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ARTICLE 3

RELATING TO GOVERNMENT REFORM

SECTION 1. Sections 1-6-1 and 1-6-3 of the General Laws in Chapter 1-6 entitled "Warwick Airport Parking District" are hereby amended to read as follows:

1-6-1. Definitions.

As used in this chapter:

(1) "Administrator" means the state tax administrator.

(2) "District" means the Warwick airport parking district, being the district that runs from a point on Main Avenue in the city of Warwick at the southerly boundary of T.F. Green state airport, and westerly along Main Avenue to a point one-third (1/3) mile west of the intersection of Main Avenue with Post Road; turning thence northerly running along a line parallel to and one-third (1/3) mile west of Post Road to a point one mile north of the line of Airport Road; thence turning east running along a line parallel to and one-third (1/3) mile north of the line of Airport Road to Warwick Avenue; thence turning south along Warwick Avenue to Airport Road; thence turning west along Airport Road to the boundary of T.F. Green state airport; thence running southerly along the boundary of T.F. Green state airport to the point of beginning. If any parking facility (including entrances, driveways, or private access roads) is constructed partly within the district as so defined, the entire facility shall be treated as though within the district.

(3) "Operator" means any person providing transient parking within the district.

(4) "Permit fee" means the fee payable annually by an operator to the tax administrator ~~in an amount equal to ten dollars (\$10.00) for each space made, or to be made, available by the operator for transient parking during the period of a permit's effectiveness, but not more than two hundred fifty dollars (\$250) for each permit.~~

(5) "Transient parking" means any parking for motor vehicles at a lot, garage, or other parking facility within the district for which a fee is collected by the operator, but excludes:

- (i) Parking for which the fee is charged and paid on a monthly or less frequent basis;
- (ii) Parking for any employee of the operator of the facility;
- (iii) Parking provided by any hotel or motel for registered guests;
- (iv) Parking provided by validation or having a validated rate, where the person providing

the validation does not maintain a place of business at T.F. Green state airport.

1 (6) "Transient parking receipts" means the gross receipts collected by an operator
2 (excluding the surcharge imposed by this chapter) in consideration of the provision of transient
3 parking.

4 **1-6-3. Permits for parking operations in district.**

5 (a) Every person desiring to provide transient parking in the district shall file with the tax
6 administrator an application for a permit for each place of business where transient parking will be
7 provided. The application shall be in a form, include information, and bear any signatures that the
8 tax administrator may require. There shall be no fee for this permit. ~~At the time of making an
9 application, the applicant shall pay to the tax administrator the permit fee.~~ Every permit issued
10 under this chapter shall expire on June 30 of each year. Every permit holder desiring to renew a
11 permit shall annually, on or before February 1 of each year, apply for renewal of its permit ~~and file
12 with it the appropriate permit fee.~~ The renewal permit shall be valid for the period of July 1 of that
13 calendar year through June 30 of the subsequent calendar year, unless sooner canceled, suspended,
14 or revoked. Upon receipt of the required application ~~and permit fee,~~ the tax administrator shall issue
15 to the applicant a permit. Provided, that if the applicant, at the time of making the application, owes
16 any fee, surcharge, penalty, or interest imposed under the authority of this chapter, the applicant
17 shall pay the amount owed. ~~An operator whose permit has been previously suspended or revoked
18 shall pay to the tax administrator a permit fee for the renewal or issuance of a permit.~~

19 (b) Whenever any person fails to comply with any provision of this chapter, the tax
20 administrator upon hearing, after giving the person at least five (5) days notice in writing,
21 specifying the time and place of hearing and requiring the person to show cause why his or her
22 permit or permits should not be revoked, may revoke or suspend any one or more of the permits
23 held by the person. The notice may be served personally or by mail. The tax administrator shall not
24 issue a new permit after the revocation of a permit unless the administrator is satisfied that the
25 former holder of the permit will comply with the provisions of the ordinance.

26 (c) The superior court of this state has jurisdiction to restrain and enjoin any person from
27 engaging in business as an operator of a transient parking facility in the district without a parking
28 operator's permit or permits or after a transient parking facility operator's permit has been
29 suspended or revoked. The tax administrator may institute proceedings to prevent and restrain
30 violations of this chapter. In any proceeding instituted under this section, proof that a person
31 continues to operate a transient parking facility from the location to which a revoked parking
32 operator's permit was assigned, is prima facie evidence that the person is engaging in business as a
33 parking operator without a parking operator's permit.

34 (d) Permit fees collected under the authority of this section shall be deposited into the

1 general fund of the state.

2 SECTION 2. Section 3-7-14.2 of the General Laws in Chapter 3-7 entitled "Retail
3 Licenses" is hereby amended to read as follows:

4 **3-7-14.2. Class P licenses -- Caterers.**

5 (a) A caterer licensed by the department of health and the division of taxation shall be
6 eligible to apply for a Class P license from the department of business regulation. The department
7 of business regulation is authorized to issue all caterers' licenses. The license will be valid
8 throughout this state as a state license and no further license will be required or tax imposed by any
9 city or town upon this alcoholic beverage privilege. Each caterer to which the license is issued shall
10 pay to the department of business regulation an annual fee of five hundred dollars (\$500) for the
11 license, ~~and one dollar (\$1.00) for each duplicate of the license,~~ which fees are paid into the state
12 treasury. The department is authorized to promulgate rules and regulations for implementation of
13 this license. In promulgating said rules, the department shall include, but is not limited to, the
14 following standards:

15 (1) Proper identification will be required for individuals who look thirty (30) years old or
16 younger and who are ordering alcoholic beverages;

17 (2) Only valid ID's as defined by these titles are acceptable;

18 (3) An individual may not be served more than two (2) drinks at a time;

19 (4) Licensee's, their agents, or employees will not serve visibly intoxicated individuals;

20 (5) Licensee's may only serve alcoholic beverages for no more than a five (5) hour period
21 per event;

22 (6) Only a licensee, or its employees, may serve alcoholic beverages at the event;

23 (7) The licensee will deliver and remove alcoholic beverages to the event; and

24 (8) No shots or triple alcoholic drinks will be served.

25 (b) Any bartender employed by the licensee shall be certified by a nationally recognized
26 alcohol beverage server training program.

27 (c) The licensee shall purchase at retail all alcoholic beverages from a licensed Class A
28 alcohol retail establishment located in the state, provided, however, any licensee who also holds a
29 Class T license, issued pursuant to the provisions of § 3-7-7, shall be allowed to purchase alcoholic
30 beverages at wholesale. Any person violating this section shall be fined five hundred dollars (\$500)
31 for this violation and shall be subject to license revocation. The provisions of this section shall be
32 enforced in accordance with this title.

33 (d) Violation of subsection (a) of this section is punishable upon conviction by a fine of
34 not more than five hundred dollars (\$500). Fines imposed under this section shall be paid to the

1 department of business regulation.

2 SECTION 3. Sections 5-12-1 through 5-12-4 of Chapter 5-12 of the General Laws entitled
3 "Hide and Leather Inspection" are hereby repealed.

4 **5-12-1. Town and city inspectors.**

5 ~~There may be annually elected by the town councils of the several towns and by the city~~
6 ~~councils of Providence and Newport an officer to be denominated "inspector of hides and leather";~~
7 ~~who shall be sworn to the faithful discharge of his or her duties.~~

8 **5-12-2. Inspection and stamping of hides and leather.**

9 ~~City and town inspectors of hides and leather shall examine and inspect all hides and leather~~
10 ~~which they may be called upon to inspect, within their towns or cities, and stamp upon the inspected~~
11 ~~hides or leather their quality, as rated in the hides and leather trade, together with the name of the~~
12 ~~inspector and date of inspection.~~

13 **5-12-3. Inspection fees.**

14 ~~The fee of the inspector shall be at the rate of one dollar (\$1.00) per hour for each hour~~
15 ~~actually employed, paid by the person employing him or her; provided, that not more than five (5)~~
16 ~~hours shall be paid for by one employer for the same day.~~

17 **5-12-4. Misconduct by inspectors.**

18 ~~Every inspector appointed under the provisions of this chapter who willfully stamps any~~
19 ~~hides or leather as of a grade above or below that at which it is properly ratable, shall forfeit and~~
20 ~~pay a penalty of one hundred dollars (\$100) and is liable to an action at law for damages to any~~
21 ~~person injured from the action.~~

22 SECTION 4. Sections 5-65-1, 5-65-3, 5-65-7.1, 5-65-10, 5-65-15, 5-65-15.1 and 5-65-20
23 of the General Laws in Chapter 5-65 entitled "Contractors' Registration and Licensing Board" are
24 hereby amended to read as follows:

25 **5-65-1. Definitions.**

26 As used in this chapter:

27 (1) "Board" means the contractors' registration and licensing board established pursuant to
28 the provisions of § 5-65-14 or its designees.

29 (2) "Claim for retainage" means an allegation that a person seeking payment of retainage
30 breached the person's contract for the project; provided, however, that a "claim" related to a project
31 with a contract value of not less than two hundred fifty thousand dollars (\$250,000) shall be subject
32 to the applicable dispute resolution procedure, notice, and other requirements in the contract for
33 construction.

34 (3) "Commission" means the building code commission supportive of the contractors'

1 registration and licensing board.

2 (4)(i) "Contractor" means a person who, in the pursuit of an independent business,
3 undertakes or offers to undertake or submits a bid, or for compensation and with or without the
4 intent to sell the structure arranges to construct, alter, repair, improve, move over public highways,
5 roads, or streets or demolish a structure or to perform any work in connection with the construction,
6 alteration, repair, improvement, moving over public highways, roads, or streets or demolition of a
7 structure, and the appurtenances thereto. For the purposes of this chapter, "appurtenances" includes
8 the installation, alteration, or repair of wells connected to a structure consistent with chapter 13.2
9 of title 46. "Contractor" includes, but is not limited to, any person who purchases or owns property
10 and constructs, or for compensation arranges for the construction of, one or more structures.

11 (ii) A certificate of registration is necessary for each "business entity" regardless of the fact
12 that each entity may be owned by the same individual.

13 (5) "Contract for construction" means a contract for which a lien may be established under
14 chapter 28 of title 34 or for state or municipal public works projects as defined in title 37 on a
15 project for which the person on whose contract with the project owner has an original contract price
16 of not less than two hundred fifty thousand dollars (\$250,000); provided, however, that "contract
17 for construction" shall not include a project containing, or designed to contain, at least one, but not
18 more than four (4), dwelling units.

19 (6) "Deliverable" means a project close-out document that shall be submitted by the person
20 seeking payment of retainage under the person's contract for construction; provided, however, that
21 a lien waiver or release, which is a deliverable, shall comply with chapter 28 of title 34; provided,
22 further, that "deliverable" shall not include any document affirming, certifying, or confirming
23 completion or correction of labor, materials, or other items furnished or incomplete or defective
24 work.

25 (7) "Dwelling unit" means a single unit providing complete independent living facilities
26 for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and
27 sanitation.

28 (8) "Hearing officer" means a person designated by the ~~executive director~~ [director of the](#)
29 [department of business regulation or the director's designee](#) to hear contested claims or cases,
30 contested enforcement proceedings, and contested administrative fines, in accordance with the
31 "administrative procedures act", chapter 35 of title 42.

32 (9) "Incomplete or defective work" means labor, materials, or any other item required for
33 full performance by a person seeking payment of retainage that remains to be furnished by the
34 person under the person's contract for construction or that has been furnished by the person but

1 requires correction, repair, further completion, revision, or replacement; provided, however, that
2 "incomplete or defective work" shall not include deliverables or labor, materials, or any other item
3 to be repaired or replaced after substantial or final completion pursuant to a warranty, guarantee,
4 or other contractual obligation to correct defective work after substantial or final completion.

5 (10) "Monetary damages" means the dollar amount required in excess of the contract
6 amount necessary to provide the claimant with what was agreed to be provided under the terms of
7 the contract reduced by any amount due and unpaid to the respondent inclusive of any and all
8 awards and restitution.

9 (11) "Person" means any natural person, joint venture, partnership, corporation, or other
10 business or legal entity who or that enters into a contract for construction.

11 (12) "Prime contractor" means a person who or that enters into a contract for construction
12 with the project owner.

13 (13) "Retainage" means a portion or percentage of a payment due pursuant to a contract
14 for construction that is withheld to ensure full performance of the contract for construction.

15 (14) "Staff" means ~~the executive director for the contractors' registration and licensing~~
16 ~~board, and~~ any ~~other~~ staff necessary to carry out the powers, functions, and duties of the board
17 including inspectors, hearing officers, and other supportive staff.

18 (15) "State" means the state of Rhode Island.

19 (16) "Structure" means (i) Any commercial building; or (ii) Any building containing one
20 or more residences and their appurtenances. The board's dispute resolution process shall apply only
21 to residential structures containing dwelling units, as defined in the state building code, or
22 residential portions of other types of buildings without regard to how many units any structure may
23 contain. The board retains jurisdiction and may conduct hearings regarding violations against all
24 contractors required to be registered or licensed by the board.

25 (17) "Substantially" means any violation that affects the health, safety, and welfare of the
26 general public.

27 (18) "Substantial completion" means the stage in the progress of the project when the work
28 required by the contract for construction with the project owner is sufficiently complete in
29 accordance with the contract for construction so that the project owner may occupy or utilize the
30 work for its intended use; provided, further, that "substantial completion" may apply to the entire
31 project or a phase of the entire project if the contract for construction with the project owner
32 expressly permits substantial completion to apply to defined phases of the project.

33 **5-65-3. Registration for work on a structure required of contractor -- Issuance of**
34 **building permits to unregistered or unlicensed contractors prohibited -- Evidence of activity**

1 **as a contractor -- Duties of contractors.**

2 (a) A person shall not undertake, offer to undertake, or submit a bid to do work as a
3 contractor on a structure or arrange to have work done unless that person has a current, valid
4 certificate of registration for all construction work issued by the board. A partnership, corporation,
5 or joint venture may do the work; offer to undertake the work; or submit a bid to do the work only
6 if that partnership, corporation, or joint venture is registered for the work. In the case of registration
7 by a corporation or partnership, an individual shall be designated to be responsible for the
8 corporation's or partnership's work. The corporation or partnership and its designee shall be jointly
9 and severally liable for the payment of the registration fee, as required in this chapter, and for
10 violations of any provisions of this chapter. Disciplinary action taken on a registration held by a
11 corporation, partnership, or sole proprietor may affect other registrations held by the same
12 corporation, partnership, or sole proprietorship, and may preclude future registration by the
13 principal of that business entity.

14 (b) A registered partnership or corporation shall notify the board in writing immediately
15 upon any change in partners or corporate officers.

16 (c) A city, town, or the state shall not issue a building permit to anyone required to be
17 registered under this chapter who does not have a current, valid certificate of registration
18 identification card or valid license that shall be presented at the time of issuance of a permit and
19 shall become a condition of a valid permit. Each city, town, or the state that requires the issuance
20 of a permit as a condition precedent to construction, alteration, improvement, demolition,
21 movement, or repair of any building or structure or the appurtenance to the structure shall also
22 require that each applicant for the permit file, as a condition to issuing the permit, ~~a written affidavit~~
23 ~~subject to the penalties of perjury, subscribed by the applicant, that the applicant~~ is registered under
24 the provisions of this chapter, giving the number of the registration and stating that the registration
25 is in full force and effect, or, if the applicant is exempt from the provisions of this chapter, listing
26 the basis for the exemption. The city, town, or the state shall list the contractor's registration number
27 on the permit obtained by that contractor, and if a homeowner is issued a permit, the building
28 inspector or official must ascertain registration numbers of each contractor on the premises and
29 shall inform the registration board of any non-registered contractors performing work at the site.

30 (d) Every city and town that requires the issuance of a business license as a condition
31 precedent to engaging, within the city or town, in a business that is subject to regulation under this
32 chapter, shall require that each licensee and each applicant for issuance or renewal of the license
33 file, or has on file, with the city or town a signed statement that the licensee or applicant is registered
34 under the provisions of this chapter and stating that the registration is in full force and effect.

