

**State of Rhode Island and Providence Plantations**  
**DEPARTMENT OF BUSINESS REGULATION**  
*Commercial Licensing Division*  
**1511 Pontiac Avenue, Bldg. 68-69**  
**Cranston, Rhode Island 02920**

**Public Notice of Proposed Rulemaking**

Pursuant to the provisions of the Administrative Procedures Act, Chapter 42-35 of the Rhode Island General Laws, the Rhode Island Department of Business Regulation (“DBR”) hereby gives notice of its intent to amend Commercial Licensing Regulation 5 – Motor Vehicle Glass Installation (“CLR 5”), which as a part of the process to adopt the Rhode Island Code of Regulations (“RICR”) will be renamed “161-RICR-300-5-3 Motor Vehicle Glass Repair.” (Current ERLID 8604.)

CLR 5 was previously promulgated in accordance with R.I. Gen. Laws § 5-38-1 *et seq.* relating to Automobile Body Repair Shops. However, in 2015, the “Motor Vehicle Glass Consumer Protection Act” was adopted (as R.I. Gen. Laws § 5-38.5-1 *et seq.*), creating new requirements specific to motor vehicle glass repair and replacement. Accordingly, the purpose of this amendment is to update CLR 5 by incorporating the new statutory requirements set forth in R.I. Gen. Laws § 5-38.5-1 *et seq.*, in addition to incorporating the new style for the RICR. For additional details please refer to the Concise Summary attached hereto.

The text of the proposed amended regulation and the concise summary of non-technical amendments are available for public inspection at [www.dbr.ri.gov](http://www.dbr.ri.gov), in person at DBR, 1511 Pontiac Avenue, Bldg. 68-69, Cranston, Rhode Island 02920, or by request through Amy Stewart, Esq., who is available at [amy.stewart@dbr.ri.gov](mailto:amy.stewart@dbr.ri.gov) or (401) 462-9619.

All interested parties are invited to submit written or oral comments concerning the proposed regulations from **Wednesday, October 26, 2016, until Monday, November 28, 2016**, to:

Amy Stewart, Esq.  
Department of Business Regulation,  
1511 Pontiac Avenue, Bldg. 68-1  
Cranston, RI 02920  
Phone: (401) 462-9619  
Email: amy.stewart@dbr.ri.gov

A **Public Hearing** to consider the proposed amendment shall be held on **Monday, November 14, 2016, at 10:00 a.m.** at 1511 Pontiac Avenue, Bldg. 68/69, Cranston, Rhode Island 02920, at which time and place all persons interested therein will be heard.

The Department has determined that there may be an adverse impact on small businesses, however it should be a minimal impact. The regulation either repeats or identifies the standards required by statute for education, financial responsibility, equipment and record keeping. The only costs associated with the Department’s statutory discretion involve the minimum insurance requirements and certification of technicians. The Department anticipates minimal impacts on

small businesses, as most already require similar training of their employees, as is required by Connecticut and Massachusetts. Furthermore, most small businesses will already have at least this level of insurance, so as to protect both themselves and their businesses in case of an accident. For the full regulatory analysis contact Amy Stewart, Esq., whose contact information is listed above.

In the development of the proposed amendment, 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 are welcome at DBR. The place of the public hearing is accessible to individuals who are handicapped. 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](mailto:DBR.dirofficeinq@dbr.ri.gov) at least three (3) business days prior to the hearing.

Maria D'Alessandro  
Deputy Director, Department of Business Regulation

**State of Rhode Island and Providence Plantations**  
**DEPARTMENT OF BUSINESS REGULATION**  
*Division of Commercial Licensing & Racing & Athletics*  
**1511 Pontiac Avenue**  
**Buildings 68-69**  
**Cranston, Rhode Island 02920**

**Concise Summary of Proposed Non-Technical Changes to Commercial Licensing**  
**Regulation 5 – Motor Vehicle Glass ~~Installation~~ Repair**

In 2015, the General Assembly created new legislation to regulate motor vehicle glass repair with the enactment of chapter 38.5 of title 5 of the Rhode Island General Laws, entitled the “Motor Vehicle Glass Consumer Protection Act.” Prior to the enactment of chapter 38.5, motor vehicle glass repair was regulated under the Automobile Body Repair Shops provisions set forth in R.I. Gen. Laws § 5-38-1 *et seq.*, and the Department of Business Regulation’s Commercial Licensing Regulation 5 – Motor Vehicle Glass Installation (“CLR 5”), which was initially promulgated in 1998. In accordance with R.I. Gen. Laws § 42-35-2.6 & § 42-35-2.7(b)(8), the following is a concise summary of proposed non-technical changes that would be accomplished by the proposed amendments to CLR 5, in order to comport with the requirements of R.I. Gen. Laws § 5-38.5-1 *et seq.* (hereinafter generally referred to as “chapter 38.5”).

