ARTICLE 6
RELATING TO FEES

SECTION 1. Section 23-1-34 of the General Laws in Chapter 23-1 entitled “Department of Health” is hereby amended to read as follows:

23-1-34. Health promotion income.

(a) The director shall maintain an accurate and timely accounting of money received from the sale of health promotional products, services, or data created by the department of health. This money shall be deposited as general revenue.

(b) The director is authorized to establish fees in response to requests for processing special data analysis. Fees shall be established through the promulgation of rules and regulations, which shall prohibit charging students or Rhode Island state agencies fees for special data analysis. All fees collected for special data analysis shall be deposited as general revenues, with approximately 50% of such estimated fees collected appropriated to the department of health on an annual basis to be used to sustain its capacity to manage and sustain data systems necessary to meet data requester needs in a timely manner.

(1) Special data analysis requests shall include, but not be limited to, requests that require fifteen (15) hours or more to analyze, calculate, and interpret data. Requesters shall be notified in advance of costs for special data analysis.

(2) No request for information that meets the criteria set forth in chapter 2, title 38 of the general laws shall be treated as a special data analysis request.

(3) The fees collected for special data analysis shall be non-refundable, regardless of the outcome of the special data analysis.

(4) The director shall have the authority to waive fees for other individuals and groups, in addition to students and state agencies, at his or her sole discretion.

SECTION 2. Section 23-4.1-10 of the General Laws in Chapter 23-4.1 entitled “Regulations and Fees” is hereby amended to read as follows:

23-4.1-10. Regulations and fees.

(a) The director shall be guided by the purposes and intent of this chapter in the making of regulations as authorized by this chapter.

(b) The director may issue regulations necessary to bring into effect any of the provisions of this chapter.

(c)(1) The director shall charge license fees for an annual license for an ambulance service, for an annual vehicle license, and for an emergency medical technician license. All such fees are as set forth in § 23-1-54.
(2) The director may charge an examination fee for examinations for an emergency medical
technician license and an inspection fee for inspections for a vehicle license as set forth in § 23-1-
54.

(3) The director is also authorized to establish reasonable fees for other administrative
actions that the director shall deem necessary to implement this chapter. The fees provided for in
this section shall be deposited as general revenues, and shall not apply to any city or town employee
providing services referenced in this chapter on behalf of the city or town, and shall not apply to
any individual providing services referenced in this chapter on behalf of any bona fide volunteer or
not for profit organization. Further, the services licensure fees and vehicle inspection fees shall not
apply to services and vehicles operated by any city, town, or fire district or to services and vehicles
operated by bona fide volunteer or not for profit organizations.

of Wages” is hereby amended to read as follows:


(a) The misclassification of a worker whether performing work as a natural person,
business, corporation, or entity of any kind, as an independent contractor when the worker should
be considered and paid as an employee shall be considered a violation of this chapter.

(b) In addition to any other relief to which any department or an aggrieved party may be
entitled for such a violation, the employer shall be liable for a civil penalty in an amount not less
than one three thousand five hundred dollars ($1,500 $3,000) and not greater than four thousand
dollars ($3,000 $4,000) for each misclassified employee for a first offense and up to five thousand
dollars ($5,000) for each misclassified employee for any subsequent offense, which shall be shared
equally between the department and the aggrieved party.

(c) In determining the amount of any penalty imposed under this section, the director or his
or her designee shall consider the size of the employer's business; the good faith of the employer;
the gravity of the violation; the history of previous violations; and whether or not the violation was
an innocent mistake or willful.

(d) A violation of this section may be adjudicated under § 28-14-19 and consolidated with
any labor standards violation or under §§ 37-13-14.1 and 37-13-15 and consolidated with any
prevailing wage violation.

(e) A violation of this section may be brought or adjudicated by any division of the
department of labor and training.

(f) The department shall notify the contractor's registration board and the tax administrator
of any violation of this section.
SECTION 4. Sections 23-28.2-26 and 23-28.2-27 of Chapter 23-28.2 of the General Laws entitled “Office of the State Fire Marshal” are hereby amended to read as follows:


(a) Every request for plan review, by the state fire marshal’s office, under the provisions of the Fire Safety Code shall be accompanied by the fee prescribed in this section. Plan review fees shall be as follows:

NEW BUILDING, ADDITIONS, ALTERATION, STRUCTURES, ETC. General permit fees based on cost of construction

<table>
<thead>
<tr>
<th>Cost Range</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500 or less</td>
<td>$25.00-$35.00</td>
</tr>
<tr>
<td>Over $500 but not over $1,000</td>
<td>$35.00-$45.00</td>
</tr>
<tr>
<td>Over $1,000 but not over $2,000</td>
<td>$45.00-$55.00</td>
</tr>
<tr>
<td>Over $2,000 but not over $500,000</td>
<td>$45.00+-$55.00+ (plus $6.00-$7.00 per $1,000 or fraction thereof over $2,000)</td>
</tr>
<tr>
<td>Over $500,000</td>
<td>$3,033.00+-$3,292.00+ (plus $4.00-$6.75 per $1,000 or fraction thereof over $500,000)</td>
</tr>
</tbody>
</table>

(b) All fees collected pursuant to this section shall be deposited as general revenue.

23-28.2-27. Inspection Fees

(a) The state fire marshal’s office shall assess an inspection fee of one hundred dollars ($100.00) to two hundred and fifty dollars ($250) per inspection for any inspection performed by that office pursuant to chapter 28.1 of Title 23, or any other provisions of the state fire code, including any rule or regulation promulgated by either the fire safety code board of appeal and review or the state fire marshal. The inspection fee shall be assessed for each required inspection. Initial inspections and any required subsequent re-inspection shall constitute separate visits for which separate inspection fees will be payable. Inspectors, constitute payment for the initial inspection and any required subsequent re-inspections.

(b) In the case of an inspection involving residential use, the fee shall be paid by the property owner.

(c) In the case of any inspection involving any assembly, industrial, mercantile, business educational, health care, ambulatory health care, day care or municipal government use, the fee shall be paid by one of the following parties:

(1) The occupant/tenant of the property if the occupant/tenant holds any license issued by the State of Rhode Island that requires fire code compliance; or

(2) The lessee of the property if the lessee is the sole tenant; or
(3) If neither (1) nor (2) apply, the owner of the property will be responsible for payment of the inspection fee.

(d) The fee shall be waived for a specific inspection in the event that no violation of any provision of the state fire code including any rule or regulation is found.

(e) No inspection fee shall be assessed against any municipality or municipal agency or the State of Rhode Island, or any department, board, or commission thereof. No inspection fee shall be assessed for any inspection conducted for the purpose of updating the compliance status of a building in preparation for a hearing before the fire safety code board of appeal and review or before any court.

(f) All fees collected pursuant to this section shall be deposited as general revenue.

