

**2026 -- H 7173**

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**S T A T E   O F   R H O D E   I S L A N D**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2026**

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**A N   A C T**

**RELATING TO BUSINESSES AND PROFESSIONS -- FACILITATING BUSINESS RAPID  
RESPONSE TO STATE DECLARED DISASTER ACT OF 2024**

Introduced By: Representatives Kennedy, Cotter, Fellela, Serpa, Diaz, Ackerman,  
Edwards, Solomon, Azzinaro, and O'Brien

Date Introduced: January 21, 2026

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1        SECTION 1. Section 5-94-2 of the General Laws in Chapter 5-94 entitled "Facilitating  
2        Business Rapid Response to State Declared Disaster Act of 2024" is hereby amended to read as  
3        follows:

4        **5-94-2. Definitions.**

5        As used in this chapter, the following terms shall have the following meanings:

6            (1) "Critical infrastructure" means property and equipment located in this state that is  
7        owned or used by communications networks, cable, video, wireless or broadband networks; gas  
8        and electric distribution systems and water pipelines, railways, public roads and bridges and related  
9        support facilities that service multiple customers or citizens including, but not limited to, real and  
10      personal property such as buildings, offices, lines, poles, pipes, structures, and equipment.

11           (2) "Declared state disaster or emergency" means a disaster or emergency event for which  
12      a governor's state of emergency proclamation has been issued or for which a presidential  
13      declaration of a federal major disaster or emergency has been issued.

14           (3) "Disaster or emergency-related work" means repairing, renovating, installing, building,  
15      rendering services or other business activities that relate to critical infrastructure that has been  
16      damaged, destroyed, or lost as a result of the declared state disaster or emergency during the disaster  
17      period.

18           (4) "Disaster period" means a period that begins within ten (10) days of the first day of the

1 governor's proclamation or the president's declaration (whichever occurs first) and that extends for  
2 a period of sixty (60) calendar days after the end of the declared disaster or emergency period.

3 (5) "Out-of-state business" means a business entity that, except for disaster or emergency-  
4 related work, has no presence in the state and conducts no business in the state whose services are  
5 requested by a registered business or by a state or local government for purposes of performing  
6 disaster or emergency-related work in the state. This definition shall also include a business entity  
7 that is affiliated with the registered business in the state solely through common ownership. The  
8 "out-of-state business" has no registrations or tax filings or nexus in the state prior to the declared  
9 state disaster or emergency, other than disaster or emergency-related work during the tax year  
10 immediately preceding the declared state disaster or emergency.

11 (6) "Out-of-state employee" means an employee who does not work in the state, except for  
12 disaster or emergency-related work during the disaster response period.

13 (7) "Registered business in the state" or "registered business" means a business entity that  
14 is currently registered to do business in the state prior to the declared state disaster or emergency.

15 SECTION 2. Sections 6-11.2-2, 6-11.2-6 and 6-11.2-8 of the General Laws in Chapter 6-  
16 11.2 entitled "Purchase and Sale of Regulated Metals" are hereby amended to read as follows:

17 **6-11.2-2. Definitions.**

18 (a) "Electronic Reporting System" means an electronic process that records, reports,  
19 processes, stores and sends data and digital images of transactions in accordance with § 6-11.2-6.

20 (b) The word "person(s)," when used in this chapter, shall include any individual(s),  
21 partnership(s), association(s), and corporation(s).

22 (c) "Public property" means property owned and maintained by a municipality, the state,  
23 the United States, or any quasi-governmental entity, and shall include, but not be limited to, items  
24 associated with public streets and sidewalks as follows:

25 (1) Manhole covers, or other types of utility access covers including, but not limited to,  
26 water maintenance covers;

27 (2) Highway and street signs;

28 (3) Street light poles and fixtures;

29 (4) Guardrails for bridges, highways, and roads;

30 (5) Historical, commemorative, and memorial markers and plaques; and

31 (6) Traffic directional and control signs and light signals.

32 (d) "Regulated metals property" means all ferrous and nonferrous metals, including, but  
33 not limited to, copper, copper alloy, bronze and aluminum, not including aluminum beverage  
34 containers, as well as any component of a wireless or wired communications device or facility.

### **6-11.2-6. Payment.**

7 Payment in full made for all material purchased pursuant to this chapter may be made by  
8 check, wire transfer, cash, or any other legal means. Every person licensed under this chapter shall,  
9 prior to issuing any payment, notify the seller of the material of the requirement to notify the police  
10 department of receipt of materials listed under § 6-11.2-8.

