**2019 Legislative Wrap-up**

The legislature has been forwarding bills to Governor Raimondo for her consideration. While most bills were either signed or allowed to become law without the Governor’s signature, three bills were vetoed: H.6250 and S.46 (Allows a school district to conduct instruction through virtual education up to 5 days when schools have been closed due to inclement weather, emergency or any nonscheduled school closings); and H.6102 (An motor vehicle insurer found in violation of the unfair claims settlement practices act can be liable for 3 times the amount of damages). These three bills could be reconsidered if the General Assembly comes back into session in September or October. A fall session could also include the IGT contract with the Lottery Commission.

The following bills became law this session:

**H.5116 SubA and S.889** – All Rhode Island retail establishments must accept currency as payment for goods or services. No store, restaurant, service establishment, etc. can require customers to pay with a credit card or other credit device. An exemption does exist for on-line internet sales. Violations are subject to the Deceptive Trade Practices Act. The Attorney General can file suit against the business and civil as well as private penalties can be assessed. Chapters 47 and 78 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5116A.pdf> <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0889.pdf>

**H.5129 SubA and S.154 SubA** - Any condominium association that fails to provide a resale certificate to the unit owner within 10 days of a written request by the unit owner is subject to a civil penalty between $100 and $500 per occurrence. Chapters 48 and 39 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5129A.pdf> <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0154A.pdf>

**H.5145 SubA and S.395 SubA** – These bills give the Secretary of State, in conjunction with the Department of Environmental Management to issue certificates of adoption of transparency and sustainability standards to business entities that meets criteria to be set by those agencies and pay the corresponding fee. The voluntary program seems to seek to encourage businesses to voluntarily look at environmental sustainability issues as well as social responsibilities. Chapters 186 and 206 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5145A.pdf> <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0395A.pdf>

**H.5151 SubA as amended** – the FY2020 budget passed both the House and Senate without any broad-based taxes including the Medicaid assessment, the expansion of sales tax on business services, the increase in cell phone fees, scooping of various funds, the lobbyist tax, the tobacco taxes, and the hotel tax. The budget maintains the phase-out of the car tax. The budget did decrease the current fiscal year budget for the Real Jobs Development Program. This budget was what some people referred to as a status quo budget, but it was a good budget for the business community in comparison to where it started in the process. Chapter 88 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5151Aaa.pdf>

**H.5189 and S.134** - These laws provide that the non-resident withholding requirement for a corporation that sells real estate be consistent with the 7% corporate income tax. Chapters 175 and 235 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5189.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0134.pdf>

**H.5241 SubA and S.37 SubA** – Sports Wagering Authorization. Chapters 8 and 7 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5241A.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0037A.pdf>

**H.5278 SubA and S.251 SubA** - Extends the requirement to collect sales tax to remote sellers in a way that conforms to a recent U.S. Supreme Court decision making it easier for states to compel collection/sales tax from retailers who do not have a physical presence in their state. Chapters 11 and 12 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5278A.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0251A.pdf>

**H.5287 SubA as amended and S.431 Sub A as amended** - Require that all defined pension plans, excluding certain governmental plans, which are not covered by the ERISA and have at least two hundred (200) members, comply with ERISA's annual reporting provisions. Chapters 52 and 67 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5287Aaa.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0431Aaa.pdf>

**H.5299 as amended and S.308 SubA** – These new laws make it a violation of state law to take an animal into a public place, where pets are not permitted, and state that the animal is a service animal if the animal is not a service animal. Such activity is considered a civil violation of law punishable by up to 30 hours of community service for an organization that serves individuals with disabilities. Chapters 96 and 131 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5299aa.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0308A.pdf>

**H.5305** – This law concerns the State’s Uninsured Protection Fund which helps injured employees in the event the employer does not carry workers compensation insurance. The fund is replenished by amounts recovered from the uninsured employer. Prior to the passage of H.5305, the law applied to injuries sustained on or after February 1, 2019. With the passage of this new law, it will apply to injuries sustained on or after September 1, 2019. Chapter 9 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5305.pdf>

**H.5322 as amended and S.27 SubA** – These bills provide liability protection to food facilities (restaurants, food trucks, etc.) and “gleaners” (agricultural harvesters) that donate food to food banks and as well as directly to end users - individuals. Prior to the passage of this act, food could only be donated to food banks or non-profits that distribute excess food. The new law does not provide liability protection for gross negligence or intentional misconduct related to food safety. Chapters 97 and 123 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5322aa.pdf> <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0027A.pdf>

