

**ARTICLE 3**

RELATING TO GOVERNMENT REFORM

SECTION 1. Sections 5-65-5, 5-65-7 and 5-65-9 of the General Laws in Chapter 5-65 entitled "Contractors' Registration and Licensing Board" are hereby amended as follows:

**5-65-5. Registered application.**

(a) A person who wishes to register as a contractor shall submit an application, ~~under oath,~~ upon a form prescribed by the board. The application shall include:

(1) Workers' compensation insurance account number, or company name if a number has not yet been obtained, if applicable;

(2) Unemployment insurance account number if applicable;

(3) State withholding tax account number if applicable;

(4) Federal employer identification number, if applicable, or if self-employed and participating in a retirement plan;

(5) The individual(s) name and business address and residential address of:

(i) Each partner or venturer, if the applicant is a partnership or joint venture;

(ii) The owner, if the applicant is an individual proprietorship;

(iii) The corporation officers and a copy of corporate papers filed with the Rhode Island secretary of state's office, if the applicant is a corporation;

(iv) Post office boxes are not acceptable as the only address.

(6) A ~~signed affidavit subject to the penalties of perjury of a~~ statement as to whether or not the applicant has previously applied for registration, or is or was an officer, partner, or venturer of an applicant who previously applied for registration and if so, the name of the corporation, partnership, or venture.

(7) Valid insurance certificate for the type of work being performed.

(b) A person may be prohibited from registering or renewing registration as a contractor under the provisions of this chapter or his or her registration may be revoked or suspended if he or she has any unsatisfied or outstanding judgments from arbitration, bankruptcy, courts and/or administrative agency against him or her relating to their work as a contractor, and provided, further, that ~~an affidavit subject to the penalties of perjury a~~ statement shall be provided to the board attesting to the information herein.

1 (c) Failure to provide or falsified information on an application, or any document required  
2 by this chapter is punishable by a fine not to exceed ten thousand dollars (\$10,000) and/or  
3 revocation of the registration.

4 (d) Applicant must be at least eighteen (18) years of age.

5 (e) Satisfactory proof shall be provided to the board evidencing the completion of five (5)  
6 hours of continuing education units which will be required to be maintained by residential  
7 contractors as a condition of registration as determined by the board pursuant to established  
8 regulations.

9 (f) ~~An affidavit~~ A certification in a form issued by the board shall be completed upon  
10 registration or license or renewal to assure contractors are aware of certain provisions of this law  
11 and shall be signed by the registrant before a registration can be issued or renewed.

12 **5-65-7. Insurance required of contractors.**

13 (a) Throughout the period of registration, the contractor shall have in effect public liability  
14 and property damage insurance covering the work of that contractor which shall be subject to this  
15 chapter in not less than the following amount: five hundred thousand dollars (\$500,000) combined  
16 single limit, bodily injury and property damage.

17 (b) In addition, all contractors shall have in effect worker's compensation insurance as  
18 required under chapter 29 of title 28. Failure to maintain required insurance shall not preclude  
19 claims from being filed against a contractor.

20 (c) The contractor shall provide satisfactory evidence to the board at the time of registration  
21 and renewal that the insurance required by subsection (a) of this section has been procured and is  
22 in effect. Failure to maintain insurance shall invalidate registration and may result in a fine to the  
23 registrant and/or suspension or revocation of the registration.

24 **5-65-9. Registration fee.**

25 (a) Each applicant shall pay to the board:

26 (1) For original registration or renewal of registration, a fee of two hundred dollars (\$200).

27 (2) A fee for all changes in the registration, as prescribed by the board, other than those  
28 due to clerical errors.

29 (b) All fees and fines collected by the board shall be deposited as general revenues to  
30 support the activities set forth in this chapter until June 30, 2008. Beginning July 1, 2008, all fees  
31 and fines collected by the board shall be deposited into a restricted receipt account for the exclusive  
32 use of supporting programs established by this chapter.

33 (c) On or before January 15, 2018, and annually thereafter, the board shall file a report with  
34 the speaker of the house and the president of the senate, with copies to the chairpersons of the house

1 and senate finance committees, detailing:

2 (1) The total number of fines issued, broken down by category, including the number of  
3 fines issued for a first violation and the number of fines issued for a subsequent violation;

4 (2) The total dollar amount of fines levied;

5 (3) The total amount of fees, fines, and penalties collected and deposited for the most  
6 recently completed fiscal year; and

7 (4) The account balance as of the date of the report.

8 (d) Each year, the ~~executive director~~ [department of business regulation](#) shall prepare a  
9 proposed budget to support the programs approved by the board. The proposed budget shall be  
10 submitted to the board for its review. A final budget request shall be submitted to the legislature as  
11 part of the ~~capital projects and property management annual request~~ [department of business](#)  
12 [regulation's annual request](#).

13 (e) New or renewal registrations may be filed online or with a third-party approved by the  
14 board, with the additional cost incurred to be borne by the registrant.

15 SECTION 2. Sections 5-84-1, 5-84-2, 5-84-3, 5-84-5, 5-84-6 and 5-84-7 of the General  
16 Laws in Chapter 5-84 entitled "Division of Design Professionals" are hereby amended as follows:

17 The title of Chapter 5-84 of the General Laws entitled "Division of Design Professionals"  
18 is hereby changed to "Division of Building, Design and Fire Professionals."

19 **5-84-1. Short title.**

20 This chapter shall be known and may be cited as "The Division of ~~Design~~ [Building, Design](#)  
21 [and Fire](#) Professionals Act."

22 **5-84-2. ~~Division of design building, design and fire professionals~~ Division of building,**  
23 **design and fire professionals.**

24 There has been created within the department of business regulation, a division known as  
25 the division of ~~design~~ [building, design and fire](#) professionals.

26 **5-84-3. Division membership.**

27 The division consists of the membership of the [office of the state fire marshal, the fire](#)  
28 [safety code board of review and appeal, the office of the state building commissioner, the](#) board of  
29 registration for professional engineers, board of registration for professional land surveyors, board  
30 of examination and registration of architects, ~~and~~ the board of examiners of landscape architects  
31 [and the contractors' registration and licensing board](#).

32 **5-84-5. Imposition of fines for unregistered activity.**

33 (a) In addition to any other provision of law, if a person or business practices or offers to  
34 practice architecture, engineering, land surveying, or landscape architecture in the state without

1 being registered or authorized to practice as required by law, the boards within the division may  
2 recommend that the director of the department of business regulations [or the director's designee](#)  
3 issue an order imposing a fine; provided, however, that this section shall not apply to issues between  
4 the boards referred to in subsection (a) of this section as to the scope of a board registrant's authority  
5 to engage in work relating to another board's jurisdiction or to issues relating to ISDS designers  
6 licensed by the department of environmental management.

7 (b) A fine ordered under this section may not exceed two thousand five hundred dollars  
8 (\$2,500) for each offense. In recommending a fine, the board shall set the amount of the penalty  
9 imposed under this section after taking into account factors, including the seriousness of the  
10 violation, the economic benefit resulting from the violation, the history of violations, and other  
11 matters the board considers appropriate.

12 (c) Before recommending that a fine be order under this section, the board shall provide  
13 the person or business written notice and the opportunity to request, with thirty (30) days of  
14 issuance of notice by the board, a hearing on the record.

15 (d) A person or business aggrieved by the ordering of a fine under this section may file an  
16 appeal with the superior court for judicial review of the ordering of a fine.

17 (e) If a person of business fails to pay the fine within thirty (30) days after entry of an order  
18 under (a) of this section, or if the order is stayed pending an appeal, within ten (10) days after the  
19 court enters a final judgment in favor of the department of an order appealed under (d) of this  
20 section, the director may commence a civil action to recover the amount of the fine.

