



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

Department of Administration  
CONTRACTORS' REGISTRATION AND LICENSING BOARD  
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**UNDERGROUND UTILITY CONTRACTOR AFFIDAVIT**

I, \_\_\_\_\_(print name), being duly sworn, hereby depose and state that I have read and will abide by the following provisions, understanding that the foregoing highlights significant aspects of the Underground Utility Contractors' Licensing Act (R.I.G.L. § 5-65.3-1 *et seq.*) and relevant provisions of the Contractors' Registration Act (R.I.G.L. § 5-65-1 *et seq.*), but does not represent the law in its entirety.

1. Throughout the period of licensing, the underground utility contractor shall carry a twenty thousand dollar (\$20,000) bond conditioned substantially that the applicant indemnifies and holds harmless the several cities and towns of this state and their officers from all suits and actions of every name and description brought against any of those cities, towns, and state or any of their officers for, or on account of, any injuries or damages received or sustained by any person in consequence of, or resulting from, any work performed by the applicant or its employees, servants, or agents; or of or from any improper materials used in the work; or of or from any negligence in guarding the work; or of or from any act or omission of the applicant, or its employees, servants, or agents. *See* R.I.G.L. § 5-65.3-10. Failure to maintain such a bond will result in revocation/suspension of license, fines, or both.
2. Throughout the period of licensing, the underground utility contractor shall have in effect public liability and property damage insurance covering his/her work in an amount not less than one million dollars (\$1,000,000.00) combined single limit, bodily injury, and property damage. *See* R.I.G.L. § 5-65.3-9(a). Failure to maintain such insurance will invalidate license and may result in fines.
3. All work performed under an underground utility contractor's license shall be in compliance with the plans and specifications approved by the local municipality or other appropriate authority having jurisdiction over the utility and/or work to be performed. *See* R.I.G.L. § 5-65.3-8.
4. The Contractors' Board may revoke, suspend, refuse to reissue or reinstate an underground utility contractor's license for the reasons set forth in R.I.G.L. § 5-65-10, including, but not limited to: failure to be properly licensed; failure to maintain insurance; licensee engaged in dishonest or fraudulent conduct injurious to the public; licensee violated a rule or order of the board; licensee knowingly assisted an unlicensed person to act in violation of the statute; licensee violated state building codes; licensee misused license; licensee performed work or arranged to perform work with a suspended, invalidated, or revoked license; licensee breached a contract; licensee misrepresented license status; licensee hired an unlicensed/unregistered contractor, etc.
5. All contracts exceeding \$1,000.00 in value must be in writing (R.I.G.L. § 5-65-3(o)) and must contain the following:
  - a. A right of rescission clause (R.I.G.L. § 5-65-3(p));
  - b. Mechanic's lien notice: requires that all written contracts entered into between a property owner and a contractor must contain a statement that the contractor, subcontractor or material supplier may file a lien pursuant to the Rhode Island Mechanic's Lien Act at Ch. 28 title 34 of the R.I. Gen. Laws (R.I.G.L. §§ 5-65-3 and 5-65-18);
  - c. Written contracts shall include a location on or near the signature line for the parties to initial as evidence that the consumer received consumer education materials or information approved and provided by the board (R.I.G.L. § 5-65-3(o)).

6. The Board may impose fines for violations of any provision of 5-65.3 up to \$5,000 for the first offense and up to \$10,000 for the second and subsequent violations of the chapter.
7. The violation of a final order of the Board is a misdemeanor offense and the violation of three (3) or more final orders of the Board may be prosecuted as a felony. *See* R.I.G.L. § 5-65-19 (a) & (c).
8. Fines and penalties payable to and for the benefit of a governmental unit may constitute a non-dischargeable debt in a bankruptcy proceeding. *See* Bankruptcy Code, 11 U.S.C. § 523(a)(7).
9. Should the board, pursuant to its investigatory powers (*see* R.I.G.L. §5-65-16 (c)), subpoena financial or other documents from an individual or his/her business, any suspicion of nondisclosure or improper record keeping may be reported to the appropriate authority.
10. Rhode Island law requires anyone who digs to notify utility companies before excavating. *See* R.I.G.L. 39-1.2-1 *et seq.* Dig Safe® is a free service that notifies member companies of future digs so that the location of underground facilities can be identified on the job site. Call 1 (888) DIG-SAFE.
11. An underground utility contractor must notify the Board in writing of any change of address while licensed and for one (1) year following the date of an expired or otherwise inactive license. *See* R.I.G.L. § 5-65-6. Any proposed or final order or notice of hearing sent by the Board to the contractor's last known address of record will be considered delivered when deposited in the U.S. mail and/or sent registered, certified, or post office secured.
12. A partnership, corporation, or joint venture may do work, offer to do work, or submit a bid to perform work only if licensed. In the case of license by a corporation or partnership, an individual shall be designated to be responsible for the work performed. The corporation or partnership and its designee shall be jointly and severally liable for any fees and violations. *See* R.I.G.L. § 5-65-3.
13. Every business operating with one or more employees (with few exceptions) must have workers' compensation insurance coverage. *See* R.I.G.L. §§ 5-65.3-9(b) and 28-29-1 *et seq.* Workers' compensation covers 100% of an injured employee's medical expenses and provides for a percentage of his/her lost wages. For more information consult the Internal Revenue Code or contact the U.S. Department of the Treasury Internal Revenue Service. It is your responsibility to properly identify employees. Employers who do not have the required workers' compensation insurance may be sued by an injured employee and are subject to penalties imposed by the Department of Labor Training and the Contractors' Board.

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***Print name (principal)***

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
***Sign (principal) Dated COUNTY***

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
***Name: Notary Public***  
***My Commission Expires:*** \_\_\_\_\_

**\*\*\*\*\* This form must be notarized to process license\*\*\*\*\***