SECTION 5. Sections 23-28.28-10 and 23-28.28-31 of Chapter 23-28.28 of the General Laws entitled “Explosives” are hereby amended to read as follows:


(a) Each application for a license under this chapter shall be accompanied by the fee prescribed in this section, which fee shall be returned in the event the application is denied. The permit fee shall be as follows:

Manufacturer's / Dealer's / Possessor’s permit . . . . . . . . . . $85.00 $100.00 annually

Dealer’s permit . . . . . . . . . . $50.00 annually

Possessor's permit . . . . . . . . . . $50.00 annually

User's permit based on estimated project costs . . . . . . . . $50.00 per $10,000.00 or fraction thereof, project.

(b) All fees collected pursuant to this section shall be deposited as general revenue.


(a) No person shall conduct blasting operations unless he or she holds a license issued by the state fire marshal. Any person desiring to obtain a license to conduct blasting operations shall make application to the state fire marshal. A nonreturnable fee of ten dollars ($10.00) shall accompany each application; five dollars ($5.00) of which shall be for processing the application and five dollars ($5.00) for the examination. There shall be a fifty dollar ($50.00) fee for the license if issued. The application shall be in such form and contain such information as the state fire marshal may require. Within three (3) months after the date of receipt of his or her application, the applicant shall be examined as to his or her experience and ability to conduct blasting operations and, if found by the examiner to be qualified, he or she shall forthwith be issued a license. The license shall expire on June 30 of each year and may be renewed after its expiration without examination upon a payment fee of fifty dollars ($50.00). A holder of a license to conduct blasting

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operations whose license is lost, misplaced, or stolen may obtain a duplicate license from the state fire marshal upon payment of ten dollars ($10.00).

(b) Persons holding a valid out-of-state blasting certificate of competency shall be subject to all the requirements under this chapter.

(c) The state fire marshal is empowered to deny or immediately suspend or revoke the license of any holder found to be in violation of this law or any provision of chapter 28.28 of this title or rule or regulation related to explosives or has been convicted of arson at common law, or statutory burning involving the property of another.

(d) All fees collected pursuant to this section shall be deposited as general revenue.

(e) No person shall be permitted to work with blasting explosives unless he or she possesses a valid blasting license or possesses an apprentice permit and work under direct supervision of a licensed blaster.

(f) An apprentice permittee shall be required to be employed by a licensed blaster for a period of not less than eighteen (18) months prior to eligibility for examination. If the apprentice fails the examination, a re-examination can be given not less than one hundred eighty-three (183) days after the last examination date. A non-refundable fee of twenty-five dollars ($25.00) shall accompany each application for processing and issuance of each apprentice permit.

SECTION 6. Effective October 1, 2020, Chapter 31-2 of the General Laws entitled "Division of Motor Vehicles" is hereby amended by adding thereto the following section:

31-2-9. Late Fees.

The following fees shall be paid to the division of motor vehicles:

(1) For the renewal of an operator’s license, chauffeur’s license, or commercial driver’s license after its expiration date, fifteen dollars ($15.00) in addition to the applicable renewal fee;

(2) For the renewal of a motor vehicle registration after its expiration date, fifteen dollars ($15.00) in addition to the applicable renewal fee.

SECTION 7. Section 31-2-10 of the General Laws in Chapter 31-2 entitled "Division of Motor Vehicles" is hereby amended to read as follows:

31-2-10. Abstracts of operator’s records.

The administrator shall upon request furnish a certified abstract of the record of any operator on file fully designating the motor vehicles, if any, registered in the name of the operator, the record of all convictions of the operator of any of the provisions of this title, and the record of all the operator's involvements in accidents required to be reported under the provisions of § 31-33-1. If the operator has no such record, the administrator shall so certify. The administrator shall collect for each certificate the sum of sixteen dollars ($16.00); provided, however, if the request for
the certificate is made by a person through an online subscription service, the administrator shall collect for each certificate the sum of twenty dollars ($20.00). Provided, further, however, if the request for the certificate is made by any governmental agency, bureau, or department for use in its official capacity, the administrator shall collect no fee. The requirement of this section that the certificate shall be furnished shall not make the certificate admissible as evidence in any legal proceeding or in any trial, whether criminal or civil.

SECTION 8. Section 31-8-4 of the General Laws in Chapter 31-8 entitled “Offenses Against Registration and Certificate of Title Laws” is hereby amended to read as follows:

31-8-4. Suspension or revocation of registration or certificate of title.

(a) The division of motor vehicles is authorized to suspend or revoke the registration of a vehicle or a certificate of title, registration card, or registration plate, or any nonresident or other permit, in any of the following events:

(1) When the division of motor vehicles is satisfied that the registration or that the certificate, card, plate, or permit was fraudulently or erroneously issued;

(2) When the division of motor vehicles determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

(3) When a registered vehicle has been dismantled or wrecked;

(4) When the division of motor vehicles determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand;

(5) When a registration plate or permit is knowingly displayed upon a vehicle other than the one for which issued;

(6) When the division of motor vehicles determines that the owner has committed any offense under chapters 3 – 9 of this title involving the registration or the certificate, card, plate, or permit to be suspended or revoked;

(7) When the division of motor vehicles is so authorized under any other provision of law;

or

(8) Upon receipt of notice the carrier and/or operator of a commercial motor vehicle has violated or is not in compliance with 49 C.F.R. 386.72 or 49 C.F.R. 390.5 et seq. of the motor carrier safety regulations or chapter 23 of this title.

(b) Upon removal of cause for which the registration or certificate of title was revoked, denied, or suspended, the division of motor vehicles shall require the registrant or applicant to pay a restoration fee of two hundred and fifty dollars ($250), provided that no restoration fee shall be required the restoration fee shall be one hundred dollars ($100.00) if the revocation, denial, or
suspension was issued pursuant to subsection (a)(2) of this section, §§ 31-38-2, 31-38-3, 31-38-4, or 31-47.1-3.

SECTION 9. Effective January 1, 2021, sections 31-27-2 and 31-27-2.1 of the General Laws in Chapter 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

31-27-2. Driving under influence of liquor or drugs.

(a) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, shall be guilty of a misdemeanor, except as provided in subsection (d)(3), and shall be punished as provided in subsection (d).

(b)(1) Any person charged under subsection (a), whose blood alcohol concentration is eight one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall not preclude a conviction based on other admissible evidence. Proof of guilt under this section may also be based on evidence that the person charged was under the influence of intoxicating liquor, drugs, toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these, to a degree that rendered the person incapable of safely operating a vehicle. The fact that any person charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not constitute a defense against any charge of violating this section.

(2) Whoever drives, or otherwise operates, any vehicle in the state with a blood presence of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by analysis of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as provided in subsection (d).

