

1 **ARTICLE 6**

2 **RELATING TO FEES**

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

5 **23-1-34. Health promotion income.**

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

9 (b) The director is authorized to establish fees in response to requests for processing special  
10 data analysis. Fees shall be established through the promulgation of rules and regulations, which  
11 shall prohibit charging students or Rhode Island state agencies fees for special data analysis. All  
12 fees collected for special data analysis shall be deposited as general revenues, with approximately  
13 50% of such estimated fees collected appropriated to the department of health on an annual basis  
14 to be used to sustain its capacity to manage and sustain data systems necessary to meet data  
15 requester needs in a timely manner.

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

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

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

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

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

27 **23-4.1-10. Regulations and fees.**

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

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

32 (c)(1) The director shall charge license fees for an annual license for an ambulance service,  
33 for an annual vehicle license, and for an emergency medical technician license. All such fees are  
34 as set forth in § 23-1-54.

1 (2) The director may charge an examination fee for examinations for an emergency medical  
2 technician license and an inspection fee for inspections for a vehicle license as set forth in § 23-1-  
3 54.

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

12 SECTION 3. Section 28-14-19.1 of the General Laws in Chapter 28-14 entitled "Payment  
13 of Wages" is hereby amended to read as follows:

14 **28-14-19.1. Misclassification of employees.**

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

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

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

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

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

33 (f) The department shall notify the contractor's registration board and the tax administrator  
34 of any violation of this section.

1 SECTION 4. Sections 23-28.2-26 and 23-28.2-27 of Chapter 23-28.2 of the General Laws  
2 entitled "Office of the State Fire Marshal" are hereby amended to read as follows:

3 **23-28.2-26. Plan review fees.**

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

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

9	\$500 or less . . . . .	<del>\$25.00</del>	<u>\$35.00</u>
10	Over \$500 but not over \$1,000 . . . . .	<del>-\$35.00</del>	<u>\$45.00</u>
11	Over \$1,000 but not over \$2,000 . . . . .	<del>-\$45.00</del>	<u>\$55.00</u>
12	Over \$2,000 but not over \$500,000 . . . . .	<del>\$45.00+</del>	<u>\$55.00+</u>
13	(plus <del>\$6.00</del> <u>\$7.00</u> per \$1,000 or fraction thereof over \$2,000)		
14	Over \$500,000 . . . . .	<del>\$3,033.00+</del>	<u>\$3,292.00+</u>
15	(plus <del>\$4.00</del> <u>\$6.75</u> per \$1,000 or fraction thereof over \$500,000)		

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

17 **23-28.2-27. Inspection Fees**

18 (a) The state fire marshal's office shall assess an inspection fee of ~~one hundred dollars~~  
19 ~~(\$100.00)~~ two hundred and fifty dollars (\$250) per inspection for any inspection performed by that  
20 office pursuant to chapter 28.1 of Title 23, or any other provisions of the state fire code, including  
21 any rule or regulation promulgated by either the fire safety code board of appeal and review or the  
22 state fire marshal. The inspection fee shall ~~be assessed for each required inspection. Initial~~  
23 ~~inspections and any required subsequent re-inspection shall constitute separate visits for which~~  
24 ~~separate inspection fees will be payable.~~ constitute payment for the initial inspection and any  
25 required subsequent reinspections.

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

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

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

33 (2) The lessee of the property if the lessee is the sole tenant; or

1 (3) If neither (1) nor (2) apply, the owner of the property will be responsible for payment  
2 of the inspection fee.

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

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

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

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

13 **23-28.28-10. Permit fees.**

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

- 17 Manufacturer's / Dealer's / Possessor's permit . . . . . ~~\$85.00~~ \$100.00 annually
- 18 ~~Dealer's permit . . . . . \$50.00 annually~~
- 19 ~~Possessor's permit . . . . . \$50.00 annually~~
- 20 User's permit ~~based on estimated project costs~~ . . . . . \$50.00 per ~~\$10,000.00~~  
21 ~~or fraction thereof.~~ project.

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

23 **23-28.28-31. License to conduct blasting operations.**

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

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

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

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

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

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

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

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

20 **31-2-29. Late Fees.**

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

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

24 (2) For the renewal of a motor vehicle registration after its expiration date, fifteen dollars  
25 (\$15.00) in addition to the applicable renewal fee.

