

=====
LC01980/SUB B
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

—————
A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representative Kenneth Carter

Date Introduced: February 11, 2003

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28.5-3 of the General Laws in Chapter 21-28.5 entitled “Sale of
2 Drug Paraphernalia” is hereby amended to read as follows:

3 **21-28.5-3. Delivery of drug paraphernalia to a minor - Penalty.** -- Any person
4 eighteen (18) years of age or over who violates § 21-28.5-2 by delivering drug paraphernalia to a
5 person under eighteen (18) years of age shall be subject to a fine not to exceed five thousand
6 dollars (\$5,000) ~~and~~ or imprisonment not to exceed five (5) years, or both.

7 SECTION 2. Chapter 42-17.1 of the General Laws entitled “Department of
8 Environmental Management” is hereby amended by adding thereto the following section:

9 **42-17.1-15.1. Frederick J. Benson Pavilion.** -- The pavilion building at Block Island
10 State Beach shall hereafter be named and known as the Frederick J. Benson Pavilion.

11 SECTION 3. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled
12 “Adjudication of Traffic Offenses” is hereby amended to read as follows:

13 **31-41.1-4. Schedule of violations.** -- (a) The penalties for violations of the enumerated
14 sections, listed in numerical order, correspond to the fines described. However, those offenses for
15 which punishments which may vary according to the severity of the offense, or punishment which
16 require the violator to perform a service, shall be heard and decided by the traffic tribunal or
17 municipal court. The following violations may be handled administratively through the method
18 prescribed in this chapter. This list is not exclusive and jurisdiction may be conferred on the
19 traffic tribunal with regard to other violations.

1 VIOLATIONS SCHEDULE

2

3 * * *

4 31-22-22 ~~(b)~~ (a) No child restraint 75.00

5 31-22-22 ~~(e)~~ (a) Child restraint/seat belt but not in ~~back seat~~ any rear

6 seating position 75.00

7 31-22-22~~(e)~~ (b), (f) No seat belt - passenger 75.00

8 31-22-22~~(f)~~ (g) No seat belt - operator 75.00

9 * * *

10 31-28-7~~(b)(4)~~ (d) Wrongful use of handicapped parking placard ~~125.00~~ 500.00

11 31-28-7 ~~(e)~~ (f) Handicapped parking space violation:

12 First offense 100.00

13 Second offense 175.00

14 Third offense and subsequent offenses 325.00

15

16 * * *

17

18 SECTION 4. Section 31-22-22 of the General Laws in Chapter 31-22 entitled

19 "Miscellaneous Rules" is hereby amended to read as follows:

20 **31-22-22. Safety belt use - Child restraint.** -- (a) (1) Any person transporting a child

21 under the age of seven (7), less than fifty-four (54) inches in height and less than eighty (80)

22 pounds in a motor vehicle operated on the roadways, streets, or highways of this state, shall

23 transport the child in any rear seating position of the motor vehicle properly restrained in a child

24 restraint system approved by the United States Department of Transportation under Federal

25 Standard 213. If the child is under seven (7) years old but at least fifty-four (54) inches in height,

26 or at least eighty (80) pounds the child shall be properly wearing a safety belt and/or shoulder

27 harness approved by the Department of Transportation pursuant to Federal Standard 208 in any

28 rear seating position of the motor vehicle. For the purpose of this section, applying to all parts of

29 this section, 'rear seating position' means any seating positions located behind the driver and front

30 seat passenger. Under this subsection, a child must be properly restrained in the front seat if:

31 (i) The vehicle is not equipped with a back seat; or

32 (ii) All rear seating positions are being utilized by other children.

33 (2) In no event shall failure to wear a child restraint system or safety belt be considered as

34 contributory or comparative negligence, nor the failure to wear the child restraint system, seat belt

1 and/or shoulder harness be admissible as evidence in the trial of any civil action.

2 (b) (1) Any operator of a motor vehicle transporting a child between the ages of seven (7)
3 through twelve (12) in any seating position within a motor vehicle operated on the roadways,
4 streets, or highways of the state shall ensure that the passenger is properly wearing a safety belt
5 and/or shoulder harness system, as defined by Federal Standard 208.

6 (2) This subsection applies only to those motor vehicles required by federal law to have
7 safety belts.

8 (c) (1) Any person deemed in violation of subsection (a) of this section shall be issued a
9 citation. If the cited person presents proof of purchase of a federally approved child restraint
10 system under Standard 213 to the issuing police department within seven (7) days of issuance, the
11 department shall void the violation. If the individual fails to present proof of purchase, he or she
12 shall be required to appear for a hearing before the traffic tribunal, and shall be fined seventy-five
13 dollars (\$75) for each offense, and it shall not be recorded on the person's driving record within
14 the rules and regulations governing chapter 41.1 of this title.

15 (2) Any person violating subsection (b) of this section shall be fined ~~fifty~~ seventy-five
16 dollars ~~(\$50.00)~~ (\$75) for each offense. The conviction shall not be recorded on that person's
17 driving record within the rules and regulations governing chapter 41.1 of this title.

18 (d) Notwithstanding the provisions of subsection (a) of this section, any person
19 transporting a child properly restrained in a federally approved child restraint system under
20 Federal Standard 213, but transporting the child in a place other than a rear seating position, in
21 violation of subsection (a) of this section, shall be subject only to the fine contained in
22 subdivision (c)(2) of this section.

23 (e) All fines collected for violations of this section shall be payable to the state of Rhode
24 Island. Fifty percent (50%) of the proceeds shall be shared with the municipality whose law
25 enforcement department issued the citation for the violations.

26 (f) (1) Any operator of a motor vehicle transporting a person thirteen (13) years of age
27 and older in any seating position of a motor vehicle operated on the roadways, streets or
28 highways of this state shall ensure that the person be properly wearing a safety belt and/or
29 shoulder harness system, as defined by Federal Motor Vehicle Safety Standard 208.

30 (2) The provisions of this subsection shall apply only to those motor vehicles required by
31 federal law to have safety belts.

32 (g) (1) Any person who is an operator of a motor vehicle shall be properly wearing a
33 safety belt and/or shoulder harness system as defined by Federal Motor Vehicle Safety Standard
34 208 while the vehicle is in operation on any of the roadways, streets, or highways of this state.

1 (2) The provisions of this subsection shall apply only to those motor vehicles required by federal
2 law to have safety belts.

3 (h) In no event shall failure to be properly restrained by a child restraint system or safety
4 belt be considered as negligence, nor the failure to be properly restrained by the child restraint
5 system or safety belt be admissible as evidence in the trial of any civil action.

6 (i) The provisions of subsections (b), (f) and (g) of this section shall not apply to a driver
7 or passenger of:

8 (1) A passenger motor vehicle manufactured before July 1, 1966;

9 (2) A passenger motor vehicle in which the driver or passenger possesses a written
10 verification from a licensed physician that the driver or passenger is unable to wear a safety seat
11 belt system for physical or medical reasons. The verification time period shall not exceed twelve
12 (12) months at which time a new verification may be issued;

13 (3) A passenger motor vehicle which is not required to be equipped with a safety seat belt
14 system under federal laws; or

15 (4) A passenger motor vehicle operated by a letter carrier of the United States Postal
16 Service while performing the duties of a letter carrier.

17 (j) A program of public information and education designed to educate the motoring
18 public to the benefits of wearing safety belt systems, shall be developed by the department of
19 transportation's governor's office on highway safety. The department of transportation's office on
20 highway safety, in cooperation with the department of health, shall study the effectiveness of the
21 implementation of this section and shall submit to the general assembly a report containing its
22 findings by July 1, 1999.

23 (k) Violations of subsections (f) and (g) of this section shall be considered secondary
24 offenses and no motor vehicle may be stopped by any state or municipal law enforcement agency
25 for failure of an operator or passenger to wear a safety belt system or for any violation of
26 subsections (f) or (g) of this section; provided, that a motor vehicle may be stopped for failure to
27 comply with the child restraint system as described in subsections (a) and (b) of this section.

28 (l) Any person violating subsection (f) or (g) of this section shall be fined seventy-five
29 dollars (\$75.00). Any conviction for violating subsection (f) or (g) of this section shall not be
30 recorded on that person's driving record within the rules and regulations governing chapter 41.1
31 of this title.

32 SECTION 6. Section 21-31-6 of the General Laws in Chapter 21-31 entitled "Rhode
33 Island Food, Drugs, and Cosmetics Act" is hereby amended to read as follows:

1 **21-31-6. Embargoed articles - Condemnation and destruction.** -- (a) Whenever a
2 duly authorized agent of the director of health finds or has probable cause to believe that any
3 food, drug, device, or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent,
4 within the meaning of this chapter, the agent shall affix to that article a tag or other appropriate
5 marking, giving notice that the article is, or is suspected of being, adulterated or misbranded and
6 has been detained or embargoed, and warning all persons not to remove or dispose of the article
7 by sale or otherwise until permission for removal or disposal is given by the agent or the court. It
8 shall be unlawful for any person to remove or dispose of a detained or embargoed article by sale
9 or otherwise without permission.

10 (b) When an article detained or embargoed under subsection (a) of this section has been
11 found by the agent to be adulterated or misbranded, the agent shall petition the proper judge of
12 the court in whose jurisdiction the article is detained or embargoed for a ~~label~~ label for
13 condemnation of the article. When the agent has found that an article so detained or embargoed is
14 not adulterated or misbranded, he or she shall remove the tag or other marking.

15 (c) If the court finds that a detained or embargoed article is adulterated or misbranded, the
16 article shall, after entry of the decree, be destroyed at the expense of the claimant of the article,
17 under the supervision of the agent, and all court costs and fees, and storage and other proper
18 expenses, shall be taxed against the claimant of the article or the claimant's agent; provided, that
19 when the adulteration or misbranding can be corrected by proper labeling or processing of the
20 article, the court, after entry of the decree and after costs, fees, and expenses have been paid and a
21 good and sufficient bond, conditioned that the article shall be so labeled or processed, has been
22 executed, may by order direct that the article be delivered to the claimant of it for labeling or
23 processing under the supervision of an agent of the director of health. The expense of the
24 supervision shall be paid by the claimant. The article shall be returned to the claimant of the
25 article on representation to the court by the director of health that the article is no longer in
26 violation of this chapter, and that the expenses of the supervision have been paid.

27 (d) Whenever the director of health or any of the director's authorized agents shall find in
28 any room, building, vehicle of transportation, or other structure, any meat, sea food, poultry,
29 vegetable, fruit, or other perishable articles which are unsound, or contain any filthy,
30 decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise
31 unsafe, it being hereby declared to be a nuisance, the director of health or the director's authorized
32 agent shall immediately condemn or destroy it, or in any other manner render it unsalable as
33 human food.

1 SECTION 7. Sections 5-20-12.1 and 5-20-23 of the General Laws in Chapter 5-20
2 entitled “Plumbers and Irrigators” are hereby amended to read as follows:

3 **5-20-12.1. Issuance of contractor master license.** -- (a) There is created a class of
4 license which shall be known as a contractor master plumber. This license does not, in and of
5 itself, permit any holder of a license to individually engage in installation, maintenance, or repair
6 as described in this chapter, but may instead only be used in conjunction with a contractor's
7 license as described in § 5-20-12.

8 (b) No application for a license of a contractor master plumber shall be filed with the
9 department of labor and training, nor shall any applicant be permitted to take the examination for
10 a license, unless:

11 (1) The applicant possesses the requisite skill, expertise, education, experience, training,
12 and other qualities or qualifications to take an examination as the department of labor and
13 training, by the promulgation of regulations, may require.

14 (2) The application is accompanied by a test fee which equals the fee for a master
15 plumber as outlined in § 5-20-16.

16 (3) Upon passage of the contractor master examination as prepared and administered by
17 the department of labor and training upon recommendation and advice of the board, payment of a
18 license fee which equals the fee for a master plumber as outlined in § 5-20-23, as amended, shall
19 be required and the contractor master license shall be issued as provided in § 5-20-21.

20 (c) Applications must be filed with the department of labor and training at least fifteen
21 (15) days prior to the examination date.

22 (d) ~~All applicants for licensure as a contractor master are subject to the bonding~~
23 ~~requirements set forth in § 5-20-18.~~

24 **5-20-23. Expiration and renewal of licenses -- Penalties for violation of section.** -- (a)
25 All licenses of master plumbers and master irrigators and journeyman plumbers or
26 journeyman irrigators issued by the division of professional regulation expire on the birthday of
27 the individual qualifying for the license and may be renewed on or before that date for a period of
28 one year, upon payment of the appropriate renewal fee, ~~and a bond as required by § 5-20-18.~~

29 (b) Any master plumber or master irrigator who fails to renew his or her license as
30 provided in subsection (a) of this section may be reinstated by the department on or after the
31 renewal date for a period of one year, upon payment of the current renewal fee of one hundred
32 twenty dollars (\$120) plus outstanding license fees and a twelve dollar (\$12.00) per month
33 administrative assessment fee for the delinquency period.

1 (c) Every certificate of license of a journeyman plumber or journeyman irrigator
2 issued by the department is renewed on or before the licensee's birthday next following the date
3 of issuance upon payment of a renewal fee of thirty six dollars (\$36.00).

4 (d) Any journeyman plumber or journeyman irrigator who fails to renew his or her
5 license as provided in subsection (a) of this section may be reinstated by the department on or
6 after the renewal date for a period of one year upon payment of the current renewal fee of thirty
7 six dollars (\$36.00) plus outstanding license fees and a twelve dollar (\$12.00) per month
8 administrative assessment fee for the delinquency period.

9 (e) [Deleted by P.L. 2000, ch. 425, § 1.]

10 (f) [Deleted by P.L. 2000, ch. 425, § 1.]

11 (g) Notwithstanding any other provisions of this chapter, any license issued under this
12 chapter which is not renewed within two (2) years of the date of its expiration, is deemed to be
13 forfeited, and the person to whom the license has been issued is required to make written
14 application for an examination prior to the issuance of a new license.

15 SECTION 8. Section 9-20-5 of the General Laws in Chapter 9-20 entitled "Decisions,
16 Special Findings and Assessment of Damages" is hereby amended to read as follows:

17 **9-20-5. Assumption of risk in use of off-road vehicles.** -- (a) Notwithstanding the
18 provisions of § 9-20-4, in any legal action against the state or any political subdivision thereof, an
19 operator or passenger of: (1) a recreational vehicle as defined in § ~~31-3.2-1(9)~~ 31-3.2-1(8) or (2) a
20 snowmobile as defined in § ~~31-3.2-1(12)~~ 31-3.2-1(11), or (3) an all terrain vehicle (A.T.V.), or
21 (4) a motor vehicle primarily designed for use off public roads, shall while on state property
22 assume as a matter of law the risks inherent in such operation insofar as they are obvious and
23 necessary.

24 (b) The director of the department of environmental management shall post signs warning
25 operators and passengers that they assume the risk of injury while on state property. Provided,
26 however, that the lack of signs shall not be admissible in a suit for negligence.

27 SECTION 9. Sections 12-1-4 and 12-1-7 of the General Laws in Chapter 12-1 entitled
28 "Identification and Apprehension of Criminals" are hereby amended to read as follows:

29 **12-1-4. Division of criminal identification -- Chief and assistants.** -- There shall be a
30 division of criminal identification in the department of the attorney general to be in charge of a
31 chief who shall be appointed by the attorney general to serve at the pleasure of the attorney
32 general, and who shall devote all of his or her time to the duties of his or her office. The chief
33 with the approval of the attorney general may appoint any assistants that he or she may deem
34 necessary to carry out the work of the division, within the limits of any appropriation made for

1 that purpose, and may with the approval of the attorney general discontinue the employment of
2 any assistants at any time. The chief shall perform the functions required by ~~§§ 12-1-5—12-1-12~~
3 the provisions of this chapter. In addition to availability of records to law enforcement agencies
4 and officers, the records shall be made available to any attorney of record in any criminal action,
5 and any officials of businesses which are required by federal or state law or regulation to
6 effectuate a criminal background check of potential or prospective employees. The information
7 shall be confidential and shall be used only by the employer for the employee's application of
8 employment.

9 **12-1-7. Criminal identification records -- Stolen property reports.** -- It shall be the
10 duty of the attorney general to procure and file for record in the office of his or her department so
11 far as the same can be procured, fingerprints, plates, photos, outline pictures, descriptions,
12 information, and measurements of all persons who shall be or shall have been convicted of
13 felony, or imprisoned for violating any of the military, naval, or criminal laws of the United
14 States or of any state, and of all well-known and habitual criminals from wherever procurable.
15 The attorney general shall procure and keep on file in the office of the department, so far as they
16 can be procured, fingerprints, measurements, processes, operations, signalletic cards, plates,
17 photographs, outline pictures, measurements, and descriptions of any person who shall have been
18 or shall be confined in any penal institution of this state, taken in accordance with the system of
19 identification in use in any penal institution of this state. The attorney general shall also keep on
20 file in the office the reports of lost, stolen, found, pledged, or pawned property required to be
21 furnished to him or her. ~~under the provisions of § 12-1-10.~~

22 SECTION 10. Section 23-1-3 of the General Laws in Chapter 23-1 entitled "Department
23 of Health" is hereby amended to read as follows:

24 **23-1-3. Maintenance of laboratories.** -- (a) The director of health shall maintain
25 pathological, bacteriological, and chemical laboratories and shall select in accordance with law
26 qualified persons to conduct and supervise the pathological, bacteriological, and chemical
27 researches made in those laboratories.