(c) In any criminal prosecution for a violation of subsection (a), evidence as to the amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, in the defendant's blood at the time alleged as shown by a chemical analysis of the defendant's breath, blood, or urine or other bodily substance, shall be admissible and competent, provided that evidence is presented that the following conditions have been complied with:

(1) The defendant has consented to the taking of the test upon which the analysis is made. Evidence that the defendant had refused to submit to the test shall not be admissible unless the defendant elects to testify.

(2) A true copy of the report of the test result was mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath test.
(3) Any person submitting to a chemical test of blood, urine, or other body fluids shall have a true copy of the report of the test result mailed to him or her within thirty (30) days following the taking of the test.

(4) The test was performed according to methods and with equipment approved by the director of the department of health of the state of Rhode Island and by an authorized individual.

(5) Equipment used for the conduct of the tests by means of breath analysis had been tested for accuracy within thirty (30) days preceding the test by personnel qualified as hereinbefore provided, and breathalyzer operators shall be qualified and certified by the department of health within three hundred sixty-five (365) days of the test.

(6) The person arrested and charged with operating a motor vehicle while under the influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination of these in violation of subsection (a), was afforded the opportunity to have an additional chemical test. The officer arresting or so charging the person shall have informed the person of this right and afforded him or her a reasonable opportunity to exercise this right, and a notation to this effect is made in the official records of the case in the police department. Refusal to permit an additional chemical test shall render incompetent and inadmissible in evidence the original report.

(d)(1)(i) Every person found to have violated subsection (b)(1) shall be sentenced as follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence of any scheduled controlled substance as defined in subsection (b)(2), shall be subject to a fine of not less than one hundred dollars ($100), nor more than three hundred dollars ($300); shall be required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge and/or shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance; provided, however, that the court may permit a servicemember or veteran to complete any court approved counseling program administered or approved by the Veterans’ Administration, and his or her driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days. The sentencing judge or magistrate may prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(ii) Every person convicted of a first violation whose blood alcohol concentration is one-tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less than
one hundred ($100) dollars, nor more than four hundred dollars ($400), and shall be required to
perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned for
up to one year. The sentence may be served in any unit of the adult correctional institutions in the
discretion of the sentencing judge. The person's driving license shall be suspended for a period of
three (3) months to twelve (12) months. The sentencing judge shall require attendance at a special
course on driving while intoxicated or under the influence of a controlled substance and/or
alcoholic or drug treatment for the individual; provided, however, that the court may permit a
servicemember or veteran to complete any court-approved counseling program administered or
approved by the Veterans' Administration. The sentencing judge or magistrate may prohibit that
person from operating a motor vehicle that is not equipped with an ignition interlock system as
provided in § 31-27-2.8.

(iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen
hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any
controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars
($500) and shall be required to perform twenty (20) to sixty (60) hours of public community
restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit
of the adult correctional institutions in the discretion of the sentencing judge. The person's driving
license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing
judge shall require attendance at a special course on driving while intoxicated or under the influence
of a controlled substance and/or alcohol or drug treatment for the individual; provided, however,
that the court may permit a servicemember or veteran to complete any court-approved counseling
program administered or approved by the Veterans' Administration. The sentencing judge or
magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an
ignition interlock system as provided in § 31-27-2.8.

(2)(i) Every person convicted of a second violation within a five-year (5) period with a
blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
who has a blood presence of any controlled substance as defined in subsection (b)(2), and every
person convicted of a second violation within a five-year (5) period, regardless of whether the prior
violation and subsequent conviction was a violation and subsequent conviction under this statute
or under the driving under the influence of liquor or drugs statute of any other state, shall be subject
to a mandatory fine of four hundred dollars ($400). The person's driving license shall be suspended
for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten
(10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult
correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight
(48) hours of imprisonment shall be served consecutively. The sentencing judge shall require
alcohol or drug treatment for the individual; provided, however, that the court may permit a
servicemember or veteran to complete any court-approved counseling program administered or
approved by the Veterans' Administration and shall prohibit that person from operating a motor
vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(ii) Every person convicted of a second violation within a five-year (5) period whose blood
alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as shown by
a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug,
toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory
imprisonment of not less than six (6) months, nor more than one year; a mandatory fine of not less
than one thousand dollars ($1,000); and a mandatory license suspension for a period of two (2)
years from the date of completion of the sentence imposed under this subsection. The sentencing
judge shall require alcohol or drug treatment for the individual; provided, however, that the court
may permit a servicemember or veteran to complete any court approved counseling program
administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall
prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
system as provided in § 31-27-2.8.

(3)(i) Every person convicted of a third or subsequent violation within a five-year (5)
period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above,
but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is
unknown or who has a blood presence of any scheduled controlled substance as defined in
subsection (b)(2), regardless of whether any prior violation and subsequent conviction was a
violation and subsequent conviction under this statute or under the driving under the influence of
liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory
fine of four hundred ($400) dollars. The person's driving license shall be suspended for a period of
two (2) years to three (3) years, and the individual shall be sentenced to not less than one year and
not more than three (3) years in jail. The sentence may be served in any unit of the adult correctional
institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours
of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug
treatment for the individual; provided, however, that the court may permit a servicemember or
veteran to complete any court-approved counseling program administered or approved by the
Veterans' Administration, and shall prohibit that person from operating a motor vehicle that is not
equipped with an ignition interlock system as provided in § 31-27-2.8.
(ii) Every person convicted of a third or subsequent violation within a five-year (5) period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory fine of not less than one thousand dollars ($1,000), nor more than five thousand dollars ($5,000); and a mandatory license suspension for a period of three (3) years from the date of completion of the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(iii) In addition to the foregoing penalties, every person convicted of a third or subsequent violation within a five-year (5) period, regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be subject, in the discretion of the sentencing judge, to having the vehicle owned and operated by the violator seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred to the general fund.

(4) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, when his or her license to operate is suspended, revoked, or cancelled for operating under the influence of a narcotic drug or intoxicating liquor, shall be guilty of a felony punishable by imprisonment for not more than three (3) years and by a fine of not more than three thousand dollars ($3,000). The court shall require alcohol and/or drug treatment for the individual; provided, the penalties provided for in this subsection (d)(4) shall not apply to an individual who has surrendered his or her license and served the court-ordered period of suspension, but who, for any reason, has not had his or her license reinstated after the period of suspension, revocation, or suspension has expired; provided, further, the individual shall be subject to the provisions of subdivision (d)(2)(i), (d)(2)(ii), (d)(3)(i), (d)(3)(ii), or (d)(3)(iii) regarding subsequent offenses, and any other applicable provision of this section.