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

28 **31-2-10. Abstracts of operator's records.**

29 The administrator shall upon request furnish a certified abstract of the record of any  
30 operator on file fully designating the motor vehicles, if any, registered in the name of the operator,  
31 the record of all convictions of the operator of any of the provisions of this title, and the record of  
32 all the operator's involvements in accidents required to be reported under the provisions of § 31-  
33 33-1. If the operator has no such record, the administrator shall so certify. The administrator shall  
34 collect for each certificate the sum of sixteen dollars (\$16.00); provided, however, if the request for

1 the certificate is made by a person through an online subscription service, the administrator shall  
2 collect for each certificate the sum of twenty dollars (\$20.00). Provided, further, however, if the  
3 request for the certificate is made by any governmental agency, bureau, or department for use in its  
4 official capacity, the administrator shall collect no fee. The requirement of this section that the  
5 certificate shall be furnished shall not make the certificate admissible as evidence in any legal  
6 proceeding or in any trial, whether criminal or civil.

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

9 **31-8-4. Suspension or revocation of registration or certificate of title.**

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

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

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

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

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

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

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

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

26 or

27 (8) Upon receipt of notice the carrier and/or operator of a commercial motor vehicle has  
28 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  
29 carrier safety regulations or chapter 23 of this title.

30 (b) Upon removal of cause for which the registration or certificate of title was revoked,  
31 denied, or suspended, the division of motor vehicles shall require the registrant or applicant to pay  
32 a restoration fee of two hundred and fifty dollars (\$250), provided that ~~no restoration fee shall be~~  
33 ~~required~~ the restoration fee shall be one hundred dollars (\$100.00) if the revocation, denial, or

1 suspension was issued pursuant to subsection (a)(2) of this section, §§ 31-38-2, 31-38-3, 31-38-4,  
2 or 31-47.1-3.

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

5 **31-27-2. Driving under influence of liquor or drugs.**

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

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

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

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

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

32 (2) A true copy of the report of the test result was mailed within seventy-two (72) hours of  
33 the taking of the test to the person submitting to a breath test.

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

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

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

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

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

32 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-  
33 tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent  
34 (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less than



1 one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required to  
2 perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned for  
3 up to one year. The sentence may be served in any unit of the adult correctional institutions in the  
4 discretion of the sentencing judge. The person's driving license shall be suspended for a period of  
5 three (3) months to twelve (12) months. The sentencing judge shall require attendance at a special  
6 course on driving while intoxicated or under the influence of a controlled substance and/or  
7 alcoholic or drug treatment for the individual; provided, however, that the court may permit a  
8 servicemember or veteran to complete any court-approved counseling program administered or  
9 approved by the Veterans' Administration. The sentencing judge or magistrate may prohibit that  
10 person from operating a motor vehicle that is not equipped with an ignition interlock system as  
11 provided in § 31-27-2.8.

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

25 (2)(i) Every person convicted of a second violation within a five-year (5) period with a  
26 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than  
27 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or  
28 who has a blood presence of any controlled substance as defined in subsection (b)(2), and every  
29 person convicted of a second violation within a five-year (5) period, regardless of whether the prior  
30 violation and subsequent conviction was a violation and subsequent conviction under this statute  
31 or under the driving under the influence of liquor or drugs statute of any other state, shall be subject  
32 to a mandatory fine of four hundred dollars (\$400). The person's driving license shall be suspended  
33 for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten  
34 (10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult

1 correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight  
2 (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require  
3 alcohol or drug treatment for the individual; provided, however, that the court may permit a  
4 servicemember or veteran to complete any court-approved counseling program administered or  
5 approved by the Veterans' Administration and shall prohibit that person from operating a motor  
6 vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

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

19 (3)(i) Every person convicted of a third or subsequent violation within a five-year (5)  
20 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above,  
21 but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is  
22 unknown or who has a blood presence of any scheduled controlled substance as defined in  
23 subsection (b)(2), regardless of whether any prior violation and subsequent conviction was a  
24 violation and subsequent conviction under this statute or under the driving under the influence of  
25 liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory  
26 fine of four hundred (\$400) dollars. The person's driving license shall be suspended for a period of  
27 two (2) years to three (3) years, and the individual shall be sentenced to not less than one year and  
28 not more than three (3) years in jail. The sentence may be served in any unit of the adult correctional  
29 institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours  
30 of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug  
31 treatment for the individual; provided, however, that the court may permit a servicemember or  
32 veteran to complete any court-approved counseling program administered or approved by the  
33 Veterans' Administration, and shall prohibit that person from operating a motor vehicle that is not  
34 equipped with an ignition interlock system as provided in § 31-27-2.8.