28 (b) The director of health is authorized to establish and modify fees by regulation for all
29 laboratory services provided by the department of health laboratory. The fees as established by
30 the director shall be related to the costs incurred in operating the laboratory and may include
31 administrative, personnel, equipment, supplies, overhead, and other related costs necessary to
32 develop and provide laboratory services. All fees collected under this section, except those fees in
33 subsections (f) through (h) shall be deposited as general revenues.

1 (c) The testing program for clinical tests designated by the director in regulation shall be
2 a covered benefit and shall be reimbursable by all health insurers, as defined in § ~~27-38-6~~
3 ~~repealed~~ [27-38.2-2\(1\)](#), providing health insurance coverage in Rhode Island except for
4 supplemental policies which only provide coverage for specific diseases, hospital indemnity
5 Medicare supplements, or other supplemental policies. The charges for those testing programs
6 shall be borne by the hospitals or other licensed health care providers and facilities in the absence
7 of a third-party payor.

8 (d) All funds received under chapter 16.2 of this title shall be deposited as general
9 revenues.

10 (e) The provisions of §§ 45-13-7 through 45-13-10 shall not apply to this section.

11 (f) In addition to any other fine, assessment, penalty or forfeiture provided by law, the
12 traffic tribunal shall collect an assessment of one hundred dollars (\$100) from each defendant
13 who is required to attend a special course on driver retraining, except from those who are ordered
14 to attend a special course on driving while intoxicated, described in § 31-27-2, by the traffic
15 tribunal.

16 (g) In addition to any other fine, assessment, penalty, or forfeiture provided by law, the
17 court or tribunal shall collect the sum of one hundred and eighteen dollars (\$118) for each drug-
18 related charge from every defendant who is convicted after trial, or who enters a plea of guilty or
19 of nolo contendere, with respect to violations of the following chapters and/or sections of the
20 Rhode Island General Laws, which shall include but not be limited to: chapter 15 of title 7, 11-
21 23-2, 11-23-6, 11-25-23, chapter 28 of title 21, 21-28-4.01, 21-28-4.01.1, 21-28-4.01.2, 21-28-
22 4.02, 21-28-4.03, 21-28-4.04, 21-28-4.05, 21-28-4.06, 21-28-4.07, 21-28-4.07.1, 21-28-4.09, 21-
23 28-4.10, 21-28-4.11, 21-28-4.14, 21-28-4.15, 21-28-4.16, 21-28-4.17, 21-28-4.17.1, 21-28-4.19,
24 31-27-1.1, 31-27-2.2, 31-27-2.4, 31-27-2.6, chapter 22.2 of title 46, 46-22.2-3, 46-22.2-4, and 46-
25 22.2-5.

26 (h) In addition to any other fine, assessment, penalty, or forfeiture provided by law, the
27 court or tribunal shall collect the sum of one hundred dollars (\$100) for each charge from every
28 defendant who is convicted after trial, or who enters a plea of guilty or of nolo contendere, with
29 respect to violations of the following chapters and/or sections of the Rhode Island General Laws,
30 which shall include but not be limited to: 11-5-1, 11-5-2, 11-5-2.1, 11-5-4, 11-5-5, 11-5-6, 11-5-
31 7, 11-5-8, 11-5-10, 11-5-10.1, 11-5-10.2, 11-5-10.3, 11-5-10.4, 11-5-11, 11-5-14, 11-5-14.1, 11-
32 8-1, 11-8-2.1, 11-8-2.2, 11-8-2.3, 11-8-2.4, 11-8-3, 11-8-4, 11-8-9, 11-23-1, 11-23-2.1, 11-23-3,
33 11-25-2, 11-25-3, 11-25-4, 11-26-1, 11-26-1.4, 11-29-1, 11-37-2, 11-37-4, 11-37-6, 11-37-8.1,
34 11-37-8.3, and 11-39-1.

1 (i) All fees collected in subsections (f) through (h) shall be placed in the general fund.

2 SECTION 11. Section 23-13-14 of the General Laws in Chapter 23-13 entitled
3 “Maternal and Child Health Services for Children with Special Health Care Needs” is hereby
4 amended to read as follows:

5 **23-13-14. Newborn screening program.** -- (a) The physician attending a newborn child
6 shall cause that child to be subject to newborn screening tests for metabolic, endocrine, and
7 hemoglobinopathy disorders. The department of health shall make rules and regulations
8 pertaining to metabolic disease screening, diagnostic, and treatment services as accepted medical
9 practice shall indicate. The provisions of this section shall not apply if the parents of the child
10 object to the tests on the grounds that those tests conflict with their religious tenets and practices.

11 (b) In addition, the department of health is authorized to establish by rule and regulation a
12 reasonable fee structure for the newborn screening and disease control program, which includes
13 but is not limited to screening, diagnostic, and treatment services. The program shall be a covered
14 benefit and be reimbursable by all health insurers, as defined in § ~~27-38-6 [repealed]~~ [27-38.2-](#)
15 [2\(1\)](#), providing health insurance coverage in Rhode Island except for supplemental policies which
16 only provide coverage for specific diseases, hospital indemnity Medicare supplements, or other
17 supplemental policies. The department of human services shall pay for the program where the
18 patient is eligible for medical assistance under the provisions of chapter 8 of title 40. The charges
19 for the program shall be borne by the hospitals or other health-care facilities where births occur in
20 the absence of a third-party payor. Nothing in this section shall preclude the hospital or health
21 care facility from billing the patient directly. Those fees shall be deposited into the general fund
22 as general revenues.

23 SECTION 12. Section 27-8.1-2.1 of the General Laws in Chapter 27-8.1 entitled
24 “Information Reporting and Immunity Relating to Fire Losses” is hereby amended to read as
25 follows:

26 **27-8.1-2.1. Statement to fire department concerning burned motor vehicle.** -- (a)
27 Whenever a motor vehicle as defined in § ~~31-1-3(n)~~ [31-1-3\(p\)](#) is burned, the owner of record of
28 the vehicle shall submit to the fire department for the city or town in which the vehicle is located
29 a statement signed under the penalties of perjury containing any information concerning the
30 burning of the vehicle that the state fire marshal or his or her designee shall require.

31 (b) The state fire marshal or his or her designee is empowered and directed to develop
32 and adopt an appropriate form upon which to enter the owner's statement, which form shall
33 contain the requisite information as provided in § 27-8.1-3.

1 SECTION 13. Section 27-43-7 of the General Laws in Chapter 27-43 entitled “Captive
2 Insurance Companies” is hereby amended to read as follows:

3 **27-43-7. Reinsurance.** -- (a) Any captive insurance company may provide reinsurance
4 on risks ceded by any other insurer, provided, that the captive insurance company and the insurer
5 comply with the requirements established by regulations promulgated pursuant to this chapter.

6 (b) Any captive insurance company may reinsure its risks and take credit for reserves on
7 risk or on portions of risk ceded to reinsurers as provided in ~~§§ 27-1.1-1—27-1.1-8~~ [chapter 1.1 of](#)
8 [this title](#). Subsidiary captive insurance companies may take credit for reserves on risks or portions
9 of risk ceded to reinsurers not complying with ~~§§ 27-1.1-1—27-1.1-8~~ [chapter 1.1 of this title](#) only
10 after obtaining the prior approval of the director. The director may require any other documents,
11 financial information or other evidence that the reinsurer will be able to provide adequate security
12 for its financial obligations. The commissioner may deny authorization or impose any limitations
13 on the activities of a reinsurer that, in his or her judgment, are necessary and proper to provide
14 adequate security for the ceding captive insurance company and for the protection and consequent
15 benefit of the public at large.

16 (c) For the purposes of this chapter, the insurance by a captive insurance company of any
17 workers' compensation qualified self-insured plan of its parent and affiliates shall be deemed to
18 be reinsurance.

19 SECTION 14. Section 31-5.2-1 of the General Laws in Chapter 31-5.2 entitled
20 “Consumer Enforcement of Motor Vehicle Warranties” is hereby amended to read as follows:

21 **31-5.2-1. Definitions.** -- The following words and phrases, for the purposes of this
22 chapter, have the following meanings:

23 (1) “Consumer” means a buyer, other than for purposes of resale, of a motor vehicle, any
24 person to whom that motor vehicle is transferred for the same purposes during the duration of any
25 express or implied warranty applicable to that motor vehicle, and any other person entitled by the
26 terms of that warranty to enforce its obligations.

27 (2) “Dealer” means any person engaged in the business of selling, offering to sell,
28 solic iting, or advertising the sale of new motor vehicles.

29 (3) “Lease price” means the aggregate of:

- 30 (i) Lessor's actual purchase costs.
- 31 (ii) Collateral charges, if applicable.
- 32 (iii) Any fee paid to another to obtain the lease.
- 33 (iv) Any insurance or other costs expended by the lessor for the benefit of the lessee.

1 (v) An amount equal to state and local sales taxes not otherwise included as collateral
2 charges, paid by the lessor when the vehicle was initially purchased.

3 (vi) An amount equal to five percent (5%) of the lessor's actual purchase costs.

4 (4) "Lessee" means any consumer who leases a motor vehicle for one year or more
5 pursuant to a written lease agreement which provides that the lessee is responsible for repairs to
6 such motor vehicle or any consumer who leases a motor vehicle pursuant to a lease-purchase
7 agreement.

8 (5) "Lessee cost" means the aggregate deposit and rental payments previously paid to the
9 lessor for the leased vehicle.

10 (6) "Lessor" means a person who holds title to a motor vehicle leased to a lessee under a
11 written lease agreement or who holds the lessor's rights under such agreement.

12 (7) "Manufacturer" means any person, partnership, firm, association, corporation, or
13 trust, resident or nonresident, which is engaged in the business of manufacturing or assembling
14 new motor vehicles, or which is engaged in the business of importing new motor vehicles which
15 are manufactured or assembled outside of the United States.

16 (8) "Motor vehicle" or "vehicle" means an automobile, truck, motorcycle, or van having
17 a registered gross vehicle weight of less than ten thousand pounds (10,000 lbs.), sold, leased, or
18 replaced by a dealer or manufacturer, except that it shall not include a motorized camper as
19 defined in § ~~31-1-3(q)~~ [31-1-3\(m\)](#).

20 (9) "Nonconformity" means any specific or generic defect or malfunction, or any
21 concurrent combination of such defects or malfunctions, that substantially impairs the use, market
22 value, or safety of a motor vehicle.

23 (10) "Term of protection" means one year or fifteen thousand (15,000) miles of use from
24 the date of original delivery of a new motor vehicle to the consumer, whichever comes first; or, in
25 the case of a replacement vehicle provided by a manufacturer to a consumer under this chapter,
26 one year or fifteen thousand (15,000) miles from the date of delivery to the consumer of that
27 replacement vehicle, whichever comes first.

28 SECTION 15. Section 31-19.3-2 of the General Laws in Chapter 31-19.3 entitled
29 "Regulation of Rental of Motorized Bicycles and Motorized Tricycles in New Shoreham" is
30 hereby amended to read as follows:

31 **31-19.3-2. Definitions.** -- As used in this chapter:

32 (1) "Motorized bicycles" has the meaning set forth in § ~~31-1-3(j)~~ [31-1-3\(l\)](#).

33 (2) "Motorized tricycles" has the meaning set forth in § ~~31-1-3(h)~~ [31-1-3\(n\)](#).

1 SECTION 16. Sections 31-22-11, 31-22-11.2, 31-22-11.3, 31-22-11.6, and 31-22-11.7 of
2 the General Laws in Chapter 31-22 entitled “Miscellaneous Rules” are hereby amended to read as
3 follows:

4 **31-22-11. Inspection of school buses.** -- (a) The division of motor vehicles shall inspect
5 or cause to be inspected all school buses used for the transportation of school children as defined
6 in § ~~31-1-3(e)~~ 31-1-3(v) at least twice throughout the year. Both of the inspections are to be done
7 at a state certified facility on a semiannual scheduled basis. These inspections will be known as
8 tear down inspections that will include pulling wheels at least once each year if the school bus is
9 equipped with drum brakes and any other work deemed necessary by the state employed or state
10 certified inspectors. Reports of the inspections shall be made in writing and shall be filed with the
11 inspection division of the department of administration, and the reports shall be available at no
12 cost for public inspection during usual business hours of the division.

13 (b) Upon receipt of the report, the inspection division shall immediately forward a copy
14 to the registered owner and to the superintendent and school committee of the school district for
15 which the school bus transports children.

16 **31-22-11.2. Maintenance of school buses.** -- (a) All school buses, as defined in § ~~31-1-~~
17 ~~3(e)~~ 31-1-3(v), shall be maintained in a safe operating condition through an approved systematic
18 preventive maintenance program. Defects which could create a hazard for riders or other road
19 users shall be corrected before the vehicle transports children.

20 (b) The maintenance program shall be adequate to provide the proper care of all the
21 equipment owned, leased, or contracted, and a written record shall be kept for all repairs
22 conducted on each bus. The records shall be retained for the life of each vehicle and shall transfer
23 with the vehicle when sold, and the record shall be available for inspection by the director of
24 inspections during normal business hours. Included in these records shall be a record of any
25 torque pressure as recommended by the manufacturer.

26 **31-22-11.3. Random inspection of school buses.** -- (a) The division of motor vehicles,
27 and state and local law enforcement officers, are authorized to stop and conduct a visual
28 inspection of any school bus as defined in § ~~31-1-3(e)~~ 31-1-3(v), on public roads and highways
29 and in public and private parking areas. The random inspections shall be conducted at a time
30 when no school children are on the school bus. Nothing in this section shall preclude a law
31 enforcement officer from stopping a school bus which is transporting children for any visible
32 violation of applicable safety standards. Whenever a law enforcement officer stops a school bus,
33 he or she shall verify that the vehicle identification number (VIN) listed on the registration card is
34 the same as the VIN listed on the body of the bus.

1 (b) Any federal or state employee authorized to stop and inspect trucks on the highways
2 or roads of this state is authorized to conduct inspections of any school bus.

3 (c) Any school bus found to be in violation of applicable laws and/or regulations may be
4 immediately impounded, and notification shall be sent to the registered owner, the school
5 superintendent and the school committee for which the bus transports children. The bus shall not
6 be used to transport children until the violation is cured and the bus is inspected by a state
7 employed or state certified inspector.

8 **31-22-11.6. Child care vehicles and school extra-curricular vehicles.** -- (a) (1)
9 Pursuant to § 31-22-10, the division of motor vehicles is authorized to promulgate rules and
10 regulations concerning the type, construction, and equipment of motor vehicles used for the
11 transportation of children to and from child care facilities and to and from school sponsored
12 activities including athletics and extra-curricular activities.

13 (2) (i) For the purposes of this section, “school bus”, as referred to in § ~~31-1-3(e)~~ [31-1-](#)
14 [3\(v\)](#), is defined as a vehicle which is used to carry children to or from school on school bound
15 routes at the outset of the children's school day and/or on home bound routes at the end of the
16 children's school day. For these routes, a school bus must be used regardless of the number of
17 students being transported.

18 (ii) For purposes of this section, “school extra-curricular vehicles” is defined as vehicles
19 designed to transport fewer than fifteen (15) students to and from school sponsored activities
20 including athletics, internships, work experiences, and extra-curricular activities where school
21 buses are not used because of the small number of students being transported.

22 (iii) For the purpose of this section, “child care vehicle” is defined as a motor vehicle
23 owned or leased by a licensed child care agency that does not exceed fifteen (15) passengers and
24 is being used to transport children from schools to child care facilities and/or from child care
25 facilities to schools. Two (2) door sedans shall not be considered child care vehicles or school
26 extra-curricular vehicles.

27 (b) The division of motor vehicles shall have the authority to suspend the registration of
28 any vehicle used for child care transportation or school extra-curricular transportation that does
29 not meet the following requirements:

30 (1) Seating. Adequate seating space for all passengers shall be provided. The maximum
31 seating capacity of a child care vehicle and school extra-curricular vehicle shall be fifteen (15)
32 persons, including the driver. No standing shall be permitted while the vehicle is in operation.

33 (2) Safety belts. Safety belts shall be required for all passengers riding in the child care
34 vehicle and school extra-curricular vehicle.

1 (3) Vehicle registration. All child care vehicles and school extra-curricular vehicles shall
2 be registered as public vehicles.

3 (4) Vehicle inspection. All child care vehicles and school extra-curricular vehicles shall
4 be inspected for excessive emissions and/or safety items according to a staggered appointment
5 schedule as determined by the director of administration, or his or her designee, and from time to
6 time thereafter as may be required, and the vehicle owner shall display upon the vehicle the
7 certificate of inspection and approval issued to the vehicle until the certificate shall expire.

8 (5) Inspector's rejection notice. The director of administration, or his or her designee,
9 may affix a notice of rejection to any vehicle that fails to pass the required inspection
10 requirements. The rejection notice shall not be destroyed or removed from the vehicle until the
11 vehicle has passed the inspection requirements, or its removal has been authorized by the director
12 of administration or his or her designee.

13 (6) Vehicle identification. (i) Any and all child care vehicles and school extra-curricular
14 vehicles must have the name of the child care organization conspicuously placed on the side of
15 the vehicle. The identification shall be required to possess two inch (2") letters, and be
16 permanently affixed on the side of the vehicle.

17 (ii) Should any child care vehicle and school extra-curricular vehicle be a leased vehicle,
18 the vehicle shall forego the requirement of having the name of the child care facility or school
19 permanently affixed to the side of the vehicle, but instead may satisfy the identification
20 requirement by placing a magnetized sign naming the child care facility or school or any other
21 temporarily affixed apparatus; provided, that the temporary identification sign not be
22 interchanged, replaced, or modified to change the purpose or function of the child care vehicle
23 and school extra-curricular vehicle.

