

Concise Explanatory Statement

Rhode Island Government Register

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: Rhode Island Department of Business Regulation

DIVISION: Building Code Commission

RULE IDENTIFIER: 510-RICR-00-00-5

REGULATION TITLE: Rhode Island Electrical Code

RULEMAKING ACTION: Full Rulemaking
Amendment

COMMENT PERIOD: June 27, 2025 – July 27, 2025

A. Statement of Purpose of the Amendments

The Building Code Standards Committee (BCSC) is proposing amendments to the Rhode Island Electrical Code. While most of the other building codes in Title 510 adopt International Code Council model codes, R.I. Gen. Laws § 23-27.3-100.1.5 provides: “All electrical work done in the state shall be in accordance with the latest edition of the National Electrical Code (NEC). The state building commission shall adopt the latest edition of the NEC, including any amendments to the NEC by the commission.”

The current version of the Electrical Code adopted the National Fire Protection Association’s (NFPA) National Electrical Code (NEC) 2020 edition. Currently, these amendments reflect the BCSC’s proposed adoption of the 2023 edition of the NEC. The state specific amendments to the NEC 2023 model code are for consistency with the other building code regulations in RICR Title 510 and the Fire Safety Codes in RICR Title 450, compliance with RI statutes, and ensure that the model codes align with the needs of this state.

Additionally, all building code regulations being amended in this cycle have been edited for clarity and internal consistency of formatting and style, and to be easily read with the other building code regulations and the model codes that these regulations adopt. Formatting changes include: listing every model code chapter and stating whether each chapter is adopted, adopted with changes or deleted; leading the all changes with the model code section number for quick reference; and focusing on model code numbering to simplify citation and avoid confusion.

Summary of substantive changes:

§§ 5.1 and 5.2 – Updated and simplified the provisions in these sections.

Some of the sections in this regulation contained “Substantiation” explanations of why certain state specific amendments were made. This is not regulatory content and so we have deleted it. Moving forward, this is the type of content that goes into ORR and SOS forms. These substantiations are preserved in historic versions of the code, accessible on the RICR website.

Article 90 of NEC 2023 is adopted with amendments. These are the administrative provisions for NEC 2023, which are amended for consistency with R.I. Gen. Laws Chapter 23-27.3 and other RI building codes within Title 510 and the Rhode Island Fire Safety Codes in RICR Title 450.

Chapter 1 of NEC 2023 is adopted with no amendments. One prior state specific amendment to the Informational Note to Section 110.2 is unnecessary because it is informational, and the content is covered in R.I. Gen. Laws Chapter 23-27.3. The prior deletion of Section 110.14(D) in NEC 2020 was deemed unnecessary because it is just a requirement to comply with manufacturer’s installation instructions. The content regarding Informative Annexes was relocated to the end of the regulation. No change to status quo.

Chapter 2 of NEC 2023 is adopted with amendments. The state specific amendments to NEC 2020 sections were retained as amendments to NEC 2023. The substantiation paragraphs were deleted. The remaining content was edited for formatting and clarity. No change to status quo.

Chapters 3, 4, 5, 6, 7, 8, and 9 of NEC 2023 are adopted with no changes. No change to status quo.

The NEC 2023 Informative Annexes adopted in RI, for informational purposes only, are now listed at the end of the regulation to match the order of the model code. No change to status quo.

B. Summary of the Regulatory Analysis

This regulation applies to all electrical work in the state. All 39 municipalities, DLT licensed professionals, builders and construction industry, design professionals, homeowners, property owners, and business owners.

These amendments move the Electrical Code from NEC 2020 to NEC 2023 as required by R.I. Gen. Laws § 23-27.3-100.1.5. As part of the adoption of NEC 2023 the BCSC has deleted some of the prior RI specific amendments that are no longer necessary, deleted unnecessary “substantiation” explanations; and simplified and standardized the formatting for a more user-friendly document that is easily read alongside NEC 2021.

These amendments are good for RI because they clarify, update, and simplify the RI electrical code. Furthermore, the amendments are statutorily required by R.I. Gen. Laws § 23-27.3-100.1.5 mandate to adopt the current version of the NEC as the state electrical code, with any necessary state amendments. Most of the amendments are for administrative consistency with state laws regarding permitting procedures and code enforcement, and for accurate cross-references to other RI building and fire codes. Notably, the BCSC has deleted outdated state-specific amendments

and has not added any new state-specific substantive requirements to the electrical code. Only two RI specific amendments to the substantive requirements of NEC 2020 remain in the adoption of NEC 2023.

There are no costs associated with these amendments.

It should be noted that a somewhat unique feature exists within the State Building Codes that provides an immediate right to an administrative appeal to the Building Code Standards Committee of any regulation/code provision seeking clarification, modification, or outright relief from compliance. R.I. Gen. Laws § 23-27.3-127.1.2. This process negates the needs for litigation and provides a simpler means of ensuring that these model codes can be tailored to the needs of Rhode Island consumers.

This same statutory section also provides for the issuance of a Blanket Variance to address scenarios where a provision(s) of the code has been rendered obsolete or imposes an unanticipated hardship. Any Blanket Variances granted by the BCSC are effective only until the next code adoption cycle where they are either incorporated into the new edition or abandoned.

These procedures also exist for the Fire Codes.

C. Summary of Comments Not Resulting in Regulatory Language Changes

Below is a summary of other public comments received that did not result in changes to the text of the Regulation and a brief description of the Department's reasons for not making any such changes after due consideration.

1. *510-RICR-00-00-5* – Commentary was received suggesting the adoption without amendment of the most up-to-date version of the model codes.

The proposed amendments to the State Building Codes reflect a conscientious effort to ensure that the Rhode Island State Building Code is updated in accordance with national standards while taking into consideration that the model code may not capture the circumstances that exist for building in Rhode Island. Therefore, certain amendments to the model codes have been made.

Accordingly, the Department declines to make a change in response to this comment.

2. *510-RICR-00-00-5* – Commentary was received recommending that the Department adopt the 2024 Codes instead of the 2021 Codes.

In general, it is not advisable to skip code cycles (notwithstanding the unique circumstances of Part 8 adopting the 2024 IECC). The complexity of comparing the model codes from year to year is already a challenge that would be substantially more difficult if the state were to skip the 2021 codes all together. Incremental change is easier to implement and better for industry overall.

The Committee voted on amendments necessary to adopt the 2021 codes and that was what was proposed. It will move forward to finalize these codes. It will start the process to review the 2024 ICC codes and consider if any state-specific amendments may be necessary. However, at this time, the Committee declines to make a change in response to this comment. Furthermore, pursuant to R.I.G.L. § 24-35-6.1, “[a]n agency may not file a rule that differs from the rule proposed in the notice of proposed rulemaking unless the final rule is consistent with, and a logical outgrowth of, the rule proposed in the notice.” The amendments and adoption noticed for the State Building Code reflect the 2021 Codes and, therefore, the 2024 Codes cannot be substituted for the rules as originally proposed.

Accordingly, the Department declines to make a change in response to this comment.