21 **5-84-6. Cease and Desist Authority.**

22 If the director has reason to believe that any person, firm, corporation, or association is  
23 conducting any activity under the jurisdiction of the division of ~~design~~ [building, design and fire](#)  
24 professionals including professional engineering, professional land surveying, architecture, and/or  
25 landscape architecture without obtaining a license or registration, or who after the denial,  
26 suspension, or revocation of a license or registration is conducting that business, the director [or the](#)  
27 [director's designee](#) may, either on his or her own initiative or upon recommendation of the  
28 appropriate board, issue an order to that person, firm, corporation, or association commanding them  
29 to appear before the department at a hearing to be held not sooner than ten (10) days nor later than  
30 twenty (20) days after issuance of that order to show cause why the director [or the director's](#)  
31 [designee](#) should not issue an order to that person to cease and desist from the violation of the  
32 provisions of this chapter and/or chapters 1, 8, 8.1, [51](#) and/or ~~54~~ [65](#) of title 5. That order to show  
33 cause may be served on any person, firm, corporation, or association named by any person in the  
34 same manner that a summons in a civil action may be served, or by mailing a copy of the order,

1 certified mail, return receipt requested, to that person at any address at which that person has done  
2 business or at which that person lives. If during that hearing the director [or the director's designee](#)  
3 is satisfied that the person is in fact violating any provision of this chapter, the director [or the](#)  
4 [director's designee](#) may order that person, in writing, to cease and desist from that violation and/or  
5 impose an appropriate fine under § 5-84-5 or other applicable law and/or refer the matter to the  
6 attorney general for appropriate action under chapters 1, 8, 8.1, [51](#) and/or ~~51~~ 65 of title 5. All these  
7 hearings are governed in accordance with the administrative procedures act. If that person fails to  
8 comply with an order of the department after being afforded a hearing, the superior court for  
9 Providence county has jurisdiction upon complaint of the department to restrain and enjoin that  
10 person from violating chapters 1, 8, 8.1, 51, [65](#) and/or 84 of title 5.

11 **5-84-7. Electronic applications for certificates of authorization.**

12 All applications to the division of ~~design~~ [building, design and fire](#) professionals for  
13 certificates of authorization shall be submitted electronically through the department's electronic-  
14 licensing system, unless special permission to apply in paper format is requested by the applicant  
15 and granted by the director [or the director's designee](#).

16 SECTION 3. Sections 23-27.3-100.1.3, 23-27.3-107.3, 23-27.3-107.4 and 23-27.3-108.2  
17 of the General Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended as  
18 follows:

19 **23-27.3-100.1.3. Creation of the state building code standards committee.**

20 (a) There is created as an agency of state government a state building code standards  
21 committee who shall adopt, promulgate, and administer a state building code for the purpose of  
22 regulating the design, construction, and use of buildings or structures previously erected, in  
23 accordance with a rehabilitation building and fire code for existing buildings and structures  
24 developed pursuant to chapter 29.1 of this title, and to make any amendments to them as they, from  
25 time to time, deem necessary or desirable, the building code to include any code, rule, or regulation  
26 incorporated in the code by reference.

27 (b) A standing subcommittee is made part of the state building code standards committee  
28 to promulgate and administer a state housing and property maintenance code for the purpose of  
29 establishing minimum requirements and standards and to regulate the occupancy and use of existing  
30 premises, structures, buildings, equipment, and facilities, and to make amendments to them as  
31 deemed necessary.

32 (c) A joint committee, with membership as set forth in § 23-29.1-2(a) from the state  
33 building code standards committee, shall develop and recommend for adoption and promulgation,  
34 a rehabilitation building and fire code for existing buildings and structures, which code shall include

1 building code elements to be administered by the state building code standards committee as the  
2 authority having jurisdiction over the elements.

3 (d) The state building code standards committee shall be housed within the office of the  
4 state building commissioner.

5 **23-27.3-107.3. Appointment of personnel by state building commissioner.**

6 (a) The state building commissioner may appoint such other personnel as shall be necessary  
7 for the administration of the code. In the absence of a local building official or an alternate, as  
8 detailed in § 23-27.3-107.2, the commissioner shall assume the responsibility of the local building  
9 official and inspectors as required by § 23-27.3-107.4 and shall designate one of the following  
10 agents to enforce the code:

11 (1) A member of the commissioner's staff who meets the qualifications of § 23-27.3-107.5  
12 and is certified in accordance with § 23-27.3-107.6.

13 (2) An architect or engineer contracted by the commissioner through the department of  
14 ~~administration~~ business regulation.

15 (3) A building official who is selected from a list of previously certified officials or  
16 inspectors.

17 (b) The salary and operating expenses for services provided in accordance with subsection  
18 (a)(1), (2), or (3) shall be reimbursed to the state by the city or town receiving the services and shall  
19 be deposited as general revenues. The attorney general shall be informed of any failure of the  
20 appropriate local authority to appoint a local building official to enforce the code in accordance  
21 with §§ 23-27.3-107.1 or 23-27.3-107.2.

22 **23-27.3-107.4. Qualifications and duties of the state building commissioner.**

23 (a) The state building commissioner shall serve as the executive secretary to the state  
24 building code standards committee. In addition to the state building commissioner's other duties as  
25 set forth in this chapter, the state building commissioner shall assume the authority for the purpose  
26 of enforcing the provisions of the state building code in a municipality where there is no local  
27 building official.

28 (b) The state building commissioner shall be a member of the classified service, and for  
29 administrative purposes shall be assigned a position in the department of ~~administration~~ business  
30 regulation. Qualifications for the position of the state building commissioner shall be established  
31 in accordance with provisions of the classified service of the state, and shall include the provision  
32 that the qualifications include at least ten (10) years' experience in building or building regulations  
33 generally, and that the commissioner be an architect or professional engineer licensed in the state  
34 or a certified building official presently or previously employed by a municipality and having at

1 least ten (10) years' experience in the building construction or inspection field.

2 **23-27.3-108.2. State building commissioner's duties.**

3 (a) This code shall be enforced by the state building commissioner as to any structures or  
4 buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction  
5 of the state or any of its departments, commissions, agencies, or authorities established by an act  
6 of the general assembly, and as to any structures or buildings or parts thereof that are built upon  
7 any land owned by or under the jurisdiction of the state.

8 (b) Permit fees for the projects shall be established by the committee. The fees shall be  
9 deposited as general revenues.

10 (c)(1) The local cities and towns shall charge each permit applicant an additional .1 (.001)  
11 percent (levy) of the total construction cost for each permit issued. The levy shall be limited to a  
12 maximum of fifty dollars (\$50.00) for each of the permits issued for one and two (2) family  
13 dwellings. This additional levy shall be transmitted monthly to the building commission at the  
14 department of ~~administration~~ [business regulation](#), and shall be used to staff and support the  
15 purchase or lease and operation of a web-accessible service and/or system to be utilized by the state  
16 and municipalities for uniform, statewide electronic plan review, permit management and  
17 inspection system and other programs described in this chapter. The fee levy shall be deposited as  
18 general revenues.

19 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide  
20 process for electronic plan review, permit management and inspection.

21 (3) On or before December 1, 2013, the building commissioner, with the assistance of the  
22 office of regulatory reform, shall implement the standard statewide process for electronic plan  
23 review, permit management and inspection. In addition, the building commissioner shall develop  
24 a technology and implementation plan for a standard web-accessible service and/or system to be  
25 utilized by the state and municipalities for uniform, statewide electronic plan review, permit  
26 management and inspection.

27 (d) The building commissioner shall, upon request by any state contractor described in §  
28 37-2-38.1, review, and when all conditions for certification have been met, certify to the state  
29 controller that the payment conditions contained in § 37-2-38.1 have been met.

30 (e) The building commissioner shall coordinate the development and implementation of  
31 this section with the state fire marshal to assist with the implementation of § 23-28.2-6.

32 (f) The building commissioner shall submit, in coordination with the state fire marshal, a  
33 report to the governor and general assembly on or before April 1, 2013 and each April 1st thereafter,  
34 providing the status of the web-accessible service and/or system implementation and any

1 recommendations for process or system improvement.

2 SECTION 4. Sections 23-28.2-1, 23-28.2-5, 23-28.2-7, 23-28.2-14, 23-28.2-22, 23-28.2-  
3 23, 23-28.2-28 and 23-28.2-29 of Chapter 23-28.2 of the General Laws entitled “Division of Fire  
4 Safety” are hereby amended as follows:

5 **23-28.2-1. Establishment of division and office of the state fire marshal Establishment**  
6 **of office of the state fire marshal.**

7 There shall be ~~a division~~ an office of the state fire marshal within the department of ~~public~~  
8 ~~safety~~ business regulation's division of building, design and fire professionals, the head of which  
9 ~~division~~ office shall be the state fire marshal. The state fire marshal shall be appointed by the  
10 governor with the advice and consent of the senate and shall serve for a period of five (5) years.  
11 During the term the state fire marshal may be removed from office by the governor for just cause.  
12 All authority, powers, duties and responsibilities previously vested in the division of fire safety are  
13 hereby transferred to the ~~division~~ office of the state fire marshal.

14 **23-28.2-5. Bomb disposal unit.**

15 (a) Within the ~~division~~ office of the state fire marshal, there shall be a bomb disposal unit  
16 (bomb squad), accredited by the FBI as a bomb squad, whose duties it will be to handle and dispose  
17 of all hazardous devices suspect to be explosive or incendiary in construction which includes any  
18 weapons of mass destruction (WMD) that may be explosive or chemical in construction.

