

2016 -- S 2851

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LC005227
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - ELECTRICIANS - TRADES
LICENSING - PENALTY FOR VIOLATIONS

Introduced By: Senator P Fogarty

Date Introduced: March 23, 2016

Referred To: Senate Labor

(Labor & Training)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-6-32 of the General Laws in Chapter 5-6 entitled "Electricians" is
2 hereby amended to read as follows:

3 **5-6-32. Authority of director to assess penalty.** -- (a) The director may assess an
4 administrative penalty on any person, firm, or corporation for any violation of the provisions of
5 this chapter, after notice and a hearing, before and upon the recommendation of the board of
6 examiners of electricians in the amount of five hundred dollars (\$500) for the first violation and
7 nine hundred fifty dollars (\$950) for a subsequent violation. Each individual person acting in
8 violation of the provisions of this chapter shall constitute a separate offense to any person, firm,
9 or corporation assessed a penalty under this section. All funds collected by the labor and training
10 department under this section shall be placed in the restricted receipts account created pursuant to
11 § 28-22-1.1. This section is in addition to any other action provided by law for violations of this
12 chapter.

13 (b) The chief of the section shall act as an investigator with respect to the enforcement of
14 all the provisions of law relative to the licensing of electricians and, to this effect, whenever a
15 complaint is made by the chief of the section to the director of the department of labor and
16 training or his or her designee that the provisions of this chapter are being violated, the director of
17 the department of labor and training or his or her designee may issue an order to cease and desist
18 from that violation and may impose the above penalties against the violator and against the

1 contractor.

2 SECTION 2. Section 28-27-24 of the General Laws in Chapter 28-27 entitled
3 "Mechanical Trades" is hereby amended to read as follows:

4 **28-27-24. Recommendations of board -- Order of the director -- Appeal. --** (a) The
5 board, upon the completion of any hearing held on a verified complaint, shall present to the
6 director of labor and training a written report of its findings and recommendations. The director
7 shall then order that the license of the licensee charged shall be revoked or suspended, or impose
8 a fine of one thousand five hundred dollars (\$1,500) for a first violation and two thousand dollars
9 (\$2,000) for any subsequent violation within one year of the first violation, or that the complaint
10 shall be dismissed in accordance with the recommendations. A copy of the order shall be
11 immediately served upon the licensee and/or violator personally or by registered or certified mail.
12 The order of the board is final unless the licensee and/or violator so charged or complainant
13 within twenty (20) days after receipt of the order files an appeal with the director. The appeal will
14 be determined by the administrator of the division or his or her designee. The director may accept
15 or reject, in whole or in part, the recommended order of the board. The order of the director shall
16 be final, and a copy of it shall be immediately served upon the person, firm, or corporation
17 assessed.

18 (b) The division is considered a person for the purpose of this section.

19 (c) The chief of the section shall act as an investigator with respect to the enforcement of
20 all the provisions of law relative to the licensing of pipefitting, refrigeration, sprinkler fitting, and
21 sheet metal and to this effect whenever a complaint is made by the chief of the section to the
22 department of labor and training director, or designee, that the provisions of this chapter are being
23 violated, the director of the department of labor and training, or designee, may issue an order to
24 cease and desist from that violation and may impose the above penalties against the violator and
25 against the contractor. [Each individual person acting in violation of the provisions of this chapter
26 shall constitute a separate offense to any violator and/or contractor assessed a penalty under this
27 section.](#)

28 SECTION 3. Section 5-20-33 of the General Laws in Chapter 5-20 entitled "Plumbers
29 and Irrigators" is hereby amended to read as follows:

30 **5-20-33. Penalties for violations. --** Any person violating any provision of this chapter
31 shall be subject to the penalties as follows: any person, firm, or corporation, licensed or
32 unlicensed by the department of labor and training, division of professional regulation shall be
33 subject to a fine of one thousand five hundred dollars (\$1,500) for a first offense, and for second
34 and subsequent violations of this chapter, shall be subject to a fine of not less than two thousand

1 dollars (\$2,000). Each individual person acting in violation of the provisions of this chapter shall
2 constitute a separate offense to any person, firm, or corporation assessed a penalty under this
3 section.

4 SECTION 4. Section 5-70-22 of the General Laws in Chapter 5-70 entitled
5 "Telecommunications" is hereby amended to read as follows:

6 **5-70-22. Authority of director to assess penalty.** -- (a) The director may assess an
7 administrative penalty on any person, firm or corporation for any violation of the provisions of
8 this chapter, after notice and hearing, before and upon the recommendation of the board of
9 examination of telecommunication system contractors, technicians and installers in the amount of
10 not more than five hundred dollars (\$500) for the first offense and not less than five hundred
11 dollars (\$500) nor more than one thousand dollars (\$1000) for each subsequent offense; provided,
12 that the director of labor and training may revoke any telecommunication license for a failure to
13 pay any fine recommended by the board and approved by the director of labor and training within
14 thirty (30) days. Each individual person acting in violation of the provisions of this chapter shall
15 constitute a separate offense to any person, firm, or corporation assessed a penalty under this
16 section.

17 (b) A copy of the order shall be immediately served upon the licensee personally or by
18 registered or certified mail. The order of the board shall be final unless the licensee so charged or
19 complainant shall within twenty (20) days after receipt of the order file with the director of labor
20 and training an appeal. The appeal will be determined by the director or his or her designee. The
21 director may accept or reject, in whole or in part, the recommended order of the board. The order
22 of the director shall be final, subject to review by the courts under the Administrative Procedures
23 Act, chapter 35 of title 42, and a copy of the order shall be immediately served upon the person,
24 firm or corporation assessed.

25 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO BUSINESSES AND PROFESSIONS - ELECTRICIANS - TRADES
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1 This act would establish that each individual acting in violation of the chapters governing
2 electricians, mechanical trades, plumbers and telecommunications workers shall constitute a
3 separate offense to any person, firm, contractor, or corporation that is found to be in violation of
4 these chapters.

5 This act would take effect upon passage.

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