1. To conform to the forthcoming Rhode Island Code of Regulation (“RICR”) several changes were made, including removing references to CLR 5, removing the table of contents and Effective Date Section, and replacing section titles with RICR references that include part and section. The new citation for Motor Vehicle Glass Repair regulations will be 161-RICR-300-5-3.
2. Remove language related to “limited glass licenses” throughout the regulation because the licenses are no longer a category within automobile body repair licenses.
3. Replace “Installation” with “Repair” throughout the regulation to be consistent with the terminology in chapter 38.5.
4. Section 3.3 – Add and incorporate all necessary definitions from chapter 38.5, specifically including definitions for: the terms used in R.I. Gen. Laws § 27-10.2.1 *et seq.* relative to “aftermarket parts”; definitions for mobile service vans and mobile-only operations; and definitions for certain industry organizations that are relevant to technician certification and safety standards.
5. Section 3.4(B) – Change previous requirements for production of certain records to a certification, under the penalty of perjury, that the Applicant meets the requirements. This reduces the paperwork burden on both the applicant and on the DBR employee processing the applications. This change applies to: Technician Certifications; possession and maintenance of necessary equipment; all required licenses, permits and tax ID numbers.

6. Section 3.4(B) – Remove requirement for EPA number because it is not required by chapter 38.5. Moreover, after consultation with DEM, glass repair shops will rarely generate waste unless they are disposing out-of-date product. At the time of that disposal, a one-time temporary EPA number would be issued by DEM. Furthermore, any automobile body repair shops also performing auto glass repair will already have an EPA number.
7. Section 3.4(B)(10) – Remove this requirement for renewal applications to include evidence of compliance with state and local zoning, fire, health and safety laws. Clarify that evidence of compliance with state and local zoning, fire, health and safety laws is only required for new or transfer applications, consistent with recent amendments to Commercial Licensing Regulation 4 (“CLR 4”) – Motor Vehicle Body and Salvage Vehicle Repair.
8. Section 3.4(C) – Add provision clarifying existing procedure that chapter 38.5 codified, which requires each location to have a separate license.
9. Section 3.4(D) – Remove minimum value requirement (relative to value of equipment) because it is not required by chapter 38.5.
10. Section 3.4(D) – Add language to explain existing requirements that if a current Licensee changes business locations it must file a Transfer Application in order for their License to transfer to the new location. This is based on the various requirements tied to the physical location of the License.
11. Section 3.4(E) – Remove space requirements because it is not required by chapter 38.5. Motor vehicle glass repair and installation licenses have been excluded from this requirement under CLR 4 § 4F – Motor Vehicle Body and Salvage Vehicle Repair.
12. Section 3.4(E) – Add requirement of a \$50,000 minimum per occurrence of garage keepers legal liability insurance, including comprehensive and collision for damage to customers’ vehicles, to protect costumers’ property and to follow suit with similar but higher requirements for automobile body repair shops. Increase the required general liability insurance to \$300,000 minimum per occurrence. Change insurance requirements to a single combined limit rather than a single/total/property limit to match policies currently available in the marketplace.
13. Section 3.4(F) – Add requirements for display of licenses and advertisements that are set forth in chapter 38.5 and clarify some ambiguities noted by the industry working group.
14. Section 3.5 – Delete “Reinspection” provision because it is not required by chapter 38.5.
15. Section 3.5 – Add repair bills and record retention requirements to clarify statutory requirement set forth in R.I. Gen. Laws § 5-38.5-13.
16. Section 3.5(B) – Add requirement for notification to consumer in writing of appropriate post-repair practices and drive-away time necessary for the safe operation of the vehicle.

