the violator shall be imprisoned for a term not  
12 exceeding two (2) years, fined not more than two thousand 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~~ 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 and 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.**

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

27 ~~(a)~~(b) 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 not more than five  
29 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor  
30 and, upon conviction, ~~may~~ shall be imprisoned for a term not exceeding one year, ~~or~~ fined not  
31 more than one thousand dollars (\$1,000) ~~for each offense,~~ or both.

32 (c) Any person who violates a final order of the board where the monetary total of the  
33 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars  
34 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon

1 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten  
2 thousand dollars (\$10,000), or both.

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

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

16 SECTION 3. Chapter 5-65.2 of the General Laws entitled "Rhode Island Well-Drilling,  
17 Pump Installers, and Water-Filtration Contractors Licensing Law" is hereby amended by adding  
18 thereto the following section:

19 **5-65.2-5. Penalties for violations.**

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

27 (b) 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 not more than five  
29 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor,  
30 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than  
31 one thousand dollars (\$1,000), or both.

32 (c) Any person who violates a final order of the board where the monetary total of the  
33 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars  
34 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon

1 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten  
2 thousand dollars (\$10,000), or both.

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

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

14 SECTION 4. Section 5-65.3-17 of the General Laws in Chapter 5-65.3 entitled  
15 "Underground Utility Contractors" is hereby amended to read as follows:

16 **5-65.3-17. Penalties for violations.**

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

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

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

34 (d) 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 proper written notification, is deemed guilty of a felony, and, upon  
3 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten  
4 thousand dollars (\$10,000), or both.

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

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

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

18 **5-73-5. Penalties for violations.**

19 (a) Any person who operates as a roofing contractor without a license as adjudged in a  
20 final order issued by the board, upon proper written notification, is deemed guilty of a  
21 misdemeanor, and, upon conviction, shall be imprisoned for a term not exceeding one year, fined  
22 not more than one thousand dollars (\$1,000), or both for a first or second offense. A third or  
23 subsequent violation of this subsection is to be deemed a felony, and upon conviction, the person  
24 shall be imprisoned for a term not exceeding two (2) years, fined not more than two thousand  
25 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 roofing contractor is a repeat offender with violations of three (3) or more final  
8 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), or both.

13 SECTION 6. This act shall take effect on January 1, 2019.

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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 are deemed guilty of a misdemeanor. Violations of a final order where the monetary total of the  
6 order including, but not limited to, the monetary judgment and/or fines, are five thousand dollars  
7 (\$5,000) or more are deemed guilty of a felony.

8           This act would take effect on January 1, 2019.

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