19 (b) The State Fire Marshal shall appoint a bomb technician to supervise the operations of  
20 this unit and the technician must be certified by the FBI as a bomb technician. The bomb technician  
21 must ensure that all bomb technicians are trained and maintain certification, the bomb squad  
22 maintains accreditation, and ensures that all equipment belonging to the bomb squad is maintained  
23 and in operating condition at all times. The bomb technician must also provide to cities and towns  
24 and local businesses or any other organizations procedures in bomb threats, and procedures where  
25 explosive devices or suspect devices are located.

26 (c) The State Fire Marshal shall appoint from the local communities volunteer assistant  
27 deputy state fire marshals, as bomb squad members only, to assist in carrying on the responsibilities  
28 of this unit. The volunteers, who must be available for immediate response when called upon, be  
29 available to participate in training sessions, shall be approved by their local fire or police chief, and  
30 must have their chief sign an agreement (memorandum of understanding) which provides for their  
31 release during emergencies and training and assumes liability for any injuries that may occur to  
32 them. All bomb squad members shall operate only under the direction of the State Bomb Squad  
33 Commander or senior ranking Deputy State Fire Marshal who is certified as a bomb technician.  
34 The bomb squad may also request assistance from the local fire and police authorities when

1 handling any explosive or incendiary device, WMD or post incident investigations.

2 **23-28.2-7. Office of state fire marshal.**

3 The state fire marshal shall be provided adequate offices ~~by the director of administration.~~  
4 [through the department of business regulation.](#)

5 **23-28.2-14. Enforcement.**

6 (a) Within the ~~division~~ [office of the state fire marshal](#), there shall be an enforcement unit  
7 responsible for the initiation of criminal prosecution of or civil proceedings against any person(s)  
8 in violation of the state Fire Safety Code or failure to comply with an order to abate conditions that  
9 constitute a violation of the Fire Safety Code, chapters 28.1 – 28.39 of this title, and any rules or  
10 regulations added thereunder and/or the general public laws of the state as they relate to fires, fire  
11 prevention, fire inspections, and fire investigations. This unit will consist of the state fire marshal,  
12 chief deputy state fire marshal, chief of technical services, explosive technician, assistant explosive  
13 technicians, and the arson investigative staff, each of whom must satisfactorily complete at the  
14 Rhode Island state police training academy an appropriate course of training in law enforcement or  
15 must have previously completed a comparable course. To fulfill their responsibilities, this unit shall  
16 have and may exercise in any part of the state all powers of sheriffs, deputy sheriffs, town sergeants,  
17 chiefs of police, police officers, and constables.

18 (b) The State Fire Marshal shall have the power to implement a system of enforcement to  
19 achieve compliance with the fire safety code, which shall include inspections as provided for in §  
20 23-28.2-20, the issuance of formal notices of violation in accordance with § 23-28.2-20.1, and the  
21 issuance of citations in a form approved by the State Fire Marshal and the Chief Judge of the District  
22 Court. The State Fire Marshal, and his or her designee(s) as outlined in this chapter, may use the  
23 above systems of enforcement individually or in any combination to enforce the State Fire Safety  
24 Code.

25 (c) The State Fire Marshal and all persons designated specifically in writing by the State  
26 Fire Marshal shall have the power to issue the citations referenced in this chapter.

27 (d) The following categories of violation of the Fire Safety Code that can be identified  
28 through inspection shall be considered criminal violations of the Fire Safety Code and be subject  
29 to the above issuance of citations:

30 (1) Impediments to Egress:

31 (A) Exit doors locked so as to prevent egress.

32 (B) Blocked means of egress (other than locking and includes any portion of the exit access,  
33 exit or exit discharge).

34 (C) Marking of exits or the routes to exits has become obstructed and is not clearly visible.

1 (D) Artificial lighting needed for orderly evacuation is not functioning properly (this  
2 section does not include emergency lighting).

3 (2) Maintenance:

4 (A) Required devices, equipment, system, condition, arrangement, or other features not  
5 continuously maintained.

6 (B) Equipment requiring periodic testing or operation, to ensure its maintenance, is not  
7 being tested or operated.

8 (C) Owner of building where a fire alarm system is installed has not provided written  
9 evidence that there is a testing and maintenance program in force providing for periodic testing of  
10 the system.

11 (D) Twenty-four hour emergency telephone number of building owner or owner's  
12 representative is not posted at the fire alarm control unit or the posted number is not current.

13 (3) Fire Department Access and Water Supply:

14 (A) The required width or length of a previously approved fire department access road (fire  
15 lane) is obstructed by parked vehicles or other impediments.

16 (B) Fire department access to fire hydrants or other approved water supplies is blocked or  
17 impeded.

18 (4) Fire Protection Systems:

19 (A) Obstructions are placed or kept near fire department inlet connections or fire protection  
20 system control valves preventing them from being either visible or accessible.

21 (B) The owner, designated agent or occupant of the property has not had required fire  
22 extinguishers inspected, maintained or recharged.

23 (5) Admissions supervised:

24 (A) Persons responsible for supervising admissions to places of assembly, and/or any sub-  
25 classifications thereof, have allowed admissions in excess of the maximum occupancy posted by  
26 the State Fire Marshal or his or her designee.

27 The terms used in the above categories of violation are defined in the definition sections of  
28 NFPA 1 and NFPA 101 as adopted pursuant to § 23-28.1-2 of this title.

29 (e) A building owner, responsible management, designated agent or occupant of the  
30 property receiving a citation may elect to plead guilty to the violation(s) and pay the fine(s) through  
31 the mail within ten (10) days of issuance, or appear in district court for an arraignment on the  
32 citation.

33 (f) Notwithstanding subsection (e) above, all recipients of third or subsequent citations,  
34 within a sixty (60) month period, shall appear in district court for a hearing on the citation. If not

1 paid by mail he, she or it shall appear to be arraigned on the criminal complaint on the date indicated  
2 on the citation. If the recipient(s) fails to appear, the district court shall issue a warrant of arrest.

3 (g) The failure of a recipient to either pay the citation through the mail within ten (10) days,  
4 where permitted under this section, or to appear in district court on the date specified shall be cause  
5 for the district court to issue a warrant of arrest with the penalty assessed and an additional five  
6 hundred dollar (\$500) fine.

7 (h) A building owner, responsible management, designated agent or occupant of the  
8 property who receives the citation(s) referenced in this section shall be subject to civil fine(s), which  
9 fine(s) shall be used for fire prevention purposes by the jurisdiction that issues the citation(s), as  
10 follows:

11 (1) A fine of two hundred fifty dollars (\$250) for the first violation within any sixty (60)  
12 month period;

13 (2) A fine of five hundred dollars (\$500) for the second violation within any sixty (60)  
14 month period;

15 (3) A fine of one thousand dollars (\$1,000) for the third and any subsequent violation(s)  
16 within any sixty (60) month period;

17 (i) No citation(s) as defined in this section, shall be issued pursuant to a search conducted  
18 under an administrative search warrant secured pursuant to § 23-28.2-20(c) of this code. Any  
19 citation mistakenly issued in violation of this subsection (i) shall be void and unenforceable.

20 (j) The District Court shall have full equity power to hear and address these matters.

21 (k) All violations, listed within subsection (d) above, shall further be corrected within a  
22 reasonable period of time established by the State Fire Marshal or his or her designee.

23 **23-28.2-22. Fire education and training unit.**

24 (a) There shall be a fire education and training unit within the ~~division of fire safety office~~  
25 [of the state fire marshal](#) headed by a director of fire training. The director of fire training shall be  
26 appointed by the fire marshal from a list of names submitted by the fire education and training  
27 coordinating board based on recommendations of a screening committee of that board. Other staff  
28 and resources, such as part time instructors, shall be requested consistent with the state budget  
29 process.

30 (b) This unit shall be responsible for implementing fire education and training programs  
31 developed by the fire education and training coordinating board.

32 **23-28.2-23. Fire education and training coordinating board.**

33 (a) There is hereby created within the ~~division of fire safety office~~ [office of the state fire marshal](#)  
34 a fire education and training coordinating board comprised of thirteen (13) members appointed by

1 the governor with the advice and consent of the senate. In making said appointments, the governor  
2 shall give due consideration to including in the board's membership representatives of the following  
3 groups:

4 (1) Chiefs of fire departments with predominately fully paid personnel, defined as  
5 departments in which the vast majority of members are full-time, salaried personnel.