17. Section 3.6 – Remove “work completion certificate” because it is not required by chapter 38.5 and does not substantially help consumers to offset the additional burdens it creates.
18. Section 3.6 – Miscellaneous (Section 7 in existing CLR 5) – Add clarifying language to make existing provisions consistent with chapter 38.5. Add requirement for notification of change of email address. Add language to paragraph (F) clarifying and specifically referencing new definitions added to Section 3.3, above. Add paragraphs (G) and (H) for clarity and completeness relative to the statutory requirements for responsibility for acts of agents and corporate licensees.
19. Section 3.8 – Add technician certification requirements envisioned in § 5-38.5-4.
20. Section 3.9 – Add safety standards requirements in accordance with § 5-38.5-4 and codifying May 30, 2013 Commercial Licensing Bulletin issued by DBR.
21. Appendix A – Delete “Certification of Automobile Repairs” form because it is no longer required. See ¶ 17 above.

161-RICR-300-5-3

**TITLE 161 - DEPARTMENT OF BUSINESS REGULATION**

State of Rhode Island and Providence Plantations

~~DEPARTMENT OF BUSINESS REGULATION~~

**CHAPTER 300 – COMMERCIAL LICENSING**

**SUBCHAPTER 5 – AUTO BODY**

**PART 3 – Motor Vehicle Glass Repair**

1511 Pontiac Avenue  
Cranston, Rhode Island 02920

**Commercial Licensing Regulation 5 – Motor Vehicle Glass Repair Installation**

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1 **Section 3.1 Authority**

2 ~~Commercial Licensing This r~~Regulation ~~This regulation 5,~~ entitled “Motor Vehicle Glass Repair” (the  
3 “Regulation”) is promulgated pursuant to the authority granted in R.I. Gen. Laws § 5-38.5-1 et seq.

4 **Section 3.2 Purpose**

5 The purpose of this Regulation is to establish standards and procedures for the issuance of ~~Limited Glass~~  
6 Licenses for Motor Vehicle Glass ~~Repair and Replacement, Installation~~ and to generally assist the  
7 Department in carrying out the administration and enforcement of the terms and provisions of the Act so  
8 that the public interest may be effectively served.

9 **Section 3.3 Definitions**

10 ~~A. When used in this Regulation, the following words, except as otherwise required by the context,~~  
11 ~~shall have the following meaning:~~

12 ~~A. Terms defined in R.I. Gen. Laws § 5-38.5-3 are incorporated herein by reference unless modified~~  
13 ~~herein.~~

14 ~~B. For the purposes of these regulations, except as provided below, the following terms shall have~~  
15 ~~the following meanings:~~

16 ~~B1.~~ “Act” means R.I. Gen. Laws § 5-38.5-1 et seq., as amended.

17 ~~E2.B~~ “Aftermarket Part,” as defined in R.I. Gen. Laws § 27-10.2-1, means a motor vehicle body  
18 replacement part, including a motor vehicle glass replacement part, that is not an original  
19 equipment manufacturer part.

20 ~~D3.~~ “Agent” means an individual or group of individuals authorized by another to act on his,  
21 her or its behalf.

22 ~~E4.G~~ “Applicant” means a Person filing an application for a ~~Limited Glass~~ License.

23 ~~5F.D~~ “Department” means the Department of Business Regulation.

1 ~~6.E~~ “Director” means the Director of the Department of Business Regulation.

2 ~~7.F~~ “Licensee” means a Person holding a ~~Limited Glass~~-License.

3 ~~8.G~~ “~~Limited Glass~~-License” means a Motor Vehicle Glass Repair License ~~the license from~~  
4 ~~the Department~~ issued by the Department to a Person engaged in the ~~operating~~-business  
5 of Motor Vehicle Glass ~~Repair~~Installation. However, automobile body repair shops that  
6 are licensed by the Department, pursuant to R.I. Gen. Laws § 5-38-1 et seq., are not  
7 required to have a Motor Vehicle Glass Repair License to conduct motor vehicle glass  
8 repair or replacement.

9 ~~9.~~ “Location,” as defined in R.I. Gen. Laws § 5-38.5-8, means any physical place of  
10 business at which a licensed motor vehicle glass repair shop has indoor facilities suitable  
11 to perform motor vehicle glass repair and replacement services, and shall not apply to  
12 locations where a licensed motor vehicle glass repair shop provides services on a mobile  
13 basis.

14 ~~10K.~~ “Mobile Service Van” means any vehicle used by a motor vehicle glass repair  
15 shop.

16  
17 ~~11.H~~ “Motor Vehicle” means any automobile, truck or other self-propelled vehicle of any type.

18 ~~12.I~~ “Motor Vehicle Glass ~~Installation~~Repair” means the ~~act of replacing, repairing or installing~~  
19 ~~glass on a Motor Vehicle~~business or act of repairing or replacing damaged or  
20 undamaged glass in motor vehicles for compensation.

