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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS – CONTRACTORS' REGISTRATION
AND LICENSING BOARD

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 24, 2015

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, and~~ adjudged in a final order issued
6 by the board, 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) for a first offense and not more than ten thousand dollars (\$10,000) for
9 a second and/or subsequent offense(s) each.

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

15 (c) Any person who violates a final order of the board where the monetary total of the
16 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars
17 (\$5,000) or more, upon written notification, is deemed guilty of a felony, and, upon conviction,
18 shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten thousand

1 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)~~ subsections (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/or~~
6 and to pay to the board any outstanding fine or fines previously imposed by the board pursuant to
7 this chapter.

8 ~~(e)~~(e) If a contractor is a repeat offender with violations of three (3) or more final orders
9 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 ~~five (5)~~ ten (10) years or fined not more than ten thousand
13 dollars (\$10,000).

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

16 **5-65.1-13. Violations -- Penalties.** – (a) Any person who operates as a home inspector
17 without a license as adjudged in a final order issued by the board, upon proper written
18 notification, is deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a
19 term not exceeding one year, or fined not more than five thousand dollars (\$5,000) for a first
20 offense and not more than ten thousand dollars (\$10,000) for a second and/or subsequent
21 offense(s) each.

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, ~~may~~ shall be imprisoned for a term not exceeding one year, ~~or~~ fined not
26 more than one thousand dollars (\$1,000) ~~for each offense,~~ 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 ~~(b)~~(d) A final order shall be considered delivered when served to a defendant or
33 designated agent to accept service. In addition to any sentence or fine imposed by the court under
34 ~~subsection (a)~~ subsections (a), (b), and (c) of this section, the court ~~may~~ shall order a defendant to

1 comply with any outstanding final order of the board, including any monetary judgment and to
2 pay to the board any outstanding fine or fines previously imposed by the board pursuant to this
3 chapter. A final order of the board may also be enforced in a civil contempt proceeding brought
4 upon complaint in the district court.

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

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

13 **5-65.3-17. Penalties for violations.--** (a) Violations of any provision of this chapter shall
14 be subject to the penalties as follows: any corporation, association, sole proprietorship, firm
15 partnership, limited liability corporation, limited liability partnership or other business
16 organization licensed by the board shall be subject to a fine up to five thousand dollars (\$5,000)
17 for the first offense and up to ten thousand dollars (\$10,000) for the second and subsequent
18 violations of this chapter.

19 (b) Any person who operates as a underground utility contractor without a license as
20 adjudged in a final order issued by the board, upon proper written notification, is deemed guilty
21 of a misdemeanor, and, upon conviction, shall be imprisoned for a term not exceeding one year,
22 or fined not more than five thousand dollars (\$5,000) for a first offense and not more than ten
23 thousand dollars (\$10,000) for a second and/or subsequent offense(s) each.

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

29 (d) 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 five thousand dollars
31 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon
32 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten
33 thousand dollars (\$10,000), or both.

34 (e) A final order shall be considered delivered when served to a defendant or designated

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

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

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

13 **5-65.2-5. Penalties for violations. --** (a) Any person who operates as a well drilling
14 contractor without a license as adjudged in a final order issued by the board, upon proper written
15 notification, is deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a
16 term not exceeding one year, or fined not more than five thousand dollars (\$5,000) for a first
17 offense and not more than ten thousand dollars (\$10,000) for a second and/or subsequent
18 offense(s) each.

19 (b) Any person who violates a final order of the board where the monetary total of the
20 order including, but not limited to, the monetary judgment and/or fines, is not more than five
21 thousand dollars (\$5,000), 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.

24 (c) Any person who violates a final order of the board where the monetary total of the
25 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars
26 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon
27 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten
28 thousand dollars (\$10,000), or both.

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

34 (e) If a well drilling contractor is a repeat offender with violations of three (3) or more

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

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

8 **5-73-5. Penalties for violations. --** (a) Any person who operates as a roofing contractor
9 without a license as adjudged in a final order issued by the board, upon proper written
10 notification, is deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a
11 term not exceeding one year, or fined not more than five thousand dollars (\$5,000) for a first
12 offense and not more than ten thousand dollars (\$10,000) for a second and/or subsequent
13 offense(s) each.

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

19 (c) Any person who violates a final order of the board where the monetary total of the
20 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars
21 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon
22 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten
23 thousand dollars (\$10,000), or both.

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

29 (e) If a roofing contractor is a repeat offender with violations of three (3) or more final
30 orders of the board with respect to three (3) separate contracts executed by three (3) separate
31 individuals/aggrieved parties and said violations are filed within a twenty-four (24) month period,
32 the violation shall be prosecuted as a felony and upon conviction the violator shall be subject to
33 imprisonment for a term not to exceed ten (10) years or fined not more than ten thousand dollars
34 (\$10,000).

1 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

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 upon passage.

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