(5)(i) For purposes of determining the period of license suspension, a prior violation shall constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

(ii) Any person over the age of eighteen (18) who is convicted under this section for operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of these, while a child under the age of thirteen (13) years was present as a passenger in the motor vehicle.
vehicle when the offense was committed shall be subject to immediate license suspension pending
prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a
first offense and may be sentenced to a term of imprisonment of not more than one year and a fine
not to exceed one thousand dollars ($1,000). Any person convicted of a second or subsequent
offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not
more than five (5) years and a fine not to exceed five thousand dollars ($5,000). The sentencing
judge shall also order a license suspension of up to two (2) years, require attendance at a special
course on driving while intoxicated or under the influence of a controlled substance, and alcohol
or drug education and/or treatment. The individual may also be required to pay a highway
assessment fee of no more than five hundred dollars ($500) and the assessment shall be deposited
in the general fund.

(6)(i) Any person convicted of a violation under this section shall pay a highway
assessment fine of five hundred dollars ($500) that shall be deposited into the general fund. The
assessment provided for by this subsection shall be collected from a violator before any other fines
authorized by this section.

(ii) Any person convicted of a violation under this section shall be assessed a fee of eighty-six dollars ($86).

(iii) Any person convicted of a violation under this section shall be assessed a substance
abuse education fee of two hundred fifty dollars ($250), which shall be deposited as general
revenues, with the estimated amount of fees collected to be allocated to the department of
behavioral healthcare, development disabilities and hospitals (BHDDH) and used to fund substance
abuse prevention programs and student assistance programs for youth pursuant to chapters 21.2
and 21.3 of title 16, and in accordance with the criteria set forth in §§ 16-21.2-4(a) and 16-21.3-2.

(7)(i) If the person convicted of violating this section is under the age of eighteen (18)
years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of
public community restitution and the juvenile's driving license shall be suspended for a period of
six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing
judge shall also require attendance at a special course on driving while intoxicated or under the
influence of a controlled substance and alcohol or drug education and/or treatment for the juvenile.
The juvenile may also be required to pay a highway assessment fine of no more than five hundred
dollars ($500) and the assessment imposed shall be deposited into the general fund.

(ii) If the person convicted of violating this section is under the age of eighteen (18) years,
for a second or subsequent violation regardless of whether any prior violation and subsequent
conviction was a violation and subsequent under this statute or under the driving under the influence of liquor or drugs statute of any other state, he or she shall be subject to a mandatory suspension of his or her driving license until such time as he or she is twenty-one (21) years of age and may, in the discretion of the sentencing judge, also be sentenced to the Rhode Island training school for a period of not more than one year and/or a fine of not more than five hundred dollars ($500).

(8) Any person convicted of a violation under this section may undergo a clinical assessment at the community college of Rhode Island's center for workforce and community education. Should this clinical assessment determine problems of alcohol, drug abuse, or psychological problems associated with alcoholic or drug abuse, this person shall be referred to an appropriate facility, licensed or approved by the department of behavioral healthcare, developmental disabilities and hospitals, for treatment placement, case management, and monitoring. In the case of a servicemember or veteran, the court may order that the person be evaluated through the Veterans' Administration. Should the clinical assessment determine problems of alcohol, drug abuse, or psychological problems associated with alcohol or drug abuse, the person may have their treatment, case management, and monitoring administered or approved by the Veterans' Administration.

(e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred (100) cubic centimeters of blood.

(f)(1) There is established an alcohol and drug safety unit within the division of motor vehicles to administer an alcohol safety action program. The program shall provide for placement and follow-up for persons who are required to pay the highway safety assessment. The alcohol and drug safety action program will be administered in conjunction with alcohol and drug programs licensed by the department of behavioral healthcare, developmental disabilities and hospitals.

(2) Persons convicted under the provisions of this chapter shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance, and/or participate in an alcohol or drug treatment program; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration. The course shall take into consideration any language barrier that may exist as to any person ordered to attend, and shall provide for instruction reasonably calculated to communicate the purposes of the course in accordance with the requirements of the subsection. Any costs reasonably incurred in connection with the provision of this accommodation shall be borne by the person being retrained. A copy of any violation under this section shall be forwarded by the court to the alcohol and drug safety unit. In the event that persons convicted under the provisions of this chapter fail to attend and complete the above course or treatment program, as
ordered by the judge, then the person may be brought before the court, and after a hearing as to why the order of the court was not followed, may be sentenced to jail for a period not exceeding one year.

(3) The alcohol and drug safety action program within the division of motor vehicles shall be funded by general revenue appropriations.

(g) The director of the department of health is empowered to make and file with the secretary of state regulations that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath and the qualifications and certification of individuals authorized to administer this testing and analysis.

(h) Jurisdiction for misdemeanor violations of this section shall be with the district court for persons eighteen (18) years of age or older and to the family court for persons under the age of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and to order the suspension of any license for violations of this section. All trials in the district court and family court of violations of the section shall be scheduled within thirty (30) days of the arraignment date. No continuance or postponement shall be granted except for good cause shown. Any continuances that are necessary shall be granted for the shortest practicable time. Trials in superior court are not required to be scheduled within thirty (30) days of the arraignment date.

(i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on driving while intoxicated or under the influence of a controlled substance, public community restitution, or jail provided for under this section can be suspended.

(j) An order to attend a special course on driving while intoxicated that shall be administered in cooperation with a college or university accredited by the state, shall include a provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars ($25.00), and a fee of one hundred seventy-five dollars ($175), which fee shall be deposited into the general fund.

(k) For the purposes of this section, any test of a sample of blood, breath, or urine for the presence of alcohol that relies in whole or in part upon the principle of infrared light absorption is considered a chemical test.

(l) If any provision of this section, or the application of any provision, shall for any reason be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the section, but shall be confined in this effect to the provision or application directly involved in the controversy giving rise to the judgment.

(m) For the purposes of this section, "servicemember" means a person who is presently serving in the armed forces of the United States, including the Coast Guard, a reserve component
thereof, or the National Guard. “Veteran” means a person who has served in the armed forces, including the Coast Guard of the United States, a reserve component thereof, or the National Guard, and has been discharged under other than dishonorable conditions.

31-27-2.1, Refusal to submit to chemical test.

(a) Any person who operates a motor vehicle within this state shall be deemed to have given his or her consent to chemical tests of his or her breath, blood, and/or urine for the purpose of determining the chemical content of his or her body fluids or breath. No more than two (2) complete tests, one for the presence of intoxicating liquor and one for the presence of toluene or any controlled substance, as defined in § 21-28-1.02(8), shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these. The director of the department of health is empowered to make and file, with the secretary of state, regulations that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath and the qualifications and certification of individuals authorized to administer the testing and analysis.

