

2024 -- S 3102

=====
LC006186
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

—————
A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- HAWKERS AND PEDDLERS

Introduced By: Senators Pearson, and Picard

Date Introduced: May 29, 2024

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-11-1.1 and 5-11-18 of the General Laws in Chapter 5-11 entitled
2 "Hawkers and Peddlers" are hereby amended to read as follows:

3 **5-11-1.1. "Hawkers," "peddlers," and "door-to-door salespersons" defined —**
4 **Authority to issue rules and regulations.**

5 (a) For purposes of this chapter:

6 (1) "Door-to-door salespersons" means persons who deliver goods, wares, ~~or~~ merchandise,
7 [or services](#) to customers for which payment has already been made or is to be made at the time of
8 delivery;

9 (2) "Hawker" means any person selling or offering for sale any goods, wares, or
10 merchandise, including any food or beverage, on any public street, highway, or public right of way
11 in the state from a stationary location;

12 (3) "Peddler" means any person selling or offering for sale any goods, wares, or
13 merchandise from a vehicle, cart, or any other conveyance that is not stationary, subject to
14 subsection (c); and

15 (4) No "hawker" or "peddler" shall sell or offer for sale any single good, ware, or item
16 having a retail value of more than three hundred dollars (\$300). However, this dollar limitation
17 shall not apply to any nonprofit corporation duly authorized to do business in Rhode Island. A
18 nonprofit corporation means a nonprofit corporation that has applied under 26 U.S.C. § 501(c)(3)
19 for approval as a § 501(c)(3) corporation with the Internal Revenue Service, or has been so

1 approved.

2 (b) Persons selling farm or garden produce, including flowers, and persons selling works
3 of art or crafts of their own making at an art or crafts show or exhibition are not hawkers or peddlers,
4 provided, that:

5 (1) Cumberland. The town of Cumberland has the power to license and regulate persons
6 selling farm or garden produce, including flowers, and persons selling works of art or crafts of their
7 own making at an art or crafts show or exhibition;

8 (2) West Warwick. The town of West Warwick has the power to license and regulate
9 persons selling farm or garden produce, including flowers, and persons selling works of art or crafts
10 of their own making at an art or crafts show or exhibition;

11 (3) Bristol. The town of Bristol has the power to license and regulate persons selling farm
12 or garden produce, including flowers, and persons selling works of art or crafts of their own making
13 at an art or crafts show or exhibition;

14 (4) Warwick. The city of Warwick has the power to license and regulate persons selling
15 farm or garden produce, including flowers, and persons selling works of art or crafts of their own
16 making at an art or crafts show or exhibition;

17 (5) East Providence. The city of East Providence has the power to license and regulate
18 persons selling farm or garden produce, including flowers; and

19 (6) Woonsocket. The city of Woonsocket has the power to license and regulate peddlers
20 selling or offering flowers.

21 (c) "Mobile food establishments" registered pursuant to chapter 11.1 of this title, and any
22 regulations promulgated thereunder, are not hawkers or peddlers and are explicitly exempted from
23 this chapter.

24 [\(d\) The town of Cumberland has the power to license and regulate door-to-door](#)
25 [salespersons in the same manner as hawkers and peddlers under the provisions of this chapter 11](#)
26 [of title 5.](#)

27 **5-11-18. Local licensing — Fees — Persons exempt.**

28 (a)(1) The board or bureau of police commissioners in any city or town where a board or
29 bureau of police commissioners is established, and if no board or bureau of police commissioners
30 is established then the town or city council, is authorized to provide, by ordinance in the case of
31 any city or town council:

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

34 (ii) In the same manner to fix a penalty, not exceeding a fine of two hundred dollars (\$200)

1 for any one offense or imprisonment not exceeding ten (10) days, for selling or offering for sale
2 any goods, wares, ~~or~~ merchandise, or services, including food or beverages, as hawkers and
3 peddlers within that town or city without a license; and

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

8 (2) No license is required of any person selling religious books and publications on behalf
9 of Bible, tract, or other religious or moral societies for the purpose of promoting religious or moral
10 improvement, and which are sold for that purpose and not for pecuniary profit; nor of any person
11 peddling or selling any articles of wearing apparel manufactured with his or her own hands.

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

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

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

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

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

1 Smithfield;

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

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

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

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

25 (9) West Warwick. The town council of the town of West Warwick is authorized to
26 prescribe through ordinance reasonable rules and regulations as to the placement, duration,
27 location, number, and operation of those licenses within the town of West Warwick and to establish
28 a fee not to exceed five hundred dollars (\$500) per issuance. The town council is also authorized
29 to establish by ordinance a penalty for violation of the ordinance not to exceed one thousand dollars
30 (\$1,000) enforced through the West Warwick municipal court;

31 (10) Burrillville. The town council of the town of Burrillville is authorized to provide, by
32 ordinance, for the discretionary issuance and revocation of licenses to hawkers and peddlers on a
33 daily, weekly, monthly, or annual basis, and to promulgate, by ordinance, reasonable rules and
34 regulations as to the placement, duration, location, number, and operation of those licenses within

1 the town of Burrillville, and to establish reasonable fees for the issuance and revocation that may
2 exceed the sum prescribed in this section. The town council is also authorized to establish, by
3 ordinance, a penalty for violation of the ordinance not to exceed one thousand dollars (\$1,000)
4 enforced through the Burrillville municipal court; and

5 (11) Richmond. The town council of the town of Richmond is authorized to provide by
6 ordinance for the licensing of any person over the age of eighteen (18) who sells, or attempts to
7 sell, merchandise at the home or business of a customer having not been invited to the home or
8 business by the occupant for purposes of the sale, in the same manner that hawkers and peddlers
9 are licensed and the town is further authorized to provide by ordinance for the licensing of these
10 sellers as well as hawkers and peddlers on a daily, weekly, monthly, or annual basis for a fee not
11 to exceed five hundred dollars (\$500) per year.

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

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

=====
LC006186
=====

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

1 This act would expand the definition of door-to-door salespersons to include those who sell
2 services. The act would also authorize the town of Cumberland to license and regulate door-to-door
3 salespersons in the same manner as hawkers and peddlers.

4 This act would take effect upon passage.

=====
LC006186
=====