

2021 -- S 0195

LC001112

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

Introduced By: Senators McCaffrey, Goodwin, Ruggerio, Murray, Kallman, Ciccone,  
Lombardo, Valverde, DiMario, and DiPalma

Date Introduced: February 05, 2021

Referred To: Senate Labor

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-14-17 of the General Laws in Chapter 28-14 entitled "Payment of  
2 Wages" is hereby amended to read as follows:

3 **28-14-17. Penalty for violations.**

4 (a) Any employer who violates or fails to comply with any of the provisions of this chapter  
5 shall be guilty of a misdemeanor, or in cases of nonpayment of wages if the value of the wages due  
6 to an employee is less than one thousand five hundred dollars (\$1,500) or in instances of a violation  
7 of § 28-14-19.1, and upon conviction of the misdemeanor, the employer shall be punished by a fine  
8 of not less than four hundred dollars (\$400) for each separate offense, or by imprisonment of up to  
9 one year, or by both fine and imprisonment. Each day of failure to pay wages due an employee at  
10 the time specified in this chapter shall constitute a separate and distinct violation.

11 (b) Any employer who violates or fails to comply with any of the provisions of this chapter  
12 shall be guilty of a felony if the value of the wages due to an employee is one thousand five hundred  
13 dollars (\$1,500) or more. Any employer who violates § 28-14-19.1 would also be guilty of a felony  
14 if the violation was a knowing violation or a second or subsequent violation of § 28-14-19.1. Upon  
15 a plea or conviction to a felony, shall be subject to the following penalties:

16 (1) If the value of the wages is between one thousand five hundred dollars (\$1,500) and  
17 five thousand dollars (\$5,000) or in instances of a first offense of a knowing violation of § 28-14-  
18 19.1, by imprisonment for not more than three (3) years or by a fine of not more than twice the  
19 value of the wages or ten thousand dollars (\$10,000), whichever is greater, or both;

1           (2) If the value of the wages exceeds five thousand dollars (\$5,000) or in instances of a  
2 second or subsequent offense of a knowing violation of § 28-14-19.1, by imprisonment for not  
3 more than five (5) years or a fine of not more than three (3) times the value of the wages or twenty  
4 thousand dollars (\$20,000), whichever is greater, or both.

5           ~~(b)~~(c) Any employer found guilty of violations of this chapter who does not pay wages and  
6 fines within thirty (30) days of a final decision and after notification by the department of labor and  
7 training, may have his, her or its business license revoked by the state of Rhode Island until he, she  
8 or it pays such wages and fines in full or enters into a payment agreement with which he, she or it  
9 stays in compliance.

10           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would increase the criminal penalties for wage theft and employee  
2 misclassification.

3           This act would take effect upon passage.

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