6 (2) Chiefs of fire departments with part paid/combo personnel, defined as  
7 departments in which members consist of both full-time salaried personnel and a large percentage  
8 of volunteer or call personnel.

9 (3) Chiefs of fire departments with predominately volunteer personnel, defined as  
10 departments in which the vast majority of members respond voluntarily and receive little or no  
11 compensation.

12 (4) Rhode Island firefighters' instructor's association.

13 (5) Rhode Island department of environmental management.

14 (6) Rhode Island fire safety association.

15 (7) Rhode Island state firefighter's league.

16 (8) Rhode Island association of firefighters.

17 (9) Regional firefighters leagues.

18 (b) The state fire marshal and the chief of training and education shall serve as ex-officio  
19 members.

20 (c) Members of the board as of March 29, 2006 shall continue to serve for the balance of  
21 their current terms. Thereafter, members shall be appointed to three (3) year terms. No person shall  
22 serve more than two (2) consecutive terms, except that service on the board for a term of less than  
23 two (2) years resulting from an initial appointment or an appointment for the remainder of an  
24 unexpired term shall not constitute a full term.

25 (d) Members shall hold office until a successor is appointed, and no member shall serve  
26 beyond the time he or she ceases to hold office or employment by reason of which he or she was  
27 eligible for appointment.

28 (e) All gubernatorial appointments made after March 29, 2006 shall be subject to the advice  
29 and consent of the senate. No person shall be eligible for appointment to the board after March 29,  
30 2006 unless he or she is a resident of this state.

31 (f) Members shall serve without compensation, but shall receive travel expenses in the  
32 same amount per mile approved for state employees.

33 (g) The board shall meet at the call of the chairperson or upon written petition of a majority  
34 of the members, but not less than six (6) times per year.

- 1 (h) Staff support to the board will be provided by the state fire marshal.
- 2 (i) The board shall:
- 3 (1) Establish bylaws to govern operational procedures not addressed by legislation.
- 4 (2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to be  
5 established by the board.
- 6 (3) Develop and offer training programs for fire fighters and fire officers based on  
7 applicable NFPA standards used to produce training and education courses.
- 8 (4) Develop and offer state certification programs for instructors based on NFPA standards.
- 9 (5) Monitor and evaluate all programs to determine their effectiveness.
- 10 (6) Establish a fee structure in an amount necessary to cover costs of implementing the  
11 programs.
- 12 (7) Within ninety (90) days after the end of each fiscal year, approve and submit an annual  
13 report to the governor, the speaker of the house of representatives, the president of the senate, and  
14 the secretary of state of its activities during that fiscal year. The report shall provide: an operating  
15 statement summarizing meetings or hearing held, including meeting minutes, subjects addressed,  
16 decisions rendered, rules or regulations promulgated, studies conducted, policies and plans  
17 developed, approved or modified and programs administered or initiated; a consolidated financial  
18 statement of all funds received and expended including the source of the funds, a listing of any staff  
19 supported by these funds, and a summary of any clerical, administrative or technical support  
20 received; a summary of performance during the previous fiscal year including accomplishments,  
21 shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters  
22 related to the authority of the council; a summary of any training courses held pursuant to the  
23 provisions of this section; a briefing on anticipated activities in the upcoming fiscal year and  
24 findings and recommendations for improvements. The report shall be posted electronically on the  
25 general assembly and secretary of state's websites as prescribed in § 42-20-8.2. The director of the  
26 department of administration shall be responsible for the enforcement of the provisions of this  
27 subsection.
- 28 (8) Conduct a training course for newly appointed and qualified members within six (6)  
29 months of their qualification or designation. The course shall be developed by the chair of the  
30 board, approved by the board, and conducted by the chair of the board. The board may approve the  
31 use of any board or staff members or other individuals to assist with training. The training course  
32 shall include instruction in the following areas: the provisions of chapters 42-46, 36-14, and 38-2;  
33 and the commission's rules and regulations. The state fire marshal shall, within ninety (90) days of  
34 March 29, 2006, prepare and disseminate training materials relating to the provisions of chapters

1 42-46, 36-14, and 38-2.

2 (j) In an effort to prevent potential conflicts of interest, any fire education and training  
3 coordinating board member shall not simultaneously serve as a paid instructor and/or administrator  
4 within the fire education and training unit.

5 (k) A quorum for conducting all business before the board, shall be at least seven (7)  
6 members.

7 (l) Members of the board shall be removable by the governor pursuant to the provisions of  
8 § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons  
9 unrelated to capacity or fitness for the office shall be unlawful.

10 **23-28.2-28. Rhode Island state firefighter's league grant account.**

11 (a) There is hereby created within the department of ~~public safety~~ [business regulation](#) a  
12 restricted receipt account to be known as the Rhode Island state firefighter's league grant account.  
13 Donations received from the Rhode Island state firefighter's league shall be deposited into this  
14 account, and shall be used solely to fund education and training programs for firefighters in the  
15 state.

16 (b) All amounts deposited in the Rhode Island state firefighter's league grant account shall  
17 be exempt from the indirect cost recovery provisions of § 35-4-27.

18 **23-28.2-29. Fire academy training fees restricted receipt account.**

19 There is hereby created with the department of ~~public safety~~ [business regulation](#) a restricted  
20 receipt account to be known as the fire academy training fees account. All receipts collected  
21 pursuant to § 23-28.2-23 shall be deposited in this account and shall be used to fund costs associated  
22 with the fire training academy. All amounts deposited into the fire academy training restricted  
23 receipt account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

24 SECTION 5. Section 23-34.1-3 of Chapter 23-34.1 of the General Laws entitled  
25 "Amusement Ride Safety Act" is hereby amended as follows:

26 **23-34.1-3. Definitions.**

27 As used in this chapter:

28 (1) "Altered ride" means a ride or device that has been altered with the approval of the  
29 manufacturer.

30 (2) "Amusement attraction" means any building or structure around, over, or through which  
31 persons may move to walk, without the aid of any moving device integral to the building or  
32 structure, which provides amusement, pleasure, thrills, or excitement. Excluded are air structures  
33 ("moonwalks"), arenas, stadiums, theatres, nonmechanical amusement structures commonly  
34 located in or around day care centers, schools, commercial establishments, malls, fast food

1 restaurants, and convention halls. This does not include enterprises principally devoted to the  
2 exhibition of products of agriculture, industry, education, science, religion, or the arts.

3 (3) "Amusement ride" means any mechanical device which carries, suspends or conveys  
4 passengers along, around, or over a fixed or restricted route or course or within a defined area, for  
5 the purpose of giving its passengers amusement, pleasure, thrills, or excitement. For the purposes  
6 of this act, any dry slide over twenty (20) feet in height is also included. This term shall not include  
7 hayrides (whether pulled by motor vehicle or horse), any coin-operated ride that is manually,  
8 mechanically or electrically operated and customarily placed in a public location and that does not  
9 normally require the supervision or services of an operator or nonmechanical devices with  
10 nonmoving parts, including, but not limited to, walk-through amusement attractions, slides, and air  
11 structures ("moonwalks").

12 (4) "Bazaar" means an enterprise principally devoted to the exhibition of products of crafts  
13 and art, to which the operation of amusement rides or devices or concession booths is an adjunct.

14 (5) "Carnival" means a transient enterprise offering amusement or entertainment to the  
15 public in, upon or by means of amusement devices, rides or concession booths.

16 (6) "Certificate to operate" means that document which indicates that the temporary  
17 amusement device has undergone the inspection required after setup. It shall show the date of  
18 inspection, the location of the inspection, the name of the inspector, and the maximum amount of  
19 weight allowed per car or rideable unit.

20 (7) "Commissioner" means the state building commissioner.

21 (8) "Department" means the department of ~~administration~~ [business regulation](#).

22 (9) "Director" means the director of the department of ~~administration~~ [business regulation](#).

23 (10) "Fair" means an enterprise principally devoted to the exhibition of products of  
24 agriculture or industry, to which the operation of amusement rides or devices or concession booths  
25 is an adjunct.

26 (11) "Home-made ride or device" means a ride or device that was not manufactured by a  
27 recognized ride or device manufacturer or any ride or device which has been substantially altered  
28 without the approval of the manufacturer.

29 (12) "Inspection" means the physical examination of an amusement ride or device made  
30 by the commissioner, or his authorized representative, prior to operating the amusement device for  
31 the purpose of approving the application for a license.

32 (13) "Kiddie ride" means a device designed primarily to carry a specific number of children  
33 in a fixture suitable for conveying children up to forty-two inches (42") in height or ride  
34 manufacturer specifications.

1 (14) "Major alteration" means a change in the type, capacity, structure or mechanism of an  
2 amusement device. This includes any change that would require approval of the ride manufacturer  
3 or an engineer.