**H.5478 SubA and S.1021** - Provides that an open and obvious danger or defect is not a complete bar to recovery of damages in personal injury or property damage actions. Chapters 185 and 256 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5478A.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S1021.pdf>

**H.5590 SubA as amended –** This new law creates a 10 year statute of limitations on any assessment of tax due and payable by the tax administrator for the sales and use tax, the estate tax, the personal income tax and business corporations tax. Chapter 192 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5590Aaa.pdf>

**H.5769 as amended and S.253 SubA** - These bills create a process, through the assistance of the Department of Labor and Training, that provides affected employees an opportunity to purchase the business that employs them but is in danger of being sold or going out of business. The new laws apply to businesses subject to the federal Worker Adjustment and Retraining Notification Act (WARN Act). Chapters 64 and 43 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5769aa.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0253A.pdf>

**H.5773 and S.259** – These bills, now law, preclude the Department of Business Regulation from pursuing any administrative action against a certified appraiser more than 5 years after the certified appraiser issues a certified appraisal report or more than 2 years after any judicial proceeding in which the appraisal provided testimony related to the appraisal assignment, whichever period expires later. Chapters 65 and 45 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5773.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0259.pdf>

**H.5989 SubA and S.687** - Allow a contractor or builder to hire a qualified third-party assistant or state inspector to perform an inspection if a building official fails to perform an inspection within 48 hours after notification. There must be notification to the building inspector of intent to do so at least 24 hours prior to hire. If the state inspector performs the inspection, the salary and operating expenses for services provided must be reimbursed to the state by the city or town receiving the services. Chapters 81 and 76 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5989A.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0687A.pdf>

**H.6019 Sub A and S.698 SubA** – These new laws render noncompetition agreements unenforceable against nonexempt employees, undergraduate or graduate students participating in an internship or a short-term employment, employees under 18 and “low wage” employees. "Low-wage employee" means an employee whose average annual earnings, is not more than 250% of the federal poverty level. Noncompetition agreements are still acceptable in certain cases of the sale of a business, trade secret situations, and for situations concerning the “taking” of clients or vendors. Chapters 204 and 264 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H6019A.pdf>

<http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0698A.pdf>

**S.74 SubA** – Places a 10 year statute of limitations on the Division of Taxation for the collection of sales and use tax, estate taxes and transfer taxes, personal income taxes and business corporation taxes. If the collection process begins within the 10 year timeframe, that process can continue past 10 years. The new law applies only to state tax liabilities that become final, due and payable after July 1, 2019. The new law also provides exemptions for certain bankruptcy or receivership situations as well as meals and beverage tax collections and hotel tax collections. Chapter 215 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0074A.pdf>

**S.98 SubA** – Allows a municipality to issue a Special Events liquor license to allow any retail business or nonprofit organization to offer alcoholic beverages for sale as part of an admission to an event held on the business’s premises. The special license is only good for one day; but the license can be applied for, and issued for, one day in each calendar month. The entity must purchase the alcohol from a Class A licensee in the same municipality. Chapter 156 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0098A.pdf>

**S.109 SubA** – Any minority business enterprise currently certified by the U.S. Small Business Administration as an 8(a) firm governed by 13 C.F.R. part 124 shall be deemed to be certified by the department of administration as a women's business enterprise and shall only be required to submit evidence of federal certification of good standing. Chapter 37 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0109A.pdf>

**Senate Joint Resolution 194 SubA** - Creates a 22 member commission to study and evaluate Rhode Island's electric and natural gas transmission and distribution system infrastructure, and report back to the General Assembly by March 1, 2020, and expire on June 30, 2020. Chapter 388 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0194A.pdf>

**S.334 SubA as amended** - Requires that any use of a premises for marijuana cultivation be disclosed in any real estate transaction. Chapter 207 of the Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0334Aaa.pdf>

**S.620** – Manufacturers of malt beverages (breweries) are allowed to sell, from their premises, 24 twelve ounce bottles or cans, or 24 sixteen ounce bottles or cans. Chapter 269 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0620.pdf>

**Senate Resolution 711** - Senate Resolution requesting the Governor’s Workforce Board to work with the RI Department of Labor to develop a report on the feasibility of expanding non-trade registered apprenticeship programs in Rhode Island. Resolution 256 of the 2019 Public Laws. <http://webserver.rilin.state.ri.us/BillText/BillText19/SenateText19/S0711.pdf>