1 (e) It shall be prima facie evidence of doing business as a contractor when a person for that
2 person's own use performs, employs others to perform, or for compensation and with the intent to
3 sell the structure, arranges to have performed any work described in § 5-65-1(4) if within any one
4 twelve-month (12) period that person offers for sale one or more structures on which that work was
5 performed.

6 (f) Registration under this chapter shall be prima facie evidence that the registrant conducts
7 a separate, independent business.

8 (g) The provisions of this chapter shall be exclusive and no city or town shall require or
9 shall issue any registrations or licenses nor charge any fee for the regulatory registration of any
10 contractor registered with the board. Nothing in this subsection shall limit or abridge the authority
11 of any city or town to license and levy and collect a general and nondiscriminatory license fee
12 levied upon all businesses, or to levy a tax based upon business conducted by any firm within the
13 city or town's jurisdiction, if permitted under the laws of the state.

14 (h)(1) Every contractor shall maintain a list that shall include the following information
15 about all subcontractors or other contractors performing work on a structure for that contractor:

16 (i) Names and addresses; and

17 (ii) Registration numbers or other license numbers.

18 (2) The list referred to in subsection (h)(1) of this section shall be delivered to the board
19 within twenty-four (24) hours after a request is made during reasonable working hours, or a fine of
20 twenty-five dollars (\$25.00) may be imposed for each offense.

21 (i) The following subcontractors who are not employees of a registered contractor must
22 obtain a registration certificate prior to conducting any work: (1) Carpenters, including finish
23 carpenters and framers; (2) Siding installers; (3) Roofers; (4) Foundation installers, including
24 concrete installers and form installers; (5) Drywall installers; (6) Plasterers; (7) Insulation installers;
25 (8) Ceramic tile installers; (9) Floor covering installers; (10) Swimming pool installers, both above
26 ground and in ground; (11) Masons, including chimney installers, fireplace installers, and general
27 masonry erectors. This list is not all inclusive and shall not be limited to the above-referenced
28 contractors. No subcontractor licensed by another in-state agency pursuant to § 5-65-2 shall be
29 required to register, provided that said work is performed under the purview of that license.

30 (j) A contractor including, but not limited to, a general contractor, shall not hire any
31 subcontractor or other contractor to work on a structure unless the contractor is registered under
32 this chapter or exempt from registration under the provisions of § 5-65-2.

33 (k) A summary of this chapter, prepared by the board and provided at cost to all registered
34 contractors, shall be delivered by the contractor to the owner when the contractor begins work on

1 a structure; failure to comply may result in a fine.

2 (l) The registration number of each contractor shall appear in any advertising by that
3 contractor. Advertising in any form by an unregistered contractor shall be prohibited, including
4 alphabetical or classified directory listings, vehicles, business cards, and all other forms of
5 advertisements. The violations could result in a penalty being assessed by the board per
6 administrative procedures established.

7 (i) The board may publish, revoke, or suspend registrations and the date the registration
8 was suspended or revoked on a quarterly basis.

9 (ii) Use of the word "license" in any form of advertising when only registered may subject
10 the registrant or those required to be registered to a fine of one hundred dollars (\$100) for each
11 offense at the discretion of the board.

12 (m) The contractor must see that permits required by the state building code are secured on
13 behalf of the owner prior to commencing the work involved. The contractor's registration number
14 must be affixed to the permit as required by the state building code.

15 (n) The board may assess an interest penalty of twelve percent (12%) annually when a
16 monetary award is ordered by the board.

17 (o) All work performed, including labor and materials, in excess of one thousand dollars
18 (\$1,000) shall be accompanied by a contract in writing. Contracts required pursuant to this
19 subsection shall include a location on or near the signature line location on or in which the parties
20 to the contract shall initial to evidence the receipt of certain consumer education materials or
21 information approved and provided by the board to the contractor. The educational materials and/or
22 information shall include, but not be limited to, the following notice and shall be provided by the
23 contractor to the homeowner:

24 NOTICE OF POSSIBLE MECHANIC'S LIEN

25 To: Insert name of owner, lessee or tenant, or owner of less than the simple fee.

26 The undersigned is about to perform work and/or furnish materials for the construction,
27 erection, alterations or repair upon the land at (INSERT ADDRESS) under contract with you. This
28 is a notice that the undersigned and any other persons who provide labor and materials for the
29 improvement under contract with the undersigned may file a mechanic's lien upon the land in the
30 event of nonpayment to them. It is your responsibility to assure yourself that those other persons
31 under contract with the undersigned receive payment for their work performed and materials
32 furnished for the construction, erection, alteration or repair upon the land. Failure to adhere to the
33 provisions of this subsection may result in a one-thousand-dollar (\$1,000) fine against the
34 contractor and shall not affect the right of any other person performing work or furnishing materials

1 of claiming a lien pursuant to chapter 28 of title 34. However, such person failing to provide such
2 notice shall indemnify and hold harmless any owner, lessee or tenant, or owner of less than the fee
3 simple from any payment or costs incurred on account of any liens claims by those not in privity
4 with them, unless such owner, lessee or tenant, or owner of less than the fee simple shall not have
5 paid such person.

6 (p) Contracts entered into must contain notice of right of rescission as stipulated in all
7 pertinent Rhode Island consumer protection laws and/or § 5-65-27 if applicable.

8 (q) The contractor must stipulate whether or not all the proper insurances are in effect for
9 each job contracted.

10 (r) Contractors who are in compliance with the provisions of this subsection shall be
11 exempt from the requirements of § 34-28-4.1.

12 (s) In addition to the requirements of this chapter, contractors engaged in well drilling
13 activities shall also be subject to regulations pertaining to licensing and registration promulgated
14 by the contractors' registration and licensing board pursuant to chapter 65.2 of this title and § 46-
15 13.2-4.

16 **5-65-7.1. Notice of cancellation or failure to renew policies.**

17 Upon the cancellation or failure to renew, the insurance company having written a liability
18 policy, as described in § 5-65-7, shall notify ~~the director of~~ the contractors' registration [and](#)
19 [licensing](#) board of the cancellation or failure to renew. The policy shall continue in effect until ten
20 (10) days after written notice of the cancellation is given to ~~the director of~~ the contractors'
21 registration [and licensing](#) board of the cancellation or termination of the liability policy by the
22 issuing insurance company or companies in addition to any other notices which may be required
23 by law. Any insurance company that fails to notify the ~~director~~ [contractors' registration and](#)
24 [licensing board](#), as required in this section shall be subject to prosecution for a misdemeanor and
25 upon conviction of that offense may be punished by a fine of not more than two hundred fifty
26 dollars (\$250) for each offense and shall be responsible for any claims, fines or penalties from any
27 parties resulting from lack of notice. All criminal actions for any violation of this section shall be
28 prosecuted by the attorney general. The attorney general shall prosecute actions to enforce the
29 payment penalties and fines at the request of the director [of the department of business regulation](#)
30 [or the director's designee](#).

31 **5-65-10. Grounds for discipline -- Injunctions.**

32 (a) The board or commission may revoke, suspend, or refuse to issue, reinstate, or reissue
33 a certificate of registration if the board or commission determines after notice and opportunity for
34 a hearing:

- 1 (1) That the registrant or applicant has violated § 5-65-3.
- 2 (2) That the insurance required by § 5-65-7 is not currently in effect.
- 3 (3) That the registrant, licensee or applicant has engaged in conduct as a contractor that is
4 dishonest or fraudulent that the board finds injurious to the welfare of the public.
- 5 (4) Has violated a rule or order of the board.
- 6 (5) That the registrant has knowingly assisted an unregistered person to act in violation of
7 this chapter.
- 8 (6) That a lien was filed on a structure under chapter 28 of title 34 because the registrant or
9 applicant wrongfully failed to perform a contractual duty to pay money to the person claiming the
10 lien.
- 11 (7) That the registrant has substantially violated state or local building codes.
- 12 (8) That the registrant has made false or fraudulent statements on his or her application.
- 13 (9) That a registrant has engaged in repeated acts in violation of this chapter and the board's
14 rules and regulations inclusive of substandard workmanship and any misuse of registration.
- 15 (10) The board may take disciplinary action against a contractor who performed work or
16 arranged to perform, while the registration was suspended, invalidated or revoked. Deposits
17 received by a contractor and ordered returned are not considered a monetary award when no
18 services or supplies have been received.
- 19 (11) That the registrant breached a contract.
- 20 (12) That the registrant performed negligent and/or improper work.
- 21 (13) That the registrant has advertised with a license number instead of using a registration
22 number.
- 23 (14) That the registrant has failed to complete a project(s) for construction or a willful
24 failure to comply with the terms of a contract or written warranty.
- 25 (15) That the registrant has misrepresented his registration status as valid when said
26 registration is suspended, revoked, invalidated, inactive or unregistered as required by the board.
- 27 (16) That the registrant has failed to pay a fine or comply with any order issued by the
28 board.
- 29 (17) That the registrant has failed to obtain or maintain the required continuing
30 education/units required by the board, or failed to sign the ~~affidavit~~ [statement](#) required by the board
31 for registration or renewal.
- 32 (18) When a violation for hiring a non-registered contractor, working as a non-registered
33 contractor, or not maintaining the insurance required is issued, the registration may become
34 invalidated until the violation is resolved or hearing is requested on this offense.

1 (19) That the registrant has violated any of the provisions of chapters 25-3, 28-3, 28-12,
2 28-14, 28-36, 28-50, and/or 37-13. A finding that the registrant has violated any of those chapters
3 shall not be grounds for imposition of a monetary penalty under subsection (c) below.

4 (b) In addition to all other remedies, when it appears to the board that a person has engaged
5 in, or is engaging in, any act, practice or transaction which violates the provisions of this chapter,
6 the board may direct the attorney general to apply to the court for an injunction restraining the
7 person from violating the provisions of this chapter. An injunction shall not be issued for failure to
8 maintain the list provided for in § 5-65-3(h) unless the court determines that the failure is
9 intentional.

10 (c)(1) For each first violation of a particular section of this chapter or any rule or regulation
11 promulgated by the board, a fine not to exceed five thousand dollars (\$5,000) may be imposed after
12 a hearing by the board. Provided, further, that the board at its discretion may, after a hearing, impose
13 an additional fine up to but not to exceed the face value of the contract or the actual damages caused
14 by the contractor, whichever shall be greater. Where the claim is for actual damages the board shall
15 require proof satisfactory to the board indicating said damages. Where corrective work is completed
16 as ordered by the board, the fine assessed may be reduced as determined by the board. Fines and
17 decisions on claims or violations inclusive of monetary awards can be imposed against registered
18 as well as contractors required to be registered by the board.

19 (2) For each subsequent violation of a particular subsection of this chapter or of a rule or
20 regulation promulgated by the board, a fine not to exceed ten thousand dollars (\$10,000) may be
21 imposed after a hearing by the board. All fines collected by the board shall be deposited as general
22 revenues until June 30, 2008 to be used to enforce the provisions of this chapter. Beginning July 1,
23 2008, all fines collected by the board shall be deposited into a restricted receipt account to be used
24 to enforce the provisions of this chapter.

25 (3) For the first violation of § 5-65-3, only for non-registered contractors, a fine of up to
26 five thousand dollars (\$5,000) for a first offense and up to ten thousand dollars (\$10,000) for each
27 subsequent offense shall be imposed.

28 (d) The hearing officer, upon rendering a conclusion may require the registrant, in lieu of
29 a fine, to attend continuing education courses as appropriate. Failure to adhere to the requirement
30 could result in immediate revocation of registration.

31 (e) The expiration of a registration by operation of law or by order or decision of the board
32 or a court, or the voluntary surrender of registration by the registrant, does not deprive the board of
33 jurisdiction, an action or disciplinary proceeding against the registrant or to render a decision
34 suspending or revoking a registration.

1 (f) In emergency situations, when a registrant is acting to the detriment of the health,
2 welfare and safety of the general public, the ~~board's executive~~ director [of the department of business](#)
3 [regulation or the director's designee](#) may revoke or suspend a registration without a hearing for just
4 cause for a period of thirty (30) days.

5 (g) A registrant may petition the board to partially or completely expunge his or her record
6 provided that notice of said expungement proceedings has been provided to the claimant who was
7 the subject of the violation. For purposes of this subsection "notice" shall consist of a mailing to
8 the last known address of the claimant and need not be actual notice.

9 (h) Any person or contractor, registered or not, who uses another contractor's registration,
10 contractor's registration identification card, or allows another person to use their contractor's
11 registration fraudulently in any way, will be subject to a fine not exceeding ten thousand dollars
12 (\$10,000).

13 (i) When the use of fraudulent advertising entices an individual to hire an unregistered
14 contractor, a fine of up to ten thousand dollars (\$10,000) may be imposed by the board.

15 (j) It shall be unlawful to retain a social security number or copy of the driver's license from
16 a registrant by a building official as a condition of obtaining a permit.

17 (k) The board is further authorized upon certain findings or violations to:

18 (1) Put a lien on property held by a contractor.

19 (2) Take action on registrant when the continuing education requirements have failed to be
20 attained as required in rules and regulations.

21 (3) When upon investigation a complaint reveals: serious code infractions; unsatisfied
22 mechanic's liens; abandonment of a job for a substantial period of time without apparent cause; or
23 any other conduct detrimental to the public, the board can double the fines.

24 (4) Suspend, revoke or refuse to issue, reinstate or reissue a certificate of registration to
25 any registrant who has contracted, advertised, offered to contract or submitted a bid when the
26 contractor's registration is suspended, revoked, invalidated or inactive or unregistered as required
27 by the board.

28 (l) No person shall register as a contractor with the contractors' registration board for the
29 purpose of deceiving or circumventing the registration process by enabling a person whose
30 registration has been suspended or revoked to conduct business. Provided, further, that any person
31 who, in good faith relies on the board or the contractor's registration website for information
32 regarding registration status of another shall be exempt from violations pursuant to this section if
33 the information is not correct. Violators of this section shall be jointly and individually liable for
34 damages resulting from their activities as contractors pursuant to this chapter. Violations of this

1 subsection may result in a revocation of registration and/or fines not to exceed ten thousand dollars
2 (\$10,000) and/or up to one year in jail. Furthermore, the director [of the department of business](#)
3 [regulation or the director's designee](#) shall require that all applicants for registration shall ~~swear by~~
4 ~~way of affidavit~~ [sign a statement](#) that they are aware of this provision and its implications.

5 (m) Upon receipt of notice of a final determination, after the exhaustion of all appeals, by
6 the department of labor and training, consent agreement, or court order that a registered contractor
7 violated any of the provisions of chapters 25-3, 28-3, 28-12, 28-14, 28-36, 28-50, and/or 37-13 and
8 owes any wages, benefits or other sums arising out of such violation, the board shall immediately
9 suspend the contractor's registration of such contractor in accordance with this subsection. The
10 suspension shall continue until all wages, benefits, or other sums owed have been paid or the
11 contractor has entered into a written, binding agreement to pay the same acceptable to the
12 department of labor and training and is not in default in payment under such agreement. If the
13 contractor fails to remain current in payment under any such agreement, the department of labor
14 and training shall notify the contractors' registration board and the suspension shall be imposed or
15 reinstated as the case may be. The foregoing sanction is mandatory, but shall not be grounds for
16 imposition of a monetary penalty under subsection (c) above.

17 (n) When the registration of a contractor has been revoked or suspended, neither the
18 contractor nor any successor entity or sole proprietorship that: (1) Has one or more of the same
19 principals or officers as the partnership, limited partnership, limited liability partnership, joint
20 venture, limited liability company, corporation, or sole proprietorship as the subject contractor; and
21 (2) Is engaged in the same or equivalent trade or activity shall be qualified to register or retain a
22 registration as a contractor under this chapter, unless and until the board shall determine that the
23 basis of the revocation or suspension has been satisfied or removed and that the registrant or
24 applicant otherwise satisfies the requirements for registration under this chapter. Notwithstanding
25 the foregoing, a natural person may obtain relief from the application and enforcement of this
26 subsection as to him or her, if he or she can establish that he or she was not responsible for, and did
27 not acquiesce to the misconduct which is the basis of the revocation, suspension or denial of
28 registration.