4 (15) "Major ride" means a device designed to carry a specific maximum number of  
5 passengers, adults and children, in a fixture suitable for conveying persons.

6 (16) "Manager" means a person having possession, custody, or managerial control of an  
7 amusement device, amusement attraction, or temporary structure, whether as owner, lessee, or  
8 agent or otherwise.

9 (17) "Owner" means the person or persons holding title to, or having possession or control  
10 of the amusement ride or device or concession booth.

11 (18) "Permanent amusement ride" means an amusement ride which is erected to remain a  
12 lasting part of the premises.

13 (19) "Permit" means that document which signifies that the amusement device or  
14 amusement attraction has undergone and passed its annual inspection. The department shall affix a  
15 decal which clearly shows the month and year of expiration.

16 (20) "Qualified licensed engineer" means a licensed mechanical engineer who has at least  
17 five (5) years of experience in his or her field and has experience in amusement ride inspection.

18 (21) "Reinspection" means an inspection which is made at any time after the initial  
19 inspection.

20 (22) "Repair" means to restore an amusement ride to a condition equal to or better than the  
21 original design specifications.

22 (23) "Ride file jacket" means a file concerning an individual amusement ride or device  
23 which contains nondestructive test reports on the testing firm's official letterhead; the name of the  
24 ride, the manufacturer and date of manufacture; maintenance records; records of any alterations;  
25 ride serial number; daily check lists and engineer's reports and proof of insurance. Non-destructive  
26 test reports shall not be required on any rides which are nonmechanical and which are not provided  
27 by the manufacturer with said amusement ride.

28 (24) "Ride operator" means the person in charge of an amusement ride or device and who  
29 causes the amusement ride or device to operate.

30 (25) "Serious injury" means an injury requiring a minimum of one overnight stay in a  
31 hospital for treatment or observation.

32 (26) "Stop order" means any order issued by an inspector for the temporary cessation of a  
33 ride or device.

34 (27) "Temporary amusement device" means a device which is used as an amusement

1 device or amusement attraction that is regularly relocated from time to time, with or without  
2 disassembly.

3 SECTION 6. Section 42-7.3-3 of the General Laws in Chapter 42-7.3 entitled “Department  
4 of Public Safety” is hereby amended as follows:

5 **42-7.3-3. Powers and duties of the department.**

6 The department of public safety shall be responsible for the management and  
7 administration of the following divisions and agencies:

- 8 (a) Office of the capitol police (chapter 2.2 of title 12).
- 9 (b) ~~State fire marshal (chapter 28.2 of title 23)~~
- 10 (c) E-911 emergency telephone system division (chapter 28.2 of title 39).
- 11 (d) Rhode Island state police (chapter 28 of title 42).
- 12 (e) Municipal police training academy (chapter 28.2 of title 42).
- 13 (f) Division of sheriffs (chapter 7.3 of title 42).

14 SECTION 7. Section 42-11-2.9 of the General Laws in Chapter 42-11 entitled “Department  
15 of Administration” is hereby amended as follows:

16 **42-11-2.9. Division of capital asset management and maintenance established.**

17 (a) Establishment. Within the department of administration there shall be established the  
18 division of capital asset management and maintenance ("DCAMM"). Any prior references to the  
19 division of facilities management and/or capital projects, if any, shall now mean DCAMM. Within  
20 the DCAMM there shall be a director of DCAMM who shall be in the classified service and shall  
21 be appointed by the director of administration. The director of DCAMM shall have the following  
22 responsibilities:

- 23 (1) Oversee, coordinate, and manage the operating budget, personnel, and functions of  
24 DCAMM in carrying out the duties described below;
- 25 (2) Review agency capital-budget requests to ensure that the request is consistent with  
26 strategic and master facility plans for the state of Rhode Island;
- 27 (3) Promulgate and adopt regulations necessary to carry out the purposes of this section.

28 (b) Purpose. The purpose of the DCAMM shall be to manage and maintain state property  
29 and state-owned facilities in a manner that meets the highest standards of health, safety, security,  
30 accessibility, energy efficiency, and comfort for citizens and state employees and ensures  
31 appropriate and timely investments are made for state property and facility maintenance.

32 (c) Duties and responsibilities of DCAMM. DCAMM shall have the following duties and  
33 responsibilities:

- 34 (1) To oversee all new construction and rehabilitation projects on state property, not

1 including property otherwise assigned outside of the executive department by Rhode Island general  
2 laws or under the control and supervision of the judicial branch;

3 (2) To assist the department of administration in fulfilling any and all capital-asset and  
4 maintenance-related statutory duties assigned to the department under chapter 8 of title 37 (public  
5 buildings) or any other provision of law, including, but not limited to, the following statutory duties  
6 provided in § 42-11-2:

7 (i) To maintain, equip, and keep in repair the state house, state office buildings, and other  
8 premises, owned or rented by the state, for the use of any department or agency, excepting those  
9 buildings, the control of which is vested by law in some other agency;

10 (ii) To provide for the periodic inspection, appraisal, or inventory of all state buildings and  
11 property, real and personal;

12 (iii) To require reports from state agencies on the buildings property in their custody;

13 (iv) To issue regulations to govern the protection and custody of the property of the state;

14 (v) To assign office and storage space, and to rent and lease land and buildings, for the use  
15 of the several state departments and agencies in the manner provided by law;

16 (vi) To control and supervise the acquisition, operation, maintenance, repair, and  
17 replacement of state-owned motor vehicles by state agencies;

18 (3) To generally manage, oversee, protect, and care for the state's properties and facilities,  
19 not otherwise assigned by Rhode Island general laws, including, but not limited to, the following  
20 duties:

21 (i) Space management, procurement, usage, and/or leasing of private or public space;

22 (ii) Care, maintenance, cleaning, and contracting for such services as necessary for state  
23 property;

24 (iii) Capital equipment replacement;

25 (iv) Security of state property and facilities unless otherwise provided by law;

26 (v) Ensuring Americans with Disabilities Act (ADA) compliance;

27 (vi) Responding to facilities emergencies;

28 (vii) Managing traffic flow on state property;

29 (viii) Grounds keeping/landscaping/snow-removal services;

30 (ix) Maintenance and protection of artwork and historic artifacts;

31 (4) To manage and oversee state fleet operations.

32 (d) All state agencies shall participate in a statewide database and/or information system  
33 for capital assets, that shall be established and maintained by DCAMM.

34 (e) Offices and boards assigned to DCAMM. DCAMM shall oversee the following boards,

1 offices, and functions:

- 2 (1) Office of planning, design, and construction (PDC);
- 3 (2) Office of facilities management and maintenance (OFMM);
- 4 (3) ~~Contractors' registration and licensing board (§ 5-65-1 seq.);~~
- 5 (4) ~~State building code (§ 23-27.3-1 et seq.);~~
- 6 (5) Office of risk management (§ 37-11-1 et seq.);
- 7 (6) ~~Fire safety code board of appeal and review (§ 23-28.3-1 et seq.);~~
- 8 (7) Office of state fleet operations (§ 42-11-2.4(d)).

9 (f) The boards, offices, and functions assigned to DCAMM shall:

10 (1) Exercise their respective powers and duties in accordance with their statutory authority  
11 and the general policy established by the director of DCAMM or in accordance with the powers  
12 and authorities conferred upon the director of DCAMM by this section;

13 (2) Provide such assistance or resources as may be requested or required by the director of  
14 DCAMM or the director of administration;

15 (3) Provide such records and information as may be requested or required by the director  
16 of DCAMM or the director of administration; and

17 (4) Except as provided herein, no provision of this chapter or application thereof shall be  
18 construed to limit or otherwise restrict the offices stated above from fulfilling any statutory  
19 requirement or complying with any valid rule or regulation.

