

2017 -- S 0599

LC001227

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- CONTRACTORS' REGISTRATION
AND LICENSING BOARD

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 15, 2017

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-65-19 of the General Laws in Chapter 5-65 entitled "Contractors'
2 Registration and Licensing Board" is hereby amended to read as follows:

3 **5-65-19. Penalty for operating without a registration -- Failure to comply with a**
4 **final order of the board -- Repeat offense a felony.**

5 (a) Any person who ~~violates a final order of the board, or~~ fails to register as a contractor
6 as ~~stipulated~~ adjudged in a final order issued by the board, ~~and~~ upon proper written notification, is
7 deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a term not
8 exceeding one year, ~~or~~ fined not more than ~~five thousand dollars (\$5,000)~~ one thousand dollars
9 (\$1,000), or both for a first or second offense ~~and not more than ten thousand dollars (\$10,000)~~
10 ~~for a second and/or subsequent offense(s) each.~~ A third or subsequent violation of this subsection
11 is be deemed a felony, and upon conviction, the violator shall be imprisoned for a term not
12 exceeding two (2) years, fined not more than two thousand dollars (\$2,000), or both.

13 (b) Any person who violates a final order of the board where the monetary total of the
14 order including, but not limited to, the monetary judgment and/or fines, is not more than five
15 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor,
16 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than
17 one thousand dollars (\$1,000), or both.

18 (c) Any person who violates a final order of the board where the monetary total of the

1 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars
2 (\$5,000) or more, upon written notification, is deemed guilty of a felony, and, upon conviction,
3 shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten thousand
4 dollars (\$10,000), or both.

5 (d) A final order shall be considered delivered when served to a defendant or designated
6 agent to accept service. In addition to any sentence or fine imposed by the court under ~~subsection~~
7 subsections (a), (b) and (c) of this section, the court ~~may~~ shall order a defendant to comply with
8 any outstanding final order of the board, including any monetary judgment, and/or to pay to the
9 board any outstanding fine or fines previously imposed by the board pursuant to this chapter.

10 ~~(e)~~(e) If a contractor is a repeat offender with violations of three (3) or more final orders
11 of the board with respect to three (3) separate contracts executed by three (3) separate
12 individuals/aggrieved parties and said violations are filed within a twenty-four (24) month period,
13 the violation shall be prosecuted as a felony and upon conviction the violator shall be subject to
14 imprisonment for a term not to exceed ~~five (5)~~ ten (10) years or fined not more than ten thousand
15 dollars (\$10,000).

16 SECTION 2. Section 5-65.1-13 of the General Laws in Chapter 5-65.1 entitled "Home
17 Inspectors" is hereby amended to read as follows:

18 **5-65.1-13. Violations -- Penalties.**

19 (a) Any person who operates as a home inspector without a license as adjudged in a final
20 order issued by the board, upon proper written notification, is deemed guilty of a misdemeanor,
21 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than
22 one thousand dollars (\$1,000), or both for a first or second offense. A third or subsequent
23 violation of this subsection is be deemed a felony, and upon conviction, the violator shall be
24 imprisoned for a term not exceeding two (2) years, fined not more than two thousand dollars
25 (\$2,000), or both.

26 (b) Any person who violates a final order of the board where the monetary total of the
27 order including, but not limited to, the monetary judgment and/or fines, is not more than five
28 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor
29 and, upon conviction, ~~may~~ shall be imprisoned for a term not exceeding one year, ~~or~~ fined not
30 more than one thousand dollars (\$1,000) ~~for each offense~~ , or both.

31 (c) Any person who violates a final order of the board where the monetary total of the
32 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars
33 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon
34 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten

1 thousand dollars (\$10,000), or both.

2 ~~(b)~~(d) A final order shall be considered delivered when served to a defendant or
3 designated agent to accept service. In addition to any sentence or fine imposed by the court under
4 ~~subsection~~ subsections (a), (b) and (c) of this section, the court may shall order a defendant to
5 comply with any outstanding final order of the board, including any monetary judgment and to
6 pay to the board any outstanding fine or fines previously imposed by the board pursuant to this
7 chapter. A final order of the board may also be enforced in a civil contempt proceeding brought
8 upon complaint in the district court.