24 (7) Fire extinguisher. (i) The child care vehicle and school extra-curricular vehicle shall
25 be equipped with at least one pressurized, potassium bicarbonate base dry chemical-type fire
26 extinguisher, mounted in the manufacturer's extinguisher bracket, and located in the driver's
27 compartment in full view of and readily accessible to the driver. A pressure gauge shall be
28 mounted on the extinguisher so as to be easily read without removing the extinguisher from its
29 mounted position.

30 (ii) The fire extinguisher shall have a minimum capacity of not less than two and a half
31 pounds (2 1/2 lbs.) and be of a type approved by the Underwriters Laboratories, Inc., with a rating
32 of not less than ten (10) B:C. The operating mechanism shall be sealed with a type of seal that
33 will not interfere with use of the fire extinguisher.

1 (8) First-Aid kits. Every child care vehicle and school extra-curricular vehicle shall be
2 equipped with a first-aid kit mounted in an area accessible to the operator which consists of
3 bandages, sterile pads, adhesive tape, and Band-Aids for use in the administration of first-aid
4 treatment.

5 (9) School extra-curricular vehicles purchased after January 1, 2000 shall further comply
6 with regulations which the division of motor vehicles is authorized to promulgate which require
7 these vehicles to meet appropriate safety standards. The additional safety requirements of this
8 subsection shall, effective January 1, 2008, also apply to school extra-curricular vehicles in
9 service prior to January 1, 2000, which are still in service after January 1, 2008.

10 **31-22-11.7. Unauthorized school bus entry.** -- (a) Any person over eighteen (18) years
11 of age who enters a school bus as defined in § ~~31-1-3(e)~~ [31-1-3\(v\)](#) without prior authorization of
12 the driver or a school official, and who refuses to disembark after being ordered to do so by the
13 driver, shall be guilty of a misdemeanor.

14 (b) A school district may place a notice at the entrance of the school bus that warns
15 against the unauthorized entry or refusal to disembark prohibited by this section.

16 SECTION 17. Sections 31-23-42 and 31-23-42.1 of the General Laws in Chapter 31-23
17 entitled "Equipment and Accessories Generally" are hereby amended to read as follows:

18 **31-23-42. First-aid kit and heating equipment in school bus.** -- Every school bus as
19 defined in § ~~31-1-3(e)~~ [31-1-3\(v\)](#) shall be equipped with a first-aid kit containing those articles and
20 appliances generally included in an approved American Red Cross first-aid kit used in the
21 administration of first-aid treatment. Every school bus shall also be equipped with an operable
22 system for completely and adequately heating the bus while transporting children.

23 **31-23-42.1. Special mirrors on school buses.** -- Every school bus as defined in § ~~31-1-~~
24 ~~3(e)~~ [31-1-3\(v\)](#) shall be equipped with a system of mirrors that will give the seated driver a view of
25 the roadway to each side of the bus, and the area immediately in front of the front bumper, in
26 accordance with the following specifications:

27 (1) At least seven and one-half inches (7 1/2") of a thirty-inch (30") long rod shall be
28 visible to the driver, either by direct view or by means of an indirect visibility system, when the
29 rod is placed upright on the ground at any point along a traverse line extending one foot from the
30 forward-most point of the bus and one foot from the length and width and rear of the bus.

31 (2) Every school bus owner shall maintain a measuring rod thirty inches (30") in length
32 with distinctive identification marks located at seven and one-half inch (7 1/2") intervals for
33 purposes of adjusting the system of mirrors required by this section in accordance with these
34 specifications.

1 (3) Other mirrors shall be located and adjustable so as to meet their intended minimum
2 requirements, and may be incorporated in the system of mirrors required by this section.

3 (4) Each school bus shall be equipped with at least two (2) flat-surfaced rectangular
4 exterior mirrors, one situated on each side of the bus forward of the operator and any entrance
5 door. The reflecting surface shall not be obscured and shall have a minimum reflective surface of
6 fifty square inches (50 sq. in.). The mirrors shall be firmly supported and adjustable, and shall
7 afford the driver a clear, stable, reflected view of the road surface at each side of the vehicle for a
8 continual distance beginning at a point not greater than two hundred feet (200') to the rear and
9 continuing to the horizon when measured on a straight and level road.

10 (5) Exterior mirror mounts shall include a wide-angle adjustable convex mirror to provide
11 a close-in field of vision to the operator. Each school bus shall be equipped with convex mirrors
12 that shall be mounted at the left front corner and the right front corner of the vehicle, sufficiently
13 adjustable to enable a seated operator to observe a reflection of the area in front of the bus where
14 children might stand or pass.

15 (6) Each school bus shall be equipped with interior mirrors that shall afford the driver a
16 view of the bus interior, emergency door, and the roadway to the immediate rear of the bus. Every
17 school bus with a seating capacity of sixteen (16) passengers or fewer shall have a convex rear
18 view mirror located near the right front corner, so as to provide the operator with a view of the
19 ground area at the entrance door when the door is not equipped with safety glass in the lower
20 portion of the door.

21 (7) Violations of this section are subject to fines enumerated in § 31-41.1-4.

22 SECTION 18. Section 31-24-54 of the General Laws in Chapter 31-24 entitled "Lighting
23 Equipment and Reflectors" is hereby amended to read as follows:

24 **31-24-54. Strobe lights on school buses.** -- All new school buses, as defined in § ~~31-1-~~
25 ~~3(†)~~ [31-1-3\(v\)](#), shall at all times be equipped with a rear-viewing, rear-mounted white flashing
26 strobe light, meeting the following requirements:

27 (1) A white flashing strobe light will be installed on the roof of a school bus; at a point
28 not to exceed one-third (1/3) the body length forward from the rear of the roof edge;

29 (2) The strobe light will have a single clear lens emitting light three hundred sixty (360)
30 degrees around its vertical axis and may not extend above the roof more than maximum legal
31 height;

32 (3) The light will not exceed nine inches (9") in height or nine inches (9") in diameter;

33 (4) A manual switch and a pilot light will be included to indicate when light is in
34 operation; and

1 (5) The strobe light will be wired to activate with the amber alternately flashing signal
2 lamps, continuing through the full loading or unloading cycle, with an override switch to allow
3 activation of the strobe at any time for use in inclement weather.

4 (6) Violations of this section are subject to fines enumerated in § 31-41.1-4.

5 SECTION 19. Section 31-25-26 of the General Laws in Chapter 31-25 entitled “Size,
6 Weight, and Load Limits” is hereby amended to read as follows:

7 **31-25-26. Prohibition of commercial vehicles by local authorities.** -- Local authorities
8 with respect to highways under their jurisdiction may, by ordinance or resolution, prohibit the
9 operation of trucks or other commercial vehicles, or may impose limitations as to the weight of
10 those vehicles on designated highways, which prohibitions and limitations shall be designated by
11 appropriate signs placed on the highways. For the purposes of this section, a suburban vehicle, as
12 defined in § ~~31-1-3(s)~~ 31-1-3(w), shall not be deemed to be a truck or commercial vehicle.

13 SECTION 20. Section 42-56-20.2 of the General Laws in Chapter 42-56 entitled
14 “Corrections Department” is hereby amended to read as follows:

15 **42-56-20.2. Community confinement.** -- (a) Persons subject to this section. Every
16 person who shall have been adjudged guilty of any crime after trial before a judge, a judge and
17 jury, or before a single judge entertaining the person's plea of nolo contendere or guilty to an
18 offense (“adjudged person”) and every person sentenced to imprisonment in the adult correctional
19 institutions (“sentenced person”) including those sentenced or imprisoned for civil contempt, and
20 every person awaiting trial at the adult correctional institutions (“detained person”) who meets the
21 criteria set forth in this section shall be subject to the terms of this section except:

22 (1) Any person who is unable to demonstrate that a permanent place of residence
23 (“eligible residence”) within this state is available to that person; or

24 (2) Any person who is unable to demonstrate that he or she will be regularly employed,
25 or enrolled in an educational or vocational training program within thirty (30) days following the
26 institution of community confinement; or

27 (3) (i) Any adjudged person or sentenced person or detained person who has been
28 convicted, within the five (5) years next preceding the date of the offense for which he or she is
29 currently so adjudged or sentenced or detained, of a violent felony.

30 A “violent felony” as used in this section shall mean any one of the following crimes or an
31 attempt to commit that crime: murder, manslaughter, sexual assault, mayhem, robbery, burglary,
32 assault with a dangerous weapon, assault or battery involving serious bodily injury, arson,
33 breaking and entering into a dwelling, child molestation, kidnapping, DWI resulting in death or
34 serious injury, driving to endanger resulting in death or serious injury.

1 (ii) Any person currently adjudged guilty of or sentenced for or detained on any capital
2 felony; or

3 (iii) Any person currently adjudged guilty of or sentenced for or detained on a felony
4 offense involving the use of force or violence against a person or persons.

5 These shall include, but are not limited to, those offenses listed in subsection (a)(3)(i); or

6 (iv) Any person currently adjudged guilty, sentenced, or detained for the sale, delivery, or
7 possession with intent to deliver a controlled substance in violation of § ~~21-28-4.01(A)(2)(a)~~ [21-](#)
8 [28-4.01\(a\)\(4\)\(i\)](#) or possession of a certain enumerated quantity of a controlled substance in
9 violation of §§ 21-28-4.01.1 or 21-28-4.01.2.

10 (v) Any person currently adjudged guilty of or sentenced for or detained on an offense
11 involving the illegal possession of a firearm.

12 (b) Findings prior to sentencing to community confinement. In the case of adjudged
13 persons, if the judge intends to impose a sentence of community confinement, he or she shall first
14 make specific findings, based on evidence regarding the nature and circumstances of the offense
15 and the personal history, character, record, and propensities of the defendant which are relevant to
16 the sentencing determination, and these findings shall be placed on the record at the time of
17 sentencing. These findings shall include, but are not limited to:

18 (1) A finding that the person does not demonstrate a pattern of behavior indicating a
19 propensity for violent behavior;

20 (2) A finding that the person meets each of the eligibility criteria set forth in subsection
21 (a);

22 (3) A finding that simple probation is not an appropriate sentence;

23 (4) A finding that the interest of justice requires, for specific reasons, a sentence of non-
24 institutional confinement; and

25 (5) A finding that the person will not pose a risk to public safety if placed in community
26 confinement.

27 The facts supporting these findings shall be placed on the record, and shall be subject to
28 review on appeal.

29 (c) Community confinement.

30 (1) There shall be established within the department of corrections, a community
31 confinement program to serve that number of adjudged persons, sentenced persons and detainees,
32 that the director of the department of corrections (“director”) shall determine on or before July 1
33 of each year. Immediately upon that determination, the director shall notify the presiding justice
34 of the superior court of the number of adjudged persons, sentenced persons, and detainees that

1 can be accommodated in the community confinement program for the succeeding twelve (12)
2 months. One-half (1/2) of all persons sentenced to community confinement shall be adjudged
3 persons, and the balance shall be detainees and sentenced persons. The director shall provide to
4 the presiding justice of the superior court and the family court on the first day of each month a
5 report to set forth the number of adjudged persons, sentenced persons and detainees participating
6 in the community confinement program as of each reporting date. Notwithstanding any other
7 provision of this section, if on April 1 of any fiscal year less than one-half (1/2) of all persons
8 sentenced to community confinement shall be adjudged persons, then those available positions in
9 the community confinement program may be filled by sentenced persons or detainees in
10 accordance with the procedures set forth in subdivision (c)(2) of this section.

11 (2) In the case of inmates other than those classified to community confinement under
12 subsection (h), the director may make written application (“application”) to the sentencing judge
13 for an order (“order”) directing that a sentenced person or detainee be confined within an eligible
14 residence for a period of time, which in the case of a sentenced person, shall not exceed the term
15 of imprisonment. This application and order shall contain a recommendation for a program of
16 supervision and shall contain the findings set forth in subsections (b)(1), (2), (3), (4), and (5) and
17 facts supporting these findings. The application and order may contain a recommendation for the
18 use of electronic surveillance or monitoring devices. The hearing on this application shall be held
19 within ten (10) business days following the filing of this application. If the sentencing judge is
20 unavailable to hear and consider the application the presiding justice of the superior court shall
21 designate another judge to do so.

22 (3) In lieu of any sentence which may be otherwise imposed upon any person subject to
23 this section, the sentencing judge may cause an adjudged person to be confined within an eligible
24 residence for a period of time not to exceed the term of imprisonment otherwise authorized by the
25 statute the adjudged person has been adjudged guilty of violating.

26 (4) With authorization by the sentencing judge, or, in the case of sentenced persons
27 classified to community confinement under subsection (h) by the director of corrections, or in
28 accordance with the order, persons confined under the provisions of this chapter may be
29 permitted to exit the eligible residence in order to travel directly to and from their place of
30 employment or education or training and may be confined in other terms or conditions consistent
31 with the basic needs of that person that justice may demand including the right to exit the eligible
32 residence to which that person is confined for certain enumerated purposes such as religious
33 observation, medical and dental treatment, participation in an education or vocational training
34 program, and counseling, all as set forth in the order.

1 (d) Administration.

2 (1) Community confinement. The supervision of persons confined under the provisions
3 of this chapter shall be conducted by the director, or his or her designee.

4 (2) Intense surveillance. The application and order shall prescribe a program of intense
5 surveillance and supervision by the department of corrections. Persons confined under the
6 provisions of this section shall be subject to searches of their persons or of their property when
7 deemed necessary by the director, or his or her designee, in order to ensure the safety of the
8 community, supervisory personnel, the safety and welfare of that person and/or to ensure
9 compliance with the terms of that person's program of community confinement; provided,
10 however, that no surveillance, monitoring or search shall be done at manifestly unreasonable
11 times or places nor in a manner or by means that would be manifestly unreasonable under the
12 circumstances then present.

13 (3) The use of any electronic surveillance or monitoring device which is affixed to the
14 body of the person subject to supervision is expressly prohibited unless set forth in the application
15 and order or, in the case of sentenced persons classified to community confinement under
16 subsection (h), otherwise authorized by the director of corrections.

17 (4) Regulatory authority. The director shall have full power and authority to enforce any
18 of the provisions of this section by regulation, subject to the provisions of the Administrative
19 Procedures Act, chapter 35 of title 42. Notwithstanding any provision to the contrary, the
20 department of corrections may contract with private agencies to carry out the provisions of this
21 section. The civil liability of those agencies and their employees, acting within the scope of their
22 employment, and carrying out the provision of this section, shall be limited in the same manner
23 and dollar amount as if they were agencies or employees of the state.

24 (e) Violations. Any person confined pursuant to the provisions of this section, who is
25 found to be a violator of any of the terms and conditions imposed upon him or her according to
26 the order, or in the case of sentenced persons classified to community confinement under
27 subsection (h), otherwise authorized by the director of corrections, this section, or any rules,
28 regulations, or restrictions issued pursuant hereto shall be ineligible for parole, and shall serve the
29 balance of his or her sentence in a classification deemed appropriate by the director. If that
30 conduct constitutes a violation of § 11-25-2, the person, upon conviction, shall be subject to an
31 additional term of imprisonment of not less than one year and not more than twenty (20) years.
32 However, it shall be a defense to any alleged violation that the person was at the time of the
33 violation acting out of a necessary response to an emergency situation. An “emergency situation”

1 shall be construed to mean the avoidance by the defendant of death or of substantial personal
2 injury, as defined above, to him or herself or to others.

3 (f) Costs. Each person confined according to this section shall reimburse the state for the
4 costs or a reasonable portion thereof incurred by the state relating to the community confinement
5 of those persons. Costs shall be initially imposed by the sentencing judge or in the order and shall
6 be assessed by the director prior to the expiration of that person's sentence. Once assessed, those
7 costs shall become a lawful debt due and owing to the state by that person. Monies received under
8 this section shall be deposited as general funds.

9 (g) Severability. Every word, phrase, clause, section, subsection, and any of the
10 provisions of this section are hereby declared to be severable from the whole, and a declaration of
11 unenforceability or unconstitutionality of any portion of this section, by a judicial court of
12 competent jurisdiction, shall not affect the portions remaining.

13 (h) Sentenced persons approaching release. Notwithstanding the provisions set forth
14 within this section, any sentenced person committed under the direct care, custody, and control of
15 the adult correctional institutions, who is within six (6) months of the projected good time release
16 date, provided that the person shall have completed at least one-half (1/2) of the full term of
17 incarceration, or any person who is sentenced to a term of six (6) months or less of incarceration,
18 provided that the person shall have completed at least three-fourths (3/4) of the term of
19 incarceration, may in the discretion of the director of corrections be classified to community
20 confinement. This provision shall not apply to any person whose current sentence was imposed
21 upon conviction of murder, first degree sexual assault or first degree child molestation.

22 (i) Notification to police departments. The director, or his or her designee, shall notify the
23 appropriate police department when a sentenced, adjudged or detained person has been placed
24 into community confinement within that department's jurisdiction. That notice will include the
25 nature of the offense and the express terms and conditions of that person's confinement. That
26 notice shall also be given to the appropriate police department when a person in community
27 confinement within that department's jurisdiction is placed in escape status.

28 (j) No incarceration credit for persons awaiting trial. No detainee shall be given
29 incarceration credit by the director for time spent in community confinement while awaiting trial.