29 **5-65-15. Officers -- Quorum -- Compensation and expenses.**

30 (a) The board shall select from among its members a chairperson, a vice chairperson and
31 any other officers for the terms and with the duties and powers necessary for the performance of
32 their duties that the board determines.

33 (b) A majority of the members of the board shall constitute a quorum for the transaction of
34 business.

1 (c) The board shall have ~~an executive director~~ a member of staff who shall attend all
2 meetings and shall direct the conduct of any investigation which may be necessary in the
3 preparation of any hearing. ~~The executive director shall be a member of the classified service on~~
4 ~~the staff of the state building commissioner and shall be compensated as appropriate for the required~~
5 ~~expertise.~~

6 **5-65-15.1. Staff.**

7 (a) The state building code commission shall provide the board with appropriate staff,
8 including hearing officials and investigators, who shall perform their duties under the
9 administrative supervision of the ~~executive~~ director of the department of business regulation or the
10 director's designee.

11 (b) The board may delegate the powers, functions and duties to the provided staff.

12 **5-65-20. Administrative hearings.**

13 (a) Contested claims or cases, contested enforcement proceedings, and contested
14 administrative fines shall be heard, in accordance with the Administrative Procedures Act, chapter
15 35 of title 42, and the administrative regulations promulgated by the board, by the hearings
16 officer(s) assigned by the ~~executive~~ director of the department of business regulation or the
17 director's designee ~~of the board.~~

18 (b) The board has jurisdiction to hear appeals from decisions of the hearing officer(s), and
19 may by regulation impose a filing fee, not to exceed twenty dollars (\$20.00), for any appeal.

20 (c) Notwithstanding the preceding, the ~~executive~~ director of the department of business
21 regulation or the director's designee ~~for the board~~ is authorized to resolve contested enforcement
22 or claim proceedings through informal disposition pursuant to regulations promulgated by the
23 board.

24 SECTION 5. Section 5-65.2-3 of the General Laws in Chapter 5-65.2 entitled "Rhode
25 Island Well-Drilling, Pump Installers, and Water-Filtration Contractors Licensing Law" is hereby
26 amended to read as follows:

27 **5-65.2-3. Licensing procedure.**

28 (a) In addition to the provisions of chapter 65 of title 5, the contractors' registration and
29 licensing board is authorized to establish a program to license well-drilling contractors, pump
30 installers, water-filtration/treatment-system contractors, and water-filtration/treatment-system
31 installers to ensure persons performing well-drilling work, pump installation, and residential water-
32 filtration/treatment-system installation as properly qualified to conduct the work. On or before
33 January 1, 2017, the board shall promulgate regulations to establish a licensing program that
34 provides for appropriate categories of work to ensure proper qualifications pertaining to the use of

1 different equipment and approaches to construct, install, repair, alter, or remove wells, well pumps,
2 water-supply systems, residential water-treatment/supply systems, and water-filtration systems,
3 and that will allow well-drilling contractors, pump installers, or residential water-
4 filtration/treatment-system contractors and residential water-filtration/treatment-system installers,
5 as described herein, to fulfill the relevant requirements of chapter 65 of title 5 through the licensing
6 program. Upon promulgation of applicable regulations, the license issued by the board to a
7 contractor shall serve to fulfill the contractor registration requirements of chapter 65 of title 5.

8 (b) Pursuant to board regulations, all persons seeking to be licensed as a well-drilling
9 contractor, pump installer, residential water-filtration/treatment-system contractor, or residential
10 water-filtration/treatment-system installer as defined herein shall submit an application to the
11 contractors' registration and licensing board on the form or forms that the board requires. As
12 specified by the board, the application shall include the following information:

- 13 (1) The name of the applicant;
- 14 (2) The business address of the applicant;
- 15 (3) The mailing address of the applicant;
- 16 (4) The telephone number of the applicant;
- 17 (5) Any registration number and/or other license numbers issued by the state, or any city
18 or town;
- 19 (6) A statement of the skills, training, and experience of the applicant sufficient to ensure
20 public safety, health and welfare; and
- 21 (7) Agent of service for out-of-state contractors.

22 (c) To be eligible for licensure as a well-drilling contractor, pump installer, residential
23 water-filtration/treatment-system contractor, or residential water-filtration/treatment-system
24 installer, an applicant shall also fulfill the following requirements:

- 25 (1) ~~Be of good moral character;~~
- 26 (3 2) Pass appropriate examinations approved or administered by the contractors'
27 registration and licensing board, unless otherwise exempted in accordance with § 5-65-3(g), and
28 has met all the requirements of the rules and regulations established by the board;
- 29 (4 3) Be in good standing with the contractors' registration and licensing board;
- 30 (4) Take five (5) hours continuing education per year as set forth and recognized by the
31 contractors' registration and licensing board.

32 (d) The contractors' registration and licensing board is authorized to adopt rules and
33 regulations pursuant to the Administrative Procedures Act, chapter 35 of title 42, necessary to
34 effectuate the purpose of this chapter. Rules and regulations shall provide a fine schedule, which

1 will establish grounds for discipline for license holders or non-licensed contractors. Fines shall be
2 structured not to exceed five thousand (\$5,000) dollars per day, per offense for conduct injurious
3 to the welfare of the public, as well as those required pursuant to § 5-65-10.

4 (e) Any person applying for a license or registration and making any material misstatement
5 as to his or her experience or other qualifications, or any person, firm, or corporation subscribing
6 to or vouching for any misstatement, shall be subject to the discipline and penalties provided in §
7 5-65-10.

8 (f) No corporation, firm, association, or partnership shall engage in the business of well
9 drilling, pump installation, water-filtration/treatment-system contracting, or represent itself as a
10 well-drilling contractor, pump installer, or water-filtration/treatment-system contractor, unless a
11 licensed well-drilling contractor, pump installer, or water-filtration/treatment-system contractor, as
12 provided in this chapter, is continuously engaged in the supervision of its well-drilling, pump-
13 installing, or water-filtration/treatment-system contracting work. If the license holder dies or
14 otherwise becomes incapacitated, the corporation, firm, or association shall be allowed to continue
15 to operate until the next examination shall be given or such times as the board shall see fit. In no
16 event, shall the corporation, firm, association, or partnership continue to operate longer than twelve
17 (12) months or in accordance with the board's established rules and regulations without satisfying
18 the license requirements of this chapter.

19 (g) Those well-drilling contractors who were previously registered with the department of
20 environmental management, and remain in good standing as of December 31, 2012, and that were
21 previously exempted from fulfilling the testing requirements required for registration by the
22 department, shall also be exempt from the testing requirements set forth in this chapter.

23 (h) Prior to January 1, 2018, the authority shall, without examination, upon receipt of the
24 fees required in this chapter, issue through the contractors' registration and licensing board a
25 residential water-filtration/treatment-system installer's license to any applicant who shall present
26 satisfactory evidence that they have the qualifications for the type of license applied for. After
27 January 1, 2018, in order to qualify for a residential water-filtration/treatment installer's license the
28 eligible individual shall be required to pass a written examination and show proof as required by
29 the contractors' registration and licensing board of their eligibility.

30 (i) Satisfactory evidence shall be any of the following that is applicable:

31 (1) The applicant must have been employed by a contractor registered with the contractors'
32 registration and licensing board to do business designating water-filtration/treatment-system
33 installation and/or service as a service provided for the previous one year and been actively engaged
34 in the installation and servicing of water-filtration/treatment systems during that time period; or

1 (2) ~~Notarized confirmation~~ Confirmation by three (3) water-filtration/treatment-system
2 contractors that the applicant has the requisite training and experience to be licensed under this act.

3 (j) Prior to January 1, 2018, the authority shall, without examination, upon receipt of the
4 fees required in this chapter, issue through the contractors' registration and licensing board, a
5 residential water-filtration/treatment-system contractor's license to any applicant who shall present
6 satisfactory evidence that they have the qualifications for the type of license applied for. After
7 January 1, 2018, in order to qualify for a residential water-filtration/treatment contractor's license,
8 the eligible contractor shall be required to pass a written examination and show proof, as required
9 by the contractors' registration and licensing board, of their eligibility.

10 (k) Satisfactory evidence shall be any of the following that is applicable:

11 (1) The owner or owners of an enterprise must have been active in water filtration for the
12 previous two (2) years; or

13 (2) The contractor has been previously registered with the contractors' registration and
14 licensing board to do business designating water-filtration/treatment system installation and/or
15 service as a provided service; or

16 (3) ~~Notarized confirmation~~ Confirmation by three (3) water-filtration/treatment-system
17 contractors that the applicant has the requisite training and experience to be licensed under this act.

18 SECTION 6. Section 5-71-8 of the General Laws in Chapter 5-71 entitled "Licensure of
19 Interpreters for the Deaf" is hereby amended to read as follows:

20 **5-71-8. Qualifications of applicants for licenses.**

21 (a) To be eligible for licensure by the board as an interpreter for the deaf or transliterator,
22 the applicant must submit written evidence on forms furnished by the department, ~~verified by oath,~~
23 that the applicant meets all of the following requirements:

24 (1) Is of good moral character;

25 (2) Meets the screened requirements as defined in regulations promulgated by the
26 department or meets the certification requirements set forth by RID or its successor agency
27 approved by the department in consultation with the board;

28 (3) Pays the department a license fee as set forth in § 23-1-54;

29 (4) Adheres to the National Association of the Deaf (NAD) and the Registry of Interpreters
30 for the Deaf, Inc., (RID) code of professional conduct; and

31 (5) Provides verification of a background check with the bureau of criminal investigation
32 in the office of attorney general at the time of the initial application for license.

33 (b) To be eligible for licensure by the board as an educational interpreter for the deaf, the
34 applicant must meet all of the requirements as described in subsection (a) and must further present

1 proof of successful completion of the educational interpreter performance assessment (EIPA),
2 written and performance tests, or a similar test as approved by the board, at a performance level
3 established by the board.

4 (c) An individual whose license, certification, permit, or equivalent form of permission
5 issued within another state has been revoked, suspended, or currently placed on probation shall not
6 be eligible for consideration for licensure unless they have first disclosed to the department about
7 such disciplinary actions.

8 SECTION 7. Section 5-73-3 of the General Laws in Chapter 5-73 entitled "Roofing
9 Contractors" is hereby amended to read as follows:

10 **5-73-3. Registration and licensing of roofing contractors.**

11 (a) All roofing contractors, in addition to the requirements of chapter 65 of this title entitled
12 "Contractor^s' Registration and Licensing Board", if applicable, prior to conducting roofing
13 business in the state of Rhode Island, shall first submit an application to and be licensed by the
14 contractor^s' registration and licensing board on the form or forms that the board requires. The
15 application shall include the following information:

- 16 (1) The name of the applicant;
- 17 (2) The business address of the applicant;
- 18 (3) The mailing address of the applicant;
- 19 (4) The telephone number of the applicant;
- 20 (5) The name of the party or officer who shall be responsible for all roofing activities
21 conducted in the state of Rhode Island;
- 22 (6) Any registration number and/or other license numbers issued by the state, or any city
23 or town; and
- 24 (7) A statement of the skills, training and experience of the applicant sufficient to ensure
25 public safety, health and welfare.

26 (b) Licensing requirements shall not apply to roofing contractors applying shingles only.

27 (c) To be eligible for licensure as a roofing contractor an applicant shall also fulfill the
28 following requirements:

- 29 (1) Be of good moral character;
- 30 (2) Pass an examination approved or administered by the contractors' registration and
31 licensing board or has previously been registered as a commercial roofer in good standing and has
32 met all the requirements of the rules and regulations established by the board;
- 33 (3) Be in good standing with the contractors' registration and licensing board;
- 34 ~~(4) All field personnel of the roofing contractor must have a current certificate of~~

1 ~~completion of the ten (10) hours OSHA safety course or equivalent thereof as determined by the~~
2 ~~contractors' registration and licensing board;~~

3 ~~(5)~~ (4) Take ten (10) hours continuing roofing education per ~~year~~ two-year licensing cycle
4 as set forth and recognized by the contractors' registration board;

5 ~~(6) Be bonded in the aggregate amount of the total dollar value of any contract entered into~~
6 ~~to perform roofing work; single project in the amount of one hundred thousand dollars (\$100,000)~~
7 ~~minimum; and~~

8 ~~(7)~~ (5) Provide the board with an insurance certificate in the amount of ~~one million five~~
9 ~~hundred thousand dollars (\$1,500,000)~~ two million dollars (\$2,000,000) per occurrence pursuant
10 to the established rules and regulations, with the board as the holder, from the date of issuance,
11 continuously.

12 (d)(1) The contractors' registration and licensing board is authorized to adopt rules and
13 regulations pursuant to the Administrative Procedures Act, chapter 35 of title 42, necessary to
14 effectuate the purposes of this chapter.

15 (2) Rules and regulations shall provide a fine schedule, which will establish grounds for
16 discipline for licensee holders or non-licensed contractors.

17 (3) Fines shall be structured not to exceed five thousand dollars (\$5,000) per day per
18 offense for conduct injurious to the welfare of the public as well as those required pursuant to § 5-
19 65-10.

20 (e) Any person applying for a license or registration and making any material misstatement
21 as to his or her experience or other qualifications, or any person, firm, or corporation subscribing
22 to or vouching for any misstatement shall be subject to the discipline and penalties provided in §
23 5-65-10.

24 (f) No corporation, firm, association, or partnership shall engage in the business of
25 commercial roofing or represent itself as a commercial roofing contractor unless a licensed
26 commercial roofer as provided in this chapter is continuously engaged in the supervision of its
27 commercial roofing work, provided that the commercial roofer is a general partner or an officer
28 and shareholder in the firm or corporation. If the license holder dies or otherwise becomes
29 incapacitated, the corporation, firm, or association shall be allowed to continue to operate until the
30 next examination shall be given or such times as the board shall see fit. In no event, shall the
31 corporation, firm, association, or partnership continue to operate longer than twelve (12) months
32 or in accordance with the board's established rules and regulations without satisfying the license
33 requirements of this chapter. Those roofers who have been registered with the board on July 1,
34 ~~2003~~ 2015, and remain in good standing, shall be exempt from the testing requirements set forth in

1 this chapter.

2 (g) Complaints filed with the board shall be heard only in regard to those issues so
3 established in the rules and regulations.

4 SECTION 8. Chapter 9-5 of the General Laws entitled "Writs, Summons and Process" is
5 hereby amended by adding thereto the following section:

6 **9-5-10.7. Penalties.**

7 Any constable who violates any of the provisions of this chapter or any regulations
8 promulgated hereunder pertaining to constables or any person who engages in activities requiring
9 certification as a constable without such certification shall be subject to payment of a civil penalty
10 not to exceed one thousand dollars (\$1,000) for each violation.

11 SECTION 9. Section 11-18-12 of the General Laws in Chapter 11-18 entitled "Fraud and
12 False Dealing" is hereby amended to read as follows:

13 **11-18-12. Injunction of false advertising.**

14 When it appears to the director of ~~business regulation~~ labor and training of the state of
15 Rhode Island that any person, firm, corporation, or association is violating any of the provisions of
16 § 11-18-10, the director of ~~business regulation~~ labor and training may cause to be instituted an
17 action, commenced in the name of the director of ~~business regulation~~ labor and training in his
18 capacity as director of ~~business regulation~~ labor and training, to enjoin the violation in the superior
19 court and the court shall have jurisdiction to enjoin and/or restrain any person, firm, corporation or
20 association from violating any of the provisions of § 11-18-10 without regard to whether criminal
21 proceedings have been or may be instituted.