(b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the person may file an affidavit with the division of motor vehicles stating the reasons why he or she cannot be required to take blood tests and a notation to this effect shall be made on his or her license. If that person is asked to submit to chemical tests as provided under this chapter, the person shall only be required to submit to chemical tests of his or her breath or urine. When a person is requested to submit to blood tests, only a physician or registered nurse, or a medical technician certified under regulations promulgated by the director of the department of health, may withdraw blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to the taking of breath or urine specimens. The person tested shall be permitted to have a physician of his or her own choosing, and at his or her own expense, administer chemical tests of his or her breath, blood, and/or urine in addition to the tests administered at the direction of a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given, but a judge or magistrate of the traffic tribunal or district court judge or magistrate, upon receipt of a report of a law enforcement officer: that he or she had reasonable grounds to believe the arrested person had been driving a motor vehicle within this state under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these; that the person had been informed of his or her rights in accordance with § 31-27-3; that the person had
been informed of the penalties incurred as a result of noncompliance with this section; and that the
person had refused to submit to the tests upon the request of a law enforcement officer; shall
promptly order that the person's operator's license or privilege to operate a motor vehicle in this
state be immediately suspended, however, said suspension shall be subject to the hardship
provisions enumerated in § 31-27-2.8. A traffic tribunal judge or magistrate, or a district court judge
or magistrate, pursuant to the terms of subsection (c), shall order as follows:

(1) Impose, for the first violation, a fine in the amount of two hundred dollars ($200) to
five hundred dollars ($500) and shall order the person to perform ten (10) to sixty (60) hours of
public community restitution. The person's driving license in this state shall be suspended for a
period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance
at a special course on driving while intoxicated or under the influence of a controlled substance
and/or alcohol or drug treatment for the individual. The traffic tribunal judge or magistrate may
prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
system as provided in § 31-27-2.8.

(2) Every person convicted of a second violation within a five-year (5) period, except with
respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; shall be
imprisoned for not more than six (6) months; shall pay a fine in the amount of six hundred dollars
($600) to one thousand dollars ($1,000); perform sixty (60) to one hundred (100) hours of public
community restitution; and the person's driving license in this state shall be suspended for a period
of one year to two (2) years. The judge or magistrate shall require alcohol and/or drug treatment
for the individual. The sentencing judge or magistrate shall prohibit that person from operating a
motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(3) Every person convicted for a third or subsequent violation within a five-year (5) period,
except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor;
and shall be imprisoned for not more than one year; fined eight hundred dollars ($800) to one
thousand dollars ($1,000); shall perform not less than one hundred (100) hours of public community
restitution; and the person's operator's license in this state shall be suspended for a period of two
(2) years to five (5) years. The sentencing judge or magistrate shall prohibit that person from
operating a motor vehicle that is not equipped with an ignition interlock system as provided in §
31-27-2.8. The judge or magistrate shall require alcohol or drug treatment for the individual.
Provided, that prior to the reinstatement of a license to a person charged with a third or subsequent
violation within a three-year (3) period, a hearing shall be held before a judge or magistrate. At the
hearing, the judge or magistrate shall review the person's driving record, his or her employment
history, family background, and any other pertinent factors that would indicate that the person has
demonstrated behavior that warrants the reinstatement of his or her license.

(4) For a second violation within a five-year (5) period with respect to a refusal
to submit to a blood test, a fine in the amount of six hundred dollars ($600) to one thousand dollars
($1,000); the person shall perform sixty (60) to one hundred (100) hours of public community
restitution; and the person's driving license in this state shall be suspended for a period of two (2)
years. The judicial officer shall require alcohol and/or drug treatment for the individual. The
sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not
equipped with an ignition interlock system as provided in § 31-27-2.8. Such a violation with respect
to refusal to submit to a chemical blood test shall be a civil offense.

(5) For a third or subsequent violation within a five-year (5) period with respect to a case
of a refusal to submit to a blood test, a fine in the amount of eight hundred dollars ($800) to one
thousand dollars ($1,000); the person shall perform not less than one hundred (100) hours of public
community restitution; and the person's driving license in this state shall be suspended for a period
of two (2) to five (5) years. The sentencing judicial officer shall prohibit that person from operating
a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8. The judicial officer shall require alcohol and/or drug treatment for the individual. Such a violation
with respect to refusal to submit to a chemical test of blood shall be a civil offense. Provided, that
prior to the reinstatement of a license to a person charged with a third or subsequent violation within
a three-year (3) period, a hearing shall be held before a judicial officer. At the hearing, the judicial
officer shall review the person's driving record, his or her employment history, family background,
and any other pertinent factors that would indicate that the person has demonstrated behavior that
warrants the reinstatement of their license.

(6) For purposes of determining the period of license suspension, a prior violation shall
constitute any charge brought and sustained under the provisions of this section or § 31-27-2.

(7) In addition to any other fines, a highway safety assessment of five hundred dollars
($500) shall be paid by any person found in violation of this section, the assessment to be deposited
into the general fund. The assessment provided for by this subsection shall be collected from a
violator before any other fines authorized by this section.

(8) In addition to any other fines and highway safety assessments, a two-hundred-dollar
($200) assessment shall be paid by any person found in violation of this section to support the
department of health's chemical testing programs outlined in § 31-27-2(4), that shall be deposited
as general revenues, not restricted receipts.
(9) Any person convicted of a violation under this section shall be assessed a substance abuse education fee of two hundred fifty dollars ($250), which shall be deposited as general revenues, with the estimated amount of fees to be collected to be allocated to the department of behavioral healthcare, development disabilities and hospitals (BHDDH) and used to fund substance abuse prevention programs and student assistance programs for youth pursuant to chapters 21.2 and 21.3 of title 16, and in accordance with the criteria set forth in §§ 16-21.2-4(a) and 16-21.3-2(a).

(10) No fines, suspensions, assessments, alcohol or drug treatment programs, course on driving while intoxicated or under the influence of a controlled substance, or public community restitution provided for under this section can be suspended.

(c) Upon suspending or refusing to issue a license or permit as provided in subsection (a), the traffic tribunal or district court shall immediately notify the person involved in writing, and upon his or her request, within fifteen (15) days, shall afford the person an opportunity for a hearing as early as practical upon receipt of a request in writing. Upon a hearing, the judge may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers. If the judge finds after the hearing that:

(1) The law enforcement officer making the sworn report had reasonable grounds to believe that the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these;

(2) The person, while under arrest, refused to submit to the tests upon the request of a law enforcement officer;

(3) The person had been informed of his or her rights in accordance with § 31-27-3; and

(4) The person had been informed of the penalties incurred as a result of noncompliance with this section, the judge shall sustain the violation. The judge shall then impose the penalties set forth in subsection (b). Action by the judge must be taken within seven (7) days after the hearing or it shall be presumed that the judge has refused to issue his or her order of suspension.

(d) For the purposes of this section, any test of a sample of blood, breath, or urine for the presence of alcohol that relies, in whole or in part, upon the principle of infrared light absorption is considered a chemical test.