21 ~~13.~~ “Motor Vehicle Glass Repair Shop” means a person or entity that, for  
22 compensation, or with the intention or expectation of receiving the same, repairs or  
23 replaces, or undertakes to repair or replace, motor vehicle glass, whether at a physical  
24 place of business or through a mobile-only service.

1 14Q. “Original Equipment Manufacturer Part” or “OEM Part,” as defined in R.I. Gen.  
2 Laws § 27-10.2-1, means a motor vehicle body replacement part manufactured by the  
3 manufacturer of the motor vehicle being repaired.

4 P15.J “Person” means any individual, association, partnership, firm, corporation, limited liability  
5 company, ~~association,~~ sole proprietorship, public or private association or any other legal  
6 entity, however formed, including the officers, directors and employees of any such  
7 entity.

8 Q16. “Repair Bill,” as defined in R.I. Gen. Laws § 5-38.5-13, means the record that a  
9 Licensee must maintain for each motor vehicle upon which motor vehicle glass repair  
10 services were performed, not the information required to be produced to the consumer.

11 R17. “Technician” means any individual employed (including owners, partners,  
12 independent contractors, and all other individuals whether paid or unpaid) by a motor  
13 vehicle glass repair shop who performs repairs or replaces motor vehicle glass.

14 S18. “AGSC” means the “Auto Glass Safety Council,” which together with ANSI  
15 develops the AGRSS.

16 T19. “AGRSS” means the “Auto Glass Replacement Safety Standard,” developed by  
17 the AGSC and the ANSI.

18 20U. “ANSI” means the “American National Standards Institute,” which together with  
19 AGSC develops the AGRSS.

20 V21. “NWRA” means the “National Windshield Repair Association,” which develops  
21 the ROLAGS.

22 W22. “ROLAGS” means the Repair of Laminated Automotive Glass Standard, which is issued  
23 by NWRA.

## 1 **Section 3.4 Licenses**

2 A. License Required. No Person may engage in the business of Motor Vehicle Glass Repair  
3 Installation without first obtaining a Limited Glass License from the Department, unless exempted  
4 by section 6(E) of this Regulation. The initial term for each Limited Glass License shall be no  
5 more than two (2) years and shall have an expiration date of December 31, 2000. All Limited  
6 Glass Licenses issued on or after January 1, 2001 shall have a term of not more than three (3)  
7 years before a renewal application is required.

8 B. Application. Every Applicant for a Limited Glass License or renewal of an existing Limited Glass  
9 License must submit to the Department the following:

10 1. The completed application form adopted by the Department;

11 2. The name and address of the Applicant and, if the Applicant is not in charge of the  
12 operations, identify at least one natural person who is in charge of the operations on  
13 behalf of the Applicant;

14 3. The name and address of any person having a financial interest, direct or indirect, in the  
15 business to be conducted by the Applicant;

16 4. A designation of the person and address, including an electronic mail address, where the  
17 Department may send notices;

18 5.2 The license fee of three~~one~~ hundred dollars (\$3~~4~~00.00) for each year the Limited Glass  
19 License is to be issued, with the total fee for the entire term of the License to be paid at  
20 the time of application for the License or renewal;

21 6.3 Evidence ~~A certificate~~ of financial responsibility, as further detailed in section 4(D) below;

22 7.4 Certification, under the penalty of perjury, that all technicians are certified as required by  
23 section 8 of this Regulation ~~Evidence of compliance with state and local zoning, fire,~~  
24 ~~health and safety laws and regulations;~~

1 8. Certification, under the penalty of perjury, that the Applicant possesses and maintains in  
2 working order the equipment necessary:

3 a. To perform motor vehicle windshield glass stone chip repair; and

4 b. To perform motor vehicle glass replacement services.

5 9.6 ~~An EPA number.~~ Certification, under the penalty of perjury, of all required local, state and  
6 federal licenses and permits, including a state sales tax identification number and a  
7 federal tax identification number.

8 10. For new or transfer applicants ONLY, evidence of compliance with state and local zoning,  
9 fire, health and safety laws and regulations;

10 11. If using a mobile service van, whether on a mobile-only basis or as an extension of a  
11 physical location, evidence of registration and insurance as a commercial vehicle for  
12 each such van; and

13 12. If providing motor vehicle glass repair services on a mobile-only basis, evidence of  
14 access to indoor facilities (licensed or subject to regulation under R.I. Gen. Laws  
15 Chapters 38, 38.3, & 38.5 of Title 5, or Chapter 5 of Title 31).