1 (ii) Every person convicted of a third or subsequent violation within a five-year (5) period  
2 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as  
3 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of  
4 a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to  
5 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory  
6 fine of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000);  
7 and a mandatory license suspension for a period of three (3) years from the date of completion of  
8 the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug  
9 treatment for the individual. The sentencing judge or magistrate shall prohibit that person from  
10 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §  
11 31-27-2.8.

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

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

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

32 (ii) Any person over the age of eighteen (18) who is convicted under this section for  
33 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of  
34 these, while a child under the age of thirteen (13) years was present as a passenger in the motor

1 vehicle when the offense was committed shall be subject to immediate license suspension pending  
2 prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a  
3 first offense and may be sentenced to a term of imprisonment of not more than one year and a fine  
4 not to exceed one thousand dollars (\$1,000). Any person convicted of a second or subsequent  
5 offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not  
6 more than five (5) years and a fine not to exceed five thousand dollars (\$5,000). The sentencing  
7 judge shall also order a license suspension of up to two (2) years, require attendance at a special  
8 course on driving while intoxicated or under the influence of a controlled substance, and alcohol  
9 or drug education and/or treatment. The individual may also be required to pay a highway  
10 assessment fee of no more than five hundred dollars (\$500) and the assessment shall be deposited  
11 in the general fund.

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

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

18 (iii) Any person convicted of a violation under this section shall be assessed a substance  
19 abuse education fee of two hundred fifty dollars (\$250), which shall be deposited as general  
20 revenues, with the estimated amount of fees collected to be allocated to the department of  
21 behavioral healthcare, development disabilities and hospitals (BHDDH) and used to fund substance  
22 abuse prevention programs and student assistance programs for youth pursuant to chapters 21.2  
23 and 21.3 of title 16, and in accordance with the criteria set forth in §§ 16-21.2-4(a) and 16-21.3-  
24 2(a).

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

33 (ii) If the person convicted of violating this section is under the age of eighteen (18) years,  
34 for a second or subsequent violation regardless of whether any prior violation and subsequent

1 conviction was a violation and subsequent under this statute or under the driving under the influence  
2 of liquor or drugs statute of any other state, he or she shall be subject to a mandatory suspension of  
3 his or her driving license until such time as he or she is twenty-one (21) years of age and may, in  
4 the discretion of the sentencing judge, also be sentenced to the Rhode Island training school for a  
5 period of not more than one year and/or a fine of not more than five hundred dollars (\$500).

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

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

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

24 (2) Persons convicted under the provisions of this chapter shall be required to attend a  
25 special course on driving while intoxicated or under the influence of a controlled substance, and/or  
26 participate in an alcohol or drug treatment program; provided, however, that the court may permit  
27 a servicemember or veteran to complete any court-approved counseling program administered or  
28 approved by the Veterans' Administration. The course shall take into consideration any language  
29 barrier that may exist as to any person ordered to attend, and shall provide for instruction reasonably  
30 calculated to communicate the purposes of the course in accordance with the requirements of the  
31 subsection. Any costs reasonably incurred in connection with the provision of this accommodation  
32 shall be borne by the person being retrained. A copy of any violation under this section shall be  
33 forwarded by the court to the alcohol and drug safety unit. In the event that persons convicted under  
34 the provisions of this chapter fail to attend and complete the above course or treatment program, as

1 ordered by the judge, then the person may be brought before the court, and after a hearing as to  
2 why the order of the court was not followed, may be sentenced to jail for a period not exceeding  
3 one year.

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

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

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

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

21 (j) An order to attend a special course on driving while intoxicated that shall be  
22 administered in cooperation with a college or university accredited by the state, shall include a  
23 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars  
24 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into  
25 the general fund.

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

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

33 (m) For the purposes of this section, "servicemember" means a person who is presently  
34 serving in the armed forces of the United States, including the Coast Guard, a reserve component

1 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,  
2 including the Coast Guard of the United States, a reserve component thereof, or the National Guard,  
3 and has been discharged under other than dishonorable conditions.