22 SECTION 10. Section 23-19.14-4 of the General Laws in Chapter 23-19.14 entitled
23 "Industrial Property Remediation and Reuse Act" is hereby amended to read as follows:

24 **23-19.14-4. Objectives of environmental clean-up.**

25 (a) The department of environmental management will develop, maintain and publish
26 numerical objectives for the most commonly found hazardous substances. These objectives will be
27 applicable for the clean-up of contaminated properties to levels which are protective of human
28 health and the environment based on current and reasonably foreseeable future use of a property
29 and the surrounding natural resources. To further ensure the safety of school children while
30 attending school, the department of environmental management, shall:

31 (1) Adopt numerical objectives for properties dedicated to school use equivalent to the
32 numerical objectives set by the department for residential use of such properties;

33 (2) Evaluate chemicals of concern for vapor intrusion and adopt numerical objectives for
34 those contaminants in soil and groundwater where such standards do not already exist in regulation

1 and apply the numerical objectives for residential use established for said chemicals and petroleum
2 to properties dedicated to school use; and

3 (3) Develop and adopt procedures for determining whether levels of chemicals of potential
4 concern for vapor intrusion and petroleum in soil or groundwater pose a reasonable potential for
5 migration of contaminated vapors or gases into structures to be utilized as school facilities.

6 (b)(1) The construction of any new school building; or

7 (2) Construction of an addition to any existing school building; or

8 (3) Leasing of any portion of an existing building to serve as a school shall be prohibited
9 on any portion of a parcel of property for which, upon occupancy, there exists an ongoing potential
10 for hazardous materials and/or petroleum to migrate as vapors or gases into the building from the
11 subsurface of the parcel of property, unless:

12 (i) At a property where concentrations of chemicals of potential concern for vapor intrusion
13 or petroleum in the subsurface exceed the residential direct exposure criteria in soil, source areas
14 of said chemicals or petroleum within the vadose zone of the site that includes said property shall
15 be remediated:

16 (A) Through the physical removal of said chemicals or petroleum through excavation or in
17 situ treatment; and

18 (B) The school building shall be equipped with both a passive sub slab ventilation system
19 capable of conversion to an active system and a vapor barrier beneath the school building or
20 incorporated in the concrete slab, all in compliance with an approved department of environmental
21 management remedial action work plan and completed prior to the occupancy of the school;

22 (ii) At a property where concentrations of chemicals of potential concern for vapor
23 intrusion or petroleum in the subsurface do not exceed the residential direct exposure criteria in soil
24 but contamination exists on the property due to the presence of any chemicals of potential concern
25 for vapor intrusion or petroleum in groundwater, the department of environmental management
26 shall:

27 (A) Require the property's owner or operator to prepare a site specific conceptual site model
28 and conduct soil gas sampling to determine the location of the source area of said chemicals or
29 petroleum in the site's vadose zone;

30 (B) Evaluate the results of said model and sampling to determine if levels of any chemicals
31 of potential concern for vapor intrusion or petroleum could migrate as vapors or gases into the
32 occupied portions of the building where the school is proposed based on procedures developed
33 pursuant to this chapter; and

34 (C) Where [the department determines that the conceptual site model and environmental](#)

1 sampling demonstrates that there is a credible threat of ~~reasonable potential for~~ migration of
2 contaminated vapors or gases into the proposed school buildings ~~is determined to exist~~, the
3 department shall require remediation to eliminate said potential as follows:

4 (I) Where the source area is located on the site that includes said property, requiring the
5 physical removal of said chemicals or petroleum in the source area in the vadose zone through
6 excavation or in situ treatment; provided, the concentrations of said chemicals or petroleum in said
7 source area exceed the direct residential exposure criteria in soil; and

8 (II) Requiring the installation of both a passive sub slab ventilation system capable of
9 conversion to an active system and a vapor barrier beneath the school building or incorporated in
10 the concrete slab, all in compliance with an approved department of environmental management
11 remedial action work plan and completed prior to the occupancy of the school; and, provided
12 further, should monitoring of a passive sub-slab ventilation system indicate that active ventilation
13 is necessary to protect the health and safety of users of a school equipped with a passive system,
14 the department of environmental management shall require conversion of the passive system to an
15 active system along with financial assurances to provide for the funding of the operation and
16 monitoring of said active system for as long as active ventilation is deemed necessary by the
17 department.

18 (iii) At a property where concentrations of chemicals of potential concern for vapor
19 intrusion or petroleum in the subsurface do not exceed the residential direct exposure criteria in soil
20 on the site that includes said property, and where the department has determined that levels of any
21 chemicals of potential concern for vapor intrusion or petroleum will not present a reasonable
22 potential for migration of contaminated vapors or gases into structures to be utilized as school
23 facilities on the property, the property may be used for school purposes subject to any conditions
24 that the department of environmental management may impose pursuant to this chapter.

25 (c) The construction of any school building, or construction of an addition to any existing
26 school building, or leasing of any portion of an existing building to serve as a school on any portion
27 of a parcel of property formerly used for industrial, manufacturing or landfill purposes that is
28 contaminated by hazardous materials, shall be prohibited unless at least thirty (30) days prior to
29 selecting the location for construction or leasing the building the project sponsor undertakes all of
30 the following measures with ten (10) days prior written notice to the public of each measure
31 undertaken:

32 (1) Prepares and posts on the sponsor's website a written report that: (i) Projects the costs
33 to acquire or lease the property, and to cleanup and maintain the property in accordance with the
34 department of environmental management's Rules and Regulations for the Investigation and

1 Remediation of Hazardous Material Releases (the Remediation Regulations); (ii) Projects the time
2 period required to complete a cleanup of the property for school purposes prior to occupancy by
3 obtaining either an Interim Letter of Compliance, a Letter of Compliance or a Non-Jurisdictional
4 Letter indicating that the property is not jurisdictional under the Remediation Regulations of the
5 department of environmental management; (iii) Discusses the rationale for selecting the property
6 for use as school purposes and an explanation of any alternatives to selecting said property
7 considered by the project sponsor;

8 (2) Solicits written comments on the report prepared pursuant to subdivision (1) of this
9 subsection for a period of at least thirty (30) days after posting said report on the sponsors website
10 and conducts a public hearing during said thirty (30) day period at which public comment is taken
11 on said report; and

12 (3) Prepares a second written report that summarizes and responds to the public comments
13 received during the public comment period and at the public hearing and posts said second report
14 on the sponsor's website.

15 (d) The sponsor of any school project subject to the provisions of subsection (c) of this
16 section shall consider the results and findings contained in the reports required by subsection (c)
17 when selecting the location of said project.

18 (e) As used in this section.

19 (1) The term "school" means any residential or non-residential school building, public,
20 private or charter, of any city or town or community educational system regulated, directly or
21 secondarily, by the council on elementary and secondary education or the department of elementary
22 and secondary education or any other state education board or local city or town school board or
23 school committee or other legal educational subdivision acting under it. As used in this chapter, the
24 term "school or schools" includes, but is not limited to, school playgrounds, school administration
25 buildings, indoor school athletic facilities, school gymnasiums, school locker rooms, and similar
26 school buildings. A school shall not include any institutions for education of adults (e.g. colleges,
27 universities, graduate schools, trade schools) or child-care facilities as regulated by the department
28 of children, youth and families.

29 (2) The term "landfill" means for the purposes of this section, any portion of a parcel of
30 property that was used as a landfill as defined in § 23-19.1-4 or a sanitary landfill, dump or other
31 disposal area where more than thirty (30) cubic yards of solid waste was disposed.

32 (3) The term "hazardous materials" means any materials defined as hazardous materials
33 pursuant to § 23-19.14-3.

34 (4) The term "solid waste" means any materials defined as solid waste pursuant to § 23-

1 18.9-7.

2 (5) The term "chemicals of potential concern for vapor intrusion" means those chemicals
3 that the U.S. Environmental Protection Agency recommends for routine evaluation during vapor
4 intrusion assessments in said Agency's most recent guidance on the assessment of vapor intrusion
5 into indoor air from subsurface sources, and any other chemicals that the department of
6 environmental management may recommend for said routine evaluation.

7 (6) The term "source area" means the horizontal and vertical extent of natural or man-made
8 media impacted by a release of hazardous materials or causing a release of hazardous materials at
9 concentrations in excess of the numerical objectives developed pursuant to paragraph (a) of this
10 section.

11 (7) The term "vadose zone" means the full extent of the soil column existing above the
12 elevation of groundwater.

13 (8) The term "conceptual site model" means a written and/or illustrative representation of
14 the physical, chemical and biological processes that control the transport, migration and actual or
15 potential impacts of hazardous materials in soil, air, groundwater, surface water and/or sediments
16 to human and/or ecological receptors at a site.

17 (f) The provisions of this section shall not apply to the renovation or reconstruction of any
18 building for school purposes that was used continuously as a school for a period of at least twenty-
19 five (25) years where: (1) The footprint of the building after renovation or reconstruction does not
20 exceed more than five percent (5%) of the current footprint of the building; and (2) The site of the
21 building is not subject to a remedial action work plan approved by the department of environmental
22 management.

23 SECTION 11. Sections 23-26-7.1, 23-26-11 through 23-26-13, 23-26-15, 23-26-25
24 through 23-26-27, 23-26-30 and 23-26-31 Chapter 23-26 of the General Laws entitled "Bedding
25 and Upholstered Furniture" are hereby amended to read as follows:

26 **23-26-7.1. Sterilization, disinfection and disinfestation of bedding and materials.**

27 (a) No person shall sell, offer for sale or include in a sale any item of secondhand bedding
28 or any item of bedding of any type manufactured in whole or in part from secondhand material,
29 including their component parts or wiping rags, unless such material has been sterilized, disinfected
30 and cleaned, by a method approved by the department of business regulation; provided, further,
31 that any product used for sterilization or disinfection of secondhand bedding must be registered as
32 consumer and health benefit products and labeled for use on bedding and upholstered furniture by
33 the EPA in accordance with § 23-25-6 of this title. The department of business regulation shall
34 promulgate rules and regulations consistent with the provisions of this chapter.

1 (b) No person shall use in the manufacture, repair and renovation of bedding of any type
2 any material which has been used by a person with an infectious or contagious disease, or which is
3 filthy, oily or harbors loathsome insects or pathogenic bacteria.

4 (c) No person shall sell, or offer for sale or include in a sale any material or bedding which
5 under the provisions of this chapter or regulations requires treatment unless there is securely
6 attached in accordance with regulations, a yellow tag not less than twelve square inches in size,
7 made of substantial cloth or a material of equal quality. Upon the tag there shall be plainly printed,
8 in black ink, in the English language, a statement showing:

9 (1) That the item or material has been treated by a method approved by the department of
10 business regulation, and the method of treatment applied.

11 (2) The lot number and the tag number of the item treated.

12 (3) The ~~license~~ [registration](#) number of the person applying treatment.

13 (4) The name and address of the person for whom treated.

14 (d) The tag required by this section shall be in addition to any other tag required pursuant
15 to the provisions of this chapter. Holders of ~~licenses~~ [registrations](#) to apply sterilization, disinfection
16 or disinfestation treatment shall be required to keep an accurate record of all materials which have
17 been subjected to treatment, including the source of material, date of treatment, and the name and
18 address of the receiver of each. Such records shall be available for inspection at any time by
19 authorized representatives of the department.

20 (e) Violations of this section shall be punishable by a fine not to exceed five hundred dollars
21 (\$500).

22 **23-26-11. Counterfeit stamps and ~~permits~~ registrations.**

23 No person shall have in his or her possession or shall make, use, or sell any counterfeit or
24 colorable imitation of the inspection stamp or ~~permit~~ [registration](#) required by this chapter. Each
25 counterfeited or imitated stamp or ~~permit~~ [registration](#) made, used, sold, offered for sale, delivered,
26 or consigned for sale contrary to the provisions of this chapter shall constitute a separate offense.

27 **23-26-12. Sterilization ~~permits~~ registrations.**

28 Any sterilization process, before being used in connection with this chapter, must receive
29 the approval of the director. Every person, firm, or corporation desiring to operate the sterilization
30 process shall first obtain a numbered ~~permit~~ [registration](#) from the director and shall not operate the
31 process unless the ~~permit~~ [registration](#) is kept conspicuously posted in the establishment. Fee for
32 original ~~permit~~ [registration](#) shall be eighty-four dollars (\$84.00). Application for the ~~permit~~
33 [registration](#) shall be accompanied by specifications in duplicate, in such form as the director shall
34 require. Each ~~permit~~ [registration](#) shall expire one year from date of issue. Fee for annual renewal

1 of a sterilizing ~~permit~~ [registration](#) shall be one-half (1 / 2) the original fee.

2 **23-26-13. Contents of tag on bedding articles for sale.**

3 Every article of bedding made for sale, sold, or offered for sale shall have attached thereto
4 a tag which shall state the name of the material used, that the material used is new, or second-hand
5 and, when required to be sterilized, that the material has been sterilized, and the number of the
6 sterilizing ~~permit~~ [registration](#). The tag shall also contain the name and address of the maker or the
7 vendor and the registry number of the maker. All tags attached to new articles shall be legibly
8 stamped or marked by the retail vendor with the date of delivery to the customer.

9 **23-26-15. Contents of tag on shipments of filling material.**

10 Any shipment or delivery, however contained, of material used for filling articles of
11 bedding shall have firmly and conspicuously attached thereto a tag which shall state the name of
12 the maker, preparer or vendor, and the address of the maker, preparer, or vendor, the name of the
13 contents and whether the contents are new or second-hand, and, if sterilized, the number of the
14 sterilizing ~~permit~~ [registration](#).

15 **23-26-25. Rules, regulations, and findings -- Suspension or revocation of ~~permits~~**
16 **registrations. [Effective until July 1, 2019.]**

17 The director is hereby authorized and empowered to make general rules and regulations
18 and specific rulings, demands, and findings for the enforcement of this chapter, in addition hereto
19 and not inconsistent herewith. The director may suspend or revoke any ~~permit-or~~ registration for
20 violation of any provision of this chapter, or any rule, regulation, ruling, or demand made pursuant
21 to the authority granted by this chapter.

22 **23-26-25. Rules, regulations, and findings -- Suspension or revocation of ~~permits~~**
23 **registrations. [Effective July 1, 2019.]**

24 (a) The director is hereby authorized and empowered to make general rules and regulations
25 and specific rulings, demands, and findings for the enforcement of this chapter, in addition hereto
26 and not inconsistent herewith. The director may suspend or revoke any ~~permit-or~~ registration for
27 violation of any provision of this chapter, or any rule, regulation, ruling, or demand made pursuant
28 to the authority granted by this chapter.

29 (b) The director of the department of health shall investigate and enforce the provisions of
30 § 23-26-3.1, and promulgate rules and regulations deemed necessary to enforce it.

31 **23-26-26. Appeal of director's decisions.**

32 Any person aggrieved by the action of the director in denying an application for a ~~permit~~
33 ~~or-for~~ registration, or in revoking or suspending any permit or registration, or by any order or
34 decision of the director, shall have the right to appeal to the supreme court and the procedure in

1 case of the appeal shall be the same as that provided in § 42-35-15.

2 **23-26-27. Penalty for violations. [Effective until July 1, 2019.]**

3 Any person who:

4 (1) Makes, remakes, renovates, sterilizes, prepares, sells, or offers for sale, exchange, or
5 lease any article of bedding as defined by § 23-26-1, not properly tagged as required by this chapter;

6 or

7 (2) Uses in the making, remaking, renovating, or preparing of the article of bedding or in
8 preparing cotton or other material therefor which has been used as a mattress, pillow, or bedding
9 in any public or private hospital, or which has been used by or about any person having an infectious
10 or contagious disease, and which after such use has not been sterilized and approved for use, by the
11 director of business regulation; or

12 (3) Counterfeits or imitates any stamp or ~~permit~~ [registration](#) issued under this chapter shall
13 be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or
14 by imprisonment for not more than six (6) months or both.