9 (e) If a home inspector is a repeat offender with violations of three (3) or more final
10 orders of the board with respect to three (3) separate contracts executed by three (3) separate
11 individuals/aggrieved parties and said violations are filed within a twenty-four (24) month period,
12 the violation shall be prosecuted as a felony and upon conviction the violator shall be subject to
13 imprisonment for a term not to exceed ten (10) years or fined not more than ten thousand dollars
14 (\$10,000).

15 SECTION 3. Section 5-65.3-17 of the General Laws in Chapter 5-65.3 entitled
16 "Underground Utility Contractors" is hereby amended to read as follows:

17 **5-65.3-17. Penalties for violations.**

18 (a) Violations of any provision of this chapter shall be subject to the penalties as follows:
19 any corporation, association, sole proprietorship, firm partnership, limited liability corporation,
20 limited liability partnership or other business organization licensed by the board shall be subject
21 to a fine up to five thousand dollars (\$5,000) for the first offense and up to ten thousand dollars
22 (\$10,000) for the second and subsequent violations of this chapter.

23 (b) Any person who operates as a underground utility contractor without a license as
24 adjudged in a final order issued by the board, upon proper written notification, is deemed guilty
25 of a misdemeanor, and, upon conviction, shall be imprisoned for a term not exceeding one year,
26 fined not more than one thousand dollars (\$1,000), or both for a first or second offense. A third or
27 subsequent violation of this subsection is be deemed a felony, and upon conviction, the violator
28 shall be imprisoned for a term not exceeding two (2) years, fined not more than two thousand
29 dollars (\$2,000), or both.

30 (c) Any person who violates a final order of the board where the monetary total of the
31 order including, but not limited to, the monetary judgment and/or fines, is not more than five
32 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor,
33 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than
34 one thousand dollars (\$1,000), or both.

1 (d) Any person who violates a final order of the board where the monetary total of the
2 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars
3 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon
4 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten
5 thousand dollars (\$10,000), or both.

6 (e) A final order shall be considered delivered when served to a defendant or designated
7 agent to accept service. In addition to any sentence or fine imposed by the court under
8 subsections (b), (c) and (d) of this section, the court shall order a defendant to comply with any
9 outstanding final order of the board, including any monetary judgment and to pay to the board
10 any outstanding fine or fines previously imposed by the board pursuant to this chapter.

11 (e) If an underground utility contractor is a repeat offender with violations of three (3) or
12 more final orders of the board with respect to three (3) separate contracts executed by three (3)
13 separate individuals/aggrieved parties and said violations are filed within a twenty-four (24)
14 month period, the violation shall be prosecuted as a felony and upon conviction the violator shall
15 be subject to imprisonment for a term not to exceed ten (10) years or fined not more than ten
16 thousand dollars (\$10,000).

17 SECTION 4. Chapter 5-65.2 of the General Laws entitled "Rhode Island Well-Drilling,
18 Pump Installation and Water-Filtration Contractors' Licensing Law" is hereby amended by adding
19 thereto the following section:

20 **5-65.2-5. Penalties for violations.**

21 (a) Any person who operates as a well-drilling contractor, pump installer, residential
22 water filtration/treatment-system contractor or residential water filtration/treatment-system
23 installer without a license as adjudged in a final order issued by the board, upon proper written
24 notification, is deemed guilty of a misdemeanor, and, upon conviction, the violator shall be
25 imprisoned for a term not exceeding one year, fined not more than one thousand dollars (\$1,000),
26 or both for a first or second offense. A third or subsequent violation of this subsection is be
27 deemed a felony, and upon conviction, shall be imprisoned for a term not exceeding two (2)
28 years, fined not more than two thousand dollars (\$2,000), or both.

29 (b) Any person who violates a final order of the board where the monetary total of the
30 order including, but not limited to, the monetary judgment and/or fines, is not more than five
31 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor,
32 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than
33 one thousand dollars (\$1,000), or both.