(e) If any provision of this section, or the application of any provision, shall, for any reason, be judged invalid, the judgment shall not affect, impair, or invalidate the remainder of the section, but shall be confined in this effect to the provisions or application directly involved in the controversy giving rise to the judgment.
SECTION 10. Chapter 37-13 of the General Laws entitled “Labor and Payment of Debts of Contractors” is hereby amended by adding thereto the following section:

37-13-12.5 Administrative Penalty for Violations.

(a) Any employer that enters into a settlement agreement with the department of labor and training to administratively resolve potential violations of this chapter in lieu of a formal administrative hearing, in addition to any wages or supplements including interest found to be due, shall pay an administrative penalty in an amount not less than two (2) times the total amount agreed to be due and not greater than three (3) times the amount agreed to be due.

SECTION 11. Section 37-13-14.1 of the General Laws in Chapter 37-13 entitled “Labor and Payment of Debts of Contractors” is hereby amended to read as follows:


(a) Before issuing an order or determination, the director of labor and training shall order a hearing thereon at a time and place to be specified, and shall give notice thereof, together with a copy of the complaint or the purpose thereof, or a statement of the facts disclosed upon investigation, which notice shall be served personally or by mail on any person, firm, or corporation affected thereby. The person, firm, or corporation shall have an opportunity to be heard in respect to the matters complained of at the time and place specified in the notice, which time shall be not less than five (5) days from the service of the notice personally or by mail. The hearing shall be held within ten (10) thirty (30) days from the order of hearing. The hearing shall be conducted by the director of labor and training or his or her designee. The hearing officer in the hearing shall be deemed to be acting in a judicial capacity and shall have the right to issue subpoenas, administer oaths, and examine witnesses. The enforcement of a subpoena issued under this section shall be regulated by Rhode Island civil practice law and rules. The hearing shall be expeditiously conducted, and upon such hearing, the hearing officer shall determine the issues raised thereon and shall make a determination and enter an order within ten (10) thirty (30) days of the close of the hearing, and forthwith serve a copy of the order, with a notice of the filing thereof, upon the parties to the proceeding, personally or by mail. The order shall dismiss the charges or direct payment of wages or supplements found to be due, including interest at the rate of twelve percentum (12%) per annum from the date of the underpayment to the date of payment, and may direct payment of reasonable attorney's fees and costs to the complaining party.

(b) In addition to directing payment of wages or supplements including interest found to be due, the order shall also require payment of a further sum as a civil penalty in an amount up to not less than two (2) times the total amount found to be due and not greater than three (3) times the total amount found to be due. Further, if the amount of salary owed to an employee pursuant to this
chapter but not paid to the employee in violation of thereof exceeds five thousand dollars ($5,000),
it shall constitute a misdemeanor and shall be referred to the office of the attorney general. The
misdemeanor shall be punishable for a period of not more than one year in prison and/or fined not
more than one thousand dollars ($1,000). In assessing the amount of the penalty, due consideration
shall be given to the size of the employer's business, the good faith of the employer, the gravity of
the violation, the history of previous violations, and the failure to comply with recordkeeping or
other nonwage requirements. The surety of the person, firm, or corporation found to be in violation
of the provisions of this chapter shall be bound to pay any penalties assessed on such person, firm,
or corporation. The penalty shall be paid to the department of labor and training for deposit in the
state treasury; provided, however, it is hereby provided that the general treasurer shall establish a
dedicated "prevailing wages enforcement fund" for the purpose of depositing the penalties paid as
provided herein. There is hereby appropriated to the annual budget of the department of labor and
training the amount of the fund collected annually under this section, to be used at the direction of
the director of labor and training for the sole purpose of enforcing prevailing wage rates as provided
in this chapter.

(c) For the purposes of this chapter, each day or part thereof of violation of any provision
of this chapter by a person, firm, or corporation, whether the violation is continuous or intermittent,
shall constitute a separate and succeeding violation.

(d) In addition to the above, any person, firm, or corporation found in violation of any of
the provisions of this chapter by the director of labor and training, an awarding authority, or the
hearing officer, shall be ineligible to bid on, or be awarded work by, an awarding authority or
perform any such work for a period of no less than eighteen (18) months and no more than thirty-
six (36) months from the date of the order entered by the hearing officer. Once a person, firm, or
corporation is found to be in violation of this chapter, all pending bids with any awarding authority
shall be revoked, and any bid awarded by an awarding authority prior to the commencement of the
work shall also be revoked.

(e) In addition to the above, any person, firm, or corporation found to have committed two
(2) or more willful violations in any period of eighteen (18) months of any of the provisions of this
chapter by the hearing officer, which violations are not arising from the same incident, shall be
ineligible to bid on, or be awarded work by, an awarding authority or perform any work for a period
of sixty (60) months from the date of the second violation.

(f) The order of the hearing officer shall remain in full force and effect unless stayed by
order of the superior court.
(g) The director of labor and training, awarding authority, or hearing officer shall notify
the bonding company of any person, firm, or corporation suspected of violating any section of this
chapter. The notice shall be mailed certified mail and shall enumerate the alleged violations being
investigated.

(h) In addition to the above, any person, firm, or corporation found to have willfully made
a false or fraudulent representation on certified payroll records shall be referred to the office of the
attorney general. A first violation of this section shall be considered a misdemeanor and shall be
punishable for a period of not more than one year in prison and/or fined one thousand dollars
($1,000). A second or subsequent violation of this section shall be considered a felony and shall be
punishable for a period of not more than three (3) years imprisonment, a fine of three thousand
dollars ($3,000), or both. Further, any person, firm, or corporation found to have willfully made a
false or fraudulent representation on certified payroll records shall be required to pay a civil penalty
to the department of labor and training in an amount of no less than two thousand dollars ($2,000)
and not greater than fifteen thousand dollars ($15,000) per representation.

SECTION 12. Title 39 of the General Laws entitled "Public Utilities and Carriers" is
hereby amended by adding thereto the following chapter:

CHAPTER 2.3 UTILITY SERVICE RESTORATION ACT

39-2.3-1. Purpose.
The purpose of this chapter is to ensure that each investor-owned electric and gas
distribution company has in place emergency preparation plans designed to bring about the prompt
restoration of service in the event of widespread outages occurring in the service area of each
company.

39-2.3-2. Definitions.
As used in this chapter:
(1) “Commission” means the public utilities commission.
(2) “Company” means an investor-owned electric or gas distribution company.
(3) “Division” means the division of public utilities and carriers.
(4) “Emergency event” means an event where significant and/or widespread outages or
service interruptions occurred in the service area of a company.
(5) “Emergency response plan” or “plan” means a company's plan which prepares the
company to restore service in a safe and reasonably prompt and cost effective manner in the case
of an emergency event.
(6) “Life support customers” means medical priority customers who have provided
documentation to the electric distribution company of their medical conditions necessitating
electric service.

(7) “Municipal liaison” means a liaison designated by a company to communicate with a municipality during an emergency event.