#### **6-11.2-8. Holding period for property acquired by licensee.**

12 (a) Every person licensed under this chapter shall keep, for a period of three (3) days, and  
13 shall immediately notify the police department of the following property: \_\_\_\_\_

14                    (1) Property purchased or received consisting of brass, bronze, copper, cast iron, stainless  
15                    steel, and/or wrought iron:

16 (1)(i) Statues and sculptures;

## 17 (2)(ii) Weathervanes;

## 18 (3)(iii) Downspouts;

19 **(4)(iv) Handrails;**

## 20 (5)(v) Decorative fencing;

21 (6)(vi) Grave markers, sculptures, plaques and vases, the appearance of which suggest that  
22 the articles have been obtained from a cemetery; and

23 ~~(7)~~(vii) Beer kegs.

24 (2) Property which is known or reasonably should be known as ordinarily used by, belongs  
25 to, or is identified with markings indicating ownership by a telephone, telegraph, Internet, wireless  
26 communication, gas, water, or electric light company. For the purposes of this section, evidence  
27 that the insulating casing of a regulated metals property was burned, smoldered off, or otherwise  
28 obfuscated shall create a presumption that the secondary metals recycler should have known the  
29 material is a regulated metals property.

30 (b) During said holding period, property shall be kept separate and distinct and shall not be  
31 disfigured or treated in any manner to alter or destroy its identity.

32 SECTION 3. Section 11-35-4 of the General Laws in Chapter 11-35 entitled "Public  
33 Utilities" is hereby amended to read as follows:

#### **11-35-4. Injuries to electric or communication lines.**

1        Every person who shall wantonly or willfully and maliciously cut, destroy, break down, or  
2 injure, or attempt to cut, destroy, break down, or injure any machine, appliance, or apparatus used  
3 for generating electric currents or any electric wire or other appliance or apparatus used for the  
4 purpose of conducting or transmitting electric currents for using and furnishing power, motive  
5 power, light, or heat, or used for the purpose of transmitting intelligence by means of broadband,  
6 Internet, wireless, telegraphic or telephonic apparatus or by means of fire-alarm signals, burglar-  
7 alarm signals, police signals, railway signals, or other apparatus or appliance for the transmission  
8 of intelligence, or shall cut, destroy, break down, or injure or shall attempt to cut, destroy, break  
9 down, or injure any pole, bracket, insulator or other device, apparatus, or appliance for supporting  
10 or carrying any electric wire, or shall do any other act interrupting or intended to interrupt the  
11 transmission of the electric current over any electric wire, shall be liable to indictment for it, and  
12 upon conviction shall be fined not exceeding three thousand dollars (\$3,000) or imprisoned not  
13 exceeding two (2) years; provided, that nothing in this section shall be construed to authorize or  
14 permit the attachment, erection, use, operation, or maintenance of any electric wire, apparatus, pole,  
15 bracket, insulator, or other device or appliance, upon the property of any person or corporation,  
16 without the consent of the owner or owners; nor to prevent any properly authorized person from  
17 removing any electric wire, apparatus, pole, bracket, insulator, or other device or appliance for the  
18 purpose of permitting the passage of any building or structure, the moving of which has been duly  
19 authorized by any city or town council.

20        SECTION 4. Section 45-24-41 of the General Laws in Chapter 45-24 entitled "Zoning  
21 Ordinances" is hereby amended to read as follows:

22        **45-24-41. General provisions — Variances.**

23        (a) An application for relief from the literal requirements of a zoning ordinance because of  
24 hardship may be made by any person, group, agency, or corporation by filing with the zoning  
25 enforcement officer or agency an application describing the request and supported by any data and  
26 evidence as may be required by the zoning board of review or by the terms of the ordinance. The  
27 zoning enforcement officer or agency shall immediately transmit each application received to the  
28 zoning board of review and a copy of each application to the planning board or commission.