15 **23-26-27. Penalty for violations. [Effective July 1, 2019.]**

16 Any person who:

17 (1) Makes, remakes, renovates, sterilizes, prepares, sells, or offers for sale, exchange, or
18 lease any article of bedding as defined by § 23-26-1, not properly tagged as required by this chapter;

19 or

20 (2) Uses in the making, remaking, renovating, or preparing of the article of bedding or in
21 preparing cotton or other material therefor that has been used as a mattress, pillow, or bedding in
22 any public or private hospital, or that has been used by or about any person having an infectious or
23 contagious disease, and that after such use has not been sterilized and approved for use, by the
24 director of business regulation; or

25 (3) Counterfeits or imitates any stamp or ~~permit~~ [registration](#) issued under this chapter shall
26 be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or
27 by imprisonment for not more than six (6) months or both.

28 (4) Any person or entity who or that violates the provisions of § 23-26-3.1 shall be civilly
29 fined not to exceed five thousand dollars (\$5,000) for the first violation and up to ten thousand
30 dollars (\$10,000) for each subsequent violation.

31 **23-26-30. License required -- Application -- Issuance and term of license registration.**

32 No person shall be engaged: (1) as a manufacturer of articles of bedding for sale at
33 wholesale; (2) as a manufacturer of articles of bedding for sale at retail; (3) as a supply dealer; (4)
34 as a repairer-renovator; or (5) as a retailer of second-hand articles of bedding, unless he or she has

1 obtained the appropriate numbered [license registration](#) therefor from the director, who is hereby
2 empowered to issue the [license registration](#). Application for the [license registration](#) shall be made
3 on forms provided by the director and shall contain such information as the director may deem
4 material and necessary. Based on the information furnished in the application and on any
5 investigation deemed necessary by the director, the applicant's classification shall be determined.
6 Each [license registration](#) issued by the director pursuant to this section shall be conspicuously
7 posted in the establishment of the person to whom issued. The director may withhold the issuance
8 of a [license registration](#) to any person who shall make any false statement in the application for a
9 [license registration](#) under this chapter. The director shall promulgate rules and regulations
10 mandating the term of [license registration](#) for each category of [license registration](#) issued pursuant
11 to this chapter; however, no [license registration](#) shall remain in force for a period in excess of three
12 (3) years. The fee for the initial issuance or renewal of a [license registration](#) shall be determined by
13 multiplying the per annum fee by the number of years in the term of the [license registration](#). The
14 entire fee must be paid in full for the total number of years of [license registration](#) prior to the
15 issuance of the [license registration](#).

16 **23-26-31. Fees.**

17 (a) The per annum fees imposed for [licenses registrations](#) issued pursuant to § 23-26-30
18 shall be as follows:

19 (1) Every applicant classified as a manufacturer of articles of bedding for sale at wholesale
20 or retail or as a supply dealer shall pay, prior to the issuance of a general [license registration](#), a per
21 annum fee of two hundred ten dollars (\$210) and the [licensee registrant](#) may be engaged in any or
22 all of the following:

- 23 (i) Manufacture of articles of bedding for sale at wholesale;
- 24 (ii) Manufacture of articles of bedding for sale at retail;
- 25 (iii) Supply dealer;
- 26 (iv) Repairer-renovator.

27 (2) Every applicant classified as a repairer-renovator or retailer of second-hand articles of
28 bedding shall pay, prior to the issuance of a limited [license registration](#), a per annum fee of sixty
29 dollars (\$60.00), and the [licensee registrant](#) may be engaged in any or all of the following:

- 30 (i) Repairer-renovator;
- 31 (ii) Retailer of second-hand articles of bedding; provided, however, that if a [licensee](#)
32 [registrant](#) is reclassified from one category to another which calls for a higher [license registration](#)
33 fee, he or she shall pay a pro rata share of the higher [license registration](#) fee for the unexpired period
34 and shall be issued a new [license registration](#) to expire on the expiration date of the original [license](#)

1 [registration](#).

2 (b) If, through error, a [licensee registrant](#) has been improperly classified as of the date of
3 issue of his or her current [license registration](#), the proper fee for the entire period shall be payable.
4 Any overpayment shall be refunded to the [licensee registrant](#). No refunds shall be allowed to any
5 [licensee registrant](#) who has discontinued business, or whose [license registration](#) has been revoked
6 or suspended or who has been reclassified to a category calling for a greater or lesser [license](#)
7 [registration](#) fee, except as provided herein. The fee shall be paid to the director of business
8 regulation. For reissuing a revoked or expired [license registration](#) the fee shall be the same as for
9 an original [license registration](#).

10 (c) All payments for registration fees, sterilization process, ~~permits~~, fines and penalties,
11 and other money received under this chapter shall constitute inspection fees for the purpose of
12 enforcing this chapter.

13 SECTION 12. Section 31-36.1-3 of the General Laws in Chapter 31-36.1 entitled "Fuel
14 Use Reporting Law" is hereby amended to read as follows:

15 **31-36.1-3. Motor carrier license and identification -- Temporary licenses.**

16 (a) Each carrier operating a qualified motor vehicle in two (2) or more jurisdictions shall
17 apply to the administrator for a motor carrier fuel use license upon forms approved by the
18 administrator and [there shall be no fee for this license.](#) ~~be shall upon application, pay a license fee~~
19 ~~of ten dollars (\$10.00).~~ The license shall remain in effect until surrendered or revoked under the
20 provisions of § 31-36.1-4. The tax administrator shall, in addition, provide identification devices in
21 the quantity requested to each licensed motor carrier. One such device must be displayed on the
22 exterior portion of each side of the cab of each qualified motor vehicle. ~~The fee for such~~
23 ~~identification device shall be ten dollars (\$10.00) per qualified motor vehicle.~~ Identification devices
24 shall be issued each year by the administrator and shall be displayed on or before March 1.

25 (b) The administrator may refuse to issue a license if the application for it:

26 (1) Is filed by a motor carrier whose license at any time theretofore has been revoked by
27 the administrator.

28 (2) Contains any misrepresentation, misstatement, or omission of material information
29 required by the application.

30 (3) Is filed by some other motor carrier as a subterfuge of the real motor carrier in interest
31 whose license or registration previously has been revoked for cause by the administrator.

32 (4) Is filed by any motor carrier who is delinquent in the payment of any fee, tax, penalty,
33 or other amount due the administrator for its account.

34 The finding may be made by the administrator after granting the applicant a hearing of

1 which the applicant shall be given ten (10) days notice in writing, and in which the applicant shall
2 have the right to appear in person or by counsel and present testimony.

3 (c) Temporary license. Upon application to the administrator ~~and payment of a fee of ten~~
4 ~~dollars (\$10.00)~~, an unlicensed motor carrier may obtain a temporary license which will authorize
5 one qualified motor vehicle to be operated on the highways of this state, for a period not to exceed
6 ten (10) days, without compliance with the fees imposed in this section, the tax imposed in § 31-
7 36.1-5, and the bond required in § 31-36.1-6. [There shall be no fee for this license.](#)

8 (d) The administrator may adopt rules and regulations specifying the conditions under
9 which temporary licenses will be issued and providing for their issuance.

10 SECTION 13. Sections 31-37-10 and 31-37-21 of the General Laws in Chapter 31-37
11 entitled "Retail Sale of Gasoline" are hereby amended to read as follows:

12 **31-37-10. Term of licenses -- Fee.**

13 (a) Any license issued by the tax administrator to an owner for the operation of a retail
14 filling station, or to a peddler of gasoline, shall, from the date of the issuance of the license, be and
15 remain in full force and effect until or unless:

- 16 (1) Suspended or revoked by the tax administrator,
17 (2) The business with respect to which the license was issued shall change ownership, or
18 (3) The owner or peddler shall cease to transact the business for which the license was
19 issued.

20 (b) In any of which cases the license shall expire and terminate, and its holder shall
21 immediately return the license to the tax administrator. [There shall be no fee for this license.](#)
22 ~~The charge or fee for the license shall be five dollars (\$5.00).~~

23 **31-37-21. Enforcement.**

24 The tax administrator shall enforce the provisions of this chapter and chapter 36 of this
25 title, except that the director of ~~business regulation~~ [labor and training](#) shall enforce the provisions
26 of §§ 31-37-11 -- 31-37-17 and §§ 11-18-13 -- 11-18-18. The department of ~~business regulation~~
27 [labor and training](#) shall cause any violation subject to its jurisdiction under this chapter to be
28 referred to law enforcement officials in the city or town where the violation has or is occurring for
29 prosecution.

30 SECTION 14. Effective September 1, 2019, Section 36-3-5 of the General Laws in Chapter
31 36-3 entitled "Division of Personnel Administration" is hereby amended to read as follows:

32 **36-3-5. Powers and duties of the administrator.**

33 In addition to the duties imposed upon the personnel administrator elsewhere in the law
34 and the personnel rules, it shall be the duty of the personnel administrator:

1 (1) As executive head of the division of personnel administration, to direct, supervise,
2 develop, and authorize all personnel related administrative and technical activities including
3 personnel administration and personnel management.

4 (2) To prepare and recommend to the director of administration such rules as are deemed
5 necessary to carry out the provisions of the law.

6 (3) To supervise the operation of the classification plan and to recommend to the director
7 amendments and additions thereto.

8 (4) To supervise the operation of the pay plan and to recommend to the director
9 amendments and additions thereto.

10 (5) To establish and supervise the maintenance of employment lists, promotion lists, and
11 reemployment lists; to develop recruitment procedures, monitor agency recruitment processes for
12 compliance with the statutes and policies, and make available to state agencies qualified candidates
13 as vacancies occur; direct and supervise equal opportunity programs; manage employee benefit
14 plans including the coordination of health insurance, prescription/vision care, group life insurance,
15 dental care, prepaid legal services, deferred compensation and cancer programs, and any other
16 programs established by the legislature related to employee benefits; and to manage career awards
17 programs and state and local enforcement firefighters incentive training programs.

18 (6) To perform any other lawful act which he or she may consider necessary or desirable
19 to carry out the purposes and provisions of this chapter, and chapter 4 of this title, and the rules and
20 to conduct innovative demonstration projects to improve state personnel management.

21 (7) To facilitate and/or coordinate state and national background checks for applicants
22 and/or employees in state positions with access to federal tax information, as defined in § 36-3-
23 16(a)(6).

24 SECTION 15. Effective September 1, 2019, Chapter 36-3 of the General Laws entitled
25 "Division of Personnel Administration" is hereby amended by adding thereto the following section:

26 **36-3-16. Authority to conduct state and national background checks for applicants**
27 **and employees in state positions with access to federal tax information.**

28 (a) Definitions. As used in this section, the following terms are hereby defined as follows:

29 (1) "Access," shall mean the direct use, contact, handling or viewing of federal tax
30 information, as defined herein, in paper or electronic form, regardless of the frequency, likelihood
31 or extent of such access.

32 (2) "Agency" or "state agency," shall mean a Rhode Island state agency within the
33 executive branch.

34 (3) "Agency head," shall mean the director or designee of a state agency holding the

1 position with access (as defined herein).

2 (4) “Applicant for employment,” shall mean an individual who has applied for or may be
3 offered employment, transfer or promotional opportunities with a state agency, including
4 employment as a full-time or part-time employee, intern, temporary or seasonal employee, or
5 volunteer, in a position with access (as defined herein).

6 (5) “Current agency employee,” shall mean a full-time or part-time state employee, intern,
7 temporary or seasonal employee or volunteer in a position with access (as defined herein).

8 (6) “Federal tax information” or “FTI” shall mean:

9 i) Federal tax returns or information created or derived from federal tax returns that is in
10 an agency’s possession or control, which is covered by the confidentiality protections of the Internal
11 Revenue Code and subject to 26 U.S.C. section 6103 (p)(4) safeguarding requirements, including
12 oversight by the Internal Revenue Service (“IRS”); and received directly from the IRS or obtained
13 through an authorized secondary source, such as the Social Security Administration (SSA), Federal
14 Office of Child Support Enforcement (OCSE), Bureau of the Fiscal Service (BFS), Centers for
15 Medicare and Medicaid Services (CMS), or another entity acting on behalf of the IRS pursuant to
16 an Internal Revenue Code (“IRC”) 6103(p)(2)(B) agreement; and

17 ii) FTI shall expressly not include federal tax returns or information created or derived
18 from federal tax returns received from taxpayers or other third-parties.

19 (7) “Law enforcement authorized agency” shall mean a government entity authorized to
20 conduct national background checks using the federal bureau of investigation’s fingerprinting
21 national background check system.

22 (b) The personnel administrator or designee shall require to be obtained a state and national
23 fingerprint-based criminal background check initially and at least every ten years, as authorized by
24 Public Law 92-544, to determine the suitability of an applicant for employment prior to hiring or a
25 current agency employee, if the position applied for or held requires or includes access to FTI.

26 (c) An applicant for employment or current agency employee who refuses to comply with
27 the fingerprint-based background check requirements shall be considered unsuitable for serving in
28 a position requiring or involving, or which may require or involve, access to FTI.

29 (d) The national fingerprint-based criminal background check shall be facilitated through
30 the office of the attorney general or another law enforcement authorized agency and forwarded to
31 the federal bureau of investigation for a national criminal history check, according to the policies,
32 procedures, and/or regulations established by the office of the attorney general or another law
33 enforcement authorized agency.

34 (1) For current agency employees, the agency shall pay the applicable fee charged through

1 the office attorney general or other law enforcement authorized agency to conduct state and national
2 background checks. However, applicants for employment shall be required to pay the fee charged
3 through the office attorney general or other law enforcement authorized agency.

4 (2) Fingerprint submissions may be retained by the federal bureau of Investigation and the
5 office of the attorney general or other law enforcement authorized agency to assist the personnel
6 administrator authorized pursuant to this section to ensure the continued suitability of an applicant
7 for employment or a current agency employee for access to FTI.

8 (3) The office of the attorney general or other law enforcement authorized agency may
9 disseminate the results of the state and national criminal background checks to the personnel
10 administrator or designee of the personnel administrator.

11 (4) Notwithstanding any law to the contrary, solely for the purposes of this chapter, the
12 personnel administrator, agency head and authorized staff of an agency may receive criminal
13 offender record information to the extent required by federal law and the results of checks of
14 national criminal history information databases under Public Law 92-544.

15 (5) Upon receipt of the results of state and national criminal background checks, the
16 personnel administrator, agency head and other authorized staff shall treat the information as non-
17 public and exempt from disclosure in accordance with the Rhode Island Access to Public Records
18 Act, R.I. Gen. Laws 38-2-2(4)(A)(I)(b). Information acquired by any agency in the background
19 check process pursuant to this section shall be used solely for the purposes of making a
20 determination as to the suitability of a particular current employee or applicant for employment for
21 and assignment to duties in a position that requires or includes, or may require or include, access
22 to FTI.

23 (e) If the office of the attorney general or other law enforcement authorized agency receives
24 criminal record information from the state or national fingerprint-based criminal background
25 checks that includes no disposition or is otherwise incomplete, the office of the attorney general or
26 other law enforcement authorized agency shall notify the personnel administrator and the subject
27 person. The applicant for employment or the current agency employee shall be responsible for
28 resolving any issues in other jurisdictions causing an incomplete background check. Within fifteen
29 (15) business days from being notified, the applicant for employment or current agency employee
30 must resolve any incomplete background check. For the purposes of this chapter, the personnel
31 administrator, in his or her sole discretion, may extend the amount of time to resolve an incomplete
32 report. Once resolved, the applicant's suitability for employment in a position requiring or
33 involving, or which may require or involve, access to FTI shall be determined in accordance with
34 subsection (f).

1 (1) In the event that an applicant for employment fails to resolve an issue with an
2 incomplete background check by the deadline stated herein, the person shall no longer be
3 considered for employment to the position with access.