20 SECTION 8. Sections 42-14-1, 42-14-2, 42-14-4, 42-14-5, 42-14-6, 42-14-7, 42-14-8, 42-  
21 14-11, 42-14-16 and 42-14-16.1 of the General Laws in Chapter 42-14 entitled "Department of  
22 Business Regulation" are hereby amended as follows:

23 **42-14-1. Establishment – Head of department.**

24 There shall be a department of business regulation. The head of the department shall be the  
25 director of business regulation who ~~shall carry out~~, except as otherwise provided by this title, shall  
26 carry out this chapter; ~~chapters 1, 2, and 4—12, inclusive, of title 3; chapters 3, 20.5, 38, 49, 52, 53~~  
27 ~~and 58 of title 5; chapter 31 of title 6; chapter 11 of title 7; chapters 1—29, inclusive, of title 19,~~  
28 ~~except § 19-24-6; chapter 28.6 of title 21; chapter 26 of title 23; chapters 1—36, inclusive, of title~~  
29 ~~27. The director of business regulation shall also~~ and perform the duties required by any and all  
30 other provisions of the general laws and public laws insofar as those provisions relate to ~~the director~~  
31 ~~of revenue and regulation, chief of the division of banking and insurance, chief of the division of~~  
32 ~~intoxicating beverages, and~~ each of the divisions and licensing and regulatory areas within the  
33 jurisdiction of the department, ~~except as otherwise provided by this title.~~

34 **42-14-2. Functions of department.**

- 1 (a) It shall be the function of the department of business regulation:
- 2 (1) ~~To regulate and control banking and insurance, foreign surety companies, sale of~~  
3 ~~securities, building and loan associations, fraternal benefit and beneficiary societies;~~
- 4 (2) ~~To regulate and control the manufacture, transportation, possession, and sale of~~  
5 ~~alcoholic beverages;~~
- 6 (3) ~~To license and regulate the manufacture and sale of articles of bedding, upholstered~~  
7 ~~furniture, and filling materials;~~
- 8 (4) ~~To regulate the licensing of compassion centers, licensed cultivators, and cooperative~~  
9 ~~cultivations pursuant to chapter 28.6 of title 21 of the general laws to license, regulate and control~~  
10 ~~all areas as required by this chapter and any and all other provisions of the general laws and public~~  
11 ~~laws.~~

12 (b) Whenever any hearing is required or permitted to be held pursuant to law or regulation  
13 of the department of business regulation, and whenever no statutory provision exists providing that  
14 notice be given to interested parties prior to the hearing, no such hearing shall be held without  
15 notice in writing being given at least ten (10) days prior to such hearing to all interested parties.  
16 For purposes of this section, an "interested party" shall be deemed to include the party subject to  
17 regulation hereunder, ~~the Rhode Island consumers' council~~, and any party entitled to appear at the  
18 hearing. Notice to the party that will be subject to regulation, ~~the Rhode Island consumers' council~~  
19 ~~[Repealed]~~, and any party who has made known his or her intention to appear at the hearing shall  
20 be sufficient if it be in writing and mailed, first class mail, to the party at his or her regular business  
21 address. Notice to the general public shall be sufficient hereunder if it be by publication in a  
22 newspaper of general circulation in the municipality affected by the regulation.

23 ~~42-14-4. Banking and insurance financial services divisions~~ **Financial services**  
24 **division.**

25 Within the department of business regulation there shall be a division of financial services  
26 that oversees the regulation and control of banking ~~division~~ and ~~an~~ insurance ~~division~~ and such  
27 other matters within the jurisdiction of the department as determined by the director. The ~~divisions~~  
28 division shall have offices which shall be assigned to ~~them~~ it by the department of administration.  
29 ~~A s~~ Superintendents ~~shall be in charge of each division, of banking and insurance~~ reporting  
30 to the director, ~~deputy director~~ and/or health insurance commissioner as appropriate shall be in  
31 charge of all matters relating to banking and insurance.

32 ~~42-14-5. Administrator~~ **Superintendents of banking and insurance**  
33 **Superintendents of banking and insurance.**

34 (a) The ~~director of business regulation shall, in addition to his or her regular duties, act as~~

1 ~~administrator of banking and insurance and~~ superintendents of banking and insurance shall  
2 administer the functions of the department relating to the regulation and control of banking and  
3 insurance, ~~foreign surety companies, sale of securities, building and loan associations, and fraternal~~  
4 ~~benefit and beneficiary societies.~~

5 (b) Wherever the words "banking administrator" or "banking commissioner" or "insurance  
6 administrator" or "insurance commissioner" occur in this chapter or any general law, public law,  
7 act, or resolution of the general assembly or department regulation, they shall be construed to mean  
8 superintendent of banking ~~commissioner~~ and superintendent of insurance ~~commissioner~~ except as  
9 delineated in subsection (d) below.

10 (c) "Health insurance" shall mean "health insurance coverage," as defined in §§ 27-18.5-2  
11 and 27-18.6-2, "health benefit plan," as defined in § 27-50-3 and a "medical supplement policy,"  
12 as defined in § 27-18.2-1 or coverage similar to a Medicare supplement policy that is issued to an  
13 employer to cover retirees, and dental coverage, including, but not limited to, coverage provided  
14 by a nonprofit dental service plan as defined in subsection 27-20.1-1(3).

15 (d) Whenever the words "commissioner," "insurance commissioner", "Health insurance  
16 commissioner" or "director" appear in Title 27 or Title 42, those words shall be construed to mean  
17 the health insurance commissioner established pursuant to § 42-14.5-1 with respect to all matters  
18 relating to health insurance. The health insurance commissioner shall have sole and exclusive  
19 jurisdiction over enforcement of those statutes with respect to all matters relating to health  
20 insurance.

21 (e) Whenever the word "director" appears or is a defined term in Title 19, this word shall  
22 be construed to mean the superintendent of banking established pursuant to this section.

23 (f) Whenever the word "director" or "commissioner" appears or is a defined term in Title  
24 27, this word shall be construed to mean the superintendent of insurance established pursuant to  
25 this section except as delineated in subsection (d) of this section.

26 ~~42-14-6. Restrictions on interests of administrator superintendents~~ **Restrictions on**  
27 **interests of superintendents.**

28 The ~~administrator~~ superintendents of banking and insurance shall not engage in any other  
29 business or be an officer of or directly or indirectly interested in any national bank doing business  
30 in this state, or in any bank, savings bank, or trust company organized under the laws of this state,  
31 nor be directly or indirectly interested in any corporation, business, or occupation that requires his  
32 or her official supervision; absent compliance with § 42-14-6.1, ~~nor shall the administrator no~~  
33 superintendent shall become indebted to any bank, savings bank, or trust company organized under  
34 the laws of this state, nor shall he or she engage or be interested in the sale of securities as a business,

1 or in the negotiation of loans for others.

2 **42-14-7. ~~Deputies to administrator superintendents~~ Deputies to superintendents.**

3 The ~~administrator~~ superintendent of banking and the superintendent of insurance may  
4 appoint one or more deputies to assist him or her in the performance of his or her duties, who shall  
5 be removable at the pleasure of the ~~administrator~~ superintendent, and the ~~administrator~~  
6 superintendent in his or her official capacity shall be liable for any deputy's misconduct or neglect  
7 of duty in the performance of his or her official duties. Service of process upon any deputy, or at  
8 the office of the ~~administrator~~ superintendent upon some person there employed, at any time, shall  
9 be as effectual as service upon the ~~administrator~~ superintendent.

10 **42-14-8. Clerical assistance and expenses.**

11 The ~~administrator~~ superintendent of banking and the superintendent of insurance may  
12 employ such clerical assistance and incur such office and traveling expenses for him or herself, his  
13 or her deputies and assistants as may be necessary in the performance of his or her other duties, and  
14 as provided by this title, within the amounts appropriated therefor.

15 **42-14-11. Subpoena power – False swearing.**

16 (a) In connection with any matters having to do with the discharge of his or her duties  
17 pursuant to this chapter, the director or his or her designee, in all cases of every nature pending  
18 before him or her, is hereby authorized and empowered to summon witnesses to attend and testify  
19 in like manner as in either the supreme or the superior courts. The director or his or her designee is  
20 authorized to compel the production of all papers, books, documents, records, certificates or other  
21 legal evidence that may be necessary for the determination and the decision of any question or the  
22 discharge of any duty required by law of the department, including the functions of the ~~director as~~  
23 ~~a member of the board of bank incorporation and board of building loan association incorporation~~  
24 superintendents of banking and insurance, by issuing a subpoena duces tecum signed by the director  
25 or his or her designee.

26 (b) Every person who disobeys this writ shall be considered in contempt of the department,  
27 and the department may punish that and any other contempt of the authority in like manner as  
28 contempt may be punished in either the supreme or the superior court.

29 (c) Any person who shall willfully swear falsely in any proceedings, matter or hearing  
30 before the department shall be deemed guilty of the crime of perjury.

