

2010 -- S 2350

LC01295

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

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

Introduced By: Senator V. Susan Sosnowski

Date Introduced: February 11, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **5-65-2. Applications.** -- (a) The following persons shall be exempt from registration
4 under this chapter:

5 (1) A person who is constructing, altering, improving, or repairing his or her own
6 personal property.

7 (2) A person who is constructing, altering, improving, or repairing a structure located
8 within the boundaries of any site or reservation under the jurisdiction of the federal government.

9 (3) A person who furnishes materials, supplies, equipment, or furnishes products and
10 does not fabricate them into, or consume them, in the performance of the work of a contractor. If
11 the person wants to file a claim pursuant to this chapter they must be registered pursuant to this
12 chapter.

13 (4) A person working on one structure or project, under one or more contracts when the
14 price of all of that person's contracts for labor, materials, and all other items is less than five
15 hundred dollars (\$500) and the work is of a casual, minor, or inconsequential nature. This
16 subsection does not apply to a person who advertises or puts out any sign or card or other device,
17 which might indicate to the public that the person is a contractor.

18 (5) This section does not apply to a person who constructs or for compensation with the

1 intent to sell the structure, or who arranges to have constructed a structure to be sold before, upon
2 or after completion. It shall be prima facie evidence that there was intent to offer the structure for
3 sale if the person who constructed the structure or arranged to have the structure constructed does
4 not occupy the structure for one calendar year after completion.

5 (6) A person performing work on a single dwelling unit property that person owns,
6 whether occupied by that person or not, or a person performing work on that person's residence,
7 whether or not that person owns the residence. This subdivision does not apply to a person
8 performing work on a structure owned by that person if the work is performed, in the pursuit of
9 an independent business, with the intent of offering the structure for sale before, upon, or after
10 completion.

11 (7) A person who performs work subject to this chapter as an employee of a contractor.

12 (8) A manufacturer of a mobile home constructed under standards established by the
13 federal government.

14 (9) A person involved in the movement of:

15 (i) Modular buildings or structures other than mobile homes not in excess of fourteen
16 (14) feet in width.

17 (ii) Structures not in excess of sixteen (16) feet in width when these structures are being
18 moved by their owner if the owner is not a contractor required to be registered under this chapter.

19 (10) Any person or business entity licensed by the state employing licensed trades
20 persons as defined by chapters 6, 20, and 56 of this title, and 26 and 27 of title 28 and working
21 within the purview of the license issued by the governing agency shall be exempt from all the
22 provisions of this chapter except section 5-65-7, requiring insurance. A valid certificate of
23 insurance shall be required to be maintained by the licensing agency during the terms of the
24 issuance date of the license as a condition for a valid license. Failure of the licensee to maintain
25 this insurance shall result in loss of license pursuant to requirements of statutes governing the
26 licensing authority.

27 (b) No registration shall be issued to a nonresident contractor until he or she has filed
28 with the board a power of attorney constituting and appointing a ~~lawful attorney~~ registered agent
29 upon whom all processes in any action or legal proceeding against him or her may be served, and
30 in the power of attorney agrees that any lawful process against him or her which may be served
31 upon his or her ~~attorney~~ registered agent is of the same force and validity as if served on the
32 nonresident contractor, and that the force continues irrevocably in force until such time as the
33 board has been duly notified in writing of any change to that status.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would require a nonresident contractor to appoint a registered agent (who would
- 2 not be required to be a lawful attorney) upon whom all processes in any action may be served.
- 3 This act would take effect upon passage.

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