(8) “Mutual assistance agreement” means an agreement among a company and other utilities, both inside and outside of Rhode Island, that details specifics for obtaining or lending resources, including, but not limited to, material, equipment, and trained personnel, when internal resources are not sufficient to ensure the safe and reasonably prompt restoration of service during an emergency event.


(a) Each electric distribution company and natural gas distribution company conducting business in the state shall, on or before June 1, 2021, submit to the division an emergency response plan that shall be designed to achieve a prompt restoration of service after an emergency event. Such plans shall be filed annually with the division by the first Monday in June. After review of an electric distribution or natural gas distribution company’s emergency response plan, the division may request that the company amend the plan. The division may open an investigation and conduct hearings on any plan and order modifications if deemed necessary by the division.

(b) Any company that fails to file its emergency response plan may be fined five hundred dollars ($500) for each day during which such failure continues. Any fines levied by the division shall be returned to ratepayers through distribution rates in a manner determined by the commission.

(c) Plans shall include, but not be limited to, the following information:

(1) Identification of management staff responsible for company operations, including a description of their specific duties; and estimation of the number of crews and full-time equivalents available to respond within twenty-four (24) hours of an emergency event;

(2) A communications process with customers that provides continuous access to staff assistance, including, but not limited to, maintaining a website with estimated times of restoration that shall be prominently displayed and updated at least three (3) times per day. The communications process shall also provide estimated times of restoration at least three (3) times per day through at least one other form of media outreach, and when requested by customers via telephone;

(3) For electric distribution companies, procedures for maintaining an updated list of life support customers, including a process to immediately update a company's life support customer list when a customer notifies the company of a medical need for electric service, communicating with life support customers before, during and after an emergency event, providing information to
public safety officials regarding the status of electric service to life support customers' homes, and procedures for prioritizing power restoration to life support customers;

(4) Designation of staff to communicate with local officials, including public safety officials, relevant regulatory agencies, and designated municipal liaisons, and designation of staff to be posted at the Rhode Island emergency management agency’s emergency operations center, and in the event of a virtual activation of the emergency activation center, designation of an employee or employees to participate in the virtual activation;

(5) Provisions regarding how the company will assure the safety of its employees, contractors and the public;

(6) Procedures for deploying company and contractor crews, and crews acquired through mutual assistance agreements to work assignment areas;

(7) Identification of additional supplies and equipment needed during an emergency and the means of obtaining additional supplies and equipment;

(8) Designation of a continuously staffed call center in Rhode Island that is sufficiently staffed to handle all customer calls for service assistance for the duration of an emergency event or until full service is restored, whichever occurs first. If the call center is unable to operate during an emergency event, the company shall provide for a call center within fifty (50) miles of Rhode Island; and

(9) Designation of an employee or employees to serve as municipal liaisons for each affected municipality within its service territory. The plan shall provide that each municipal liaison has the necessary feeder map or maps outlining municipal substations and distribution networks and up-to-date customer outage reports at the time of the designation as municipal liaison. The plan shall provide that each municipal liaison has three (3) daily customer outage report updates for the municipal liaison's respective municipality and that each municipal liaison shall use the maps and outage reports to respond to inquiries from state and local officials and relevant regulatory agencies.


(a) As part of its preparation for emergency events, electric distribution and gas distribution companies shall also adhere to certain minimum standards of acceptable performance. These standards are designed to buttress each company’s emergency response plan and to further ensure that each company is sufficiently prepared to restore service to its customers in a safe and reasonably prompt manner after an emergency event. The following minimum performance standards shall apply:

(1) For electric distribution companies,

(i) Conducting the following on at least an annual basis:
(A) Meetings with state and local officials to ensure effective and efficient flow of information and substantial and frequent coordination between the company and local public safety officials, including coordination with local officials with respect to vegetation management; and

(B) Training and drills and/or exercises to ensure effective and efficient performance of personnel during emergency events, and to ensure that each company has the ability to restore service to its customers in a safe and reasonably prompt manner; and

(ii) Maintaining updated lists of local elected and appointed officials, state and local public safety officials, life support customers, and all internal personnel and external entities involved in the company’s restoration efforts.

(2) For gas companies, the standards shall include, at a minimum, preparing and following written procedures consistent with those required by 49 U.S.C. §§ 60101 through 60125; 49 CFR Part 192: Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; and all applicable division rules and regulations. Each gas company shall include these written procedures in their respective manuals for conducting operations and maintenance activities and for emergency response, and, where appropriate, in their manuals of written procedures to minimize hazards resulting from gas pipeline emergencies, as required by 49 CFR Part 192; and all applicable division rules and regulations.

(3) The division shall have the authority to open a docket and establish additional standards of acceptable performance for emergency preparation and restoration of service for each investor-owned electric and gas distribution company doing business in the state.

(b) Each company shall comply with the following reporting requirements:

(1) Submit annually a report with supporting documentation to the division on its preparation for emergency events that details each meeting, training, and drill and or exercise held pursuant to § 39-2.3-4(a)(1);

(2) During an emergency event, each company shall provide periodic reports to the division, Rhode Island emergency management agency representatives and municipal emergency managers, or designees, that contain detailed information related to emergency conditions and restoration performance for each affected city and town;

(3) Following an emergency event, each company shall submit, within ninety (90) days, a detailed report with supporting documentation to the division on the company’s restoration performance, including lessons learned; and

(4) Following an emergency event, and at the direction of the Division, the company shall submit a detailed report with supporting documentation to the division regarding causes of the emergency event, including lessons learned.
(5) Before, during, and after an emergency event, track, maintain, and ensure the accuracy of all emergency event related data that the company collects.

39-2.3-5. Division review of company performance.

(a) Notwithstanding any existing power or authority, the division may open an investigation to review the performance of any company in restoring service during an emergency event. If, after evidentiary hearings or other investigatory proceedings, the division finds that, as a result of the failure of the company to follow its approved emergency response plan or any other negligent actions or omissions by the company, the length of the outages were materially longer than they would have been but for the company's failure, the division shall recommend that the commission enter an order denying the recovery of all, or any part of, the service restoration costs through distribution rates, commensurate with the degree and impact of the service outage.

(b) In addition, if the division determines, after investigation and hearing, that the company has violated any of the prescribed standards of acceptable performance, the division shall have the authority to levy a penalty not to exceed one hundred thousand dollars ($100,000) for each day that the violation of the standards persist; provided, however, that the maximum penalty shall not exceed seven million five hundred thousand dollars ($7,500,000) for any related series of violations. In determining the amount of the penalty, the division shall consider, among other factors, the following:

(1) The gravity of the violation(s);
(2) The appropriateness of the penalty to the size of the company;
(3) The good faith of the company in attempting to achieve compliance; and
(4) The degree of control that the company had over the circumstances that led to the violation(s).