34 (c) Any person who violates a final order of the board where the monetary total of the

1 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars
2 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon
3 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten
4 thousand dollars (\$10,000), or both.

5 (d) A final order shall be considered delivered when served to a defendant or designated
6 agent to accept service. In addition to any sentence or fine imposed by the court under
7 subsections (a), (b) and (c) of this section, the court shall order a defendant to comply with any
8 outstanding final order of the board, including any monetary judgment and to pay to the board
9 any outstanding fine or fines previously imposed by the board pursuant to this chapter.

10 (e) If a well drilling contractor, pump installer, residential water filtration/treatment-
11 system contractor or residential water filtration/treatment-system installer is a repeat offender
12 with violations of three (3) or more final orders of the board with respect to three (3) separate
13 contracts executed by three (3) separate individuals/aggrieved parties and said violations are filed
14 within a twenty-four (24) month period, the violation shall be prosecuted as a felony and upon
15 conviction the violator shall be subject to imprisonment for a term not to exceed ten (10) years or
16 fined not more than ten thousand dollars (\$10,000).

17 SECTION 5. Chapter 5-73 of the General Laws entitled "Roofing Contractors" is hereby
18 amended by adding thereto the following section:

19 **5-73-5. Penalties for violations.**

20 (a) Any person who operates as a roofing contractor without a license as adjudged in a
21 final order issued by the board, upon proper written notification, is deemed guilty of a
22 misdemeanor, and, upon conviction, shall be imprisoned for a term not exceeding one year, fined
23 not more than one thousand dollars (\$1,000), or both for a first or second offense. A third or
24 subsequent violation of this subsection is be deemed a felony, and upon conviction, the violator
25 shall be imprisoned for a term not exceeding two (2) years, fined not more than two thousand
26 dollars (\$2,000), or both.

27 (b) Any person who violates a final order of the board where the monetary total of the
28 order including, but not limited to, the monetary judgment and/or fines, is not more than five
29 thousand dollars (\$5,000), upon proper written notification, is deemed guilty of a misdemeanor,
30 and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than
31 one thousand dollars (\$1,000), or both.

32 (c) Any person who violates a final order of the board where the monetary total of the
33 order including, but not limited to, the monetary judgment and/or fines, is five thousand dollars
34 (\$5,000) or more, upon proper written notification, is deemed guilty of a felony, and, upon

1 conviction, shall be imprisoned for a term not exceeding ten (10) years, fined not more than ten
2 thousand dollars (\$10,000), or both.

3 (d) A final order shall be considered delivered when served to a defendant or designated
4 agent to accept service. In addition to any sentence or fine imposed by the court under
5 subsections (a), (b) and (c) of this section, the court shall order a defendant to comply with any
6 outstanding final order of the board, including any monetary judgment and to pay to the board
7 any outstanding fine or fines previously imposed by the board pursuant to this chapter.

8 (e) If a roofing contractor is a repeat offender with violations of three (3) or more final
9 orders of the board with respect to three (3) separate contracts executed by three (3) separate
10 individuals/aggrieved parties and said violations are filed within a twenty-four (24) month period,
11 the violation shall be prosecuted as a felony and upon conviction the violator shall be subject to
12 imprisonment for a term not to exceed ten (10) years or fined not more than ten thousand dollars
13 (\$10,000).

14 SECTION 6. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- CONTRACTORS' REGISTRATION
AND LICENSING BOARD

1 This act would distinguish the criminal penalties for violations of a final order of the
2 contractors' registration board based on the amount of the monetary judgment included in the
3 final order. Violations of a final order where the monetary total of the order including, but not
4 limited to, the monetary judgment and/or fines, are not more than five thousand dollars (\$5,000)
5 are deemed guilty of a misdemeanor. Violations of a final order where the monetary total of the
6 order including, but not limited to, the monetary judgment and/or fines, are five thousand dollars
7 (\$5,000) or more are deemed guilty of a felony.

8 This act would take effect upon passage.

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