31 **42-14-16. Insurance – Administrative penalties.**

32 (a) Whenever the director or his or her designee shall have cause to believe that a violation  
33 of title 27 and/or chapters 14, 14.5, 62 or 128.1 of title 42 or the regulations promulgated thereunder  
34 has occurred by a licensee, or any person or entity conducting any activities requiring licensure

1 under title 27, the director [or his or her designee](#) may, in accordance with the requirements of the  
2 Administrative Procedures Act, chapter 35 of this title:

3 (1) Revoke or suspend a license;

4 (2) Levy an administrative penalty in an amount not less than one hundred dollars (\$100)  
5 nor more than fifty thousand dollars (\$50,000);

6 (3) Order the violator to cease such actions;

7 (4) Require the licensee or person or entity conducting any activities requiring licensure  
8 under title 27 to take such actions as are necessary to comply with title 27 and/or chapters 14, 14.5,  
9 62, or 128.1 of title 42, or the regulations thereunder; or

10 (5) Any combination of the above penalties.

11 (b) Any monetary penalties assessed pursuant to this section shall be as general revenues.

12 **42-14-16.1. Order to cease and desist.**

13 (a) If the director [or his or her designee](#) has reason to believe that any person, firm,  
14 corporation or association is conducting any activities requiring licensure under title 27 [or any other](#)  
15 [provisions of the general laws or public laws within the jurisdiction of the department](#) without  
16 obtaining a license, or who after the denial, suspension or revocation of a license conducts any  
17 activities requiring licensure under title 27 [or any other provisions of the general laws or public](#)  
18 [laws within the jurisdiction of the department](#), the department may issue its order to that person,  
19 firm, corporation or association commanding them to appear before the department at a hearing to  
20 be held no sooner than ten (10) days nor later than twenty (20) days after issuance of that order to  
21 show cause why the department should not issue an order to that person to cease and desist from  
22 the violation of the provisions of ~~title 27~~ [applicable law](#).

23 (b) The order to show cause may be served on any person, firm, corporation or association  
24 named in the order in the same manner that summons in a civil action may be served, or by mailing  
25 a copy of the order, certified mail, return receipt requested, to that person at any address at which  
26 he or she has done business or at which he or she lives. If, upon that hearing, the department is  
27 satisfied that the person is in fact violating any provision of ~~title 27~~ [applicable law](#), then the  
28 department may order that person, in writing, to cease and desist from that violation.

29 (c) All hearings shall be governed in accordance with chapter 35 of this title, the  
30 "Administrative Procedures Act." If that person fails to comply with an order of the department  
31 after being afforded a hearing, the superior court in Providence county has jurisdiction upon  
32 complaint of the department to restrain and enjoin that person from violating this chapter.

33 SECTION 9. Section 42-28-3 of the General Laws in Chapter 42-28 entitled "State Police"  
34 is hereby amended as follows:

1           **42-28-3. Scope of responsibilities.**

2           (a) The Rhode Island state police and the superintendent shall be charged with the  
3 responsibility of:

- 4           (1) Providing a uniformed force for law enforcement;  
5           (2) Preparing rules and regulations for law enforcement;  
6           (3) Maintaining facilities for crime detection and suppression; and  
7           (4) Controlling traffic and maintaining safety on the highways.

8           (b) ~~The superintendent shall be ex officio state fire marshal.~~

9           (c) The superintendent shall also serve as the director of the department of public safety.

10          SECTION 10. Section 42-28-26 of the General Laws in Chapter 42-28 entitled "State  
11 Police" is hereby repealed.

12           **~~42-28-26. Location of school.~~**

13           ~~The municipal police training school shall be maintained by the state and located on the~~  
14 ~~premises of the University of Rhode Island and such other state owned property as the~~  
15 ~~superintendent of the state police, with the consent of the governor, may from time to time~~  
16 ~~determine.~~

17          SECTION 11. Section 42-133-6 of the General Laws in Chapter entitled "Tobacco  
18 Settlement Financing Corporation Act" is hereby amended to read as follows:

19           **42-133-6. Board and officers.**

20           (a)(1) The powers of the corporation shall be vested in a board consisting of five (5)  
21 members, which shall constitute the governing body of the corporation, and which shall be  
22 comprised as follows: ~~two (2) members of the state investment commission to be appointed by the~~  
23 ~~governor who shall give due consideration to the recommendation of the chair of the investment~~  
24 ~~commission, the state budget officer, who shall serve as chairperson, the general treasurer or~~  
25 ~~designee, the director of revenue or designee~~ and ~~three (3)~~ two (2) members of the general public  
26 appointed by the governor with the advice and consent of the senate. Each public member shall  
27 serve for a term of ~~two (2)~~ four (4) years, except that any member appointed to fill a vacancy shall  
28 serve only until the expiration of the unexpired term of such member's predecessor in office. Each  
29 member shall continue to hold office until a successor has been appointed. Members shall be  
30 eligible for reappointment. No person shall be eligible for appointment unless such person is a  
31 resident of the state. Each member, before entering upon the duties of the office of member, shall  
32 swear or solemnly affirm to administer the duties of office faithfully and impartially, and such oath  
33 or affirmation shall be filed in the office of the secretary of state.

34           (2) ~~Those members of the board as of July 9, 2005 who were appointed to the board by~~

1 ~~members of the general assembly shall cease to be members of the board on July 9, 2005, and the~~  
2 ~~governor shall thereupon seek recommendations from the chair of the state investment commission~~  
3 ~~for him or her duly to consider for the appointment of two (2) members thereof. Those members of~~  
4 ~~the board as of July 9, 2005 who were appointed to the board by the governor shall continue to~~  
5 ~~serve the balance of their current terms.~~

6 (3) Newly appointed and qualified public members shall, within six (6) months of their  
7 qualification or designation, attend a training course that shall be developed with board approval  
8 and conducted by the chair of the board and shall include instruction in the subject area of chapters  
9 46 of this title, 133 of this title, 14 of title 36, and 2 of title 38; and the board's rules and regulations.  
10 The director of the department of administration shall, within ninety (90) days of July 9, 2005,  
11 prepare and disseminate training materials relating to the provisions of chapters 46 of this title, 14  
12 of title 36 and 2 of title 38.

13 (b) Members shall receive no compensation for the performance of their duties.

14 (c) ~~The board shall elect one of its members to serve as chairperson.~~ Three (3) members  
15 shall constitute a quorum, and any action to be taken by the corporation under the provisions of this  
16 chapter may be authorized by resolution approved by a majority of the members present and voting  
17 at any regular or special meeting at which a quorum is present.

18 (d) ~~In addition to electing a chairperson, the~~ The board shall appoint a secretary and such  
19 additional officers as it shall deem appropriate.

20 (e) Any action taken by the corporation under the provisions of this chapter may be  
21 authorized by vote at any regular or special meeting, and the vote shall take effect immediately.

22 (f) Any action required by this chapter to be taken at a meeting of the board shall comply  
23 with chapter 46 of this title, entitled "Open Meetings."

24 (g) To the extent that administrative assistance is needed for the functions and operations  
25 of the board, the corporation may by contract or agreement obtain this assistance from the director  
26 of administration, the attorney general, and any successor officer at such cost to the corporation as  
27 shall be established by such contract or agreement. The board, however, shall remain responsible  
28 for, and provide oversight of, proper implementation of this chapter.

29 (h) Members of the board and persons acting on the corporation's behalf, while acting  
30 within the scope of their employment or agency, are not subject to personal liability resulting from  
31 carrying out the powers and duties conferred on them under this chapter.

32 (i) The state shall indemnify and hold harmless every past, present, or future board member,  
33 officer or employee of the corporation who is made a party to or is required to testify in any action,  
34 investigation, or other proceeding in connection with or arising out of the performance or alleged

1 lack of performance of that person's duties on behalf of the corporation. These persons shall be  
2 indemnified and held harmless, whether they are sued individually or in their capacities as board  
3 members, officers or employees of the corporation, for all expenses, legal fees and/or costs incurred  
4 by them during or resulting from the proceedings, and for any award or judgment arising out of  
5 their service to the corporation that is not paid by the corporation and is sought to be enforced  
6 against a person individually, as expenses, legal fees, costs, awards or judgments occur; provided,  
7 that neither the state nor the corporation shall indemnify any member, officer, or employee:

8 (1) For acts or omissions not in good faith or which involve intentional misconduct or a  
9 knowing violation of law;

10 (2) For any transaction from which the member derived an improper personal benefit; or

11 (3) For any malicious act.

12 (j) Public members of the board shall be removable by the governor, pursuant to the  
13 provisions of § 36-1-7, for cause only, and removal solely for partisan or personal reasons unrelated  
14 to capacity or fitness for the office shall be unlawful.

15 SECTION 12. Sections 44-31.2-2 and 44-31.2-6 of the General Laws in Chapter 44-31.2  
16 entitled "Motion Picture Production Tax Credits" are hereby amended to read as follows:

17 **44-31.2-2. Definitions.**

18 For the purposes of this chapter:

19 (1) "Accountant's certification" as provided in this chapter means a certified audit by a  
20 Rhode Island certified public accountant licensed in accordance with chapter 3.1 of title 5.