30 (k) No confinement in college or university housing facilities. Notwithstanding any
31 provision of the general laws to the contrary, no person eligible for community confinement shall
32 be placed in any college or university housing facility, including, but not limited to, dormitories,
33 fraternities or sororities. College or university housing facilities shall not be considered an
34 "eligible residence" for "community confinement."

1 SECTION 21. Section 42-66.2-9 of the General Laws in Chapter 42-66.2 entitled
2 “Pharmaceutical Assistance to the Elderly Act” is hereby amended to read as follows:

3 **42-66.2-9. Annual report.** -- (a) The director shall submit an annual report to the
4 governor, the budget officer, the chairperson of the house finance committee, the chairperson of
5 the senate finance committee, and the chairperson of the board of pharmacy as established by § ~~5-~~
6 ~~19-2 [repealed]~~ 5-19.1-4. The report shall contain the number of consumers eligible for the
7 program, the number of consumers utilizing the program, an outline of and a report on the
8 educational outreach program, the number of appeals, an outline of problems encountered in the
9 administration of the program and suggested solution to the problems, and any recommendations
10 to enhance the program.

11 (b) The contractor shall submit an annual report to the governor, the budget officer, the
12 chairperson of the house finance committee, the chairperson of the senate finance committee, and
13 the board of pharmacy as established by § ~~5-19-2 [repealed]~~ 5-19.1-4. The report shall contain
14 financial and utilization statistics as to drug use by therapeutic category, actuarial projections, an
15 outline of problems encountered in the administration of the program, and suggested solutions to
16 the problems and any recommendations to enhance the program.

17 (c) The first report pursuant to this section shall be submitted on or before January 15,
18 1986.

19 SECTION 22. Section 44-5-13.2.5 of the General Laws in Chapter 44-5 entitled “Levy
20 and Assessment of Local Taxes” is hereby amended to read as follows:

21 **44-5-13.2.5. Exemption for residential improvements and alterations in the city of**
22 **Pawtucket.** -- (a) The tax assessor of the city of Pawtucket is authorized to grant an exemption
23 from real property taxation equal to any increase in assessed valuation not exceeding fifteen
24 thousand dollars (\$15,000) cumulatively resulting from alterations and improvements made to
25 existing dwellings used for residential purposes and shall include mobile and manufactured
26 homes. For the purpose of this section, “dwelling” has the meaning defined in § 45-24.3-5(10).
27 “Mobile and Manufactured Home” has the meaning defined in § ~~31-44-1(i)~~ 31-44-1(8). The
28 exemption is granted for three (3) years commencing with the tax roll assessed as of the
29 assessment date which immediately follows the completion of the alterations and improvements
30 or which next occurs eighteen (18) months after the date of issuance of the building permit for the
31 alterations and improvements, whichever occurs first.

32 (b) In order to be eligible for exemption, the dwelling must be an existing residential
33 dwelling and be at least five (5) years of age at the time of issuance of the building permit for the
34 alterations and improvements, all real estate taxes and other assessments and fees assessed against

1 the dwelling must be paid up to date, and the dwelling must meet all minimum housing building
2 code and zoning requirements or the alterations and improvements must be that which will
3 improve the dwelling to meet code requirements. The tax assessor shall require a certificate from
4 the building inspector that the dwelling meets all minimum housing, building code and zoning
5 requirements and regulations including the number of dwelling units allowed. The certificate
6 from the building inspector shall be provided to the tax assessor at the time that the application
7 for an exemption is filed.

8 (c) The exemption provided for in this section is allowed only for owner-occupied
9 residential dwellings including up to five (5) units, including the owner-occupied unit, and
10 include owner-occupied residential condominium units. The exemption is not allowed for any
11 property used for professional or business use or other commercial or income-producing purposes
12 other than owner-occupied dwellings of five (5) units or less.

13 (d) Alterations and improvements which qualify for the exemption provided for in this
14 section include the following:

15 (1) Installations of additional plumbing facilities, electrical fixtures or re-wiring of the
16 electrical system, heating system, hot water system or the replacement of any of these items;

17 (2) Inside and outside painting or redecorating;

18 (3) Repairing, repointing or replacing existing masonry;

19 (4) Reshingling of or installation of siding on exterior walls;

20 (5) Replacing or repairing roofs, gutters, downspouts;

21 (6) Weather stripping, insulating or replacing of existing windows and sashes;

22 (7) Adding a bedroom, bathroom, recreation room, fireplace or garages;

23 (8) Converting basement into amusement or rumpus room;

24 (9) Enclosing open porches or breezeways;

25 (10) New basement or incinerator;

26 (11) Adding new fences or stone walls;

27 (12) Repairing or replacing or adding porches, steps, sidewalks or driveways;

28 (13) Adding any built-ins, kitchen cabinets or closets;

29 (14) Any other improvement, alteration, or addition which the city council may provide
30 for by ordinance which does not materially affect the character and use of the property and is of
31 such a nature that the property retains its basic structural design and is improved to a condition
32 comparable to similar structures and housing standards.

1 (e) An exemption will not be allowed if a building permit and/or zoning approval is
2 granted after the alteration or improvement is made. The following are not deemed to be
3 alterations and improvements which qualify for exemption under this section:

4 (1) Any increase in the number of dwelling units;

5 (2) The addition of recreational facilities including, but not limited to, swimming pool
6 and/or pool cabana, a tennis court or basketball court;

7 (3) Any change in connection with, or enabling the operation of a business or profession
8 from a residence;

9 (4) Any alteration or improvement which in the opinion of the tax assessor is of such a
10 nature that the property does not retain its basic structural design or that the character and use of
11 the property has changed;

12 (5) Any alteration or improvement made without a building permit issued by the building
13 inspector.

14 (f) No person is entitled to any exemption under this section without first filing an
15 application with the tax assessor on forms furnished by the tax assessor. The application requires
16 information as to cost, construction, ownership, occupancy, use and any other information
17 required by the tax assessor to determine compliance with the terms of this section. The tax
18 assessor may require the applicant to provide receipts and other evidence of the cost of the
19 alteration or improvement. The city council of the city of Pawtucket may, by ordinance, adopt
20 rules and regulations not inconsistent with this section concerning the exemption provided for
21 under this section, the manner and form of application for the exemption, the proof required for
22 the dwelling to be considered "owner-occupied" and the determination by the tax assessor of the
23 cost, valuation, and amount of exemption allowed for the alterations and improvements.
24 Applications for exemption must be filed by December 31 of the year in which the alterations and
25 improvements are completed and may be approved by the tax assessor prior to certification of the
26 subsequent tax roll.

27 (g) Any exemption under this section terminates upon the conveyance of the subject
28 property, except for a conveyance or transfer to a member of the immediate family of the owner
29 without consideration. For the purposes of this section, "member of the immediate family of the
30 owner" includes the owner's spouse, parents, children, grandchildren and brothers and sisters.
31 Any exemption terminates when this property subject to exemption is no longer owner-occupied
32 for residential purposes or if the original conditions and qualifications for the granting of the
33 exemption no longer exist. A person's residence for the purpose of this section is his or her fixed

1 and established domicile. The tax assessor may challenge a person's residency based upon the
2 criteria established in chapter 1 of title 17 relating to residency for voting purposes.

3 (h) Any person aggrieved by a decision of the tax assessor pursuant to this section has the
4 right to an appeal pursuant to the terms of this chapter to the city of Pawtucket board of tax
5 review.

6 (i) Notwithstanding the grant of an exemption under this section, the property is still
7 subject to any general revaluation on a city-wide basis. An owner of an owner-occupied dwelling
8 is allowed one exemption under this section during each revaluation period.

9 (j) No exemption is granted for alterations and improvements made pursuant to a building
10 permit issued prior to December 31, 1995.

11 (k) An exemption shall not be allowed if a building permit and/or zoning approval is
12 granted after the alteration or improvement is made.

13 SECTION 23. Section 44-34-2 of the General Laws in Chapter 44-34 entitled "Excise on
14 Motor Vehicles and Trailers [Repealed Effective July 1, 2005]" is hereby amended to read as
15 follows:

16 **44-34-2. Assessment - Valuation - Proration - Abatement and cancellation -**
17 **Exemptions from tax. [Repealed effective July 1, 2005.]** -- (a) Except as provided in this
18 section, the tax assessors of each city and town shall assess and levy in each calendar year on
19 every vehicle and trailer registered under chapter 3 of title 31 for the privilege of the registration,
20 an excise measured by its value, as subsequently defined and determined. For the purpose of this
21 excise, the uniform value of each vehicle is determined in accordance with the regulations of the
22 vehicle value commission. Provided, that any vehicle which is more than twenty-five (25) years
23 old, whether or not the vehicle is an antique motor car as defined in § ~~31-1-3 subsection (f)~~ [31-1-](#)
24 [3\(a\)](#), is deemed to possess an average retail value of five hundred dollars (\$500). Provided,
25 further, that any vehicle more than twenty-five (25) years old on June 16, 1987, whether or not
26 the vehicle is an antique motor car as defined in § 31-1-3(a), is deemed to have an average retail
27 value of five hundred dollars (\$500) or its actual retail value whichever is less. Provided, further,
28 that the minimum excise tax on any vehicle, if registered to the same owner for a full year or
29 portion of the year, is not less than five dollars (\$5.00) unless the registration is transferred to one
30 or more additional vehicles or trailers, in which case the minimum or combined excise taxes is
31 not less than five dollars (\$5.00). Provided, further, that beginning in fiscal year 2001 the assessor
32 may, but is not required to, issue minimum tax bills as authorized by this section or any general or
33 public law. Beginning in fiscal year 2002 and thereafter, the assessor shall not issue minimum tax
34 bills, notwithstanding any general or public law to the contrary. The assessor may waive the

1 excise tax on any vehicle where the annual levy would be less than five dollars (\$5.00), provided,
2 however, that the state shall not provide reimbursement for any waiver.

3 (b) Vehicle and trailer excises are prorated over the calendar year prior to the year in
4 which the excises are levied and billed, that year being referred to as the calendar year of
5 proration.

6 (c) The excise levy on every vehicle and trailer registered under chapter 3 of title 31 is
7 based on the ratio that the number of days the vehicle or trailer is registered is to the number of
8 days in the calendar year of proration.

9 (d) If during the calendar year of proration, the owner of a vehicle or trailer subject to the
10 excise moves permanently with his or her vehicle to another state and cancels his or her
11 registration in this state and returns the registration plates, the vehicle is exempt from excise for
12 the ensuing year.

13 (e) “Year of manufacture” as used in this section means the year used by the
14 manufacturer of the vehicle or trailer in connection with the designation by the manufacturer of
15 the model of the vehicle or trailer. Where the presumptive price of a vehicle or trailer is not
16 readily obtainable, or special equipment is installed on the vehicle or trailer, the tax assessor
17 prescribes the retail price to be used or the manner in which the retail price is determined.

18 (f) Nothing in this section shall be construed to prevent any city or town council from
19 granting an abatement, in whole or in part, when there is an error in the assessment of a tax, and
20 the tax assessors have certified to the fact, in writing, to the city or town council to cancel taxes
21 stating the nature of the error, the valuation of the vehicle or trailer, the amount of the tax
22 assessed and the name of the person to whom the vehicle or trailer was taxed.

23 (g) The city or town council may cancel, in whole or in part, an excise tax assessed to a
24 person who has died leaving no estate, or a person who has moved from the state, and the tax
25 collector or person acting in the capacity of tax collector certifies to the city or town council the
26 facts of the case.

27 (h) The excise imposed by this section does not apply to vehicles or trailers owned by the
28 state of Rhode Island or any of its political subdivisions, or to vehicles or trailers owned by a
29 corporation, association or other organization whose tangible personal property is exempt under §
30 44-3-3, subdivisions (1) -- (15), or to vehicles assessed and taxed under § 44-13-13, or those
31 owned by the United States government. Farm vehicles are exempt to the extent prescribed in §
32 44-5-42.

33 SECTION 24. Section 44-49-2 of the General Laws in Chapter 44-49 entitled “Taxation
34 of Marijuana and Controlled Substances ” is hereby amended to read as follows:

1 **44-49-2. Definitions.** -- (a) “Controlled substance” means any drug or substance,
2 whether real or counterfeit, as defined in § ~~21-28-1.02(6)~~ 21-28-1.02(7), that is held, possessed,
3 transported, transferred, sold, or offered to be sold in violation of Rhode Island laws. “Controlled
4 substance” does not include marijuana.

5 (b) “Dealer” means a person who in violation of Rhode Island law manufactures,
6 produces, ships, transports, or imports into Rhode Island or in any manner acquires or possesses
7 more than 42 1/2 grams of marijuana, or seven (7) or more grams of any controlled substance, or
8 ten (10) or more dosage units of any controlled substance which is not sold by weight. A quantity
9 of marijuana or a controlled substance is measured by the weight of the substance whether pure or
10 impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer’s
11 possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of
12 pure controlled substance and any excipients or fillers.

13 (c) “Marijuana” means any marijuana, whether real or counterfeit, as defined in § ~~21-28-~~
14 ~~1.02(19)~~ 21-28-1.02(26), that is held, possessed, transported, transferred, sold, or offered to be
15 sold in violation of Rhode Island laws.

16 SECTION 25. Sections 15-5-5, 15-5-12, 15-5-16.1, and 15-5-22 of the General Laws in
17 Chapter 15-5 entitled “Divorce and Separation” are hereby amended to read as follows:

18 **15-5-5. Uncorroborated testimony of complainant.** -- Whenever the act or acts giving
19 rise to the cause for divorce are ~~such that in the~~ of a nature ~~of things that~~ the complaining party
20 could not ordinarily produce corroborating testimony, the court may, in its discretion, if it is
21 satisfied of the existence of the cause in question, the proof in other respects being satisfactory,
22 grant the divorce on the testimony of the complaining party alone.

23 **15-5-12. Domicile and residence requirements.** – (a) No complaint for divorce from
24 the bond of marriage shall be granted unless the plaintiff has been a domiciled inhabitant of this
25 state and has resided in this state for a period of one year next before the filing of the complaint;
26 provided, that if the defendant has been a domiciled inhabitant of this state and has resided in this
27 state for the period of one year next before the filing of the complaint, and is actually served with
28 process, the ~~previous~~ requirement of this subsection as to domicile and residence on the part of
29 the plaintiff is deemed ~~to have been~~ satisfied and fulfilled; provided, the residence and domicile
30 of any person immediately prior to the commencement of his or her active service as a member of
31 the armed forces or of the merchant marine of the United States, or immediately prior to his or
32 her absence from the state in the performance of services in connection with military operations
33 as defined in subsection (c), shall, for the purposes of this section, continue to be his or her
34 residence and domicile during the time of his or her service and for a period of thirty (30) days

1 thereafter. Testimony to prove domicile and residence may be received through the ex parte
2 affidavit of one witness.

3 (b) Wherever used in this section, every word importing the masculine gender only is
4 construed to extend to and include females as well as males.

5 (c) Wherever used in this section, the term 'services in connection with military
6 operations' is construed to include persons serving with the American Red Cross, the Society of
7 Friends, the Women's Auxiliary Service Pilots, and the United Service Organizations.

8 **15-5-16.1. Assignment of property.** -- (a) In addition to or in lieu of an order to pay
9 spousal support made pursuant to a complaint for divorce, the court may assign to either the
10 husband or wife a portion of the estate of the other. In determining the nature and value of the
11 property, if any, to be assigned, the court after hearing the witnesses, if any, of each party shall
12 consider the following:

13 (1) The length of the marriage;

14 (2) The conduct of the parties during the marriage;

15 (3) The contribution of each of the parties during the marriage in the acquisition,
16 preservation, or appreciation in value of their respective estates;

17 (4) The contribution and services of either party as a homemaker;

18 (5) The health and age of the parties;

19 (6) The amount and sources of income of each of the parties;

20 (7) The occupation and employability of each of the parties;

21 (8) The opportunity of each party for future acquisition of capital assets and income;

22 (9) The contribution by one party to the education, training, licensure, business, or
23 increased earning power of the other;

24 (10) The need of the custodial parent to occupy or own the marital residence and to use or
25 own its household effects, taking into account the best interests of the children of the marriage;

26 (11) Either party's wasteful dissipation of assets or any transfer or encumbrance of assets
27 made in contemplation of divorce without fair consideration; and

28 (12) Any factor which the court shall expressly find to be just and proper.

29 (b) The court may not assign property or an interest in the property held in the name of
30 one of the parties if the property was held by the party prior to the marriage, but may assign
31 income which has been derived from the property during the term of the marriage, and the court
32 may assign the appreciation of value from the date of the marriage of property or an interest in it
33 which was held in the name of one party prior to the marriage which increased in value as a result
34 of the efforts of either spouse during the marriage. The court also shall not assign property or an

1 interest in the property which has been transferred to one of the parties by inheritance before,
2 during, or after the term of the marriage. The court shall not assign property or an interest in the
3 property which has been transferred to one of the parties by gift from a third party before, during,
4 or after the term of the marriage.

5 (c) The assignment of property, if any, to be made shall precede the award of alimony,
6 since the needs of each party will be affected by the assignment of property, and once made in a
7 final decree shall be final, subject only to any right of appeal which the parties may have. Any
8 assignment made by the family court shall be regarded as a judgment for debt so that suit may be
9 brought or execution may issue on the debt for the property due and undelivered, or the amount
10 due and unpaid to be shown by affidavits of the person entitled to the property and the attorney of
11 record of the person, the executions to run against the goods and chattels of the husband and wife,
12 as the case may be; and the court may make all necessary orders and decrees concerning the suits
13 or executions.