16 C. Multiple Locations. If an Applicant or Licensee desires to do business in more than one location,  
17 the Applicant or Licensee shall submit a separate License application for each location **and** pay a  
18 separate fee of three hundred dollars (\$300.00) per year for each location authorized by the  
19 Department. ~~Minimum Value. Every Licensee must maintain a service repair shop and/or~~  
20 ~~vehicles and related tools and equipment collectively having a minimum value of \$5000 at the~~  
21 ~~time of the issuance and/or renewal of the Limited Glass License as appraised and valued by the~~  
22 ~~Department or its duly authorized representative. The Department, at its discretion, may rely on~~  
23 ~~the representations of Applicant with regard to said value.~~

1 D. Change of Location. Any change in the business location requires the Licensee to apply to the  
2 Department for transfer of the License to the new location.

3 E.D Evidence of Financial Responsibility. Each Applicant shall furnish to the Director and maintain  
4 during the term of the ~~Limited Glass~~ License a certificate of insurance issued by an insurance  
5 company authorized to transact business in this state showing that the Applicant has a policy  
6 insuring him, her or it against liability for injury to persons and damage to property which may be  
7 caused by the operation of the business or the operation of non-owned automobiles. Such policy  
8 shall provide for:

9 1. Bodily injury and property damage liability in the amount of not less than three hundred  
10 thousand dollars (\$300,000) per occurrence; AND indemnity in the sum of not less than  
11 twenty-five thousand dollars (\$25,000) in the case of one (1) person injured and not less  
12 than fifty thousand dollars (\$50,000) in the case of injury of two (2) or more persons in  
13 any one accident, and indemnity of not less than twenty-five thousand dollars (\$25,000)  
14 for damage to property.

15 2. Garage keepers legal liability, including comprehensive and collision for damage to  
16 customers' vehicles, in the amount of not less than fifty thousand dollars (\$50,000) per  
17 occurrence.

18 Such insurance shall be non-cancelable by either party to the contract, except with five (5) days  
19 prior written notice to the Department furnished by the Licensee. Licensee shall also instruct  
20 ~~request~~ the insurance company that issued the policy to send written notice to the Department at  
21 least five (5) days prior to any cancellation of the contract at the following address:-

22 Rhode Island Department of Business Regulation  
23 Division of Commercial Licensing, Attn: Auto Glass  
24 1511 Pontiac Ave, Bldg. 69  
25 Cranston, RI 02920

1            Cancellation shall be effective not sooner than five (5) days after receipt of said notice by the  
2 Department from the Licensee or insurance company, whichever is earlier. Any Licensee subject  
3 to such insurance cancellation shall obtain a replacement insurance policy and shall furnish to the  
4 Director a certificate of insurance evidencing new insurance coverage sufficient to meet the  
5 requirements listed above.

6  
7 ~~(E) — Space Requirements. Except as otherwise provided below, Licensees must conduct Motor~~  
8 ~~Vehicle Glass Installation at a fixed location with at least 2400 square feet of heated ground level~~  
9 ~~floor space with a specific location and common boundaries where Motor Vehicles may be~~  
10 ~~serviced. Basements, second floors and any upper or lower may not be considered in computing~~  
11 ~~the required minimum amount of floor space.~~

12 ~~— Upon written request, the Department may waive the minimum space requirements in part or in~~  
13 ~~whole upon a written finding by the Department that there will be minimal or no adverse effect to~~  
14 ~~the public.~~

15 F. Display of License and License number - Advertisements.

16 1. Every Licensee must conspicuously display the License issued by the Department at the  
17 location listed on the License.

18 2. The License number shall appear on all signs and business communications including,  
19 estimates, business cards, receipts and any other written documentation, whether  
20 delivered by paper or electronically, relating to that business within the state of Rhode  
21 Island.

22 3. All advertisements that originate in Rhode Island or specifically target Rhode Island  
23 consumers shall include the License number.

1 4. The Department encourages Licensees to include the License number on all Mobile  
2 Service Vans, but it is not required.

### 3 **3. Section 5 — Reinspection Records Retention and** 4 **Repair Bills**

5 A. Records Retention. Pursuant to R.I. Gen. Laws § 5-38.5-13, every Licensee shall maintain  
6 records for each motor vehicle repaired as outlined in the Act for thirty-six (36) months or for so  
7 long as a warranty on the motor vehicle glass repair service performed is in effect, whichever is  
8 longer.