29        (b) A zoning ordinance shall provide that the zoning board of review, immediately upon  
30 receipt of an application for a variance in the application of the literal terms of the zoning ordinance,  
31 may request that the planning board or commission and/or staff report its findings and  
32 recommendations, including a statement on the general consistency of the application with the  
33 goals and purposes of the comprehensive plan of the city or town, in writing, to the zoning board  
34 of review within thirty (30) days of receipt of the application from that board. The zoning board

1 shall hold a public hearing on any application for variance in an expeditious manner, after receipt,  
2 in proper form, of an application, and shall give public notice at least fourteen (14) days prior to  
3 the date of the hearing in a newspaper of local circulation in the city or town. Notice of hearing  
4 shall be sent by first-class mail to the applicant, and to at least all those who would require notice  
5 under § 45-24-53. The notice shall also include the street address of the subject property. A zoning  
6 ordinance may require that a supplemental notice, that an application for a variance is under  
7 consideration, be posted at the location in question. The posting is for information purposes only  
8 and does not constitute required notice of a public hearing. The same notice shall be posted in the  
9 town or city clerk's office and one other municipal building in the municipality and the municipality  
10 must make the notice accessible on the municipal home page of its website at least fourteen (14)  
11 days prior to the hearing. For any notice sent by first-class mail, the sender of the notice shall submit  
12 a notarized affidavit to attest to such mailing. The cost of newspaper and mailing notification shall  
13 be borne by the applicant.

14 (c) A zoning ordinance may provide for unified development review, pursuant to § 45-24-  
15 46.4. Requests for dimensional and use variances submitted under a unified development review  
16 provision of a zoning ordinance shall be submitted as part of the subdivision or land development  
17 application to the administrative officer of the planning board or commission, pursuant to § 45-24-  
18 46.4(a). All subdivision or land development applications submitted under the unified development  
19 review provisions of a zoning ordinance shall have a public hearing, which shall meet the  
20 requirements of § 45-23-50.1(d).

21 (d) In granting a variance, the zoning board of review, or, where unified development  
22 review is enabled pursuant to § 45-24-46.4, the planning board or commission, shall require that  
23 evidence to the satisfaction of the following standards is entered into the record of the proceedings:

24 (1) That the hardship from which the applicant seeks relief is due to the unique  
25 characteristics of the subject land or structure and not to the general characteristics of the  
26 surrounding area; and is not due to a physical or economic disability of the applicant, excepting  
27 those physical disabilities addressed in § 45-24-30(a)(16);

28 (2) That the hardship is not the result of any prior action of the applicant; and

29 (3) That the granting of the requested variance will not alter the general character of the  
30 surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan  
31 upon which the ordinance is based.

32 (4) [Deleted by P.L. 2023, ch. 304, § 1 and P.L. 2023, ch. 305, § 1.]

33 (e) The zoning board of review, or, where unified development review is enabled pursuant  
34 to § 45-24-46.4, the planning board or commission, shall, in addition to the above standards, require

1 that evidence is entered into the record of the proceedings showing that:

2       (1) In granting a use variance, the subject land or structure cannot yield any beneficial use

3 if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of

4 neighboring land or structures in the same district and permitted use of lands or structures in an

5 adjacent district shall not be considered in granting a use variance; and

6       (2) In granting a dimensional variance, that the hardship suffered by the owner of the

7 subject property if the dimensional variance is not granted amounts to more than a mere

8 inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted

9 use to which the property is proposed to be devoted. The fact that a use may be more profitable or

10 that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning

11 board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the

12 planning board or commission has the power to grant dimensional variances where the use is

13 permitted by special-use permit.

14       (f) Notwithstanding the provisions of subsections (d) and (e) of this section, a municipality

15 may also grant a variance or other form of zoning relief for the protection of critical infrastructure

16 as defined in § 5-94-2 upon the finding that the property has been subject to or is at a reasonably

17 foreseeable risk of vandalism, trespass, theft, or damage by extreme weather or climate change

18 related disaster.

19       SECTION 5. This act shall take effect on January 1, 2027.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS -- FACILITATING BUSINESS RAPID  
RESPONSE TO STATE DECLARED DISASTER ACT OF 2024

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1        This act would incorporate broadband, internet, and wireless means into the crime of  
2        injuring electric and communication lines, authorize municipalities to grant zoning relief for the  
3        protection of critical infrastructure that has been or is reasonably at risk of vandalism, trespass,  
4        theft, or damage by extreme weather or climate change related disaster, and include wireless  
5        communication infrastructure in the definitions of critical infrastructure for disaster response and  
6        for obligations related to purchase and sale of regulated metals.

7        This act would take effect on January 1, 2027.

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