14 **15-5-22. Trial required - Collusion.** --No divorce from the bond of marriage
15 shall be granted solely upon default nor solely upon admissions by the pleadings, ~~nor~~
16 except upon trial before the court in open session; nor shall the divorce be granted where
17 the court is satisfied that there has been any collusion or corrupt conduct by the parties, or
18 either of them, in regard to the proceedings to obtain the divorce.

19 SECTION 26. Section 15-10-1 of the General Laws in Chapter 15-10 entitled "Support
20 of Parents" is hereby amended to read as follows:

21 **15-10-1. Penalty for unreasonable neglect of destitute parents.** -- (a) Any person,
22 above the age of eighteen (18) years, who unreasonably neglects or refuses to provide for the
23 support and maintenance of his or her parent, whether father or mother, residing in this state,
24 when his or her parent through misfortune, and without fault of his or her own, is destitute and
25 unable by reason of old age, infirmity, or illness to support and maintain himself or herself, shall
26 be punished by a fine not exceeding two hundred dollars (\$200), or by imprisonment for not more
27 than one year, or by both a fine and imprisonment.

28 (b) No neglect or refusal shall be deemed unreasonable as to a child who, ~~shall not~~ during
29 his or her minority, ~~have been~~ was not reasonably supported by the parent, if the parent was
30 charged with the duty to do so, nor as to any child who, being one of two (2) or more children,
31 has made proper and reasonable contribution toward the support of his or her destitute parent.

32 SECTION 27. Section 15-15-1 of the General Laws in Chapter 15-15 entitled
33 "Domestic Abuse Prevention" is hereby amended to read as follows:

34 **15-15-1. Definitions .** – As used in this chapter:

1 (1) 'Courts' means the family court;

2 (2) 'Domestic abuse' means the occurrence of one or more of the following acts between
3 present or former family members, parents, stepparents, or persons who are or have been in a
4 substantive dating or engagement relationship within the past one year in which at least one of the
5 persons is a minor:

6 (i) Attempting to cause or causing physical harm;

7 (ii) Placing another in fear of imminent serious physical harm; or

8 (iii) Causing another to engage involuntarily in sexual relations by force, threat of force,
9 or duress;

10 (3) 'Parents' means persons who together are the legal parents of one or more children,
11 regardless of their marital status or whether they have lived together at any time;

12 (4) 'Present or former family member' means the spouse, former spouse, minor children,
13 stepchildren, or persons who are related by blood or marriage; and

14 (5) 'Substantive dating' or 'engagement relationship' means a significant and
15 personal/intimate relationship which shall be adjudged by the court's consideration of the
16 following factors:

17 (i) The length of time of the relationship;

18 (ii) The type of relationship; and

19 (iii) The frequency of interaction between the parties.

20 SECTION 28. Section 15-2-2 of the General Laws in Chapter 15-2 entitled "Marriage
21 Licenses" is hereby repealed in its entirety.

22 ~~15-2-2. Waiting period not required of female immigrants. -- So much of § 15-2-1 as~~
23 ~~requires that a woman, who is not a resident of this state, shall obtain a marriage license at least~~
24 ~~five (5) days previous to her marriage, shall not apply to female immigrants arriving in any port~~
25 ~~in the state from a foreign country, but any such female immigrant may obtain a license to marry~~
26 ~~at any time previous to her marriage.~~

27 SECTION 29. Section 15-7-8 of the General Laws in Chapter 15-7 entitled "Adoption of
28 Children" is hereby amended to read as follows:

29 **15-7-8. Notice to parents – Notice when no parent living or when parent in mental**
30 **institution.** -- (a) The notice required in § 15-7-7 shall be as follows: If a parent does not consent
31 in writing to the adoption of his or her child, the court shall order a copy of the petition and order
32 that copy to be served on him or her, personally, if found in the state; and if not, notice of the
33 pendency of the petition for adoption shall be published once in a newspaper that the court
34 specifies. Similar notice shall also be published whenever a child has no living parent.

1 (b) Whenever a parent is confined in any asylum, hospital, or institution for mental
2 illness, whether the asylum, hospital, or institution be situated within or ~~without~~ out of the state,
3 the court shall order a copy of the petition and order that copy, subsequently referred to as the
4 notice, to be served on him or her personally, which notice, if to be served within the state, shall
5 be served by an officer authorized by law to serve citations; but if the notice is to be served
6 outside of the state, it may be served by any disinterested person, who shall make return, upon
7 oath, that he or she has made service of the notice, the manner in which, the time when, and the
8 place where the service was made; provided, that before any officer or disinterested person shall
9 make service of the notice, he or she shall apply to the physician in charge of the asylum,
10 hospital, or institution where the person upon whom the notice to be served is confined, and if the
11 physician shall return, upon oath, on the back of the notice, that in his or her opinion service of
12 the notice upon the person will be injurious to his mental health, the officer or person charged
13 with the service shall leave a copy of the notice, with the physician's return address on it, with the
14 keeper of the asylum, hospital, or institution and shall return the notice, with a statement of his or
15 her actions regarding the notice, to the court without further service; and upon return being made
16 in either case, the court, having first appointed a guardian ad litem for the parent, may proceed to
17 act upon the petition and order.

18 SECTION 30. Section 28-7-4 of the General Laws in Chapter 28-7 entitled "Labor
19 Relations Act" is hereby amended to read as follows:

20 **28-7-4. Labor relations board — Creation — Appointment, qualifications, terms,
21 and removal of members.** -- There is created in the department of labor and training a board to
22 be known as the Rhode Island state labor relations board, composed of seven (7) members
23 appointed by the governor, by and with the advice and consent of the senate. Each member of the
24 board, at the time of appointment, shall be a citizen of the United States, a resident of the state of
25 Rhode Island, and a qualified elector in the state. Three (3) members of the board shall be
26 representatives of labor, three (3) members shall represent management, including at least one
27 representative of local government, and one member shall be a representative of the public
28 generally. No member of the board during this period of service shall hold any other public
29 office. The members of the board are appointed for terms of six (6) years each, except that any
30 individual chosen to fill a vacancy is appointed for the unexpired term of the member whom the
31 newly appointed member succeeds. The governor shall designate one member to serve as
32 chairperson of the board. Any member of the board may be removed by the governor for
33 inefficiency, neglect of duty, misconduct, or malfeasance in office, and for no other cause, after
34 being given a copy of the charges and an opportunity to be publicly heard in person or by

1 counsel. ~~The existing five (5) member board shall cease to exist August 6, 1996 and shall be~~
2 ~~replaced by the seven (7) member board, created herein.~~

3 SECTION 31. Sections 15-8-11 and 15-8-16 of the General Laws in Chapter 15-8
4 entitled "Uniform Law on Paternity" are hereby amended to read as follows:

5 **15-8-11. Parentage tests.** -- (a) In a proceeding under this chapter before trial, the court,
6 upon application made by or on behalf of any party to the action, and supported by sworn
7 affidavit, or on its own motion, shall order that the mother, child, alleged father, and any other
8 party to the action submit to blood or tissue typing tests which may include, but are not limited to,
9 tests of red cell antigens, red cell isoenzymes, human leukocyte antigens, serum proteins, DNA
10 and other genetic testing, to determine whether the alleged father is likely to be, or is not, the
11 father of the child. The sworn affidavit must include a statement alleging paternity and setting
12 forth facts establishing a reasonable possibility of sexual contact during the probable period of
13 conception or a statement denying paternity and setting forth facts establishing a reasonable
14 possibility of the nonexistence of sexual contact during the probable period of conception. In a
15 proceeding to establish paternity and/or support brought pursuant to the Rhode Island state plan
16 for child and spousal support enforcement, in conformance with title IV, part D of the federal
17 Social Security Act, 42 U.S.C. § 651 et seq., if the alleged father denies paternity in response to a
18 paternity complaint and provides a sworn affidavit as provided in this section, the division of
19 taxation within the department of administration shall have the authority to administratively order
20 the parties to attend a blood or tissue typing ~~testing- test~~ and schedule blood or tissue typing
21 ~~testing~~ for the parties, of the type described in this section, without the necessity of making
22 application to the court, and the parties shall attend and submit to a blood or tissue typing test
23 under penalty of default in accordance with § 15-8-18.1.

24 (b) A blood or tissue typing test shall be made by a person the court determines is
25 qualified as an examiner of blood or tissue types.

26 (c) The court shall fix or approve the compensation of any expert at a reasonable amount,
27 and may direct the compensation to be paid by the state, or by any other party to the case, or by
28 both, in the proportions and at the times the court prescribes, and that, after payment by a party,
29 all or part or none of the payment shall be taxed as costs in the action. Before the making of a
30 blood or tissue typing test, the court may order any part or all of the compensation paid in
31 advance.

32 (d) The result of a blood or tissue typing test and, if a determination of exclusion of
33 paternity cannot be made, a calculation of the probability of paternity made by a person the court
34 determines is qualified as an examiner of blood or tissue types based on the result of a blood or

1 tissue typing test shall be admissible in evidence in the trial of the case. A written report of the
2 test results, including a calculation of the probability of paternity or a determination of exclusion
3 of paternity, prepared by the qualified expert conducting the test, or by a qualified expert under
4 whose supervision or direction the test and analysis have been performed, certified by an affidavit
5 duly subscribed and sworn to by him or her before a notary public, may be introduced into
6 evidence without the need for foundation testimony or other proof of authenticity or accuracy and
7 without the necessity of calling the expert as a witness, unless an objection challenging the test
8 procedures or results has been filed within ten (10) days before any hearing at which the results
9 may be introduced into evidence and a cash bond posted with [the](#) registry of the family court in
10 an amount sufficient to cover the costs of the qualified expert to appear and testify.

11 (e) If the results of the blood [or tissue typing](#) tests admitted into evidence establish a
12 ninety-seven percent (97%) or greater probability of inclusion that a party is the biological father
13 of the child, then that probability shall constitute a conclusive presumption of paternity.

14 (f) Any reference to 'blood test' in this chapter shall mean blood or tissue typing test.

15 **15-8-16. Civil action.** -- (a) An action under this chapter is a civil action governed by
16 the rules of civil procedure. The mother of the child and the alleged father are competent to testify
17 and may be compelled to testify.

18 (b) Upon refusal of any witness, including a party, to testify under oath or produce
19 evidence, the court may order him or her to testify under oath and produce evidence concerning
20 all relevant facts. If the refusal is upon the ground that this, his or her testimony or evidence,
21 might tend to incriminate him or her, the court may grant him or her immunity from all criminal
22 liability on account of the testimony or evidence that he or she is required to produce. An order
23 granting immunity bars prosecution of the witness for any offenses shown in whole or in part by
24 testimony or evidence that he or she is required to produce, except for perjury committed in his
25 testimony. The refusal of a witness, who has been granted immunity, to obey an order to testify or
26 produce evidence is a civil contempt of court.

27 (c) Testimony of a physician concerning the medical circumstances of the pregnancy and
28 the condition and characteristics of the child upon birth is not privileged.

29 (d) Testimony relating to sexual access to the mother by an unidentified man at any time
30 or by an identified man at a time other than the probable time of conception of the child is
31 inadmissible in evidence, unless offered by the mother.

32 (e) In an action against an alleged father, evidence offered by him with respect to a man
33 who is not subject to the jurisdiction of the court concerning his sexual intercourse with the

1 mother at or about the probable time of conception of the child is admissible in evidence only if
2 he has undergone and made available to the court blood or tissue typing tests, the results of which
3 do not exclude the possibility of his paternity of the child. A man who is identified and is subject
4 to the jurisdiction of the court shall be made a defendant in the action.

5 SECTION 32. Sections 28-12-3.2, and 28-12-5 of the General Laws in Chapter 28-12
6 entitled "Minimum Wages" are hereby amended to read as follows:

7 **28-12-3.2. Wages for failure to furnish shift work.** -- An employer, who requests or
8 permits any employee to report for duty at the beginning of a work shift, and does not furnish at
9 least three (3) hours work ~~is not furnished~~ on that shift, shall pay the employee not less than three
10 (3) times the regular hourly rate. In the event that an employee reports for duty at the beginning
11 of a work shift and the employer offers no work for him or her to perform, the employer shall pay
12 the employee not less than three (3) times the regular hourly rate.

13 **28-12-5. Employees receiving gratuities - Incentive-based wages - Certain employees**
14 **of nonprofit entities.** -- (a) Every employer shall pay to each of his or her employees who are
15 engaged in any work or employment in which gratuities have customarily and usually constituted
16 a part of his or her weekly income the rate as provided by §§ 28-12-3 and 28-12-3.1.

17 (b) Allowance for gratuities as part of the hourly wage rate for restaurants, hotels, and
18 other industries except taxicabs and limited public motor vehicles shall be an amount equal to the
19 applicable minimum wage rates as provided by §§ 28-12-3 and 28-12-3.1, less two dollars and
20 eighty-nine cents (\$2.89) per hour. Gratuities means voluntary monetary compensation received
21 directly or indirectly by the employee for services rendered. ~~In the case of taxicabs and limited~~
22 ~~public vehicles, the allowance for gratuities as part of the minimum rates as provided in § 28-12-3~~
23 ~~shall not exceed twenty five cents (25¢) per hour until December 31, 1996.~~

24 (c) Each employer desiring to deduct from wages paid to an employee for gratuities as
25 part of the minimum wage rates as provided in §§ 28-12-3 and 28-12-3.1 shall provide substantial
26 evidence that the amount is as set out in the formula in subsection (b), however, the cash wage
27 shall not be less than two dollars and eighty-nine cents (\$2.89) per hour. The director of labor and
28 training shall notify employers concerning what type of proof will be accepted as substantial
29 evidence for the purpose of this subsection. Employees involved are entitled to a hearing on the
30 question of the amount of deduction if they desire.

31 (d) In cases where wages are figured by the employer on an incentive basis in a manner
32 that an employee of reasonable average ability earns at least the minimum wage established by §§
33 28-12-3 and 28-12-3.1, it will be assumed that the employer has complied with this statute. It is of

1 no concern to the director of labor and training how the employer arrives at its wage scale as long
2 as it is not unreasonable in its demands on the employee.

3 (e) Where, in the case of the employment of a full-time student who has not attained his
4 or her nineteenth (19th) birthday, engaged in the activities of a nonprofit association or
5 corporation, the aims and objectives of which are of a religious, educational, librarial, or
6 community service nature, and the employer-employee relationship does exist, the employer shall
7 pay to each of these employees wages at a rate of not less than ninety percent (90%) of the
8 minimum wage as specified in § 28-12-3. In case of any conflict between provisions of this
9 section and those of § 28-12-3.1, the provisions of § 28-12-3.1 govern.

10 SECTION 33. Sections 15-16-2 and 15-16-10 of the General Laws in Chapter 15-16
11 entitled "Income Withholding" are hereby amended to read as follows:

12 **15-16-2. Definitions.** – For purposes of this chapter, except as may otherwise be required
13 by the context:

14 (1) "Agency" means either the court or agency of any other jurisdiction with income
15 withholding functions similar to those of the department of administration, division of taxation,
16 child support enforcement defined in this chapter, including the issuance and enforcement of
17 support orders.

18 (2) "Child" means any child, whether above or below the age of majority, with respect to
19 whom a support order exists.

20 (3) "CSE system" means the Rhode Island family court/department of administration,
21 division of taxation, child support computer enforcement system, which system maintains the
22 official record of support orders and arrearages of all support orders entered in accordance with
23 applicable administrative orders issued by the Rhode Island family court.

24 (4) "Court" means the Rhode Island family court and, when the context requires, means
25 either the court or agency of any other jurisdiction with functions similar to those defined in this
26 chapter, including the issuance and enforcement of support orders.

27 (5) "Department" means the division of taxation, within the department of administration.

28 (6) "Income" includes amounts paid or payable by a payor who is subject to the
29 jurisdiction of this state to an obligor as:

30 (i) Compensation paid or payable for personal services whether denominated as wages,
31 salary, commission, bonus, or otherwise, whether taxable or not taxable and specifically including
32 periodic payments pursuant to pension or retirement programs or insurance policies of any type;
33 or

1 (ii) Benefit payments or other similar compensation paid or payable to the obligor by or
2 through a department, agency, or political subdivision of the state or federal government or by an
3 insurance company, including unemployment compensation benefits, workers' compensation
4 benefits, and temporary disability benefits, except where garnishment or attachment of benefit
5 payments is prohibited by federal law.

6 (7) "Income withholding order" means an order to withhold income of an obligor to pay
7 support, arrearages, and fees, if any, authorized under this chapter, whether the order is issued by
8 the department and filed with the clerk of the family court, or whether the order is issued by the
9 family court as provided for in this chapter or whether the order is issued by a court or agency of
10 another jurisdiction.

11 (8) "Jurisdiction" means any state or political subdivision, territory or possession of the
12 United States, the District of Columbia, and the Commonwealth of Puerto Rico.

13 (9) "Magistrate" means a magistrate of the family court pursuant to § 8-10-3.1.

14 (10) "Obligee" means any person or entity which is entitled to receive support under an
15 order of support and includes an agency of another jurisdiction to which a person has assigned his
16 or her right to support.

17 (11) "Obligor" means any person required to make payments under the terms of a support
18 order for a child, spouse, or former spouse.

