

**State of Rhode Island and Providence Plantations**  
**DEPARTMENT OF BUSINESS REGULATION**  
*Division of Commercial Licensing*  
Cranston, Rhode Island 02920

**Public Notice of Proposed Rule-Making**  
**Commercial Licensing Regulation 16 – Motor Vehicle Body Repair Technician Certification**

Pursuant to the provisions § 5-38-5(4) and 42-14-17 and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Department of Business Regulation hereby gives notice of its intent to adopt Commercial Licensing Regulation 16 – Motor Vehicle Body Repair Technician Certification.

The purpose of this adoption is to establish minimum requirements for the certification of motor vehicle body repair technicians.

The proposed regulation is available for public inspection at [www.dbr.ri.gov](http://www.dbr.ri.gov), in person at Department of Business Regulation, 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or requested by email [rberstein@dbr.state.ri.us](mailto:rberstein@dbr.state.ri.us) or by calling Richard Berstein at (401) 462-9537.

In the development of the proposed regulation consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulation by March 23, 2009 at 10:00 A.M. to Richard Berstein, Department of Business Regulation, 1151 Pontiac Avenue, Cranston Rhode Island 02920, [rberstein@dbr.state.ri.us](mailto:rberstein@dbr.state.ri.us). A public hearing to consider the proposed regulation shall be held on March 23, 2009 at 10:00 A.M. at 1511 Pontiac Avenue, Cranston, Rhode Island 02920 in Building 73-1 at which time and place all persons interested therein will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling (401) 462-9520 or TDD 711.

A. Michael Marques  
Director, Department of Business Regulation

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**Commercial Licensing Regulation 16 – Motor Vehicle Body Repair Technician  
Certification**

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**Section 1 Authority**

This Regulation (the “Regulation”) is promulgated pursuant to the authority granted in R.I. Gen. Laws § 5-38-5(4).

**Section 2 Purpose**

The purpose of this Regulation is to establish minimum requirements for the certification of motor vehicle body repair technicians.

**Section 3 Definitions**

When used in this Regulation, the following words, except as otherwise required by the context, shall have the following meaning:

- A. “Act” means R.I. Gen. Laws § 5-38-1 *et seq.*, as amended.
- B. “Applicant” means a Person filing an application for a Motor Vehicle Body Repair License through which motor vehicle body repair work to collision damaged vehicles will be conducted.

- C. "Motor Vehicle Body Repair Work" means the act or acts of preparing, fixing, restoring, painting, or putting together a motor vehicle body, or the subcontracting of said work.
- D. "License" means a Motor Vehicle Body Repair license issued by the Department pursuant to R.I. Gen. Laws §5-38-1 *et seq.*, as amended.
- E. "Person" means any individual, partnership, corporation, limited liability company, sole proprietorship, or any other legal entity, however formed.
- F. "Department" means the Department of Business Regulation.
- G. "Motor Vehicle" means any automobile, truck or other self-propelled vehicle of any type.
- H. "Technician" means an individual employed by a motor vehicle body repair shop who performs repairing of the frame, the structural systems, the mechanical systems, and the safety-related systems of a motor vehicle and who supervises other facility employees.
- I. "Shop Employee" means an individual employed by an auto body repair shop who performs repairing of the frame, the structural systems, the mechanical systems, and the safety-related systems of a motor vehicle, and who does not supervise other employees.
- J. "Certification Organization" means an organization that certifies individuals in motor vehicle body repair work. Such organizations shall include, but are not limited to" Automotive Service Excellence ("ASE"), Inter-Industry Conference on Auto Collision Repair ("ICAR"), New England Technical Institute, Rhode Island auto body repair associations, and other certified or accredited public or private educational institutions.

#### **Section 4                      Certification Organizations - Reporting**

All "Certification Organizations" shall report a written description of the certification program it offers, including subjects offered and method of testing or evaluation, to the Auto Collision Repair Licensing Advisory Board of the Department.

## Section 5

### Technician Certification

- A. Requirements. Upon submission of a new or renewal application for a Motor Vehicle Body Repair License, each Applicant must certify under the penalty of perjury to the Department that it has in its employ one (1) technician certified in the following areas for every five (5) shop employees:
- i) Identification and Analysis of Damage to Vehicles;
  - ii) Frame Measuring and Straightening Systems and Techniques;
  - iii) Welding in Collision Repair;
  - iv) Structural Steel Repairs;
  - v) Suspension, Steering, and Alignment Systems; and
  - vi) Safety Restraint Systems.
- B. Certification Documentation. All applicable licensees must maintain a record of certification for each technician in its employ. Such documentation must include the technician's transcript and related certifications, and must be readily available.

## Section 6

### Complaints/Hearing

- A. Complaints. All properly filed complaints by consumers or law enforcement officials against Licensees or other persons for violations of this Regulation or the Act shall be investigated by the Department. In furtherance thereof, the Department shall notify the Licensee or Person in writing of the Department's receipt of the complaint, enclosing a copy thereof. The Licensee or Person shall within ten (10) days from the date of the Department's letter to the Licensee file with the Department a written answer to the complaint. The Department shall review the answer and submit a copy thereof to the complainant for further response, if necessary. Upon receipt of the response the Department will evaluate the complaint and response thereto and the matter will be handled in compliance with the Department's applicable procedures and regulations for such matters.
- B. Hearings. The notice for and conduct of any hearing held pursuant to this Regulation or the Act shall be governed by the Department's applicable rules and regulations for the conduct of such hearings and the provisions of the Rhode Island Administrative Procedures Act.

**Section 7 Penalties for Violations**

Any licensee or other Person who fails to comply with or violates the provisions of this Regulation or the Provisions of the Act may be subject to any of the penalties, administrative, civil and criminal, as outlined in the Act.

**Section 8 Severability**

If any provision of this Regulation or application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Regulation which can be given effect without the invalid provision or application, and to this end, the provisions are declared to be severable.

**Section 9 Enforcement**

No Applicant shall be required to be in compliance with the requirement of this Regulation until a new or renewal application is filed in 2012. The Department will not apply the provisions of this Regulation to applications filed before January 1, 2012.

**Section 10 Effective Date**

This Regulation shall become effective on twenty (20) days from the filing date as indicated below.

**EFFECTIVE DATE:** \_\_\_\_\_ **2009**