

Criminal penalties for unlicensed contractor activity in selected states

<p>Washington <i>RCW 18.27.020</i></p> <p>Proposed changes in section 5 of HB 1555 <i>(removed from final bill)</i></p>	<p>It is a gross misdemeanor (<i>0 - 12 months, maximum fine of \$5000</i>) for a contractor to:</p> <ul style="list-style-type: none"> • Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered; • Use a false or expired registration number in purchasing an advertisement for which a contractor registration number is required; • Transfer a registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or • Subcontract to or use an unregistered contractor. <p>A person is guilty of a class C felony (<i>0 - 12 months, maximum fine of \$10,000</i>) for a third or subsequent conviction of any of the above violations.</p>
<p>Alaska <i>AS 08.18.141</i></p>	<p>A contractor or a person acting in the capacity of a contractor is guilty of a class B misdemeanor (<i>0-90 days, maximum fine of \$2,000</i>) if the person:</p> <ul style="list-style-type: none"> • Knowingly submits a bid or works as a contractor without being registered or subcontracts with an unregistered contractor; <u>AND</u> • Has previously violated similar provisions.
<p>Arizona <i>ARS 32-1164 and 1165</i></p>	<p>It is a class 1 misdemeanor (<i>0-6 months, maximum fine of \$2,500</i>) for a person not licensed as a contractor to:</p> <ul style="list-style-type: none"> • Act in the capacity of a contractor; or • Advertise that he or she is able to perform any service or contract for compensation. <p>A person shall be fined not less than \$1,000 for a first offense and not less than \$2,000 for a second or subsequent offense.</p>
<p>California <i>Cal. Bus. and Prof. Code, §7028</i></p>	<p>It is a misdemeanor (<i>0-12 months, maximum fine of \$1,000</i>) for a person to contract without a license or for an unlicensed person to advertise as a contractor.</p> <p>For a second offense, a person is fined 20 percent of the price of the contract or \$4,500, whichever is greater, and/or must be imprisoned for at least 90 days.</p> <p>For a third or subsequent conviction the fine is between \$4,500 and \$10,000 or 20 percent of the contract, whichever is greater, and/or by imprisonment for between 90 days and 1 year.</p>

<p>Connecticut <i>Conn. Gen. Stat.</i> § 20-417e</p>	<p>A person shall be guilty of a class A misdemeanor (0-12 months, maximum fine of \$2,000) who does not provide a consumer with a copy of his or her new home construction contractor certification and required disclosures.</p>
<p>Florida <i>Fla. Stat. § 489.127</i></p>	<p>A unlicensed person commits a misdemeanor of the first degree (0-12 months, maximum fine of \$1,000) if the person:</p> <ul style="list-style-type: none"> • Falsely holds himself or herself out as a licensee; • Falsely impersonates a licensee; • Knowingly gives false evidence to the regulatory authority; or • Acts in the capacity of a contractor or advertises as a contractor. <p>Any unlicensed person who commits any of the above violations after having been previously found guilty of such violation commits a felony of the third degree (0-5 years, maximum fine of \$5,000).</p>
<p>Maryland <i>Md. Code, Bus. Reg.</i> §8-601.</p>	<p>An unlicensed person is guilty of a misdemeanor (0-30 days, maximum fine of \$1,000) if he or she acts or offers to act as a contractor or subcontractor.</p> <p>On a second or subsequent conviction, a person is subject to 0-2 years of imprisonment and/or a maximum fine of \$5,000.</p>
<p>Oregon <i>ORS 701.990</i></p>	<p>It is a class A misdemeanor (0-12 months, maximum fine of \$6250) for a contractor to:</p> <ul style="list-style-type: none"> • Work or undertake to work as a contractor without a license; or • Intentionally use a contractor’s license number without the authorization of the licensed contractor.

Prepared for: Joint Legislative Task Force on the Underground Economy
September 16, 2009
Prepared by: Alison Hellberg, Office of Program Research