4 **31-27-2.1. Refusal to submit to chemical test.**

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

17 (b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the  
18 person may file an affidavit with the division of motor vehicles stating the reasons why he or she  
19 cannot be required to take blood tests and a notation to this effect shall be made on his or her  
20 license. If that person is asked to submit to chemical tests as provided under this chapter, the person  
21 shall only be required to submit to chemical tests of his or her breath or urine. When a person is  
22 requested to submit to blood tests, only a physician or registered nurse, or a medical technician  
23 certified under regulations promulgated by the director of the department of health, may withdraw  
24 blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to  
25 the taking of breath or urine specimens. The person tested shall be permitted to have a physician of  
26 his or her own choosing, and at his or her own expense, administer chemical tests of his or her  
27 breath, blood, and/or urine in addition to the tests administered at the direction of a law enforcement  
28 officer. If a person, having been placed under arrest, refuses upon the request of a law enforcement  
29 officer to submit to the tests, as provided in § 31-27-2, none shall be given, but a judge or magistrate  
30 of the traffic tribunal or district court judge or magistrate, upon receipt of a report of a law  
31 enforcement officer: that he or she had reasonable grounds to believe the arrested person had been  
32 driving a motor vehicle within this state under the influence of intoxicating liquor, toluene, or any  
33 controlled substance, as defined in chapter 28 of title 21, or any combination of these; that the  
34 person had been informed of his or her rights in accordance with § 31-27-3; that the person had

1 been informed of the penalties incurred as a result of noncompliance with this section; and that the  
2 person had refused to submit to the tests upon the request of a law enforcement officer; shall  
3 promptly order that the person's operator's license or privilege to operate a motor vehicle in this  
4 state be immediately suspended, however, said suspension shall be subject to the hardship  
5 provisions enumerated in § 31-27-2.8. A traffic tribunal judge or magistrate, or a district court judge  
6 or magistrate, pursuant to the terms of subsection (c), shall order as follows:

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

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

23 (3) Every person convicted for a third or subsequent violation within a five-year (5) period,  
24 except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor;  
25 and shall be imprisoned for not more than one year; fined eight hundred dollars (\$800) to one  
26 thousand dollars (\$1,000); shall perform not less than one hundred (100) hours of public community  
27 restitution; and the person's operator's license in this state shall be suspended for a period of two  
28 (2) years to five (5) years. The sentencing judge or magistrate shall prohibit that person from  
29 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §  
30 31-27-2.8. The judge or magistrate shall require alcohol or drug treatment for the individual.  
31 Provided, that prior to the reinstatement of a license to a person charged with a third or subsequent  
32 violation within a three-year (3) period, a hearing shall be held before a judge or magistrate. At the  
33 hearing, the judge or magistrate shall review the person's driving record, his or her employment



1 history, family background, and any other pertinent factors that would indicate that the person has  
2 demonstrated behavior that warrants the reinstatement of his or her license.

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

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

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

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

30 (8) In addition to any other fines and highway safety assessments, a two-hundred-dollar  
31 (\$200) assessment shall be paid by any person found in violation of this section to support the  
32 department of health's chemical testing programs outlined in § 31-27-2(4), that shall be deposited  
33 as general revenues, not restricted receipts.

1 (9) Any person convicted of a violation under this section shall be assessed a substance  
2 abuse education fee of two hundred fifty dollars (\$250), which shall be deposited as general  
3 revenues, with the estimated amount of fees to be collected to be allocated to the department of  
4 behavioral healthcare, development disabilities and hospitals (BHDDH) and used to fund substance  
5 abuse prevention programs and student assistance programs for youth pursuant to chapters 21.2  
6 and 21.3 of title 16, and in accordance with the criteria set forth in §§ 16-21.2-4(a) and 16-21.3-  
7 2(a).

8 ~~(9)~~(10) No fines, suspensions, assessments, alcohol or drug treatment programs, course on  
9 driving while intoxicated or under the influence of a controlled substance, or public community  
10 restitution provided for under this section can be suspended.

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

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

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

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

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

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

31 (e) If any provision of this section, or the application of any provision, shall, for any reason,  
32 be judged invalid, the judgment shall not affect, impair, or invalidate the remainder of the section,  
33 but shall be confined in this effect to the provisions or application directly involved in the  
34 controversy giving rise to the judgment.

