

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS -- RHODE ISLAND MARINA USERS' BILL OF RIGHTS

Introduced By: Senators McKenney, Pearson, Britto, Gallo, Zurier, Murray, Burke, Picard, and Valverde

Date Introduced: March 07, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 6 of the General Laws entitled "COMMERCIAL LAW — GENERAL
2 REGULATORY PROVISIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 59

4 RHODE ISLAND MARINA USERS' BILL OF RIGHTS

5 **6-59-1. Short title.**

6 This chapter shall be known and may be cited as the “Rhode Island Marina Users’ Bill of
7 Rights Act.”

8 **6-59-2. Rights enumerated.**

9 All owners of boats are hereby granted the following rights:

10 (1) The right to have access to the boat, and the right for service providers to have access
11 to the boat, whether in slip, mooring, or outside storage area, whenever necessary for the safety and
12 repair of the vessel, given reasonable work requirements are met which align with local, state and
13 federal regulations.

14 (2) The right to lease slip, mooring, or land storage from a marina without being required
15 to use that marina for additional services to the vessel.

16 (3) The right to hire a service provider to work on the boat, or personal property, within
17 the lease space, without fees or financial penalties assessed by the marina where the boat is located.

18 (4) The right to privacy and confidentiality of financial and contractual documents; a boat

1 owner, crew, or service provider shall not be required to present invoices or private contracts to a
2 marina or other third party.

3 (5) The right to request references and certifications from the technician who is actually
4 working on your vessel, and the right to speak to that technician about the work being done.

5 (6) The right to an itemized invoice and full explanation of charges, including products and
6 services purchased, the wholesale or provider cost or dealer invoice along with a description and
7 amount of any markup or discount for membership or other reasons and warranty and return
8 policies.

9 (7) The right to request estimates, shop around for the best company to furnish goods and
10 services, and invite that outfit to freely board your vessel to perform the contracted work.

11 (8) The right to store the vessel at a residence or at another facility during the winter lay-
12 up without risk of losing your summer slip.

13 (9) The right to sell the boat without paying the marina a commission on the sale, unless
14 they act as the contracted broker.

15 (10) The right to post a for sale sign on your boat.

16 (11) The right to consumer protection by the Rhode Island attorney general's office,
17 including the right to file a complaint, receive a prompt response and attention to the matter, and
18 the attorney general's enforcement of your rights on your behalf, including penalties to the violators
19 of your rights.

20 (12) Whenever any marina is owned or controlled by a person, corporation, partnership,
21 limited liability company, or other entity, directly or through common ownership with another
22 marina based in the same municipality then the following provisions shall also apply:

23 (i) Dock fees, slip fees or other costs for maintenance of a slip shall be set no more than
24 once per year and the cost from one year to the next shall not rise more than ten percent (10%) or
25 two percent (2%) above the consumer price index for the prior year as published by the Bureau of
26 Labor Statistics, whichever is higher.

27 (ii) No special assessments or additional fees shall be imposed on any slip owner unless a
28 majority of the slip owners at a single site who benefit from the assessment vote in favor of the
29 assessment. In no event may an assessment be more than one-year slip fee. Special assessments
30 may only be imposed in the event of structural improvements, capital expenditures, rehabilitation
31 or storm damage repair and may not be used for expenses associated with regular operations,
32 salaries of the marina staff, owners or affiliates, or maintenance of profit, or any other item not
33 specifically permitted by this subsection.

34 (13) Private right of action.

1 (i) In addition to the rights declared in this chapter, anyone aggrieved or damaged as a
2 result of a violation of one of the rights enumerated herein shall have a private right of action against
3 the marina for the recovery of the damages or the set statutory sum of one thousand dollars (\$1,000),
4 whichever is more.

5 (ii) In addition to the remedies available in subsection (13)(i) of this section, in the event
6 of a violation of the rights enumerated under subsections (2),(3),(7),(8) and/or (12) of this section,
7 the person(s) aggrieved or damaged shall be entitled to the remedies available under chapter 36 of
8 this title in a civil action.

9 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 COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS -- RHODE
ISLAND MARINA USERS' BILL OF RIGHTS

1 This act would establish a marina users' bill of rights allowing recourse through the
2 consumer protection unit of the Rhode Island attorney general's office as well as civil causes of
3 action.

4 This act would take effect upon passage.

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