19 (12) "State plan" means the Rhode Island state plan for child and spousal support
20 established in accordance with title IV, part D, § 454 of the federal Social Security Act, 42 U.S.C.
21 § 654, which plan includes, but is not limited to, the establishment and enforcement of support
22 orders on behalf of a person, whether residing in this state or another jurisdiction, who is: (i)
23 receiving public assistance pursuant to part A of title IV of the federal Social Security Act, 42
24 U.S.C. § 601 et seq.; (ii) receiving foster care maintenance payments pursuant to part E of title IV
25 of the federal Social Security Act, 42 U.S.C. § 670 et seq.; or (iii) not receiving aid to families
26 with dependent children nor foster care maintenance payments but who files an application for
27 support enforcement services with the Rhode Island department of administration, division of
28 taxation, child support enforcement or any authorized title IV, part D agency of another
29 jurisdiction.

30 (13) "Support order" means a judgment, decree ~~of~~ or order, whether temporary, final, or
31 subject to modification, issued by the family court, by the division of taxation within the
32 department of administration under § 15-16-7 or by a court or agency of another jurisdiction, for
33 the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health

1 care, arrearages, or reimbursement, and may include related costs and fees, interest, income
2 withholding, attorney's fees, and other relief.

3 (14) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized
4 to establish, enforce, or modify support orders or to determine parentage.

5 (15) "Withholding agent" means any person, firm, partnership, corporation, association,
6 trust, federal or state agency, department, or political subdivision, paying or obligated to pay
7 income, as defined in this chapter, to an obligor.

8 (16) "Remittee", as used in this section, means the division of taxation, child support
9 enforcement or its designee, authorized to receive wage withholding, including an agency
10 designated by another state to receive income withholding pursuant to chapter 23.1 of title 15.
11 Remittee does not include an individual obligee/custodial parent.

12 **15-16-10. Duties and liabilities of withholding agent.** -- (a) An income withholding
13 agent shall remit to the clerk of the family court, or any other remittee as directed in the income
14 withholding order, ~~except as provided in subsection (i),~~ all amounts withheld from the income of
15 an obligor within seven (7) days of the date the income was paid or payable to the obligor, and
16 the income withholding agent shall specify the date and amount of each withholding included in
17 the remittance, the social security number of the obligor, the child support account number, the
18 employee's name, and any other information as required if electronic transfer is utilized. The
19 withholding agent may combine withheld amounts from two (2) or more obligors into a single
20 payment, provided that the withholding agent separately identifies the individual obligors and the
21 amount attributable to each obligor.

22 (b) An income withholding agent may deduct a fee of two dollars (\$2.00) from the
23 obligor's remaining income for each payment made pursuant to an income withholding order
24 under this chapter.

25 (c) The income withholding agent must notify the department, in writing, of the
26 termination of the obligor's employment within ten (10) days of the termination. Notice shall
27 include the last known address of the obligor and the name and address of the obligor's new
28 employer, if known.

29 (d) Any withholding agent failing to comply with any of the requirements of this chapter
30 may be punished by the family court or its magistrate for civil contempt. The court or its
31 magistrate shall first afford the withholding agent a reasonable opportunity to purge itself of the
32 contempt.

33 (e) Any withholding agent who shall fail or refuse to deliver income pursuant to an
34 income withholding order issued under this chapter, when the withholding agent has had in its

1 possession the income, shall be personally liable for the amount of the income which the
2 withholding agent failed or refused to deliver, together with costs, interest, and reasonable
3 attorney's fees.

4 (f) Any withholding agent who dismisses, demotes, disciplines, refuses to hire, or in any
5 way penalizes an obligor on account of any income withholding order issued under this chapter
6 shall be liable to the obligor for all damages, together with costs, interest thereon, and reasonable
7 attorney's fees resulting from the action, and shall be subject to a fine not to exceed one hundred
8 dollars (\$100.00). The withholding agent shall be required to make full restitution to the
9 aggrieved obligor, including reinstatements and back pay.

10 (g) A withholding agent may be enjoined by a court of competent jurisdiction from
11 continuing any action in violation of this chapter.

12 (h) Compliance by a withholding agent with an income withholding order issued under
13 this chapter operates as a discharge of the withholding agent's liability to the obligor as to that
14 portion of the obligor's income so affected.

15 ~~(i) [Deleted by P.L. 1997, ch. 170, § 6.]~~

16 SECTION 34. Section 15-18-5 of the General Laws in Chapter 15-18 entitled
17 "Commission on Child Support" is hereby amended to read as follows:

18 **15-18-5. Reports and recommendations.** -- The commission shall report to the general
19 assembly ~~on or before March 15, 1994, and shall report~~ at least every two (2) years ~~thereafter~~ its
20 findings and the results of its studies, and shall make such recommendations to the general
21 assembly as it deems advisable.

22 SECTION 35. Section 15-21-4 of the General Laws in Chapter 15-21 entitled "Child
23 Support Lien Act" is hereby amended to read as follows:

24 **15-21-4. Notice of lien.** -- (a) To perfect a lien with respect to real property, the
25 department shall file a notice of lien with the recorder of deeds for the city or town in which the
26 property is located. The recorder of deeds shall index the notice of intent under the name of the
27 obligor in the grantors index. The filing of a notice of intent of the lien or of a waiver or release of
28 the lien shall be received and registered or recorded without payment of a fee.

29 (b) To perfect a child support lien with respect to personal property, the department shall
30 file a notice of lien with the secretary of state's office, the administrator of the division of motor
31 vehicles, or any other office or agency within the state responsible for the filing or recording of
32 liens. The filing of a notice of intent of the lien or of a waiver or release of the lien shall be
33 received and registered or recorded without payment of a fee.

1 (c) If any obligor against whom a notice of intent to create a child support enforcement
2 lien has been filed according to this section:

3 (1) Fails to request a hearing within the time frame provided;

4 (2) Fails to appear; or

5 (3) Neglects or refuses to pay the sum due after the expiration of thirty (30) days after a
6 hearing is conducted by the department pursuant to § 15-21-3, at which the determination is made
7 the obligor parent is in arrears.

8 (d) The notice of intent as filed shall be deemed and operate as a lien which is perfected
9 by the department by the filing of a notice of lien. The notice of lien shall specify the property to
10 be attached and the amount of the arrearage due and shall be filed in the office or city or town
11 where the notice of intent was originally filed.

12 (e) The lien shall have priority over all subsequent liens or other encumbrances, subject
13 to the provisions of § ~~6A-9-312~~ [6A-9-322](#) and with the exception of any lien for taxes. A child
14 support lien that has been perfected shall encumber after acquired personal property or proceeds.

15 (f) If the collection of any unpaid child support will be jeopardized by delay or exigent
16 circumstances, as defined by rules promulgated by the director, the department may apply to the
17 family court for an order to restrain the obligor parent from encumbering, moving, selling, or in
18 any way transferring any real or personal property which may be subject to the provisions of this
19 section.

20 (g) The lien shall expire upon either termination of a current child support obligation and
21 payment in full of unpaid child support or release of the lien by the department. In any event, a
22 lien under this chapter shall not expire until satisfied and discharged. Expiration of the lien shall
23 not terminate the underlying order or judgment of child support. The department may issue a full
24 or partial waiver or partial release or full discharge of any lien imposed under this section and
25 shall file the waiver, release, or discharge without fee in the city or town or office where the
26 original lien was filed within ten (10) days of the obligor's compliance with this section. The
27 waiver or release or partial release or full discharge shall be conclusive evidence that the lien
28 upon the property covered by the waiver or release is extinguished.

29 [See § 12-1-15 of the General Laws.]

30 SECTION 36. Sections 44-3-31.2, and 44-3-34 of the General Laws in Chapter 44-3
31 entitled "Property Subject to Taxation" are hereby amended to read as follows:

32 **44-3-31.2. Special property tax consideration for designated properties in**
33 **Providence.** -- (a) The city of Providence may by ordinance provide special tax consideration for

1 designated properties on the landmark list as part of the mill restoration program and in the arts
2 and entertainment district in the city of Providence.

3 (b) ~~Upon enactment, [June 14, 2002],~~ Property taxes levied on eligible properties as of
4 December 31, 2000 shall reflect adapted tax considerations. Owners of eligible properties are
5 required to begin renovations by December 31, 2005 in order to qualify for continued tax
6 considerations. Properties that fail to meet this deadline will be required retroactively to pay the
7 difference between their actual tax payments and what they would have paid if ineligible for the
8 specified tax considerations.

9 (c) Eligible properties shall be taxable properties located on the landmark list approved
10 by ordinance in the city of Providence and shall be eligible if certified by the city building
11 inspector as in need of substantial rehabilitation.

12 (d) Tax benefits for eligible properties shall be transferable to new owners or tenants, but
13 the life of the tax consideration shall not be extended.

14 (e) "Substantial rehabilitation" means rehabilitation that adheres to the applicable
15 building and fire codes, extends to all occupiable floors of the building, and equals at least fifty
16 percent (50%) of the current replacement value of the structure, as certified by the city building
17 inspector.

18 (f) Nothing in this section shall be construed to diminish the authority of any body to
19 review and approve the construction plans for overall appearance or historical preservation
20 standards.

21 (g) During the period of eligibility, the city of Providence shall also be authorized to use
22 special consideration in taxing tangible property located in businesses in eligible properties. For
23 the ten (10) year period, the rate of thirty-three dollars and forty-four cents (\$33.44) shall be
24 applied annually to tangible property value, as it is determined and may change from year to year.
25 This consideration shall apply to all taxable businesses occupying eligible properties during the
26 period of eligibility, regardless of when they first occupied the property.

27 **44-3-34. Homeowner exemption — City of Central Falls.** -- (a) ~~[As amended by P.L.~~
28 ~~1995, ch. 249, § 1.]~~ The city council of the city of Central Falls, may, by ordinance, provide that
29 the property of each person who is a domiciled resident of the city of Central Falls and which
30 property is the principal residence of that person is exempt from taxation as follows: single-
31 family dwellings not to exceed ~~ten~~ fifteen thousand dollars ~~(\$10,000)~~ (\$15,000) of assessed
32 valuation; two (2) family dwellings not to exceed five thousand dollars (\$5,000) of assessed
33 valuation; three (3) through eight (8) family dwellings and commercial units not to exceed three
34 thousand dollars (\$3,000) of assessed valuation. The exemption is applied to residential property

1 and includes property with up to a total of eight (8) residential units and may include one
2 commercial or professional use unit as part of the total of eight (8) assessed units; provided, that
3 the person entitled to the exemption has presented to the city tax assessors, on or before the last
4 day on which sworn statements may be filed with the assessors for the year for which exemption
5 is claimed. That person is entitled to the exemption as long as his or her legal residence remains
6 unchanged.

7 ~~(a) [As amended by P.L. 1995, ch. 302, § 1.] The city council of the city of Central Falls,~~
8 ~~may, by ordinance, provide that the property of each person who is a domiciled resident of the~~
9 ~~city of Central Falls and the property is the principal residence of that person is exempt from~~
10 ~~taxation not to exceed fifteen thousand dollars (\$15,000) of assessed valuation; provided, that the~~
11 ~~person entitled to the exemption has presented to the city tax assessors, on or before the last day~~
12 ~~on which sworn statements may be filed with the assessors for the year for which exemption is~~
13 ~~claimed. That person is entitled to the exemption as long as his or her legal residence remains~~
14 ~~unchanged.~~

15 (b) Each person upon application for exemption shall provide by means of a sworn
16 statement to the assessor clear and convincing evidence to establish his or her legal residence at
17 the property subject to the exemption.

18 (c) In the event that the property subject to the exemption should be sold or otherwise
19 transferred during the year for which the exemption is claimed to a person who does not qualify
20 for the exemption, the exemption is deemed void and the seller or transferor is liable to the city
21 for reimbursement of any tax benefit received as a result of the exemption.

22 (d) The city council of the city of Central Falls shall, by ordinance, establish rules and
23 regulations governing the acceptance of evidence of residence.

24 SECTION 37. Section 44-3-18 of the General Laws in Chapter 44-3 entitled "Property
25 Subject to Taxation" is hereby repealed in its entirety.

26 ~~44-3-18. Valuation of cogeneration and solar and/or wind energy systems. ---(a)(1)~~

27 ~~For the purposes of this section:~~

28 ~~(i) "Cogeneration system" means a facility which generates electricity and steam or other~~
29 ~~useful forms of energy which are used for commercial, industrial, heating, or cooling purposes;~~
30 ~~and not primarily engaged in the generation or sale of electric power, other than the power~~
31 ~~generated at the cogeneration facility.~~

32 ~~(ii) "Solar and/or wind energy equipment" means collectors, controls, energy storage~~
33 ~~devices, pumps, heat exchangers, windmills, or other hardware or equipment necessary to the~~

~~process by which solar radiation or wind is received and converted into another form, such as thermal, electrical, or chemical energy.~~

~~(iii) "Solar and/or wind energy system" means an arrangement or combination of solar and/or wind energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection and storage of solar and/or wind energy, including insulated double glazing, or insulation to the extent that the materials exceed the energy efficiency standards that may be required by law. Solar and/or wind energy systems do not include pipes, controls, or other equipment which are part of the conventional heating, cooling, or energy distribution system of a building.~~

~~(2) When components serve dual functions as parts of the building structure, as well as parts of the solar and/or wind energy equipment system, the components are considered solar and/or wind energy equipment in the amount that the cost of the components is increased to enable their use as parts of the solar and/or wind energy system.~~

~~(b) Cogeneration and solar and/or wind energy systems in an existing or newly constructed residential or nonresidential building are assessed at no more than the value of the conventional heating, cooling, or energy production capacity that would otherwise be necessary to install in the building.~~

~~(e) The provisions of this section shall expire and are hereby repealed July 1, 2000.~~

SECTION 38. Section 42-8-24 of the General Laws in Chapter 42-8 entitled "Department of State" is hereby amended to read as follows:

42-8-24. Permanent commission on government information. -- (a) Creation. There is hereby created a permanent state commission on government information.

(b) Composition. The commission shall consist of ten (10) members: one of whom shall be the governor, or designee; one of whom shall be the secretary of state, or designee; one of whom shall be from the house of representatives, to be appointed by the speaker; one to be appointed jointly by the minority leaders of the house and senate; one of whom shall be from the senate, to be appointed by the president of the senate; one of whom shall be the director of state library services, or designee; four (4) of whom shall be public members, one to be appointed by the governor, one to be appointed by the secretary of state, one to be appointed by the speaker of the house of representatives, and one to be appointed by the president of the senate.

(c) Purpose. The purpose of said commission shall be to develop and recommend to the general assembly and the secretary of state the implementation of government information systems that are readily accessible to the public, coordinate information exchanges between state agencies and develop training programs for state employees in the use of new technologies.

1 (d) Election of chairperson. The commission will ~~meet no later than September 1, 1992~~
2 ~~and~~ elect a chairperson from its members.

3 (e) Compensation. The members shall receive no compensation for their service.

4 (f) Facilitation of purposes. All departments and agencies of the state shall provide any
5 advice, information, documentation and records as the commission deems necessary to facilitate
6 the purposes of this section.

7 SECTION 39. Section 42-8.1-5 of the General Laws in Chapter 42-8 entitled "State
8 Archives" is hereby amended to read as follows:

9 **42-8.1-5. Duties and responsibilities.** -- (1) The state archivist under the direction of the
10 secretary of state shall be responsible for the proper administration of public records of permanent
11 historical or other value. It shall be his or her duty to determine and direct the administrative and
12 technical procedures of the division. He or she shall study the problems of preservation and
13 disposition of records as defined in this chapter and based on such study shall formulate and put
14 into effect, to the extent authorized by law, within the division or otherwise, such programs as he
15 or she deems advisable or necessary for public records of permanent historical or other value by
16 agencies of the state or political subdivisions thereof.

17 (2) The state archives shall reserve and administer such records as shall be transferred to
18 its custody, and to accept, arrange, and preserve them, according to approved archival practices
19 and to permit them at reasonable times and under the supervision of the division to be inspected,
20 examined and copied; provided that any record placed in the keeping of the division under special
21 terms or conditions restricting their use shall be made accessible only in accordance with such
22 terms and conditions.

23 (3) The state archivist shall cooperate with and assist insofar as practicable; state
24 institutions, departments, agencies, the counties, municipalities and individuals engaged in
25 activities in the field of state archives; manuscripts, and to accept from any person any papers,
26 books, records and similar materials which in the judgment of the division warrant preservation in
27 the state archives.

28 (4) Except as otherwise expressly provided by law, the state archivist may delegate any
29 of the functions of the archivist to such officers and employees of the division as the archivist
30 may deem to be necessary or appropriate. A delegation of the functions by the archivist shall not
31 relieve the archivist of responsibility for the administration of such functions.

32 (5) The secretary of state may organize the division he or she finds necessary or
33 appropriate.

1 (6) The secretary of state may establish advisory committees to provide advice with
2 respect to any function of the archivist or the division. Members of any such committee shall
3 serve without compensation.

4 (7) The state archivist shall advise and consult with interested federal, state and local
5 agencies with a view to obtaining their advice and assistance in carrying out the purposes of this
6 chapter.

7 (8) The state archivist shall provide a public research room where, under policies
8 established by the division, the materials in the state archives may be studied.

9 (9) The state archivist shall conduct, promote, and encourage research in Rhode Island
10 history, government, and culture, and to maintain a program of information, assistance,
11 coordination, and guidance for public officials, educational institutions, libraries, the scholarly
12 community, and the general public engaged in such research.

13 (10) The state archivist, with the approval of the secretary of state, shall cooperate with
14 and, insofar as practicable, assist agencies, libraries, institutions, and individuals in projects
15 designed to preserve original source materials relating to the state history, government, and
16 culture, and to prepare and publish, in cooperation with the public records administration,
17 handbooks, guides, indexes, and other literature directed toward encouraging the preservation and
18 use of the state's documentary resources.