1 SECTION 10. Chapter 37-13 of the General Laws entitled “Labor and Payment of Debts  
2 of Contractors” is hereby amended by adding thereto the following section:

3 **37-13-12.5 Administrative Penalty for Violations.**

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

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

11 **37-13-14.1. Enforcement – Hearings.**

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

31 (b) In addition to directing payment of wages or supplements including interest found to  
32 be due, the order shall also require payment of a further sum as a civil penalty in an amount ~~up to~~  
33 not less than two (2) times the total amount found to be due and not greater than three (3) times the  
34 total amount found to be due. Further, if the amount of salary owed to an employee pursuant to this

1 chapter but not paid to the employee in violation of thereof exceeds five thousand dollars (\$5,000),  
2 it shall constitute a misdemeanor and shall be referred to the office of the attorney general. The  
3 misdemeanor shall be punishable for a period of not more than one year in prison and/or fined not  
4 more than one thousand dollars (\$1,000). In assessing the amount of the penalty, due consideration  
5 shall be given to the size of the employer's business, the good faith of the employer, the gravity of  
6 the violation, the history of previous violations, and the failure to comply with recordkeeping or  
7 other nonwage requirements. The surety of the person, firm, or corporation found to be in violation  
8 of the provisions of this chapter shall be bound to pay any penalties assessed on such person, firm,  
9 or corporation. The penalty shall be paid to the department of labor and training for deposit in the  
10 state treasury; provided, however, it is hereby provided that the general treasurer shall establish a  
11 dedicated "prevailing wages enforcement fund" for the purpose of depositing the penalties paid as  
12 provided herein. There is hereby appropriated to the annual budget of the department of labor and  
13 training the amount of the fund collected annually under this section, to be used at the direction of  
14 the director of labor and training for the sole purpose of enforcing prevailing wage rates as provided  
15 in this chapter.

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

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

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

32 (f) The order of the hearing officer shall remain in full force and effect unless stayed by  
33 order of the superior court.

1 (g) The director of labor and training, awarding authority, or hearing officer shall notify  
2 the bonding company of any person, firm, or corporation suspected of violating any section of this  
3 chapter. The notice shall be mailed certified mail and shall enumerate the alleged violations being  
4 investigated.

5 (h) In addition to the above, any person, firm, or corporation found to have willfully made  
6 a false or fraudulent representation on certified payroll records shall be referred to the office of the  
7 attorney general. A first violation of this section shall be considered a misdemeanor and shall be  
8 punishable for a period of not more than one year in prison and/or fined one thousand dollars  
9 (\$1,000). A second or subsequent violation of this section shall be considered a felony and shall be  
10 punishable for a period of not more than three (3) years imprisonment, a fine of three thousand  
11 dollars (\$3,000), or both. Further, any person, firm, or corporation found to have willfully made a  
12 false or fraudulent representation on certified payroll records shall be required to pay a civil penalty  
13 to the department of labor and training in an amount of no less than two thousand dollars (\$2,000)  
14 and not greater than fifteen thousand dollars (\$15,000) per representation.

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

17 CHAPTER 2.3 UTILITY SERVICE RESTORATION ACT

18 **39-2.3 -1. Purpose.**

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

23 **39-2.3-2. Definitions.**

24 As used in this chapter:

25 (1) "Commission" means the public utilities commission.

26 (2) "Company" means an investor-owned electric or gas distribution company.

27 (3) "Division" means the division of public utilities and carriers.

28 (4) "Emergency event" means an event where significant and/or widespread outages or  
29 service interruptions occurred in the service area of a company.

30 (5) "Emergency response plan" or "plan" means a company's plan which prepares the  
31 company to restore service in a safe and reasonably prompt and cost effective manner in the case  
32 of an emergency event.

33 (6) "Life support customers" means medical priority customers who have provided  
34 documentation to the electric distribution company of their medical conditions necessitating

1 electric service.