9 B. Notification to Consumer. Upon completion of any motor vehicle glass repair or replacement, the  
10 Licensee shall notify each consumer in writing of post-repair practices and the appropriate drive-  
11 away time that may be necessary to ensure safe operation of the vehicle.

12 C. Repair Bills for Each Motor Vehicle. Every Licensee shall record the following information as the  
13 Repair Bill for each motor vehicle upon which motor vehicle glass repair or replacement services  
14 have been performed. The Repair Bill is for the Licensee's record keeping and does not have to  
15 be provided to the consumer, but shall be provided upon request of a consumer or the  
16 Department. The Repair Bill shall include:

17 1. License Number. The motor vehicle glass repair shop license number, and the license  
18 number of any other facility where motor vehicle glass repair services are performed on  
19 the motor vehicle.

20 2. Itemized List of Parts and Adhesives. An itemized listing of all parts used, including all:  
21 glass parts; major accessory parts, including moldings and major hardware component  
22 parts; and the adhesive system used in the motor vehicle glass repair or replacement.

23 3. Adhesive Product Identification. Brand, product number or name and lot and batch  
24 numbers for the adhesive system product used.

1 4. Certification. A certification, under the penalties of perjury, that the repairs to a particular  
2 vehicle have actually been made and were completed by a licensed shop and certified  
3 technician(s) as required by section 8 of this Regulation.

4 5. Notification to Consumer. A copy of the notice given to consumer in section 5(B) above.

5 D. Detailed Disclosure of Costs to Consumer – Upon Request. Upon the request of the consumer,  
6 irrespective of whether the amount is paid by the consumer or billed to the consumer’s insurance  
7 company, a Licensee shall disclose all information relating to the charges for repair or  
8 replacement services, including:

9 1. Amount of the charges;

10 2. Specific identification of line-item charges for the parts provided; and

11 3. Verification of the parts used.

12  
13 ~~Upon written or verbal request by an insurance company to reinspect a Motor Vehicle, the Licensee shall~~  
14 ~~allow representatives of the insurance company to reinspect the Motor Vehicle after the Motor Vehicle~~  
15 ~~Glass Installation has been completed. Any such reinspections performed hereunder shall be included in~~  
16 ~~satisfying the reinspection requirements of R.I. Gen. Laws § 27-10.1-9.~~

17  
18 ~~After receipt of a request from an insurance company to reinspect a Motor Vehicle, the Licensee shall~~  
19 ~~inform the insurance company representative who requested reinspection when the Motor Vehicle Glass~~  
20 ~~Installation has been completed and shall make the Motor Vehicle available for reinspection on the~~  
21 ~~following business day unless the insurance company representative agrees to another time. Licensees~~  
22 ~~may charge up to thirty-two dollars (\$32.00) per hour for the use of testing equipment, if such testing~~  
23 ~~equipment is necessary to perform the reinspection, or for services rendered.~~

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## ~~Section 6~~ — ~~Work Completion Certificate Form~~

~~Every Licensee and insurance company shall complete the work completion certification form attached hereto as Appendix A. The Licensee or the insurance company representative executing the form shall forward the completed form to the insurance company.~~

### 3.~~Section 6~~7 **Miscellaneous**

- A. Change of Address. Written notice shall be given to the Department by each Licensee within ~~fourteen~~ ~~five~~ ~~(514)~~ days of any change in mailing ~~or business~~ address, electronic mail address, or any other change in any contact information reported on the most recent application. Note that a change in business address, ownership or management would require a Transfer Application or other additional information to be submitted.
  
- B. Licenses are Not Transferable. A ~~Limited Glass~~ License shall be granted only to the Applicant. The ~~Limited Glass~~ License is not subject to transfer, assignment or leasing to another Person without prior application to, and approval from the Department.
  
- C. Licensee Ceases Operations. When a Licensee ceases operating the business of Motor Vehicle Glass ~~Repair Installation~~, the Licensee must return the original ~~Limited Glass~~ License to the Department within fifteen (15) days ~~thereof~~ of ceasing such operations.
  
- D. Licensee Limitations. No Licensee shall be permitted to perform automobile body repair shop work or to advertise or represent in any form or manner that such Licensee is licensed to perform automobile body repair shop work, other than Motor Vehicle Glass ~~Repair Installation~~, **unless** such Licensee also has an automobile body repair shop license ~~from~~ issued by the Department pursuant to R.I. Gen. Laws § 5-38-1 et seq.
  