19 (11) The state archivist shall serve as a member of the coordinating council for state
20 library, archival and information services.

21 (12) The state archivist shall submit to the general assembly, as part of the annual report
22 for the state archives, a yearly preservation plan for addressing the preservation needs and
23 objectives for the division to be accomplished during the coming year. This report will include a
24 review of past preservation initiatives within the department as well as the projected cost(s) for
25 new initiatives.

26 (13) The state archivist shall submit a disaster preparedness plan for the state archives. ~~on~~
27 ~~or before January 1, 1993.~~ The plan will be placed on file with the secretary of state, department
28 of state library services, and the general assembly and will be updated annually.

29 SECTION 40. Section 42-9-4 of the General Laws in Chapter 42-9 entitled "Department
30 of Attorney General" is hereby amended to read as follows:

31 **42-9-4. Prosecution of offenses.** – (a) The attorney general shall draw and present all
32 informations and indictments, or other legal or equitable process, against any offenders, as by law
33 required, and diligently, by a due course of law or equity, prosecute them to final judgment and
34 execution.

1 (b) The duty of the attorney general under this section shall include the duty to prosecute
2 all charges of violations of §§ 31-27-2.1, 31-27-2.3, and/or 31-27-2.5, jurisdiction over the
3 adjudication of which is conferred upon the ~~administrative adjudication court~~ traffic tribunal
4 under chapter ~~43~~ 41.1 of title 31.

5 SECTION 41. Section 15-2-11 of the General Laws in Chapter 15-2 entitled “Marriage
6 Licenses” is hereby amended to read as follows:

7 **15-2-11. Consent and procedure required for license to minors and persons under**
8 **guardianship.** -- (a) No minor or person under the control of a parent or guardian is allowed to
9 give and subscribe to the information provided for in §§ 15-2-1 - 15-2-10, or to receive the
10 license provided for in them, unless the consent in writing of the parent or guardian, given in the
11 presence of the town or city clerk or any clerk employed in that office, has been first obtained;
12 provided, that proof is submitted that the minor, if a female, has attained the age of sixteen (16)
13 years; and provided, further, that this information may be given and subscribed to by a minor, if a
14 female, who has attained the age of sixteen (16) years, residing in this state upon the consent in
15 writing of the director of public welfare of the town or city in which the minor resides, is given in
16 the presence of the town or city clerk or any clerk employed in that office. In addition to the
17 ~~preceding~~ requirements in subsection (a), no license shall be issued to any minor, if a female
18 under the age of sixteen (16) years, and if a male under the age of eighteen (18) years, unless and
19 until the following requirements have been complied with, and the town or city clerk is directed
20 in writing to issue the license by the family court.

21 (b) The town or city clerk, upon receiving information provided for in §§ 15-2-1 - 15-2-
22 10, shall immediately transmit a certified copy of the information to the family court. The court
23 shall immediately transmit a copy of the information, together with a written request for a
24 complete investigation of and a report upon the advisability of the issuance of the license, to the
25 state department of human services. The department, shall, within fifteen (15) days after the
26 receipt of the information, the request, and the report file in the court its complete report in
27 writing.

28 (c) The court shall then conduct a hearing in chambers to determine the advisability of
29 the issuance of the license and notifies the town or city clerk of its determination. The court has
30 the power to summon at the hearing those persons that it may deem advisable.

31 (d) The court also files the report and a notation of its determination in the office of the
32 clerk of the court, but any papers filed at the office of the clerk shall not be matters of public
33 record and may be examined only upon the written authorization of the court.

1 (e) During the pendency of the proceedings, the court shall exercise the authority of a
2 guardian in respect to the minor or minors involved.

3 SECTION 42. Sections 15-3-5 and 15-3-14 of the General Laws in Chapter 15-3 entitled
4 “Solemnization of Marriages” are hereby amended to read as follows:

5 **15-3-5. Officials empowered to join persons in marriage.** -- Every ordained clergy or
6 elder in good standing, every justice of the supreme court, superior court, family court, workers'
7 compensation court, district court or ~~administrative adjudication court~~ traffic tribunal, the clerk of
8 the supreme court, every clerk or general chief clerk of a superior court, family court, district
9 court, or ~~administrative adjudication court~~ traffic tribunal, magistrates, special or general
10 magistrates of the superior court, family court ~~or~~ , traffic tribunal or district court, administrators
11 of the workers' compensation court, every former justice or judge and former administrator of
12 these courts and every former chief clerk of the district court, and every former clerk or general
13 chief clerk of a superior court may join persons in marriage in any city or town in this state; and
14 every justice and every former justice of the municipal courts of the cities and towns in this state
15 and of the police court of the town of Johnston and every probate judge may join persons in
16 marriage in any city or town in this state, and wardens of the town of New Shoreham may join
17 persons in marriage in New Shoreham.

18 **15-3-14. Neglect of duty by person performing ceremony.** -- Every minister, elder,
19 justice, warden, or other person authorized to join persons in marriage, including those authorized
20 to join in marriage according to the Jewish religion, who fails to perform any of the duties
21 devolved upon him or her by this chapter, shall be fined not exceeding one hundred dollars (\$100
22 with the exception of the penalties for the violations contained in §§ 15-3-10, 15-3-11, 15-3-15
23 and 15-3-16.

24 SECTION 43. Section 28-5-14 of the General Laws in Chapter 28-5 entitled “Fair
25 Employment Practices” is hereby amended to read as follows:

26 **28-5-14. Educational program.** -- In order to eliminate prejudice among the various
27 ethnic groups in this state and to further good will among those groups, the commission and the
28 state department of elementary and secondary education are jointly directed to prepare a
29 comprehensive educational program, designed for the students of the public schools of this state
30 and for all other residents, calculated to emphasize the origin of prejudice based on race or color,
31 religion, sex, sexual orientation, gender identity or expression, disability, age, or country of
32 ancestral origin, its harmful effects, and its incompatibility with American principles of equality
33 and fair play.

1 SECTION 44. Sections 28-5.1-4, 28-5.1-8, and 28-5.1-14 of the General Laws in
2 Chapter 28-5.1 entitled “Equal Opportunity and Affirmative Action” are hereby amended to read
3 as follows:

4 **28-5.1-4. Employment policies for state employees.** -- Each appointing authority shall
5 review the recruitment, appointment, assignment, upgrading, and promotion policies and
6 activities for state employees without regard to race, color, religion, sex, sexual orientation,
7 gender identity or expression, age, national origin, or disability. All appointing authorities shall
8 hire and promote employees without discrimination. Special attention shall be given to the parity
9 of classes of employees doing similar work and the training of supervisory personnel in equal
10 opportunity/affirmative action principles and procedures. Annually, each appointing authority
11 shall include in its budget presentation those necessary programs, goals and objectives that will
12 improve the equal opportunity aspects of their department's employment policies. Each
13 appointing authority shall make a monthly report to the state equal opportunity office on persons
14 hired, disciplined, terminated, promoted, transferred, and vacancies occurring within their
15 department.

16 **28-5.1-8. Education, training, and apprenticeship programs .** -- (a) All educational
17 programs and activities of state agencies, or in which state agencies participate, shall be open to
18 all qualified persons without regard to race, color, religion, sex, sexual orientation, gender
19 identity or expression, age, national origin, or disability. These programs shall be conducted to
20 encourage the fullest development of the interests, aptitudes, skills, and capacities of all
21 participants.

22 (b) Those state agencies responsible for educational programs and activities shall take
23 positive steps to insure that all programs are free from either conscious or inadvertent bias, and
24 shall make quarterly reports to the state equal opportunity office with regard to the number of
25 persons being served and to the extent to which the goals of the chapter are being met by the
26 programs.

27 (c) Expansion of training opportunities shall also be encouraged with a view toward
28 involving larger numbers of participants from those segments of the labor force where the need
29 for upgrading levels of skill is greatest.

30 **28-5.1-14. State licensing and regulatory agencies.** -- State agencies shall not
31 discriminate by considering race, color, religion, sex, sexual orientation, gender, identity or
32 expression, age, national origin, or disability in granting, denying, or revoking a license or
33 charter, nor shall any person, corporation, or business firm which is licensed or chartered by the

1 state unlawfully discriminate against or segregate any person on these grounds. All businesses
2 licensed or chartered by the state shall operate on a nondiscriminatory basis, according to equal
3 employment treatment and access to their services to all persons, except unless otherwise
4 exempted by the laws of the state. Any licensee, charter holder, or retail sales permit holder who
5 fails to comply with this policy is subject to such disciplinary action that is consistent with the
6 legal authority and rules and regulations of the appropriate licensing or regulatory agency. State
7 agencies which have the authority to grant, deny, or revoke licenses or charters will cooperate
8 with the state equal opportunity office to prevent any person, corporation, or business firm from
9 discriminating because of race, color, religion, sex, sexual orientation, gender, identity or
10 expression, age, national origin, or disability or from participating in any practice which may
11 have a disparate effect on any protected class within the population. The state equal opportunity
12 office shall monitor the equal employment opportunity activities and affirmative action plans of
13 all these organizations.

14 SECTION 45. Section 17-15-32 of the General Laws in Chapter 17-15 entitled "Primary
15 Elections" is hereby repealed in its entirety.

16 ~~17-15-32. Contents of certificate of nomination.— Any certificate of nomination issued~~
17 ~~by the state board or any local board shall state such facts as are required for its acceptance by §~~
18 ~~17-17-1.~~

19 SECTION 46. Section 28-35-10 of the General Laws in Chapter 28-35 entitled
20 "Workers' Compensation -- Procedure" is hereby amended to read as follows:

21 **28-35-10. Duplicates of documents furnished to employee — Inadmissibility of**
22 **documents when copies not furnished.** -- Where an employer, his or her insurer, or the agents
23 or independent contractors of either obtains from an injured employee any paper, document,
24 report, statement, or agreement, including hospital records, nurses' notes, personnel records,
25 reports, or statements by forepersons or any other supervisory employees at the injured
26 employee's place of employment, whether signed or unsigned, and regardless of the mode of
27 obtaining it, concerning compensation, the injured employee shall receive an exact duplicate
28 original copy of that paper, document, report, statement, or agreement, including hospital records,
29 nurses' notes, personnel records, reports, or statements by forepersons or any other supervisory
30 employees at the injured employee's place of employment which shall be signed by an authorized
31 agent or the employer or his or her insurer. The paper, document, report, statement, or agreement,
32 including hospital records, nurses' notes, personnel records, reports, or statements by forepersons
33 or any other supervisory employees at the injured employee's place of employment, shall be
34 furnished to the employee at the time it is obtained, and a copy is also furnished to the employee's

1 attorney immediately upon request by that attorney. If a copy of a paper, document, report,
2 statement, or agreement, including hospital records, nurses' notes, personnel records, reports, or
3 statements by forepersons or any other supervisory employees at the injured employee's place of
4 employment is not furnished strictly in accordance with this section, ~~anything~~ nothing contained
5 in ~~them~~ it cannot may be used by an employer or his or her insurer or attorney for direct or cross-
6 examination of the employee; and the individual obtaining it may not testify in any proceeding
7 and the paper, document, report, statement, or agreement, including hospital records, nurses'
8 notes, personnel records, reports, or statements by forepersons or any other supervisory
9 employees at the injured employee's place of employment are inadmissible in any proceeding if
10 objection by the employee to its admission is made.

11 SECTION 47. Section 17-21.1-3 of the General Laws in Chapter 17-21.1 entitled
12 "Registration and Voting in Federal Elections by Citizens Residing Outside the United States" is
13 hereby amended to read as follows:

14 **17-21.1-3. Procedure on registration.** -- Every person qualified to vote, but who ~~by~~
15 ~~reason of his or her absence~~ is absent from the state, as provided in § 17-21.1-2, ~~and~~ desiring to
16 register pursuant to the provisions of this chapter, shall do so in the following manner:

17 (1) The person shall make application in writing to the local board in the city or town in
18 which that person was last domiciled in this state for the form necessary to register.

19 (2) (i) The local board shall proceed to furnish the applicant with a registration form and
20 affidavit form as provided in this section.

21 (ii) The following, in addition to any direction that may be printed, stamped, or written on
22 it by direction of the local board, shall be substantially the form of affidavit to be subscribed to by
23 the person:

24 Affidavit of Absentee Voter Upon Registration

25 I, _____, say that I or my parents have been domiciled at No.
26 _____ Street in the city or town of _____ in the state of Rhode Island; that I am
27 presently residing outside of the United States at
28 _____;

29 (state foreign address) that I am a citizen of the United States; that I do not maintain a domicile
30 nor am I registered to vote and will not vote in any other state or election district of a state or
31 territory or in any territory or possession of the United States; that I have a valid passport or card
32 of identity and registration issued under the authority of the secretary of state of the United States;
33 that I desire to register to permit me to vote in all elections for president, vice-president,

1 presidential elector, member of the United States senate, and member of the United States house
2 of representatives.

3 _____

4 (sign full name on this line)

5 Sworn to by or affirmed before me this _____ day of _____, 20____.

6 _____

7 Consular officer of the United States or

8 person authorized to administer oaths

9 in place of attestation

10 (Affix official seal or certificate of authority.)

11 (Consular officer or other officer, authorized by law of place of attestation to administer an
12 oath, must administer the above.)

13 (3) When the registration form and affidavit are correctly completed and returned to the
14 local board together with any proof of citizenship that may be required by law, the person shall be
15 deemed to have completed his or her registration and the registration card shall be filed in the
16 same manner as other original registration cards, except the cards shall be maintained separately
17 and shall refer only to eligibility to vote for federal officers, as provided by this chapter.

18 SECTION 48. Section 17-27-1 of the General Laws in Chapter 17-27 entitled "Reporting
19 of Political Contributions by State Vendors" is hereby amended to read as follows:

20 **17-27-1. Definitions** . – As used in this chapter:

21 (1) "Aggregate amount" means the total of all contributions made to a particular general
22 officer, candidate for general office, or political party within the time period set forth;

23 (2) "Business entity" means a sole proprietorship, partnership, firm, corporation, holding
24 company, joint stock company, receivership, trust, or any other entity recognized in law through
25 which business for profit is conducted;

26 (3) "Contribution" means a transfer of money, paid personal services, or other thing of
27 value reportable under the terms of chapter 25 of this title;

28 (4) "Executive officer" means any person who is appointed or elected as an officer of a
29 business entity by either the incorporators, stockholders, or directors of the business entity who is
30 in charge of a principal business unit, division, or function of the business entity, or participates
31 or has authority to participate other than in the capacity of a director in major policymaking
32 functions of the business entity or who is actively engaged in soliciting business from the state or
33 conducting, other than in ministerial capacity, business with the state; provided, however, that
34 officers of the business entity who are located outside the state, are not residents of the state, and

1 do not participate in the business of the business entity within this state shall be exempted from
2 the requirements of this chapter;

3 (5) "Goods or services" shall not include services provided to a state agency by (i) any
4 public utility company, or (ii) a federal or state banking institution or other depository institution
5 solely in connection with depository accounts held by the institution on behalf of a state agency;

6 (6) "State agency" means a branch, department, division, agency, commission, board,
7 office, bureau, or authority of the government of the state of Rhode Island;

8 (7)(i) "State vendor" means:

9 (A) ~~(i)~~ A a person or business entity that sells goods or provides services to any state
10 agency,

11 (B) ~~(ii)~~ A a person or business entity which has an ownership interest of ten (10%)
12 percent or more in a business entity that sells goods or provides services to any state agency, or

13 (C) ~~(iii)~~ A a person who is an executive officer of a business entity that sells goods or
14 provides services to any state agency,

15 (D) ~~(iv)~~ The ~~the~~ spouse or minor child of a person qualifying as a state vendor under the
16 terms of ~~items (i), (ii) or (iii) herein~~ subparagraphs (A), (B) or (C) of this paragraph, unless the
17 spouse works for a vendor in competition for state business with the reporting business entity, or

18 (E) ~~(v)~~ A a business of the business entity that is a parent or subsidiary of a business
19 entity that sells goods or provides services to any state agency.;

20 (ii) "State vendor" does ~~but shall~~ not mean: (A) a municipality, (B) a corporation
21 established pursuant to Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), ~~of~~
22 ~~the Internal Revenue Code corporation,~~ (C) a hospital, (D) a state or federal agency, or (E) a
23 person receiving reimbursement for an approved state expense. The director of administration is
24 authorized to provide as a public record a list of further exemptions consistent with the purposes
25 of this chapter.

26 SECTION 49. Section 18-13-18 of the General Laws in Chapter 18-13 entitled "Rhode
27 Island Uniform Custodial Trust Act" is hereby amended to read as follows:

28 **18-13-18. Methods and forms for creating custodial trusts.** -- (a) If a transaction,
29 including a declaration with respect to or a transfer of specific property, otherwise satisfies
30 applicable law, the criteria of § 18-13-2 are satisfied by:

31 (1) The execution and either delivery to the custodial trustee or recording of an
32 instrument in substantially the following form:

33 TRANSFER UNDER THE RHODE ISLAND

34 UNIFORM CUSTODIAL TRUST ACT

1 I, _____ (name of transferor or name and
2 representative capacity if a fiduciary), transfer to _____ (name of
3 trustee other than transferor), as custodial trustee for _____ (name of
4 beneficiary) as beneficiary and _____ as distributee on termination
5 of the trust in absence of direction by the beneficiary under the Rhode Island Uniform Custodial
6 Trust Act, the following:

7 (insert a description of the custodial trust property legally sufficient to identify and transfer each
8 item of property.)