4 (2) In the event that a current agency employee fails to resolve an issue with an incomplete
5 background check by the deadline provided herein, along with any extension, the employee may
6 be terminated or discharged from employment; provided, however, that a current agency employee
7 may be placed on administrative leave or reassigned to a position that does not require access to
8 FTI if that position is available and subject to the business needs of the agency at the discretion of
9 the personnel administrator and agency head. Any such employment action shall be subject to
10 same appeal or grievance procedures as normally authorized.

11 (f) The personnel administrator or designee shall review the results to determine the
12 suitability of the applicant for employment or current agency employee, based on criteria
13 established through regulation, to serve in a position requiring or involving, or which may require
14 or involve, access to FTI. In making such a determination of suitability, the personnel administrator
15 or designee may consult with the agency head and consider mitigating factors relevant to the current
16 agency employee's employment and the nature of any disqualifying offense.

17 (1) In the event that an applicant for employment receives a final determination that the
18 person is unsuitable, the person shall no longer be considered for employment into a position with
19 access.

20 (2) A current employee may appeal a determination of unsuitability to the personnel
21 administrator. While the appeal is pending, the employee may be placed on administrative leave in
22 the discretion of the personnel administrator. A final determination of unsuitability after appeal
23 may result in termination or discharge from employment; provided, however, that subject to the
24 discretion of the personnel administrator and the agency head, a current agency employee may be
25 reassigned to a position that does not require access to FTI if that position is available and subject
26 to the business needs of the agency. Any such employment action shall be subject to further appeal
27 or grievance procedures as normally authorized.

28 (g) Nothing in this section shall limit or preclude an agency's right to carry on a background
29 investigation of an applicant for employment or a current agency employee using other authorized
30 means.

31 (h) The Department of Administration is hereby authorized to promulgate and adopt
32 regulations necessary to carry out this section.

33 (i) The judicial branch is hereby authorized to comply with the provisions herein related
34 to employees with access to FTI.

1 SECTION 16. Effective September 1, 2019, Chapter 37-2 of the General Laws entitled
2 "State Purchases" is hereby amended by adding thereto the following section:

3 **37-2-81. Authority to conduct state and national background checks for vendors with**
4 **access to federal tax information.**

5 (a) Definitions. As used in this section, the following terms shall be defined as follows:

6 (1) "Access," shall mean the direct and indirect use, contact, handling or viewing of federal
7 tax information, as defined herein, in paper or electronic form, regardless of the frequency,
8 likelihood or extent of such access or whether the access is intentional or inadvertent.

9 (2) "Agency" or "state agency," shall mean a Rhode Island state agency within the
10 executive branch.

11 (3) "Agency head" shall mean the director or designee of a state agency for which the
12 vendor is providing services.

13 (4) "Division" shall mean the division of purchases.

14 (5) "Federal tax information" or "FTI" shall mean:

15 i) Federal tax returns or information created or derived from federal tax returns that is in
16 an agency's possession or control, which is covered by the confidentiality protections of the Internal
17 Revenue Code and subject to 26 U.S.C. section 6103 (p)(4) safeguarding requirements, including
18 oversight by the Internal Revenue Service ("IRS"); and is received directly from the IRS or
19 obtained through an authorized secondary source, such as the Social Security Administration
20 (SSA), Federal Office of Child Support Enforcement (OCSE), Bureau of the Fiscal Service (BFS),
21 Centers for Medicare and Medicaid Services (CMS), or another entity acting on behalf of the IRS
22 pursuant to an Internal Revenue Code ("IRC") 6103(p)(2)(B) agreement; and

23 ii) shall not include federal tax returns or information created or derived from federal tax
24 returns received directly from taxpayers or other third-parties.

25 (5) "Vendor" shall mean any individual, firm, corporation, partnership or other entity,
26 including, but not limited to, employees, subcontractors, and/or agents of the vendor, who is
27 performing services for the state and has access, as defined herein, to FTI.

28 (b) The agency head shall require a vendor's employees, subcontractors and other agents
29 to complete a state and national fingerprint-based criminal background check, as authorized by
30 Public Law 92-544, to determine the suitability of a vendor if the services to the state requires or
31 includes, or may require or include, access to FTI. This requirement for a vendor shall be
32 incorporated by reference into the vendor's agreement with the state. No new vendor employee,
33 subcontractor or other agent who has or may have access to FTI shall perform services for the State
34 until the person is deemed suitable by the agency head. Existing vendor employees, subcontractors

1 or other agents, as of the effective date of this statute, shall complete the background check
2 requirement within a reasonable time as approved by the agency head.

3 (c) The national fingerprint-based criminal background check shall be facilitated through
4 the Rhode Island office of the attorney general or other law enforcement authorized agency, using
5 the same criteria established under § 36-3-16 for applicants and current state employees. The
6 information shall be forwarded to the Federal Bureau of Investigation (FBI) for a national criminal
7 history check, according to the policies, procedures, and/or regulations established by the office of
8 the attorney general or other law enforcement authorized agency. The office of the attorney general
9 or other law enforcement authorized agency may disseminate the results of the national criminal
10 background checks to the Department of Administration and/or the agency head where the services
11 are being provided.

12 (d) Reciprocity. Nothing herein shall prevent the agency head, at his or her discretion,
13 from accepting a recent national fingerprint-based criminal background check for a vendor
14 employee, subcontractor or other agent related to FTI access conducted in another suitable
15 jurisdiction.

16 (e) The agency head may receive criminal offender record information to the extent
17 required by federal law and the results of checks of national criminal history information databases
18 under Public Law 92-544. Upon receipt of the results of state and national criminal background
19 checks, the agency head shall treat the information as non-public and exempt from disclosure in
20 accordance with the Rhode Island Access to Public Records Act, R.I. Gen. Laws 38-2-2(4)(B).
21 Information acquired by any agency in the background check process pursuant to this section shall
22 be used solely for the purpose of making a determination as to the suitability of a vendor in a
23 position which requires or includes, or may require or include, access to FTI.

24 (f) The state shall not be responsible for any fees charged through the office attorney
25 general, other law enforcement authorized agency or other jurisdiction to conduct the state and
26 national background check for vendor employees, subcontractors or other agents.

27 (f) A vendor, or its employees, subcontractors or other agents, who refuses to comply with
28 the fingerprint-based background check requirement shall be considered unsuitable for services
29 requiring or involving, or which may require or involve, access to FTI. Refusal to comply by the
30 vendor may result in termination of the contract with the State and/or other procurement sanctions
31 if appropriate. Nothing herein shall prevent the vendor from replacing an employee, subcontractor
32 or other agent who refuses to comply with this requirement, subject to written approval by the
33 agency head.

34 (g) Upon receipt of the results of a state and national criminal background check for the

1 vendor employees, subcontractors or other agents, the agency head shall review the results and
2 determine the suitability of the person with regard to service in a position requiring or involving,
3 or which may require or involve, access to FTI. In making a determination of suitability, the agency
4 head may consider mitigating factors relevant to the vendor's scope of work and the nature of any
5 disqualifying offense. Unsuitability of a vendor may result in termination of the contract with the
6 State and/or a requirement that the vendor to replace the employee, subcontractor or other agent,
7 with a suitable person, subject to written approval by the agency head.

8 (h) If the office of the attorney general or other law enforcement authorized agency receives
9 criminal record information from the state or national fingerprint-based criminal background
10 checks that includes no disposition or is otherwise incomplete, the subject person shall be
11 responsible for resolving any issues in other jurisdictions causing an incomplete background check.
12 The vendor shall immediately notify the state in writing the name and circumstances of any
13 employees, subcontractors or agents who have received an incomplete background check. Failure
14 to establish suitability of a vendor employee, subcontractor or other agent may result in termination
15 of the contract with the State and/or a requirement that the vendor to replace the employee,
16 subcontractor or other agent with a suitable person, subject to written approval by the agency head.

17 (j) Nothing in this section shall limit or preclude an agency's right to carry on a background
18 investigation of a vendor using other authorized means.

19 (k) The department of administration is hereby authorized to promulgate and adopt
20 regulations necessary to carry out this section.

21 (l) The judicial branch is hereby authorized to comply with the provisions herein related
22 to vendors working on behalf of the judiciary receiving access to FTI.

23 SECTION 17. Effective September 1, 2019, sections 40-13.2-2, 40-13.2-4 and 40-13.2-5
24 in Chapter 40-13.2 entitled "Certification of Child Care and Youth Serving Agency Workers" are
25 hereby amended to read as follows:

26 **40-13.2-2. Qualification for childcare employment.**

27 Notwithstanding any other provisions of law to the contrary, any person seeking to operate
28 or seeking employment in any facility which is, or is required to be, licensed or registered with the
29 department of children youth and families, the department of human services, or seeking
30 employment at the training school for youth if that employment involves supervisory or disciplinary
31 power over a child or children or involves routine contact with a child or children without the
32 presence of other employees, shall undergo an employment background check, a CANTS (child
33 abuse and neglect tracking system) check of substantiated complaints, and criminal records check
34 as provided for in this chapter. The director of the department of children, youth, and families and

1 [the director of the department of human services](#) may by rule identify those positions requiring
2 background checks, CANTS checks and criminal records checks.

3 **40-13.2-4. Criminal records check -- Operators of child care facilities which must be**
4 **licensed or registered with the department.**

5 Any person seeking to operate a facility, that is, or is required to be, licensed or registered
6 with the department [of human services](#), shall apply to the Rhode Island bureau of criminal
7 identification, [attorney general's office](#), or the department of children, youth and families, for a
8 nationwide, criminal-records check. The check will conform to the applicable federal standards,
9 including the taking of fingerprints to identify the applicant, and any expense associated with
10 providing the criminal-records check shall be paid by the applicant and/or requesting agency. The
11 director [of human services](#) will determine by rule those items of information appearing on a
12 criminal-records check, which constitute disqualifying information because that information would
13 indicate that the employment could endanger the health or welfare of a child or children. Upon the
14 discovery of any disqualifying information with respect to a proposed operator, the Rhode Island
15 bureau of criminal identification will inform the director, in writing, of the nature of the
16 disqualifying information.

17 **40-13.2-5. Criminal-records check -- Employee of child-care facilities which must be**
18 **licensed by the department.**

19 (a) A ~~Any~~ person seeking employment [in a "child day care" program, a "family day care](#)
20 [home", "group family day care home", or in a "child day care center" as defined in section 42-12.5-](#)
21 [2 of the general laws, if that employment involves supervisory or disciplinary power over a child
22 or children or involves routine contact with a child or children without the presence of other
23 employees, ~~in any facility that is, or is required to be, licensed or registered with the department,~~
24 or \[any adult household member of any operator of a "family day-care home" and "group family\]\(#\)
25 \[day-care home,"\]\(#\) or seeking that employment \[or to volunteer\]\(#\) at the training school for youth, shall,
26 after acceptance by the employer of the affidavit required by § 40-13.2-3, apply to the bureau of
27 criminal identification of the state police or the local police department, or \[the office of the attorney\]\(#\)
28 \[general, or\]\(#\) the department of children, youth and families, for a nationwide, criminal-records check.
29 The check will conform to applicable federal standards including the taking of fingerprints to
30 identify the applicant. \[Further, any person seeking employment in a "child day care"\]\(#\)
31 \[program, in a "child day care center", and/or in a "child day care provider" as defined in\]\(#\)
32 \[section 42-12.5-2 of the general laws, if that employment involves supervisory or\]\(#\)
33 \[disciplinary power over a child or children or involves routine contact with a child or\]\(#\)
34 \[children without the presence of other employees shall apply the bureau of criminal\]\(#\)](#)

1 identification of the state police or the local police department or the office of the attorney
2 general to search the National Crime Information Center’s National Sex Offender Registry
3 and a search of the Rhode Island Sex Offender Registry. The criminal record checks and
4 the checks of the National Sex Offender Registry and the Rhode Island Sex Offender
5 Registry, as referenced in this section, shall be conducted for every five years of continuous
6 child care employment from the date of the previous criminal background check.

7 (b) Any person seeking employment in a “child placing agency” as defined in
8 section 42-72.1-2 of the general laws, if that employment involves supervisory or
9 disciplinary power over a child or children or involves routine contact with a child or
10 children without the presence of other employees, shall, after acceptance by the employer
11 of the affidavit required by § 40-13.2-3, apply to the bureau of criminal identification of
12 the state police or the local police department, or the office of the attorney general or the
13 department of children, youth and families, for a nationwide, criminal-records check. The
14 check will conform to applicable federal standards including the taking of fingerprints to
15 identify the applicant.

16 (c) Any person seeking employment in a “child caring agency”, “children’s
17 behavioral health program”, or in a “foster and adoptive home” as defined in section 42-
18 72.1-2 of the general laws, that is, or is required to be, licensed or registered with the
19 department, shall, after acceptance by the employer of the affidavit required by § 40-13.2-
20 3, apply to the bureau of criminal identification of the state police or the local police
21 department, or the office of the attorney general, or the department of children, youth and
22 families, for a nationwide, criminal-records check. The check will conform to applicable
23 federal standards including the taking of fingerprints to identify the applicant.

24 ~~(b)~~(d) Upon the discovery of any disqualifying information as defined in accordance with
25 the rule promulgated by the director, the bureau of criminal identification of the state police or the
26 local police department or the office of the attorney general or the department of children,
27 youth and families will inform the applicant, in writing, of the nature of the disqualifying
28 information. In addition, the bureau of criminal identification of the state police or the office of
29 the attorney general, or department of children, youth and families, or the local police
30 department will inform the relevant employer, in writing, without disclosing the nature of the
31 disqualifying information, that an item of disqualifying information has been discovered.

32 ~~(c)~~(e) In those situations in which no disqualifying information has been found, the bureau

1 of criminal identification of the state police or the local police department [or the office of the](#)
2 [attorney general, or the department of children, youth and families](#) will inform both the
3 applicant and the employer, in writing, of this fact.

4 ~~(f)(4)~~ The employer will maintain on file, subject to inspection by the department, evidence
5 that criminal-records checks have been initiated on all employees seeking employment after August
6 1, 1985, and the results of the checks.

7 ~~(g)(e)~~ Failure to maintain that evidence on file will be prima facie grounds to revoke the
8 license or registration of the operator of the facility.

9 ~~(h)(4)~~ It will be the responsibility of the bureau of criminal identification of the state
10 police [or the office of the attorney general](#), or the local police department, or the department of
11 children, youth and families, to conduct the nationwide, criminal-records check pursuant to this
12 section. The nationwide, criminal-records check will be provided to the applicant for employment
13 without charge.

14 SECTION 18. Section 41-5.2-2 of Chapter 41-5.2 of the General Laws in entitled "Mixed
15 Martial Arts" is hereby amended to read as follows:

16 **41-5.2-2. License required for mixed-martial-arts exhibitions.**

17 (a) No mixed-martial-arts match or exhibition for a prize or a purse, or at which an
18 admission fee is charged, either directly or indirectly, in the form of dues or otherwise, shall take
19 place or be conducted in this state unless licensed by the division of gaming and athletics licensing
20 in accordance with this chapter; [provided that the provisions of this chapter shall not apply to any](#)
21 [mixed-martial-arts match or exhibition in which the contestants are amateurs and that is conducted](#)
22 [under the supervision and control of:](#)

23 [\(1\) Any educational institution recognized by the council on postsecondary education and](#)
24 [the council on elementary and secondary education of this state, or](#)

25 [\(2\) Any religious or charitable organization or society engaged in the training of youth and](#)
26 [recognized as such by the division of gaming and athletics licensing of this state.](#)

27 [\(b\) For the purposes of this section, an "amateur" shall be deemed to mean a person who](#)
28 [engages in mixed-martial-arts matches or exhibitions for which no cash prizes are awarded to the](#)
29 [participants, and for which the prize competed for, if any, shall not exceed in value the sum of](#)
30 [twenty-five dollars \(\\$25.00\).](#)

31 SECTION 19. Chapter 41-5.2 of the General Laws entitled "Mixed Martial Arts" is hereby
32 amended by adding thereto the following section:

33 **41-5.2-30. Fees of officials.**

34 [The fees of the referee and other licensed officials, as established by this chapter, shall be](#)

1 [fixed by the division of gaming and athletics licensing, and shall be paid by the licensed](#)
2 [organization prior to the exhibition.](#)

3 SECTION 20. Section 42-14.2-13 of the General Laws in Chapter 42-14.2 entitled
4 "Department of Business Regulation - Automobile Wrecking and Salvage Yards" is hereby
5 amended to read as follows:

6 **42-14.2-13. Penalties.**

7 Any person, firm, corporation, or association violating any of the provisions of this chapter
8 [or the regulations promulgated hereunder](#) shall ~~upon conviction be guilty of a misdemeanor. Any~~
9 ~~person, firm, corporation, or association who is convicted for violation of any section of this chapter~~
10 ~~shall be punished by~~ [subject to payment of](#) a ~~fine~~ not to exceed ~~five hundred~~ [one thousand](#) dollars
11 ~~(\$500,000) or by imprisonment for a term not to exceed one year, or both fine and imprisonment~~
12 for each violation ~~of the provisions of this chapter.~~

13 SECTION 21. Sections 42-35.1-5 and 42-35.1-7 of the General Laws in Chapter 42-35.1
14 entitled "Small Business Regulatory Fairness in Administrative Procedures" are hereby amended
15 to read as follows:

16 **42-35.1-5. Small business enforcement ombudsman.**

17 (a) The director of the ~~office of regulatory reform~~ [department of business regulation](#) shall
18 designate an existing staff member as a "small business regulatory enforcement ombudsman"; who
19 shall report ~~directly~~ to the director [of business regulation](#).

