



**State of Rhode Island**  
**DEPARTMENT OF BUSINESS REGULATION**  
**1511 Pontiac Avenue, Bldg. 68-2**  
**Cranston, Rhode Island 02920**

March 19, 2024

The Honorable Joseph J. Solomon, Jr., Chair  
House Committee on Corporations

Re: H7603 – An Act Relating to Public Utilities and Carriers – Residential Solar Energy Disclosure and Homeowners Bill of Rights Act

Dear Chair Solomon:

I am writing on behalf of the Department of Business Regulation (DBR) to provide information for the Committee's consideration of H7603. DBR has worked with the Office of the Attorney General, the Division of Public Utilities and Carriers (DPUC) and the Office of Energy Resources (OER) on this bill, which is designed to protect consumers in solar retail sales and is consistent with the purpose of H7137.

DBR currently has jurisdiction over the lenders and contractors in solar sales and this bill will add retailers as a licensee. Effective 1/1/2025, this bill would amend the current Residential Solar Energy Disclosure and Homeowners Bill of Rights Act (the "Act") as follows:

- Moves the Act from R.I. Gen. Laws Chapter 39-26.8 (Public Utilities) to R.I. Gen. Laws Chapter 5-93 (Businesses and Professions) and transfer regulatory oversight and enforcement from the DPUC to DBR.
- Intent is to address the many complaints from Rhode Island consumers about solar retailers that state agencies and departments receive including: aggressive sales representatives using high pressure sales tactics often targeted at the elderly or consumers who do not have ready access to legal and tax advisor resources; lack of and/or false information about tax benefits, impact on home value and/or marketability, financing terms, etc.; inability to obtain accurate or any information about loan or lease balances when selling a home or refinancing a mortgage; misrepresentations about installation requirements.
- Residential solar system retailers would be required to register annually with the DBR; the registration fee would be established by regulation (\$500-\$1,000 range).
- Registration would require appointment of an agent for service of process, and a roster of all representatives soliciting sales in RI.



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- A criminal records check would be required for all principal officers and sales representatives; any BCI disqualification would be subject to R.I. Gen. Laws § 28-5.1-14 (Fair Chance) requirements.
- Solicitation and sales would be subject to compliance with municipal restrictions on hours for door-to-door sales and federal telemarketing rules.
- Solar retailers would be required to develop and implement standards and qualifications for its employees and third-party sales representatives.
- Prior to contract entry, the retailer must provide the OER consumer disclosure form to the customer in hard copy or by electronic mail with an attached or downloadable copy (as opposed to a “quick flash/click through” on a tablet).
- A customer has a 7-day right of rescission after the solar retailer’s delivery to the customer of a copy of the fully executed contract (note that in consumer protection, a period that is too lengthy, like the current 45-day rescission period, can actually reduce the number of consumers who review terms and/or exercise the rescission right).
- When a customer rescinds, the solar retailer is required to return all deposits, fees and costs that were paid, any debt instruments and to terminate any security interests; failure to comply affords the consumer a right to treble damages, attorneys’ fees and costs in any legal proceeding.
- Upon a customer’s written request, the solar retailer (or any assignee, if applicable) must provide a written statement of account/all amounts then or thereafter due and owing within 10 days; this enables a customer who is selling their home to obtain a prompt statement of account to disclose and provide to prospective buyers.
- DBR’s enforcement authority would be consistent with other areas of its regulatory purview, including the ability to impose administrative penalties, deny or revoke a registration, and ordering violators to cease and desist.
- Consumers have a private right of action in a state court of competent jurisdiction with a right to treble damages, attorneys’ fees, and costs if they prevail.
- The bill confirms that any person or company, including a solar retailer, who provides a loan or other financing to a customer for a solar system purchase or lease or who brokers or services such loans is required to be licensed under Chapter 19-14 by the Division of Banking. Any exemptions under R.I. Gen. Laws § 19-14.1-10 (e.g., retail sellers; less than 6 loans per year) will not apply to financing residential solar energy systems.



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- DBR would establish the registration fee by regulation, likely in the \$500-\$1,000 range. DBR would implement this new regulatory program with existing FTEs and existing licensing systems.

Please do not hesitate to contact me at [elizabeth.dwyer@dbr.ri.gov](mailto:elizabeth.dwyer@dbr.ri.gov) or 401.462.9615 (office) or 401.449.0983 (mobile).

Thank you for your consideration of this proposed legislation.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Kelleher Dwyer".

Elizabeth Kelleher Dwyer  
Director, Department of Business Regulation

cc: The Honorable Members of the House Committee on Corporations  
The Honorable Mia A. Ackerman  
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House