9 Dated: _____

10 _____

11 (Signature)

12 or

13 (2) The execution and the recording or giving notice of its execution to the beneficiary of
14 an instrument in substantially the following form:

15 DECLARATION OF TRUST UNDER THE RHODE ISLAND

16 UNIFORM CUSTODIAL TRUST ACT

17 I, _____ (name of owner of property), declare that henceforth I
18 hold as custodial trustee for _____ (name of beneficiary other than transferor) as
19 beneficiary and _____ as distributee on termination of the trust in absence of direction
20 by the beneficiary under the Rhode Island Uniform Custodial Trust Act, the following: (Insert a
21 description of the custodial trust property legally sufficient to identify and transfer each item of
22 property.)

23 Dated: _____

24 _____

25 (Signature)

26 (b) Customary methods of transferring or evidencing ownership of property may be used
27 to create a custodial trust, including any of the following:

28 (1) Registration of a security in the name of a trust company, an adult other than the
29 transferor, or the transferor if the beneficiary ~~is~~ is other than the transferor, designated in
30 substance "as custodial trustee for _____ (name of beneficiary) under the Rhode
31 Island Uniform Custodial Trust Act";

32 (2) Delivery of a certificated security, or a document necessary for the transfer of an
33 uncertificated security, together with any necessary endorsement, to an adult other than the

1 transferor or to a trust company as custodial trustee, accompanied by an instrument in
2 substantially the form prescribed in subsection (a)(1);

3 (3) Payment of money or transfer of a security held in the name of a broker or a financial
4 institution or its nominee to a broker or financial institution for credit to an account in the name of
5 a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than
6 the transferor, designated in substance: "as custodial trustee for _____
7 (name of beneficiary) under the Rhode Island Uniform Custodial Trust Act";

8 (4) Registration of ownership of a life or endowment insurance policy or annuity
9 contract with the issuer in the name of a trust company, an adult other than the transferor, or the
10 transferor if the beneficiary is other than the transferor, designated substance: "as custodial trustee
11 for _____ (name of beneficiary) under the Rhode Island Uniform
12 Custodial Trust Act";

13 (5) Delivery of a written assignment to an adult other than the transferor or to a trust
14 company whose name in the assignment is designed in substance by the words: "as custodial
15 trustee for _____ (name of beneficiary) under the Rhode Island Uniform
16 Custodial Trust Act";

17 (6) Irrevocable exercise of a power of appointment, pursuant to its terms, in favor of a
18 trust company, an adult other than the donee of the power, or the donee who holds the power if
19 the beneficiary is other than the donee, whose name in the appointment is designated in
20 substance: "as custodial trustee for _____ (name of beneficiary) under the
21 Rhode Island Uniform Custodial Trust Act";

22 (7) Delivery of a written notification or assignment of a right to future payment under a
23 contract to an obligor which transfers the right under the contract to a trust company, an adult
24 other than the transferor, or the transferor if the beneficiary is other than the transferor, whose
25 name in the notification or assignment is designated in substance: "as custodial trustee for
26 _____ (name of beneficiary) under the Rhode Island Uniform Custodial
27 Trust Act";

28 (8) Execution, delivery, and recordation of a conveyance of an interest in real property in
29 the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary
30 is other than the transferor, designated in substance: "as custodial trustee for
31 _____ (name of beneficiary) under the Rhode Island Uniform Custodial
32 Trust Act";

33 (9) Issuance of a certificate of title by an agency of a state or of the United States which
34 evidences title to tangible personal property:

1 (i) Issued in the name of a trust company, an adult other the transferor, or the transferor
2 if the beneficiary is other than the transferor, designated in substance: "as custodial trustee for
3 _____ (name of beneficiary) under the Rhode Island Uniform Custodial
4 Trust Act"; or

5 (ii) Delivered to a trust company or an adult other than the transferor or endorsed by the
6 transferor to that person, designated in substance: "as custodial trustee for
7 _____ (name of beneficiary) under the Rhode Island Uniform Custodial
8 Trust Act".

9 (10) Execution and delivery of an instrument of gift to a trust company or an adult other
10 than the transferor, designated in substance: "as custodial trustee for
11 _____ (name of beneficiary) under the Rhode Island Uniform Custodial
12 Trust Act".

13 SECTION 50. Section 28-41-16 of the General Laws in Chapter 28-41 entitled
14 "Temporary Disability Insurance – Benefits" is hereby amended to read as follows:

15 **28-41-16. Determination of claim.** -- (a) Upon the filing of a claim, the director shall
16 promptly examine the claim and on the basis of facts found by the director and records
17 maintained by the department, the claim is determined to be valid or invalid. If the claim is
18 determined to be valid, the director will promptly notify the claimant as to the week with respect
19 to which benefits commence, the weekly benefit amount payable, and the maximum duration of
20 the benefits. If the claim is determined to be invalid, the director shall likewise notify the claimant
21 and any other interested parties of that determination and the reasons therefor. If the processing of
22 the claim is delayed for any reason, the director shall notify the claimant, in writing, within three
23 (3) weeks of the date the application for benefits is filed of the reason for the delay. Unless the
24 claimant or any other interested party, within fifteen (15) days, requests a hearing before the
25 board of review, the determination with reference to the claim is final. ~~except that~~ However, for
26 good cause shown the fifteen (15) day period may be extended after notification by the director
27 has been mailed to his or her last known address, as provided in this section, ~~requests a hearing~~
28 ~~before the board of review, the determination with reference to the claim is final~~; provided, that at
29 any time within one year from the date of a monetary determination, the director, upon request of
30 the claimant or on his or her own motion, may reconsider his or her determination if he or she
31 finds that an error in computation or identity has occurred in connection with the determination or
32 that additional wages pertinent to the claimant's status have become available, or if that
33 determination has been made as a result of a nondisclosure or misrepresentation of a material fact.

1 (b) If an appeal is filed, benefits with respect to the period prior to the final decision, if it
2 is found that those benefits are payable, will be paid only after the decision; provided, that if an
3 appeal tribunal affirms a decision of the director, or the board of review affirms a decision of an
4 appeal tribunal allowing benefits, those benefits will be paid regardless of any appeal which may
5 thereafter be taken.

6 SECTION 51. Section 28-51-2 of the General Laws in Chapter 28-51 entitled “ Sexual
7 Harassment, Education and Training in the Workplace” is hereby amended to read as follows:

8 **28-51-2. Adoption of workplace policy and statement.** -- (a) All employers and
9 employment agencies shall promote a workplace free of sexual harassment.

10 (b) Every employer shall:

11 (1) Adopt a policy against sexual harassment which includes:

12 (i) A statement that sexual harassment in the workplace is unlawful;

13 (ii) A statement that it is unlawful to retaliate against an employee for filing a complaint
14 of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment;

15 (iii) A description and examples of sexual harassment;

16 (iv) A statement of the range of consequences for employees who are found to have
17 committed sexual harassment;

18 (v) A description of the process for filing internal complaints about sexual harassment
19 and the work addresses and telephone numbers of the person or persons to whom complaints
20 should be made; and

21 (vi) The identity of the appropriate state and federal employment discrimination
22 enforcement agencies, and directions as to how to contact those agencies.

23 (2) Provide to all employees a written copy of the employer's policy against sexual
24 harassment; provided, that a new employee shall be provided such a copy at the time of his or her
25 employment.

26 (c) Employers are encouraged to conduct an education and training program for new
27 employees and members, within one year of commencement of employment or membership,
28 which includes at a minimum the information set forth in this section. Employers are encouraged
29 to conduct additional training for new supervisory and managerial employees within one year of
30 commencement of employment which shall include at a minimum the information set forth in
31 subsection (b), the specific responsibilities of supervisory and managerial employees and the
32 methods that these employees should take to ensure immediate and appropriate corrective action
33 in addressing sexual harassment complaints. Employers and appropriate state agencies are
34 encouraged to cooperate in making education and training available.

1 (d) Employers shall provide copies of their written policies on sexual harassment to all
2 employees upon their request ~~on or before September 1, 1997.~~

3 (e) Employers shall be required to maintain copies of their written policies on sexual
4 harassment at their business premises, and copies of the policies shall be made available to any
5 state or federal employment discrimination enforcement agency upon request.

6 SECTION 52. Section 17-19-27 of the General Laws in Chapter 17-19 entitled "Conduct
7 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

8 **17-19-27. Affidavit as to identity of voter challenged -- Penalty for false affidavit. --**

9 (a) Whenever the identity of any person offering to vote is challenged at the polling place, that
10 person shall be permitted to vote only upon making and filing with the warden an affidavit in
11 substantially the following form:

12 Under the penalty prescribed by law I hereby make affidavit that I am
13 _____ (here insert name) whose name
14 appears upon the voting list certified for use at the polling place in voting district
15 _____ of the city (or town) of _____, senatorial district
16 _____, representative district _____, on the _____ day
17 of _____ A.D. 20_____, and that the above name under which I offer to vote is my
18 own name.

19 _____

20 (Signature)

21 Subscribed and sworn to on this _____ day of
22 _____ A.D. 20_____, before me

23 _____

24 Warden

25 Witness: _____

26 (b) Any person required to sign the ~~above-mentioned~~ affidavit described in subsection (a)
27 of this section shall step out of line so that others may vote and the warden shall at that time fill
28 out the affidavit and a copy and permit that person to read and sign it and shall administer the
29 oath as required under this section, for which purpose every warden is empowered to administer,
30 and to attest it with his or her signature in proof of the administration of the oath. The designated
31 election official appointed on behalf of the opposite political party to that of the warden shall
32 witness the voter's signature and shall sign his or her own name in the appropriate space. The
33 original shall be retained by the warden and the copy shall be handed to the voter, who shall
34 immediately be permitted to vote.

1 (c) At the closing of the polls, the warden shall seal up the affidavits and cause them to
2 be delivered to the local board together with the voting lists.

3 (d) Every person who makes a false affidavit under this section is guilty of a felony.

4 SECTION 53. Section 18-14-5 of the General Laws in Chapter 18-14 entitled "Uniform
5 Testamentary Additions to Trusts Act" is hereby repealed.

6 ~~18-14-5. Short title. -- This chapter may be cited as the "Uniform Testamentary~~
7 ~~Additions to Trusts Act (1991)".~~

8 SECTION 54. Section 17-4-2 of the General Laws in Chapter 17-4 entitled "Federal
9 Elective Officers" is hereby amended to read as follows:

10 **17-4-2. Territory in first and second congressional districts. --** [This section is set out
11 as it appears in P.L. 2002, ch. 4. However, the director of law revision of the joint committee on
12 legislative services anticipates several substantive changes that will require further legislative
13 action. Section 22-11-3.4 precludes the presentation of these expected changes, as such action
14 would exceed the authority granted.]

15 (a) First district. - (1) The first congressional district shall consist of all of that part of the
16 towns of: Burrillville; North Smithfield; Smithfield; Lincoln; Cumberland; North Providence;
17 Barrington; Warren; Bristol; Portsmouth; Tiverton; Little Compton; Middletown; and Jamestown,
18 and the cities of: Woonsocket; Central Falls; Pawtucket; East Providence; and Newport.

19 (2) The first congressional district shall also consist of all of that part of the city of
20 Providence bounded by a line beginning at the intersection of Longwood Avenue and the
21 Providence-North Providence boundary line; thence northeasterly and southeasterly along the
22 Providence-North Providence boundary line to the Providence-Pawtucket boundary line; thence
23 southeasterly along the Providence-Pawtucket boundary line to the Providence-East Providence
24 boundary line; thence southwesterly along the Providence-East Providence boundary line to the
25 Providence River; thence northwesterly through the Providence River to Steeple Street; thence
26 northeasterly along Steeple Street to North Main Street; thence northerly on North Main Street to
27 Hewes Street; thence southwesterly on Hewes Street to Stevens Street; thence northwesterly on
28 Stevens Street to Charles Street; thence continuing northwesterly on Charles Street to Interstate
29 Route 95; thence southwesterly on Interstate Route 95 to the former New York, New Haven and
30 Hartford Railroad (hereinafter simply "New York New Haven and Hartford Railroad"); thence
31 southwesterly on New York New Haven and Hartford Railroad to a line extended westerly to
32 Francis Street; thence westerly along that line (boundary line between census blocks
33 440070008001022 and 440070008001021) to a line extended southwesterly and westerly to
34 Promenade Street; thence southwesterly and westerly along that line (boundary line between

1 census blocks 440070008001025 and 440070008001026) thence westerly to Promenade Street;
2 thence continuing westerly on Promenade Street to Interstate Route 95; thence southerly on
3 Interstate Route 95 to Providence Place; thence westerly on Providence Place to Harris Avenue;
4 continuing westerly on Harris Avenue to Dean Street; thence northerly on Dean Street to Pleasant
5 Valley Parkway; thence northwesterly on Pleasant Valley Parkway to Raymond Street; thence
6 continuing northwesterly on Chalkstone Avenue; thence westerly on Chalkstone Avenue to
7 Samoset Avenue; thence northerly on Samoset Avenue to Alden Street; thence westerly on Alden
8 Street to Victoria Street; thence northerly on Victoria Street to Galileo Avenue; thence
9 northeasterly on Galileo Avenue to Standish Avenue; thence northerly on Standish Avenue to
10 Metropolitan Road; thence westerly on Metropolitan Road to Mount Pleasant Avenue; thence
11 northerly on Mount Pleasant Avenue to Old Road; thence easterly on Old Road to Smith Street;
12 thence southeasterly on Smith Street to Academy Avenue; thence northerly on Academy Avenue
13 to Walton Street; thence westerly on Walton Street to Enfield Avenue; thence northerly on
14 Enfield Avenue to Isabella Avenue; thence westerly on Isabella Avenue to Modena Avenue;
15 thence southerly on Modena Avenue to Lotus Place; thence westerly on Lotus Place to Gentian
16 Avenue; thence northerly on Gentian Avenue to Isabella Avenue; thence westerly on Isabella
17 Avenue to Longwood Avenue; thence northerly on Longwood Avenue to the point of origin.

18 (b) Second district. - (1) The second congressional district shall consist of all of the
19 towns of: Glocester; Foster; Scituate; Johnston; Coventry; West Warwick; West Greenwich; East
20 Greenwich; Exeter; North Kingstown; Narragansett; [New Shoreham](#); South Kingstown;
21 Charlestown; Richmond; Hopkinton; and Westerly, and the cities of: Cranston and Warwick.

22 (2) The second congressional district shall also consist of all of that part of the city of
23 Providence not included in the first congressional district.

24 SECTION 55. Section 28-5-26 of the General Laws in Chapter 28-5 entitled "Fair
25 Employment Practices" is hereby amended to read as follows:

26 **28-5-26. Modification of findings or orders.** -- Until a transcript of the record in a case
27 is filed in a court as provided in ~~this chapter~~ [section 28-5-29](#), the commission may at any time,
28 upon reasonable notice and in a manner that it deems proper, modify or set aside in whole or in
29 part any of its findings or orders.

30 SECTION 56. Section 31-28-7.1 of the General Laws in Chapter 31-28 entitled "Parking
31 Facilities and Privileges" is hereby amended to read as follows:

32 **31-28-7.1. Motor vehicle placards for group care facilities, government agencies,**
33 **nonprofit organizations, or companies serving people with disabilities.** -- (a) Upon
34 application to the division of motor vehicles, any group care facility, government agency, non-

1 profit organizations, or company that provides services to persons with disabilities shall be issued
2 one or more portable motor vehicle placards as described in section 31-28-7(a) and (b).

3 (b) The applicant shall provide to the division of motor vehicles proof that the applicant
4 is a bona fide group care facility, government agency, non-profit organization or company
5 providing services to persons with disabilities as defined in section 31-28-7(h).

6 (c) The division of motor vehicles shall not issue more than ten (10) placards to any one
7 facility. The number of placards to be issued shall be determined by the division of motor
8 vehicles based upon the number of persons served by the facility and the frequency with which
9 the staff of the facility must transport the clients or patients of the facility.

10 (d) The placards shall be used only by agents or employees of the facility and only when
11 transporting persons with disabilities who are clients or patients of the facility. The placard is to
12 be hung from the rear view mirror as to be seen through the front and rear windshield of the
13 motor vehicle.

14 (e) A person other than an agent or employee of the facility to which the placard was
15 issued, or an agent or employee of the facility not engaged in transporting clients or patients of
16 the facility, who uses the parking privilege placards for his or her own purposes, shall be fined
17 ~~one hundred dollars (\$100)~~ one hundred and twenty-five dollars (\$125) for each violation. A
18 facility that allows the unauthorized use of the placards may be subject to revocation of the use of
19 the placard by the division of motor vehicles.

20 SECTION 57. Section 44-1-30 of the General Laws in Chapter 44-1 entitled "State Tax
21 Officials" is hereby amended to read as follows:

22 **44-1-30. Report by the tax administrator to the speaker of the house of**
23 **representatives.** -- The tax administrator shall periodically report to the speaker of the house of
24 representatives on the adequacy of the estate tax exemption, the marital deduction, and the
25 orphan's deduction provided in chapter 22 of title 44 in light of changing economic conditions
26 and on the trends in death taxation at both the federal and state levels. The reports are due, ~~first,~~
27 ~~on January 31, 1985 and~~ on January 31st of each fifth (5th) year ~~thereafter,~~ after 1985.

28 SECTION 58. This act shall take effect upon passage.

=====
LC01980/SUB B
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTES AND STATUTORY CONSTRUCTION

- 1 This act would make a variety of technical changes and corrections to various general
- 2 laws, as recommended by the office of law revision.
- 3 This act would take effect upon passage.

=====
LC01980/SUB B
=====