20 (b) The ombudsman shall:

21 (1) Work with each agency with regulatory authority over small businesses to ensure that
22 small business concerns that receive or are subject to an audit, on-site inspection, compliance
23 assistance effort, or other enforcement related communication or contact by agency personnel are
24 provided with a means to comment on the enforcement activity conducted by such personnel;

25 (2) Establish means to receive comments from small business concerns regarding actions
26 by agency employees conducting compliance or enforcement activities;

27 (3) Within six (6) months of appointment, work with each regulating entity to develop and
28 publish reporting policies;

29 (4) Based on substantiated comments received from small business concerns the
30 ombudsman shall annually report to the general assembly and affected agencies evaluating the
31 enforcement activities of agency personnel including a rating of the responsiveness of the
32 regulatory agencies policies;

33 (5) Coordinate and report annually on the activities, findings and recommendations to the
34 general assembly and the directors of affected agencies; and

1 (6) Provide the affected agency with an opportunity to comment on reports prepared
2 pursuant to this chapter, and include a section of the final report in which the affected agency may
3 make such comments as are not addressed by the ombudsman.

4 **42-35.1-7. Expenses.**

5 Except as provided in § 42-35.1-5, The director of administration shall annually
6 appropriate such sums as it may deem necessary to carry out the provisions of this chapter.

7 SECTION 22. Chapter 44-1 of the General Laws entitled "State Tax Officials " is hereby
8 amended by adding thereto the following section:

9 **44-1-40. Tax Administrator to prepare list of licensed taxpayers - Notice - Public**
10 **inspection.**

11 (a) Notwithstanding any other provision of law, the tax administrator may, on a periodic
12 basis;

13 (1) Prepare and publish for public distribution a list of entities and their active licenses
14 administered under Title 44.

15 (2) Prepare and publish for public distribution a list of entities and licenses for the current
16 year, as administered by a city or town under Chapter 5 of Title 3 of the Rhode Island General
17 Laws.

18 (3) Prepare and publish for public distribution a list of entities and licenses for the
19 upcoming year, as administered by a city or town under Chapter 5 of Title 3 of the Rhode Island
20 General Laws.

21 (4) Each list may contain the license type, name, and address of each registered entity with
22 a license.

23 (b) The tax administrator shall not list any taxpayers that do not have an active license.

24 (c) Any such list prepared by the tax division shall be available to the public for inspection
25 by any person and may be published by the tax administrator on the tax division website.

26 SECTION 23. Section 44-5.2-4 of the General Laws in Chapter 44-5.2 entitled "Powers
27 and Duties of Fire Districts in the Town of Coventry" is hereby repealed.

28 **44-5.2-4. Compliance.**

29 ~~Unless otherwise provided, the division of municipal finance in the department of revenue~~
30 ~~shall monitor fire district compliance with this chapter and issue periodic reports to the general~~
31 ~~assembly on compliance.~~

32 SECTION 24. Sections 44-11-2.2 and 44-11-19 of the General Laws in Chapter 44-11
33 entitled "Business Corporation Tax" are hereby amended to read as follows:

34 **44-11-2.2. Pass-through entities -- Definitions -- Withholding -- Returns.**

1 (a) Definitions.

2 (1) "Administrative Adjustment Request" means an administrative adjustment request
3 filed by a partnership under IRC section 6227.

4 (2) "Audited Partnership" means a partnership or an entity taxed as a partnership federally
5 subject to a partnership level audit resulting in a federal adjustment.

6 (3) "Direct Partner" means a partner that holds an interest directly in a partnership or
7 pass-through entity.

8 (4) "Federal Adjustment" means a change to an item or amount determined under the
9 Internal Revenue Code (IRC) that is used by a taxpayer to compute Rhode Island tax owed whether
10 that change results from action by the IRS, including a partnership level audit, or the filing of an
11 amended federal return, federal refund claim, or an administrative adjustment request by the
12 taxpayer. A federal adjustment is positive to the extent that it increases state taxable income as
13 determined under Rhode Island state laws and is negative to the extent that it decreases state taxable
14 income as determined under Rhode Island state laws.

15 (5) "Final Determination Date" means if the federal adjustment arises from an IRS audit or
16 other action by the IRS, the final determination date is the first day on which no federal adjustments
17 arising from that audit or other action remain to be finally determined, whether by IRS decision
18 with respect to which all rights of appeal have been waived or exhausted, by agreement, or, if
19 appealed or contested, by a final decision with respect to which all rights of appeal have been
20 waived or exhausted. For agreements required to be signed by the IRS and the taxpayer, the final
21 determination date is the date on which the last party signed the agreement.

22 (6) "Final Federal Adjustment" means a federal adjustment after the final determination
23 date for that federal adjustment has passed.

24 (7) "Indirect Partner" means a partner in a partnership or pass-through entity that itself holds
25 an interest directly, or through another indirect partner, in a partnership or pass-through entity.

26 ~~(1) "Pass-through entity" means a corporation that for the applicable tax year is treated as~~
27 ~~an S-Corporation under IRC § 1362(a) [26 U.S.C. § 1362(a)], and a general partnership, limited~~
28 ~~partnership, limited liability partnership, trust, or limited liability company that for the applicable~~
29 ~~tax year is not taxed as a corporation for federal tax purposes under the state's check the box~~
30 ~~regulation.~~

31 ~~(2)~~(8) "Member" means an individual who is a shareholder of an S corporation; a partner
32 in a general partnership, a limited partnership, or a limited liability partnership; a member of a
33 limited liability company; or a beneficiary of a trust;

34 ~~(3)~~(9) "Nonresident" means an individual who is not a resident of or domiciled in the state,

1 a business entity that does not have its commercial domicile in the state, and a trust not organized
2 in the state.

3 (10) "Partner" means a person that holds an interest directly or indirectly in a partnership
4 or other pass-through entity.

5 (11) "Partnership" means an entity subject to taxation under Subchapter K of the IRC.

6 (12) "Partnership Level Audit" means an examination by the IRS at the partnership level
7 pursuant to Subchapter C of Title 26, Subtitle F, Chapter 63 of the IRC, as enacted by the Bipartisan
8 Budget Act of 2015, Public Law 114-74, which results in Federal Adjustments.

9 (13) "Pass-through entity" means a corporation that for the applicable tax year is treated as
10 an S Corporation under IRC § 1362(a) [26 U.S.C. § 1362(a)], and a general partnership, limited
11 partnership, limited liability partnership, trust, or limited liability company that for the applicable
12 tax year is not taxed as a corporation for federal tax purposes under the state's check-the-box
13 regulation.

14 (14) "Tiered Partner" means any partner that is a partnership or pass-through entity.

15 (b) Withholding.

16 (1) A pass-through entity shall withhold income tax at the highest Rhode Island
17 withholding tax rate provided for individuals or seven percent (7%) for corporations on the
18 member's share of income of the entity that is derived from or attributable to sources within this
19 state distributed to each nonresident member and pay the withheld amount in the manner prescribed
20 by the tax administrator. The pass-through entity shall be liable for the payment of the tax required
21 to be withheld under this section and shall not be liable to such member for the amount withheld
22 and paid over in compliance with this section. A member of a pass-through entity that is itself a
23 pass-through entity (a "lower-tier pass-through entity") shall be subject to this same requirement to
24 withhold and pay over income tax on the share of income distributed by the lower-tier pass-through
25 entity to each of its nonresident members. The tax administrator shall apply tax withheld and paid
26 over by a pass-through entity on distributions to a lower-tier pass-through entity to the withholding
27 required of that lower-tier pass-through entity.

28 (2) A pass-through entity shall, at the time of payment made pursuant to this section, deliver
29 to the tax administrator a return upon a form prescribed by the tax administrator showing the total
30 amounts paid or credited to its nonresident members, the amount withheld in accordance with this
31 section, and any other information the tax administrator may require. A pass-through entity shall
32 furnish to its nonresident member annually, but not later than the fifteenth day of the third month
33 after the end of its taxable year, a record of the amount of tax withheld on behalf of such member
34 on a form prescribed by the tax administrator.

1 (c) Notwithstanding subsection (b), a pass-through entity is not required to withhold tax
2 for a nonresident member if:

3 (1) The member has a pro rata or distributive share of income of the pass-through entity
4 from doing business in, or deriving income from sources within, this state of less than \$1,000 per
5 annual accounting period;

6 (2) The tax administrator has determined by regulation, ruling, or instruction that the
7 member's income is not subject to withholding;

8 (3) The member elects to have the tax due paid as part of a composite return filed by the
9 pass-through entity under subsection (d); or

10 (4) The entity is a publicly traded partnership as defined by 26 U.S.C. § 7704(b) that is
11 treated as a partnership for the purposes of the Internal Revenue Code and that has agreed to file
12 an annual information return reporting the name, address, taxpayer identification number and other
13 information requested by the tax administrator of each unitholder with an income in the state in
14 excess of \$500.

15 (d) Composite return.

16 (1) A pass-through entity may file a composite income tax return on behalf of electing
17 nonresident members reporting and paying income tax at the state's highest marginal rate on the
18 members' pro rata or distributive shares of income of the pass-through entity from doing business
19 in, or deriving income from sources within, this State.

20 (2) A nonresident member whose only source of income within a state is from one or more
21 pass-through entities may elect to be included in a composite return filed pursuant to this section.

22 (3) A nonresident member that has been included in a composite return may file an
23 individual income tax return and shall receive credit for tax paid on the member's behalf by the
24 pass-through entity.

25 (e) Partnership Level Audit

26 (1) A partnership shall report final federal adjustments pursuant to IRC section 6225(a)(2)
27 arising from a partnership level audit or an administrative adjustment request and make payments
28 by filing the applicable supplemental return as prescribed under § 44-11-2.2(e)(1)(ii), and as
29 required under § 44-11-19(b), in lieu of taxes owed by its direct and indirect partners.

30 (i) Failure of the audited partnership or tiered partner to report final federal adjustments
31 pursuant to IRC section 6225(a) and 6225(c) or pay does not prevent the Tax Administrator from
32 assessing the audited partnership, direct partners or indirect partners for taxes they owe, using the
33 best information available, in the event that a partnership or tiered partner fails to timely make any
34 report or payment required by § 44-11-19(b) for any reason.

1 [\(ii\) The tax administrator may promulgate rules and regulations, not inconsistent with law,](#)
2 [to carry into effect the provisions of this chapter.](#)

3 **44-11-19. Supplemental returns -- Additional tax or refund.**

4 (a) Any taxpayer which fails to include in its return any items of income or assets or any
5 other information required by this chapter or by regulations prescribed in pursuance of this chapter
6 shall make a supplemental return disclosing these facts. [Except in the case of final federal](#)
7 [adjustments that are required to be reported by a partnership and its partners using the procedures](#)
8 [under section \(b\) below,](#) Any taxpayer whose return to the collector of internal revenue, or whose
9 net income returned, shall be changed or corrected by any official of the United States government
10 in any respect affecting a tax imposed by this [chapter including a return or other similar report filed](#)
11 [pursuant to IRC section 6225\(c\)\(2\),](#) shall, within sixty (60) days after receipt of a notification of
12 the final adjustment and determination of the change or correction, make the supplemental return
13 required by this section [\(a\).](#)

14 [\(b\) Except for the distributive share of adjustments that have been reported as required](#)
15 [under section \(a\), partnerships and partners shall, within one hundred and eighty \(180\) days after](#)
16 [receipt of notification of the final federal adjustments arising from a partnership level audit or an](#)
17 [administrative adjustment, make the supplemental return and make payments as required by this](#)
18 [section \(b\).](#)

19 ~~(b)~~^(c) Upon the filing of a supplemental return the tax administrator shall examine the return
20 and shall determine any additional tax or refund that may be due and shall notify the taxpayer. Any
21 additional tax shall be paid within fifteen (15) days after the notification together with interest at
22 the annual rate provided by § 44-1-7 from the original due date of the return for the taxable year to
23 the date of payment of the additional tax. Any refund shall be made by the tax administrator together
24 with interest at the annual rate provided by § 44-1-7.1 from the date of payment of the tax to the
25 date of the refund.

26 SECTION 25. Sections 44-30-59, 44-30-71.2, 44-30-71.4 and 44-30-84 of the General
27 Laws in Chapter 44-30 entitled "Personal Income Tax" are hereby amended to read as follows:

28 **44-30-59. Report of change in federal taxable income.**

29 [\(a\)](#) Subject to regulations of the tax administrator, if the amount of a taxpayer's federal
30 taxable income reported on his or her federal income tax return for any taxable year beginning on
31 or after January 1, 1971, is changed or corrected by the United States Internal Revenue Service or
32 other competent authority, or as the result of a renegotiation of a contract or subcontract with the
33 United States, the taxpayer shall report the change or correction in federal taxable income within
34 ninety (90) days after the final determination of the change, correction, or renegotiation, or as

1 otherwise required by the tax administrator, and shall concede the accuracy of the determination or
2 state wherein it is erroneous. Any taxpayer filing an amended federal income tax return shall also
3 file within ninety (90) days thereafter an amended Rhode Island personal income tax return and
4 shall give any information that the tax administrator may require.

5 (b) In the case of a partnership level audit pursuant to § 44-11-2.2(e)(1), partners shall,
6 within one hundred and eighty days (180) days after receipt of notification of the final federal
7 adjustments arising from a partnership level audit or an administrative adjustment, make the
8 supplemental return and make payments as required by this subsection (b).

9 **44-30-71.2. Withholding of tax from lottery and pari-mutuel betting winnings.**

10 (a) The director of lotteries shall deduct and withhold from the prize money, income from
11 casino gambling or income from sports wagering revenue as prescribed by 42-61.2-1, of any person
12 winning a prize from the state lottery, casino gambling or sports wagering, a tax computed in such
13 a manner as to result, so far as practicable, in an amount substantially equivalent to the tax
14 reasonably estimated to be due resulting from the inclusion in the individual's Rhode Island income
15 of his or her prize money received during the calendar year. The method of determining the amount
16 to be withheld shall be prescribed by regulations of the tax administrator, which regulations and
17 amounts shall be based upon the federal rules, regulations and procedures.

18 (b) Every licensee conducting or operating events upon which pari-mutuel betting is
19 allowed shall deduct and withhold from the winnings of any person a tax computed in such manner
20 as to result, so far as practicable, in an amount substantially equivalent to the tax reasonably
21 estimated to be due resulting from the inclusion in the individual's Rhode Island income of his or
22 her winnings received during the calendar year. The method of determining the amount to be
23 withheld shall be prescribed by regulations of the tax administrator, which regulations and the
24 amounts shall be based upon the federal rules, regulations and procedures.