- E. Exception for Licensed Auto Body Repair Shops. Any Person who possesses an automobile body repair shop license from the Department, pursuant to R.I. Gen. Laws § 5-38-1 et seq., shall

1 not be required to hold a ~~Limited Glass~~ License in order to perform Motor Vehicle Glass  
2 ~~Repair~~ ~~Installation~~.

3 F. Aftermarket Parts on Newer Vehicles. Pursuant to ~~The provisions of~~ R.I. Gen. Laws § 27-10.2-1  
4 et seq., entitled "Motor Vehicle Body Replacement Parts," ~~are applicable to Licensees. Therefore,~~  
5 Licensees shall not use aftermarket parts in Motor Vehicle Glass ~~Repair~~ ~~Installation~~ on any Motor  
6 Vehicle less than thirty (30) months beyond the date of manufacture without the written consent  
7 of the Person who owns the Motor Vehicle as required by this statute.

8 G. Licensee Responsible for Acts of Agents. Pursuant to R.I. Gen. Laws § 5-38.5-14, each Licensee  
9 shall be responsible for the acts of any salesperson or any person acting as an agent of that  
10 Licensee, and for the acts of any salesperson, estimator, or other employee acting as the agent  
11 for that Licensee.

12 H. Corporate Licensee. Pursuant to R.I. Gen. Laws § 5-38.5-14, if a Licensee is a firm or  
13 corporation, it is sufficient cause for the suspension or revocation of a License that any officer,  
14 director, or trustee of the firm or corporation, or any member in the case of a partnership, has  
15 been found by the Department guilty of any act or omission that would be cause for refusing,  
16 suspending, or revoking a License to that party as an individual.

### 17 3. ~~Section 78~~ **Complaints/Hearings**

18  
19 A. Complaints. All complaints against Licensees or other Persons for violations of this Regulation or  
20 the Act shall be investigated by the Department. In furtherance thereof, the Department shall  
21 notify the Licensee or Person in writing of the Department's receipt of the complaint, enclosing a  
22 copy thereof. The Licensee or Person shall within ten (10) days from the date of the Department's  
23 letter to the Licensee file with the Department a written answer to the complaint. The Department  
24 shall review the answer and submit a copy thereof to the complainant for further response, if  
25 necessary. Upon receipt of the response, the Department will then evaluate the complaint and  
26 response thereto and the matter will be handled in compliance with the Department's applicable

1 procedures and regulations for such matters. The Department may, upon its own motion, with or  
2 without a complaint, notice a hearing for the purposes of further investigating whether to sanction  
3 a Licensee or other Person.

4 B. Hearings. The notice for and conduct of any hearings held pursuant to this Regulation or ~~the~~ Act  
5 shall be governed by the applicable provisions of the Act, the Department's Central Management  
6 Regulation 2 – Rules of Procedure for Administrative Hearings~~rules and regulations for the~~  
7 ~~conduct of such hearings~~ and ~~the provisions of~~ the Rhode Island Administrative Procedures Act  
8 (R.I. Gen. Laws § 42-35-1 et seq.).

### 9 **3. Section 8 Technician Certification**

10 A. Requirements. Upon submission of a new or renewal application for a License, each Applicant  
11 must certify under the penalty of perjury to the Department that all Technicians it has in its employ  
12 are certified (by means of the successful completion of trainings, coursework and/or tests) in the  
13 following areas:

14 1. Motor vehicle glass repair and replacement;

15 2. AGSC Technician Certification or equivalent; and

16 3. Adhesives.

17 B. Certification Documentation. All Licensees must maintain evidence of compliance with section  
18 8(A) for each Technician in its employ. Such documentation must include the Technician's  
19 transcript and related documentation, and must be readily available. All Technician certifications  
20 must be maintained and current throughout the term of the License. Upon receipt of a written  
21 demand from the Department or during an on-site examination, the Licensee must be able to  
22 provide such documentation within three (3) business days of the request.

23 C. Licensees shall ensure that their technicians renew and update certifications as necessary to stay  
24 current with industry safety standards and changes in technology.

1 **3.Section-9 Safety Standards**

2 Safety standards for motor vehicle glass repair and replacement shall include but not be limited to: the  
3 original equipment manufacturer instructions and directions; the current Auto Glass Replacement Safety  
4 Standard (AGRSS™) issued by ANSI/AGSC/AGRSS; and the current Repair of Laminated Automotive  
5 Glass Standard (“ROLAGS”) issued by NWRA.

