

2017 -- H 5440

LC001226

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

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

Introduced By: Representatives Canario, Solomon, Edwards, O'Grady, and Williams

Date Introduced: February 09, 2017

Referred To: House 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 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 (d) 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 ~~subsection~~  
7 subsections (a), (b) and (c) of this section, the court ~~may~~ shall order a defendant to comply with  
8 any outstanding final order of the board, including any monetary judgment, and/or to pay to the  
9 board any outstanding fine or fines previously imposed by the board pursuant to this chapter.

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

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

18 **5-65.1-13. Violations -- Penalties.**

19 (a) Any person who operates as a home inspector without a license as adjudged in a final  
20 order issued by the board, upon proper written notification, is deemed guilty of a misdemeanor,  
21 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than  
22 one thousand dollars (\$1,000), or both for a first or second offense. A third or subsequent  
23 violation of this subsection is be deemed a felony, and upon conviction, the violator shall be  
24 imprisoned for a term not exceeding two (2) years, fined not more than two thousand dollars  
25 (\$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, ~~may~~ shall be imprisoned for a term not exceeding one year, ~~or~~ fined not  
30 more than one thousand dollars (\$1,000) ~~for each offense~~ , 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 ~~(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~~ 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 to  
6 pay to the board any outstanding fine or fines previously imposed by the board pursuant to this  
7 chapter. A final order of the board may also be enforced in a civil contempt proceeding brought  
8 upon complaint in the district court.

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

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

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

18 (a) Violations of any provision of this chapter shall be subject to the penalties as follows:  
19 any corporation, association, sole proprietorship, firm partnership, limited liability corporation,  
20 limited liability partnership or other business organization licensed by the board shall be subject  
21 to a fine up to five thousand dollars (\$5,000) for the first offense and up to ten thousand dollars  
22 (\$10,000) for the second and subsequent violations of this chapter.

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

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

1 (d) Any person who violates a final order of the board where the monetary total of the  
2 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars  
3 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon  
4 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten  
5 thousand dollars (\$10,000), or both.

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

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

17 SECTION 4. Chapter 5-65.2 of the General Laws entitled "Rhode Island Well-Drilling,  
18 Pump Installation and Water-Filtration Contractors' Licensing Law" is hereby amended by adding  
19 thereto the following section:

20 **5-65.2-5. Penalties for violations.**

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

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

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

19 **5-73-5. Penalties for violations.**

20 (a) Any person who operates as a roofing contractor without a license as adjudged in a  
21 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 be deemed a felony, and upon conviction, the violator  
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 roofing contractor is a repeat offender with violations of three (3) or more final  
9 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).

14 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

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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 upon passage.

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