25 **44-30-71.4. Employee leasing companies -- Payroll companies.**

26 (a) Employee leasing company certification.

27 (1) Every "employee leasing company", defined in this section as any individual, firm,
28 partnership or corporation engaged in providing workers to employers or firms under a contract or
29 leasing arrangement, shall, as a condition of doing business in this state, be certified by the division
30 of taxation each year, that the company has complied with the withholding provisions of chapter
31 30 of this title.

32 (2) Employee leasing companies must apply to the division of taxation during the month
33 of July of each year on forms prescribed by the tax administrator for a certificate executed by the
34 tax administrator certifying that all taxes withheld from employees, or subject to withholding from

1 employees have been remitted to the division of taxation including the withholding provisions of
2 chapter 30 of this title and the contribution, interest, and penalty provisions pursuant to the
3 Employment Security Act, chapters 42 -- 44 of title 28, and the Temporary Disability Insurance
4 Act, chapters 39 -- 41 of title 28 have been remitted to the department of labor and training. No
5 certificate shall be issued if taxes subject to withholding or contributions have not been withheld
6 and remitted.

7 (3) No employee leasing firm may conduct business in this state without the certification
8 prescribed in subdivision (2) of this subsection. Any employer or firm that engages any employee
9 leasing company that is not certified by the tax administrator shall be jointly and severally liable
10 for the taxes required to be withheld and remitted under § 44-30-71 or chapters 39 -- 44 of title 28.

11 (b) Payroll companies -- Joint liability. Every payroll company, herein defined as any
12 individual, firm, partnership or corporation engaging in providing payroll services to employers
13 which services include the withholding of tax including the withholding provisions of chapter 30
14 of this title and the contribution, interest, and penalty provisions pursuant to the Employment
15 Security Act, chapters 42 -- 44 of title 28, and the Temporary Disability Insurance Act, chapters 39
16 -- 41 of title 28 from employee wages and which receives moneys from a customer or employer for
17 Rhode Island withholding from the wages of the customer's employees, and who fails to remit said
18 withholding to the division of taxation or contributions to the department of labor and training on
19 a timely basis, shall be jointly and severally liable with the customer or employer for said
20 withholdings.

21 **44-30-84. Interest on underpayment.**

22 (a) General.

23 (1) If any amount of Rhode Island personal income tax, including any amount of the tax
24 withheld by an employer, is not paid on or before the due date, interest on the amount at the annual
25 rate provided by § 44-1-7 shall be paid for the period from the due date to the date paid, whether
26 or not any extension of time for payment was granted. The interest shall not be paid if its amount
27 is less than two dollars (\$2.00).

28 (2) Interest prescribed under this section may be waived by the tax administrator in the
29 event the underpayment results from the state's closing of banks and credit unions in which the
30 taxpayer's monies are deposited and the taxpayer has no other funds from which to pay his or her
31 tax.

32 (b) Estimated tax. If an individual fails to file a declaration of estimated Rhode Island
33 personal income tax as required by § 44-30-55, or to pay any installment of the tax as required by
34 § 44-30-56, the individual shall pay interest at the annual rate provided by § 44-1-7 for the period

1 the failure continues, until the fifteenth day of the fourth month following the close of the taxable
2 year. The interest in respect of any unpaid installment shall be computed on the amount by which
3 his or her actual payments and credits in respect of the tax are less than eighty percent (80%) of the
4 installment at the time it is due. Notwithstanding the foregoing, no interest shall be payable if one
5 of the exceptions specified in 26 U.S.C. § 6654(d)(1) or (2) would apply if the exceptions referred
6 to the corresponding Rhode Island tax amounts and returns.

7 (c) Payment prior to notice of deficiency. If, prior to the mailing to the taxpayer of notice
8 of deficiency under § 44-30-81, the tax administrator mails to the taxpayer a notice of proposed
9 increase of tax and within thirty (30) days after the date of the notice of the proposed increase the
10 taxpayer pays all amounts shown on the notice to be due to the tax administrator, no interest under
11 this section on the amount so paid shall be imposed for the period after the date of the notice of
12 proposed increase.

13 (d) Payment within ten (10) days after notice and demand. If notice and demand is made
14 for payment of any amount, and the amount is paid within ten (10) days after the effective date of
15 the notice and demand under § 44-30-81(b), interest under this section on the amount so paid shall
16 not be imposed for the period after the date of the notice and demand.

17 (e) Suspension of interest on deficiencies. If a waiver of restrictions on assessment of a
18 deficiency has been filed by the taxpayer, and if notice and demand by the tax administrator for
19 payment of the deficiency is not made within thirty (30) days after the filing of the waiver, interest
20 shall thereupon cease to accrue until the date of notice and demand.

21 (f) Interest treated as tax. Interest under this section shall be paid upon notice and demand
22 and shall be assessed, collected, and paid in the same manner as the tax, except that interest under
23 subsection (b) of this section may be assessed without regard to the restrictions of § 44-30-81.

24 (g) No interest on interest. No interest shall be imposed on any interest provided in this
25 section.

26 (h) Interest on civil penalties and additions to tax. Interest shall be imposed under
27 subsection (a) of this section in respect of any assessable civil penalty or addition to tax only if the
28 assessable penalty or addition to tax is not paid within fifteen (15) days from the effective date of
29 notice and demand therefor under § 44-30-81(b), and in that case interest shall be imposed only for
30 the period from the effective date of the notice and demand to the date of payment.

31 (i) Tax reduced by carryback. If the amount of tax for any taxable year is reduced by reason
32 of a carryback of a net operating loss, the reduction in tax shall not affect the computation of interest
33 under this section for the period ending with the last day of the taxable year in which the net
34 operating loss arises.

1 (j) Limitation on assessment or collection. Interest prescribed under this section may be
2 assessed or collected at any time during the period within which the tax or other amount to which
3 the interest relates may be assessed or collected.

4 (k) Interest on erroneous refund. Any portion of tax or other amount which has been
5 erroneously refunded, and which is recoverable by the tax administrator, shall bear interest at the
6 annual rate provided by § 44-1-7 from the date of the payment of the refund.

7 (l) Timely Deposits for Withheld Tax. If an entity fails to remit withheld tax at the times
8 prescribed by the tax administrator, there may be interest assessed at the annual rate provided by §
9 44-1-7 for the period the failure continues, until the thirty-first day of the first month following the
10 close of the taxable year. The interest with respect to any failed remittances shall be computed as
11 prescribed by the tax administrator.

12 SECTION 26. Chapter 44-30 of the General Laws entitled "Personal Income Tax" is hereby
13 amended by adding thereto the following section:

14 **44-30-85.1. Electronic filing of withholding tax returns and penalties.**

15 (1) Beginning on January 1, 2020, every employer required to deduct and withhold tax
16 under this chapter, who had an average tax amount of two hundred dollars (\$200) or more per
17 month for the previous calendar year, shall file a return and remit said payments by electronic funds
18 transfer or other electronic means as defined by the tax administrator. The tax administrator shall
19 adopt any rules necessary to administer a program of electronic funds transfer or other electronic
20 filing system.

21 (2) Beginning on January 1, 2020, if any person fails to pay said taxes by electronic funds
22 transfer or other electronic means defined by the tax administrator as required hereunder, there shall
23 be added to the amount of tax the lesser of five percent (5%) of the withheld tax payment amount
24 that was not filed electronically or five hundred dollars (\$500), whichever is less, unless there was
25 reasonable cause for the failure and such failure was not due to negligence or willful neglect.

26 (3) Notwithstanding the provisions of 44-30-85(j)(2), beginning on January 1, 2020, if any
27 person fails to file a return by electronic means defined by the tax administrator as required
28 hereunder, there shall be added to the amount of tax equal to fifty dollars (\$50), unless there was
29 reasonable cause for the failure and such failure was not due to negligence or willful neglect.

30 SECTION 27. Section 45-19-1 of the General Laws in Chapter 45-19 entitled "Relief of
31 Injured and Deceased Fire Fighters and Police Officers" is hereby amended to read as follows:

32 **45-19-1. Salary payment during line of duty illness or injury.**

33 (a) Whenever any police officer of the Rhode Island Airport Corporation or whenever any
34 police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or

1 deputy fire marshal of any city, town, fire district, or the state of Rhode Island is wholly or partially
2 incapacitated by reason of injuries received or sickness contracted in the performance of his or her
3 duties or due to their rendering of emergency assistance within the physical boundaries of the state
4 of Rhode Island at any occurrence involving the protection or rescue of human life which
5 necessitates that they respond in a professional capacity when they would normally be considered
6 by their employer to be officially off-duty, the respective city, town, fire district, state of Rhode
7 Island or Rhode Island Airport Corporation by which the police officer, fire fighter, crash rescue
8 crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall,
9 during the period of the incapacity, pay the police officer, fire fighter, crash rescue crewperson, fire
10 marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to which
11 the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or
12 deputy fire marshal, would be entitled had he or she not been incapacitated, and shall pay the
13 medical, surgical, dental, optical, or other attendance, or treatment, nurses, and hospital services,
14 medicines, crutches, and apparatus for the necessary period, except that if any city, town, fire
15 district, the state of Rhode Island or Rhode Island Airport Corporation provides the police officer,
16 fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal,
17 with insurance coverage for the related treatment, services, or equipment, then the city, town, fire
18 district, the state of Rhode Island or Rhode Island Airport Corporation is only obligated to pay the
19 difference between the maximum amount allowable under the insurance coverage and the actual
20 cost of the treatment, service, or equipment. In addition, the cities, towns, fire districts, the state of
21 Rhode Island or Rhode Island Airport Corporation shall pay all similar expenses incurred by a
22 member who has been placed on a disability pension and suffers a recurrence of the injury or illness
23 that dictated his or her disability retirement, subject to the provisions of subsection (j) herein.

24 (b) As used in this section, "police officer" means and includes any chief or other member
25 of the police department of any city or town regularly employed at a fixed salary or wage and any
26 deputy sheriff, member of the fugitive task force, or capitol police officer, permanent
27 environmental police officer or criminal investigator of the department of environmental
28 management, or airport police officer.

29 (c) As used in this section, "fire fighter" means and includes any chief or other member of
30 the fire department or rescue personnel of any city, town, or fire district, and any person employed
31 as a member of the fire department of the town of North Smithfield, or fire department or district
32 in any city or town.

33 (d) As used in this section, "crash rescue crewperson" means and includes any chief or
34 other member of the emergency crash rescue section, division of airports, or department of

1 transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

2 (e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire
3 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
4 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
5 23.

6 (f) Any person employed by the state of Rhode Island, except for sworn employees of the
7 Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title shall
8 be subject to the provisions of chapters 29 -- 38 of title 28 for all case management procedures and
9 dispute resolution for all benefits.

10 (g) In order to receive the benefits provided for under this section, a police officer or
11 firefighter must prove to their employer that he or she had reasonable grounds to believe that there
12 was an emergency which required an immediate need for their assistance for the protection or
13 rescue of human life.

14 (h) Any claims to the benefits provided for under this section resulting from the rendering
15 of emergency assistance in the state of Rhode Island at any occurrence involving the protection or
16 rescue of human life while off-duty, shall first require those covered by this section to submit a
17 sworn declaration to their employer attesting to the date, time, place and nature of the event
18 involving the protection or rescue of human life causing the professional assistance to be rendered
19 and the cause and nature of any injuries sustained in the protection or rescue of human life. Sworn
20 declarations shall also be required from any available witness to the alleged emergency involving
21 the protection or rescue of human life.

22 (i) All declarations required under this section shall contain the following language:

23 "Under penalty of perjury, I declare and affirm that I have examined this declaration,
24 including any accompanying schedules and statements, and that all statements contained herein are
25 true and correct."

26 (j) Any person receiving injured on-duty benefits pursuant to this section, and subject to
27 the jurisdiction of the state retirement board for accidental retirement disability, ~~for an injury~~
28 ~~occurring on or after July 1, 2011,~~ shall apply for an accidental disability retirement allowance from
29 the state retirement board not later than ~~the later of eighteen (18) months after the date of the~~
30 ~~person's injury that resulted in said person's injured on-duty status or~~ sixty (60) days from the date
31 on which ~~a the~~ treating physician or an independent medical examiner certifies that the person has
32 reached maximum medical improvement, and in any event not later than eighteen (18) months after
33 the date of the person's injury that resulted in said person being on injured on-duty. Nothing herein
34 shall be construed to limit or alter any and all rights of the parties with respect to independent

1 medical examination or otherwise, as set forth in the applicable collective bargaining agreement.
2 Notwithstanding the forgoing, any person receiving injured on duty benefits as the result of a static
3 and incapacitating injury whose permanent nature is readily obvious and ascertainable shall be
4 required to apply for an accidental disability retirement allowance within sixty (60) days from the
5 date on which ~~a the~~ treating physician or an independent medical examiner certifies that the person's
6 injury is permanent, or sixty (60) days from the date on which such determination of permanency
7 is made in accordance with the independent medical examination procedures as set forth in the
8 applicable collective bargaining agreement.

9 (1) If a person with injured on duty status fails to apply for an accidental disability
10 retirement allowance from the state retirement board within the time frame set forth above, that
11 person's injured on duty payment shall terminate. Further, any person suffering a static and
12 incapacitating injury as set forth in subsection (j) above and who fails to apply for an accidental
13 disability benefit allowance as set forth in subsection (j) shall have his or her injured on duty
14 payment terminated.

15 (2) A person who so applies shall continue to receive injured on duty payments, and the
16 right to continue to receive ~~IOD~~ injured on-duty payments of a person who so applies shall
17 terminate upon final adjudication by the state retirement board approving or denying either ordinary
18 or accidental disability payments and, notwithstanding §45-21.2-9, this termination of injured on
19 duty benefits shall not be stayed. ~~in the event of a final ruling of the workers compensation court~~
20 ~~allowing accidental disability benefits. Nothing herein shall be construed to limit or alter any and~~
21 ~~all rights of the parties with respect to independent medical examination or otherwise, as set forth~~
22 ~~in the applicable collective bargaining agreement.~~

23 (3)(a) Notwithstanding any other provision of law, all persons entitled to benefits under
24 this section who were injured prior to July 1, 2019 and who have been receiving injured on duty
25 benefits pursuant to this section for a period of eighteen (18) months or longer as of July 1, 2019
26 shall have up to ninety (90) days from July 1, 2019 to apply for an accidental disability retirement
27 benefit allowance. Any person receiving injured on-duty benefits for a period less than eighteen
28 (18) months as of July 1, 2019 shall apply for an accidental disability retirement benefit allowance
29 within eighteen (18) months of the date of injury that resulted in said person receiving injured on-
30 duty pay, provided however, said person shall have a minimum of ninety (90) days to apply.

31 Applications for disability retirement received by the state retirement board by any person
32 employed by the State of Rhode Island receiving injured on-duty payments that shall be deemed
33 untimely pursuant to §36-10-14(b) shall have ninety (90) days from July 1, 2019 to apply for an
34 accidental disability retirement benefit allowance. Failure to apply for an accidental disability

1 retirement benefit allowance within the timeframe set forth herein shall result in the termination of
2 injured on duty benefits.

3 (b) Any person who is currently receiving injured on-duty payments and who has been
4 denied or approved for an ordinary or accidental disability benefit based on a final adjudication of
5 the state retirement board, shall have injured on-duty payments terminated and, if approved, shall
6 receive benefits consistent with the award of an ordinary or accidental disability as applicable.

7 (4) If awarded an accidental disability pension, any person employed by the state of Rhode
8 Island covered under this section shall receive benefits consistent with §36-10-15.

9 SECTION 28. **Effective Date.** Sections 14, 15, 16, and 17 of this article shall take effect
10 September 1, 2019. The remaining sections of this article shall take effect upon passage.