

2019 -- S 0396

LC001702

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF BUSINESS
REGULATION--AUTOMOBILE WRECKING AND SALVAGE YARDS

Introduced By: Senator Roger Picard

Date Introduced: February 27, 2019

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-14.2 of the General Laws entitled "Department of Business
2 Regulation - Automobile Wrecking and Salvage Yards" is hereby amended by adding thereto the
3 following section:

4 **42-14.2-22. Advertising of junk or salvaged vehicles prohibited without license.**

5 (a) Definitions. As used in this section, the following terms shall have the following
6 meanings:

7 (1) "Advertising" means communication by any form of medium, including electronic
8 format, where the intention of the publisher is to communicate to the general public a product or
9 service by and through the advertiser.

10 (2) "Physical address" means a mailing address including a zip code, which details the
11 actual location of an automobile wrecking and salvage yard. For purposes of this section, the use
12 of a post office box, a private mail drop box or an email address is insufficient.

13 (b) No sign advertising the purchase, sale, transport, delivery or receiving of any
14 salvaged, unserviceable, worn out, discarded, or junk motor vehicle shall be erected, constructed,
15 posted, painted, altered, maintained, or placed for public display unless an auto wrecking yard or
16 auto salvage yard license issued pursuant to § 42-14.2-3 has first been obtained by the entity or
17 person advertising such services.

18 (c) Any entity or person that advertises on a website, in an online service or in a

1 newspaper or other paper or electronic publication, the purchase, sale, delivery, removal, or
2 receiving of any salvaged, unserviceable, worn out, discarded, or junk motor vehicle in this state
3 shall clearly and conspicuously include in such advertising, the legal name of the entity or person
4 licensed pursuant to § 42-14.2-3, the physical address, telephone number and license number of
5 the auto wrecking yard and auto salvage business.

6 (d) Subsections (b) and (c) of this section shall not apply to:

7 (1) Any individual seeking to sell his or her own vehicle in a private transaction;

8 (2) A nonprofit organization recognized under title 26, U.S.C. § 501(c) of the Internal
9 Revenue Code;

10 (3) Any licensed automobile wrecking or salvage yard with a sign or other advertisement
11 which is physically attached to the outside of the physical address or location of the license
12 holder's property; or

13 (4) Any other entity or individual advertising on a billboard that is regulated by other
14 state or federal laws.

15 (e) Any entity or individual who advertises in violation of subsection (b) of this section
16 shall be fined, for a first violation, a civil penalty of one thousand five hundred dollars (\$1,500),
17 and for a second or subsequent violation a civil penalty of two thousand five hundred dollars
18 (\$2,500).

19 (f) Any entity or individual who advertises in violation of subsection (c) of this section
20 shall be fined, for a first violation, a civil penalty of five hundred dollars (\$500), and for a second
21 or subsequent violation a civil penalty of one thousand dollars (\$1,000).

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF BUSINESS
REGULATION--AUTOMOBILE WRECKING AND SALVAGE YARDS

1 This act would prohibit any entity or individual from advertising the sale, purchase,
2 receipt, transport, delivery or salvage of any junk or discarded automobile unless the advertiser is
3 a licensed auto wrecking or salvage yard. Violations of this section would result in civil fines
4 being imposed.

5 This act would take effect upon passage.

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