6 **3.Section-910 Penalties for Violations**

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

9 **3.Section-110 Severability**

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

13 **Section 121 Effective Date**

14 ~~This Regulation shall become effective upon twenty (20) days of filing with the office of Secretary of State~~  
15 ~~pursuant to R.I. Gen. Laws § 42-35-4.~~

16 ~~EFFECTIVE DATE: December 31, 1998~~

17 ~~REFILED: December 19, 2001~~

18 ~~AMENDED: 2016~~

19  
20  
21

1 **Appendix A**

2 **CERTIFICATION OF AUTOMOBILE REPAIRS**

3 R.I. Gen. Laws § 5-38-1 et seq. requires that the following certification be completed and signed. The law  
4 does not mandate how or if the automobile is repaired, but it does mandate the completion of this form.  
5 The return of this form is not a condition of payment.

6 \_\_\_\_\_

7 **Part 1**

8 **TO BE COMPLETED BY THE INSURER**

9 Insured Name: \_\_\_\_\_ Claim Number: \_\_\_\_\_

10 Address: \_\_\_\_\_ Policy Number: \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_ Date of Accident: \_\_\_\_\_

13 Name of Insurer: \_\_\_\_\_

14 Address: \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 I, \_\_\_\_\_ representing \_\_\_\_\_ Insurance  
18 Company have verified the auto body shop listed has a valid auto body license in accordance with  
19 existing laws.

20 Date: \_\_\_\_\_

21 Signature of Insurance Company Representative: \_\_\_\_\_

22 \_\_\_\_\_

23 **Part 2**

24 **TO BE COMPLETED BY THE AUTOMOBILE BODY SHOP**

25 I, \_\_\_\_\_ a representative of \_\_\_\_\_ Auto

26 Body Shop, located at \_\_\_\_\_, holding auto body license number

27 \_\_\_\_\_ do certify, under penalties of perjury that I have made the repairs, listed

28 on the attached invoice, to the automobile owned by \_\_\_\_\_.

29 Date: \_\_\_\_\_

30 \_\_\_\_\_

1 PART 3

2 ~~TO BE COMPLETED BY THE INSURED~~

3 I, \_\_\_\_\_, certify, under penalties of perjury, that:

4 Check (a) or (b) or (c) and (d) If Direct Payment to the Repairer is Desired.

5 (a) \_\_\_ I have not made any repairs to my automobile as a result of the captioned accident, or

6 (b) \_\_\_ All the repairs allowed by the insurer have been repaired by the automobile repairer, and I have  
7 paid \$ \_\_\_\_\_ (may be \$0.) to the automobile repairer, which amount is the deductible amount applicable  
8 to this accident; or if not,

9 (c) \_\_\_ My automobile has been repaired according to the attached itemized invoice and I have paid \$  
10 \_\_\_\_\_ (may be \$0.) to my automobile repairer.

11 (d) \_\_\_ I hereby authorize payment of \$ \_\_\_\_\_ directly to the auto body shop identified in Part 2.

12 ~~IMPORTANT NOTICE TO INSURED~~

13 ~~IF YOU DO NOT REPAIR ALL OR PART OF THE DAMAGES ALLOWED BY THE INSURER, AND YOU  
14 HAVE A SUBSEQUENT LOSS, THE COMPANY MAY, TO THE EXTENT RELEVANT, DEDUCT SUCH  
15 ITEMS AS PREVIOUS DAMAGE IN SETTLING THE SUBSEQUENT LOSS. THEREFORE, IF AFTER  
16 SIGNING THIS CERTIFICATION, YOU REPAIR THE DAMAGE, YOU SHOULD NOTIFY THE  
17 COMPANY IMMEDIATELY. THE COMPANY MAY AT THAT TIME ELECT TO INSPECT YOUR  
18 AUTOMOBILE. NO INSURANCE COMPANY OR ITS REPRESENTATIVE MAY MAKE PAYMENT ON A  
19 CLAIM TO AN INSURED OR AUTO BODY REPAIR FACILITY IF REPAIRS ARE MADE AT A FACILITY  
20 NOT IN ACCORDANCE WITH R.I. GEN. LAWS § 5-38-1 et seq.~~

21 Date: \_\_\_\_\_ Signature of Insured: \_\_\_\_\_

22

23

24 ~~NOTICE: THIS FORM MUST BE COMPLETED BY THE INSURED AND AUTOMOBILE~~

25 ~~REPAIRER AND RETURNED TO THE INSURER.~~