

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Division of Commercial Licensing
1511 Pontiac Avenue, Bldg. 69-1
Cranston, Rhode Island 02920

Public Notice of Proposed Rule-Making

Pursuant to the provisions of R.I. Gen. Laws §§ 5-38-2 & 5 and 31-46-7, 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 amend Commercial Licensing Regulation 4 and 16 and repeal Commercial Licensing Regulation 7.

The purpose of the amendments to Regulations 4 and 16 and the repeal of Regulation 7 is to update the Regulations to comply with the amendments made to R.I. Gen. Laws § 5-38-5 by the legislature pursuant to 2015 Public Laws ch. 142 and 154 and to address several items identified in a regular review of the regulations for effectiveness and efficiency. The statutory mandate required the Department to create two classifications of full collision licenses, called Class A and Class B, and to create higher standards for applicants seeking Class A licenses.

The proposed regulations and concise summary of non-technical amendments are available for public inspection at www.dbr.ri.gov, in person at Department of Business Regulation, 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or by email matthew.gendron@dbr.ri.gov or by calling Matthew Gendron at (401) 462-9540.

In the development of the proposed amendments 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 regulations by **January 11, 2016** to Matthew Gendron, Department of Business Regulation, 1151 Pontiac Avenue, Cranston, Rhode Island 02920, matthew.gendron@dbr.ri.gov. A public hearing to consider the proposed amendments shall be held on **January 11, 2016** at 10A.M. at 1511 Pontiac Avenue, Cranston, Rhode Island 02920 at which time and place all persons interested therein will be heard.

All are welcome at the Rhode Island Department of Business Regulation ("DBR"). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email dbr.DirOfficeInq@dbr.ri.gov at least three (3) business days prior to the hearing.

Macky McCleary
Director, Department of Business Regulation

Date posted: **December 11, 2015**

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Concise Summary of Non-technical Differences
Commercial Licensing Regulation 16 – Motor Vehicle Body and Salvage Vehicle Repair
Technician Certification

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(5) of the General Laws of Rhode Island, following is a concise summary of non-technical differences between existing and proposed versions of Commercial Licensing Regulation 16:

- 1) Section 3 – Cleaning up some language to conform to Regulation 4, as tracked in the proposal.
- 2) Section 5A(1) – Identifying that all shop employees and technicians for a Class A shop need to have education in all the identified areas.
- 3) Section 5A(1)(vii) – Adding a seventh required education topic for Corrosion Protection.
- 4) Section 5A(2) – Identifying the Technician education requirements for Class B shops with Salvage Vehicle Rebuilder Licenses.
- 5) Section 5A(3) – Identifying the Technician education requirements for Class B shops without Salvage Vehicle Rebuilder Licenses and all other Motor Vehicle Body Licenses.
- 6) Section 5B – Adding a sentence clarifying that all education certifications be maintained and current at times between license renewals.
- 7) Section 6 – Minor revisions were made here to reflect the Department’s discretion in how it handles complaints that it receives.
- 8) Section 9 – Reworking the Enforcement paragraph to give licensees 60-days to come into compliance for the new Corrosion Protection requirement.

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DEPARTMENT OF BUSINESS REGULATION
Division of Commercial Licensing
Cranston, Rhode Island**

**Commercial Licensing Regulation 16
Motor Vehicle Body and Salvage Vehicle Repair
Technician Certification**

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Section1 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 issued pursuant to Commercial Licensing Regulation 4.
- C. “Automobile Body Shop” is as defined in R.I. Gen. Laws § 5-38-1, and includes any establishment, garage, or work area enclosed within a building where repairs

are made or caused to be made to motor vehicle bodies, including fenders, bumpers, chassis and similar components of motor vehicle bodies as distinguished from the seats, motor, transmission, and other accessories for propulsion and general running gear of motor vehicles, except as provided in § 5-38-20.

- D. “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.
- E. “Department” means the Department of Business Regulation
- F. “License” means a ~~Motor Vehicle Body Repair~~ License as named in Commercial Licensing Regulation 4, issued by the Department pursuant to R.I. Gen. Laws §5-38-1 et seq., as amended or 31-46-1 et seq., as amended.
- G. “Motor Vehicle” means any automobile, truck or other self-propelled vehicle of any type.
- H. “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.
- I. “Person” means any individual, partnership, corporation, limited liability company, sole proprietorship, or any other legal entity, however formed.
- J. “Shop Employee” means any individual employed (including owners, partners and all other individuals whether paid or unpaid) by an Automobile Body Shop ~~motor vehicle body repair shop~~ who does not performs repairing of the frame, the structural systems, the mechanical systems, ~~and~~ or the safety-related systems of a ~~mMotor vVehicle., and who does not supervise other employees.~~
- K. “Technician” means any individual employed (including owners, partners and all other individuals whether paid or unpaid) by an Automobile Body Shop ~~motor vehicle body repair shop~~ who performs repairing of the frame, the structural systems, the mechanical systems, ~~and~~ or the safety-related systems of a ~~mMotor vVehicle. and who supervises other facility employees.~~

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.

1. FULL COLLISION REPAIR LICENSE CLASS A (“Class A License”)

Upon submission of a new or renewal application for a ~~Motor Vehicle Body Repair Class A License~~ pursuant to Commercial Licensing Regulation 4 Section 4 (B) (1) (i), 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:~~ all Technicians it has in its employ are certified in the following areas:

- 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; ~~and-~~
- vii) Corrosion Protection.

2. CLASS B LICENSEES WITH A SALVAGE VEHICLE REPAIR LICENSE

Upon submission of a new or renewal application for a Class B License with the additional Salvage Vehicle Repair License, pursuant to Commercial Licensing Regulation 4, Sections 4(B)(1)(ii) and 4(C)(3), each Applicant must certify under the penalty of perjury to the Department that for every two (2) Technicians working for the Licensee, one full set of certifications is held by any combination of the Technicians. Any combination of the certifications shall suffice as long as all seven (7) certifications identified in Regulation 16, Section 5A(1) are held in the appropriate 1 for every 2 ratio, where fractions shall be rounded up to the next highest whole number. For example: A shop with 1 or 2 Technicians would need 1 full set of certifications, either held by a single Technician or distributed between the Technicians in any combination. But a shop with 5 Technicians would require 3 full sets of certifications, distributed amongst the 5 Technicians in any combination.

3. FULL COLLISION REPAIR LICENSE CLASS B (“CLASS B LICENSE”) AND ALL OTHER MOTOR VEHICLE BODY LICENSES

Upon submission of a new or renewal application for a Class B License or any other Motor Vehicle Body License issued pursuant to Commercial Licensing Regulation 4, Section 4(B)(2-4), each Applicant must certify under the penalty of perjury to the Department that for every five (5)

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. The Department will allow Licensees 60-days after the effective date of this Regulation to come into compliance with the new requirement for Technicians to be certified in Corrosion Protection, from Section 5A(1)(vii).~~

Section 10 Effective Date

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

EFFECTIVE DATE: May 12, 2009
AMENDED: Date to be Determined 2016