(c) Any penalty levied by the division against a company for any violation of the division's standards of acceptable performance for emergency preparation and restoration of service for electric and gas distribution companies shall be credited back to the company's customers in a manner determined by the commission.

(d) Nothing herein shall prohibit any affected city or town from filing a complaint with the division regarding a violation of the division's standards of acceptable performance by a company; provided, however, that said petition shall be filed with the division no later than ninety (90) days after the violation has been remedied. After an initial review of the complaint, the division shall make a determination as to whether to open a full investigation.

SECTION 13. Section 39-4-22 of the General Laws in Chapter 39-4 entitled "Hearings and Investigations" is hereby amended to read as follows:
39-4-22. Penalties for violations.

Every public utility or water supplier pursuant to title 46, chapter 15.4 and all officers and agents thereof shall obey, observe, and comply with every order of the division made under the authority of chapters 1 through 5 of this title as long as the order, shall be and remain in force. Every public utility or water supplier which shall violate any of the provisions of the chapters or which fails, omits, or neglects to obey, observe, or comply with, any order of the division, shall be subject to a penalty of not less than two hundred dollars ($200), nor more than one thousand dollars ($1,000) for each and every offense. Every violation of the order shall be a separate and distinct offense and, in case of a continuing violation, every day’s continuance thereof shall be, and be deemed to be, a separate and distinct offense.

(a) Every officer, agent, or employee of a public utility or water supplier who shall violate fail to obey, observe, and comply with any of the provisions of the chapters, chapters 1 through 5 of this title, or any division rule, regulation or order, or who procures, aids, or abets any violation by any public utility, or water supplier or who shall fail to obey, observe, or comply with, any order of the division, or any provision of an order of the division, or who procures, aids, or abets any public utility or water supplier in its failure to obey, observe, or comply with, any order or provision, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500). In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any public utility, or water supplier, acting within the scope of his or her employment, shall in every case be deemed to be also the act, omission, or failure of the public utility, or water supplier.

(b) The administrator may, in his or her discretion, in lieu of seeking criminal sanctions provided in subsection (a) of this section, impose upon each public utility an administrative civil penalty (fine) for the failure to obey, observe, and comply with any of the provisions of chapters 1 through 5 of this title, or division rule, regulation or order.

(1) In determining the amount of any penalty to be assessed pursuant to this section, the division shall consider:

(i) The seriousness of the violation for which a penalty is sought;

(ii) The nature and extent of any previous violations for which penalties have been assessed against the public utility or officer;

(iii) Whether there was knowledge of the violation;

(iv) The gross revenues and financial status of the public utility; and

(v) Such other factors as the division may deem appropriate and relevant.
(2) Whenever the division has reason to believe that a public utility should be subject to imposition of a civil penalty as set forth in this section, it shall notify such public utility. Such notice shall include, but shall not be limited to:

(i) The date and a brief description of the facts and nature of each act or failure to act for which such penalty is proposed;

(ii) A list of each provision of chapters 1 through 5 of this title, or division rule, regulation or order that the division alleges has been violated; and

(iii) The amount of each penalty that the division proposes to assess.

(3) Whenever the division has reason to believe that a public utility should be subject to imposition of a civil penalty or penalties as set forth in this section, the division shall hold an evidentiary hearing to demonstrate why the proposed penalty or penalties should be assessed against such public utility.

(4) Any public utility determined by the division to have failed to reasonably comply as shown by a preponderance of the evidence with any provision of chapters 1 through 5 of this title, or division rule, regulation or order, shall forfeit a sum not exceeding the greater of two hundred thousand dollars ($200,000) or two one-hundredths of one percent (0.02%) of the annual intrastate gross operating revenue of the public utility, not including taxes paid to and revenues collected on behalf of government entities, constituting a civil penalty for each and every offense and, in the case of a continuing violation, each day shall be deemed a separate and distinct offense.

(5) Any payment made by a public utility as a result of an assessment as provided in this section, and the cost of litigation and investigation related to any such assessment, shall not be recoverable from ratepayers. All monies recovered pursuant to subsection (b) of this section, together with the costs thereof, shall be remitted to, or for the benefit of, the ratepayers in a manner to be determined by the division.

(6) In construing and enforcing the provisions of this section relating to penalties, the act of any director, officer, agent or employee of a public utility acting within the scope of his or her official duties or employment shall be deemed to be the act of such public utility.

(7) The penalties provided by this section are in addition to any other penalties or remedies provided in law.

SECTION 14. Section 42-29-1 of the General Laws in Chapter 42-29 entitled “Sheriffs” is hereby amended to read as follows:


(a) The director of the department of public safety shall appoint deputy sheriffs and other necessary classifications pursuant to rank structure, subject to the appropriations process. Deputy
sheriffs and other employees of the sheriff's division shall be subject to the supervision of the chief/sheriff appointed by the director of the department of public safety who may assign tasks and functions in order to ensure the proper management of the sheriffs' division. Any deputy sheriff hired after July 1, 2001 must successfully complete the sheriff academy and any courses deemed necessary at the municipal police training academy prior to assuming the duties of a deputy sheriff. Furthermore, the director of the department of public safety in conjunction with the personnel administrator shall be responsible for promulgating written class specifications with necessary minimum qualifications defined in them. Deputy sheriffs can be removed for just cause by their appointing authority.

(b) All deputy sheriffs, and the deputy sheriffs shall perform all the duties required and exercise all the powers prescribed in this chapter; chapter 15 of title 5; chapters 5 and 10 of title 9; chapters 5, 10 and 14 of title 10; chapters 8, 31, 34, 36 and 44 of title 11; chapters 4, 5 and 6 of title 12; chapter 22 of title 17; chapters 4 and 6 of title 22; chapter 2 of title 28; chapter 6 of title 35; chapter 8 of title 37; and all other provisions of the general laws and public laws insofar as those powers and duties relate to the deputy sheriffs and as required and prescribed in all other provisions of the general laws and public laws relating to the powers and duties of the sheriffs.

(c) All resources of the sheriffs shall be transferred to the division of sheriffs within the department of public safety. These resources include, but are not limited to, all positions, property, accounts and other funding pertinent to sheriffs.

(d)(1) Any reference in the general laws to a chief/sheriff within the division of sheriffs shall be deemed to mean a sworn member of the division of sheriffs.

(2) Any reference in the general laws to a member of the division of sheriffs shall be deemed to mean a sworn deputy sheriff within the division of sheriffs.

(e) Applicants to the division of sheriffs' training academy shall pay an application fee in the amount of fifty dollars ($50.00); provided, however, the director of public safety may waive such application fee if the payment thereof would be a hardship to the applicant.

(f) All fees collected by the division pursuant to this section shall be deposited as general revenues.

SECTION 15. Section 6 shall take effect October 1, 2020. Section 9 shall take effect January 1, 2021. The remaining sections of this article shall take effect upon passage.