21 (2) "Application year" means within the calendar year the motion picture production  
22 company files an application for the tax credit.

23 (3) "Base investment" means the actual investment made and expended by a state-certified  
24 production in the state as production-related costs.

25 (4) "Documentary production" means a non-fiction production intended for educational or  
26 commercial distribution that may require out-of-state principal photography.

27 (5) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or a  
28 partnership, limited liability company, or other business entity formed under the laws of the state  
29 of Rhode Island for the purpose of producing motion pictures as defined in this section, or an  
30 individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of this  
31 title.

32 (6) "Final production budget" means and includes the total pre-production, production, and  
33 post-production out-of-pocket costs incurred and paid in connection with the making of the motion  
34 picture. The final production budget excludes costs associated with the promotion or marketing of

1 the motion picture.

2 (7) "Motion picture" means a feature-length film, documentary production, video,  
3 television series, or commercial made in Rhode Island, in whole or in part, for theatrical or  
4 television viewing or as a television pilot or for educational distribution. The term "motion picture"  
5 shall not include the production of television coverage of news or athletic events, nor shall it apply  
6 to any film, video, television series, or commercial or a production for which records are required  
7 under 18 U.S.C. § 2257, to be maintained with respect to any performer in such production or  
8 reporting of books, films, etc. with respect to sexually explicit conduct.

9 (8) "Motion picture production company" means a corporation, partnership, limited  
10 liability company, or other business entity engaged in the business of producing one or more motion  
11 pictures as defined in this section. Motion picture production company shall not mean or include:

12 (a) Any company owned, affiliated, or controlled, in whole or in part, by any company or  
13 person who or that is in default:

14 (i) On taxes owed to the state; or

15 (ii) On a loan made by the state in the application year; or

16 (iii) On a loan guaranteed by the state in the application year; or

17 (b) Any company or person who or that has discharged an obligation to pay or repay public  
18 funds or monies by:

19 (i) Filing a petition under any federal or state bankruptcy or insolvency law;

20 (ii) Having a petition filed under any federal or state bankruptcy or insolvency law against  
21 such company or person;

22 (iii) Consenting to, or acquiescing or joining in, a petition named in (i) or (ii);

23 (iv) Consenting to, or acquiescing or joining in, the appointment of a custodian, receiver,  
24 trustee, or examiner for such company's or person's property; or

25 (v) Making an assignment for the benefit of creditors or admitting in writing or in any legal  
26 proceeding its insolvency or inability to pay debts as they become due.

27 (9) "Primary locations" means the locations that (1) At least fifty-one percent (51%) of the  
28 motion picture principal photography days are filmed; or (2) At least fifty-one percent (51%) of the  
29 motion picture's final production budget is spent and employs at least five (5) individuals during  
30 the production in this state; or (3) For documentary productions, the location of at least fifty-one  
31 percent (51%) of the total productions days, which shall include pre-production and post-  
32 production locations.

33 (10) "Rhode Island film and television office" means an office within the ~~department of~~  
34 ~~administration~~ [Rhode Island Council on the Arts](#) that has been established in order to promote and

1 encourage the locating of film and television productions within the state of Rhode Island. The  
2 office is also referred to within as the "film office".

3 (11) "State-certified production" means a motion picture production approved by the  
4 Rhode Island film office and produced by a motion picture production company domiciled in  
5 Rhode Island, whether or not such company owns or controls the copyright and distribution rights  
6 in the motion picture; provided, that such company has either:

7 (a) Signed a viable distribution plan; or

8 (b) Is producing the motion picture for:

9 (i) A major motion picture distributor;

10 (ii) A major theatrical exhibitor;

11 (iii) Television network; or

12 (iv) Cable television programmer.

13 (12) "State-certified production cost" means any pre-production, production, and post-  
14 production cost that a motion picture production company incurs and pays to the extent it occurs  
15 within the state of Rhode Island. Without limiting the generality of the foregoing, "state-certified  
16 production costs" include: set construction and operation; wardrobes, make-up, accessories, and  
17 related services; costs associated with photography and sound synchronization, lighting, and related  
18 services and materials; editing and related services, including, but not limited to: film processing,  
19 transfers of film to tape or digital format, sound mixing, computer graphics services, special effects  
20 services, and animation services, salary, wages, and other compensation, including related benefits,  
21 of persons employed, either directly or indirectly, in the production of a film including writer,  
22 motion picture director, producer (provided the work is performed in the state of Rhode Island);  
23 rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs of food and  
24 lodging; music, if performed, composed, or recorded by a Rhode Island musician, or released or  
25 published by a person domiciled in Rhode Island; travel expenses incurred to bring persons  
26 employed, either directly or indirectly, in the production of the motion picture, to Rhode Island (but  
27 not expenses of such persons departing from Rhode Island); and legal (but not the expense of a  
28 completion bond or insurance and accounting fees and expenses related to the production's  
29 activities in Rhode Island); provided such services are provided by Rhode Island licensed attorneys  
30 or accountants.

31 **44-31.2-6. Certification and administration.**

32 (a) *Initial certification of a production.* The applicant shall properly prepare, sign and  
33 submit to the film office an application for initial certification of the Rhode Island production. The  
34 application shall include such information and data as the film office deems necessary for the proper

1 evaluation and administration of said application, including, but not limited to, any information  
2 about the motion picture production company, and a specific Rhode Island motion picture. The film  
3 office shall review the completed application and determine whether it meets the requisite criteria  
4 and qualifications for the initial certification for the production. If the initial certification is granted,  
5 the film office shall issue a notice of initial certification of the motion picture production to the  
6 motion picture production company and to the tax administrator. The notice shall state that, after  
7 appropriate review, the initial application meets the appropriate criteria for conditional eligibility.  
8 The notice of initial certification will provide a unique identification number for the production and  
9 is only a statement of conditional eligibility for the production and, as such, does not grant or  
10 convey any Rhode Island tax benefits.

11           **(b) Final certification of a production.** Upon completion of the Rhode Island production  
12 activities, the applicant shall request a certificate of good standing from the Rhode Island division  
13 of taxation. Such certificates shall verify to the film office the motion picture production company's  
14 compliance with the requirements of subsection 44-31.2-2(5). The applicant shall properly prepare,  
15 sign and submit to the film office an application for final certification of the production and which  
16 must include the certificate of good standing from the division of taxation. In addition, the  
17 application shall contain such information and data as the film office determines is necessary for  
18 the proper evaluation and administration, including, but not limited to, any information about the  
19 motion picture production company, its investors and information about the production previously  
20 granted initial certification. The final application shall also contain a cost report and an  
21 "accountant's certification". The film office and tax administrator may rely without independent  
22 investigation, upon the accountant's certification, in the form of an opinion, confirming the  
23 accuracy of the information included in the cost report. Upon review of a duly completed and filed  
24 application, the film office will make a determination pertaining to the final certification of the  
25 production. Within ninety (90) days after the division of taxation's receipt of the motion picture  
26 production company final certification and cost report, the division of taxation shall issue a  
27 certification of the amount of credit for which the motion picture production company qualifies  
28 under § 44-31.2-5. To claim the tax credit, the division of taxation's certification as to the amount  
29 of the tax credit shall be attached to all state tax returns on which the credit is claimed.

30           **(c) Final certification and credits.** Upon determination that the motion picture production  
31 company qualifies for final certification, the film office shall issue a letter to the production  
32 company indicating "certificate of completion of a state certified production". A motion picture  
33 production company is prohibited from using state funds, state loans or state guaranteed loans to  
34 qualify for the motion picture tax credit. All documents that are issued by the film office pursuant

1 to this section shall reference the identification number that was issued to the production as part of  
2 its initial certification.

3 (d) The director of ~~the department of administration,~~ [the Rhode Island Council on the Arts,](#)  
4 in consultation as needed with the tax administrator, shall promulgate such rules and regulations as  
5 are necessary to carry out the intent and purposes of this chapter in accordance with the general  
6 guidelines provided herein for the certification of the production and the resultant production credit.

7 (e) The tax administrator of the division of taxation, in consultation with the director of the  
8 Rhode Island film and television office, shall promulgate such rules and regulations as are  
9 necessary to carry out the intent and purposes of this chapter in accordance with the general  
10 guidelines for the tax credit provided herein.

11 (f) Any motion picture production company applying for the credit shall be required to  
12 reimburse the division of taxation for any audits required in relation to granting the credit.

13 SECTION 13. This Article shall take effect upon passage.