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

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

9 **39-2.3-3. Emergency response plans required.**

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

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

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

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

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

31 (3) For electric distribution companies, procedures for maintaining an updated list of life  
32 support customers, including a process to immediately update a company's life support customer  
33 list when a customer notifies the company of a medical need for electric service, communicating  
34 with life support customers before, during and after an emergency event, providing information to

1 public safety officials regarding the status of electric service to life support customers' homes, and  
2 procedures for prioritizing power restoration to life support customers;

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

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

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

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

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

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

26 **39-2.3-4. Standards for acceptable performance.**

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

33 (1) For electric distribution companies,

34 (i) Conducting the following on at least an annual basis:

1           (A) Meetings with state and local officials to ensure effective and efficient flow of  
2 information and substantial and frequent coordination between the company and local public safety  
3 officials, including coordination with local officials with respect to vegetation management; and

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

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

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

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

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

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

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

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

32           (4) Following an emergency event, and at the direction of the Division, the company shall  
33 submit a detailed report with supporting documentation to the division regarding causes of the  
34 emergency event, including lessons learned.



1 (5) Before, during, and after an emergency event, track, maintain, and ensure the accuracy  
2 of all emergency event related data that the company collects.

3 **39-2.3-5. Division review of company performance.**

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

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

19 (1) The gravity of the violation(s);

20 (2) The appropriateness of the penalty to the size of the company;

21 (3) The good faith of the company in attempting to achieve compliance; and

22 (4) The degree of control that the company had over the circumstances that led to the  
23 violation(s).

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

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

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

1           **39-4-22. Penalties for violations.**

2           ~~Every public utility or water supplier pursuant to title 46, chapter 15.4 and all officers and~~  
3 ~~agents thereof shall obey, observe, and comply with every order of the division made under the~~  
4 ~~authority of of chapters 1 — 5 of this title as long as the order, shall be and remain in force. Every~~  
5 ~~public utility or water supplier which shall violate any of the provisions of the chapters or which~~  
6 ~~fails, omits, or neglects to obey, observe, or comply with, any order of the division, shall be subject~~  
7 ~~to a penalty of not less than two hundred dollars (\$200), nor more than one thousand dollars~~  
8 ~~(\$1,000) for each and every offense. Every violation of the order shall be a separate and distinct~~  
9 ~~offense and, in case of a continuing violation, every day's continuance thereof shall be, and be~~  
10 ~~deemed to be, a separate and distinct offense.~~

11           (a) Every officer, agent, or employee of a public utility ~~or water supplier~~ who shall ~~violate~~  
12 ~~fail to obey, observe, and comply with~~ any of the provisions of ~~the chapters, chapters 1 through 5~~  
13 ~~of this title, or any division rule, regulation or order,~~ or who procures, aids, or abets any violation  
14 by any public utility, ~~or water supplier~~ or who shall fail to obey, observe, or comply with, any order  
15 of the division, or any provision of an order of the division, or who procures, aids, or abets any  
16 public utility ~~or water supplier~~ in its failure to obey, observe, or comply with, any order or  
17 provision, shall be guilty of a misdemeanor and shall be fined not less than ~~one hundred dollars~~  
18 ~~(\$100) nor more than five hundred dollars (\$500); one thousand dollars (\$1,000).~~ In construing and  
19 enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other  
20 person acting for or employed by any public utility, ~~or water supplier,~~ acting within the scope of  
21 his or her employment, shall in every case be deemed to be also the act, omission, or failure of the  
22 public utility, ~~or water supplier.~~

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

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

- 29           (i) The seriousness of the violation for which a penalty is sought;  
30           (ii) The nature and extent of any previous violations for which penalties have been  
31 assessed against the public utility or officer;  
32           (iii) Whether there was knowledge of the violation;  
33           (iv) The gross revenues and financial status of the public utility; and  
34           (v) Such other factors as the division may deem appropriate and relevant

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

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

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

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

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

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

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

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

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

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

32 **42-29-1. Appointment – Powers and duties – Removal.**

33 (a) The director of the department of public safety shall appoint deputy sheriffs and other  
34 necessary classifications pursuant to rank structure, subject to the appropriations process. Deputy

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

10 (b) All deputy sheriffs, and the deputy sheriffs shall perform all the duties required and  
11 exercise all the powers prescribed in this chapter; chapter 15 of title 5; chapters 5 and 10 of title 9;  
12 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  
13 12; chapter 22 of title 17; chapters 4 and 6 of title 22; chapter 2 of title 28; chapter 6 of title 35;  
14 chapter 8 of title 37; and all other provisions of the general laws and public laws insofar as those  
15 powers and duties relate to the deputy sheriffs and as required and prescribed in all other provisions  
16 of the general laws and public laws relating to the powers and duties of the sheriffs.

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

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

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

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

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

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