

Review Online Public Comments

440-RICR-10-00-1

General Rules and Regulations for Registration, Licensing and Filing of Claims

Comment ID : #10231-6

Not displayed to public

sec 1.5.3 C ...claims involving mechanics liens...my comment is that the board does not have authority over mechanic liens which is governed by statute..also refer to sec 1.5.4 as to mechanic liens..again the board has no jurisdiction..see sec C processing mechanic liens..the board should not be involved with mech liens and should not determine the validity of liens..including proper notice and recording..also the board cannot stay the enforcement of a lien..only the superior court...therefore any reference to the mechanic liens should be deleted.

Comment By : **girard Visconti**

On : **09/20/2018**

Although there exists other law(s) relative to discharging mechanics' liens, including action through the Superior Court, the Board still reserves the right to investigate and attempt resolution to disputes arising from the filing of a mechanic's lien against a residential property. The following statute provides the Board with that authority;

§ 5-65-11. Types of allowable claims. - The board shall only accept and make determinations of the following types of claims for damages against contractors registered or required to be registered. This section shall apply to the following types of claims:

(2) Claims against a contractor by the owner of a structure to discharge or to recoup funds expended in discharging a lien established under chapter 28 of title 34 and under circumstances described under this subsection. The board may reduce any amount adjudged by the board under this section by any amount the claimant owes the contractor. The board shall only determine claims under this subsection if:

(ii) A lien is filed against the structure of the owner under chapter 28 of title 34 because the contractor failed to pay the person claiming the lien for that person's contribution toward completion of the structure

This comment does not warrant any further consideration or discussion.

Comment ID : #10231-7

Not displayed to public

To Whom It May Concern; I am writing on behalf of the North/East Roofing Contractors Associations (NERCA). We are an existing Education Provider (#40711, Provider Code 4). Currently, we are certified to provide for continuing education credits for contractors. I am

writing to respectfully ask that the Board considers lessening or wholly eliminating the current fees associated with registering a new course for continuing education credit with the State of Rhode Island. We are a regional roofing contractor association with members from all over New England. As a service to our Rhode Island members, we have begun registering our seminars for credit towards their commercial roofing licenses. Unfortunately, while we have been happy to do this for general knowledge courses such as those in Building Codes, Fall Protection, or Legal Issues in Contracting, the cost of registering additional courses is cost prohibitive if we are considering more technical seminars which we might not be capable of running regularly. In short, we would like to be able to offer more types of courses for credit, but feel that the additional cost of registering each course is limiting our ability to do so. Thank you for your consideration in this matter. If you have any questions, please don't hesitate to contact me. Respectfully, John Ferrante Director of Government & Industry Relations

Comment By : **John Hoyle**

On : **09/20/2018**

The Board has already expressed their support for waiving the \$100 per credit-hour fee for continuing education courses offered by “*industry related trade associations, non-profits and government organization or agencies*”. If enacted, the Board will need to specify who precisely fits those description(s), or formulate a process for considering who qualifies, perhaps with the Education Sub-committee.

Comment ID : #10231-8

Not displayed to public

sec 1.7.6 sec E 1b requires no cles ..this is contrary to the water filtration and pump installers statute which does require cles..except for those applicants who are grandfathered..see rigl 5-65.2-3 et seq

Comment By : **girard visconti**

On : **09/21/2018**

No attachments

There was a misunderstanding on behalf of the individual posting this comment. Neither statute, nor the proposed Rules and Regulations require *Pre-registration Education* for water filtration/pump installers, either ‘Grandfathered’ or not.

1.7.6 Requirements

E. Well and Pump Installers/Water Filtration Contractors:

1. Continuing Education Requirements

- a. In accordance with R.I. Gen. Laws § 5-65.2-3(c)(4), as a condition of renewal of licensure to maintain a Well/Pump Installer/Water Filtration Contractors' license, each applicant must provide the Board with proof of completion of ten (10) continuing education credits per two (2)-year licensing cycle.**

b. There are no pre-licensure education credit requirements to obtain a Well/Pump Installer/Water Filtration Contractors' license.

This comment does not warrant any further consideration or discussion.

Comment ID : #10231-9

Not displayed to public

Section 1.7.6.-A-1-a This section indicates that the registered professional shall take 5 credited hours per 24-month window. I don't see how this is fair to make a registered contractor take 5 credits in 24 months when the state does not even release new codes in a 24-month window. The IBC releases every 36 months and the state does not even have to adopt the new version yet you want your residential registered contractor to take the credits every 24 months? The commercial aspect is more stringent in Massachusetts and our state is exonerating commercial from the requirement? I myself am a registered commercial and residential so should I not be exempt? How does this make sense, if we want to get on the same level as other states it may be time to focus more on the commercial requirements and not focus on the small guy that is working hard to bring home a dollar? Residential is too easy to obtain here in our state but my father who has had his registration in the state of Rhode Island for over 30 years and has remained in business needs to take credits, this blows my mind. I would rather see one test be in place every 3 years than see some older man or woman have to use a computer and figure out where to go take classes, not all of them are technically inclined like us younger generations. There should be an exemption for registrations prior to 1990. You should make a mandatory OSHA 10 card and a standard code exam requirement if anything. as of right now I think this needs to be adjusted before coming to fruition.

Comment By : **Nicholas Andreozzi**

On : **09/21/2018**

No attachments

There does not appear to be any significant relevance to these comments as they pertain to the proposed Rules and Regulations as currently posted. Accepting comments from Board members

Comment ID : #10231-15

Not displayed to public

The RI Builders Association supports the CRLB in its efforts to incentivize organizations to create more class offerings. If RIBA were to realize less expense associated with our educational offerings we would be inclined – as a non-profit - to reinvest those additional monies back into new class development.

Comment By : **John Marcantonio**

On : **09/27/2018**

No attachments

This comment mimics 10231-7, in which the Board has expressed a willingness to exempt certain continuing education courses, offered by certain providers, from the \$100 per credit-hour fee(s).

Comment ID : #10231-18

Not displayed to public

440-RICR-10-00-1 Adoption • Deletion of the rules and procedures for board meetings Is very concerning, at best. • The Board should have published procedures for its meetings and conform to the open meetings law. Sections 1.5 to 1.6 should not be removed and make the Board more transparent and more effective in its operation especially in light of the fact that legislation was passed this year to make some charges a felony. The agenda is essential for posting purposes to keep the public informed and should be part of the regulations promulgated. Conduct as well as ethics of the board is also important. All these details will assure due process and assure standardization on how meetings are conducted. These sections deleted in Title 440-Part: 8061-Contractors Registration & Licensing Board (REPEAL) need to be reinstated. • Additionally, the records retention schedule and destruction of records should also be part of these regulations. 1.1 Title 5 missing also APA-RIGL'S of 1956 as amended which allowed for the adoption. Not sure if this was a legal requirement but has been referenced in past as necessary. 1.2 Purpose: never mentions to become registered or licensed as a contractor. 1.3 Definitions: need to add new definitions from recently enacted legislation in 5-65-27; consumer, elderly person, services, etc. Also, may want to define the new agency governing the Board, in section, pursuant to GL 5-84-3. The use of the lettering in the definitions is somewhat confusing and should have a numbering system or use parenthesis with numbers to make it easier to reference and read. H, J & K: Claimant could be the board if it was presenting a violation against the contractor and should be reflected in these definitions. Board would not have a contractual relationship as defined only the owner. N: Contract does not have to be in writing pursuant to state contract law and can be oral up to \$1,000.00. O: Contractor definition in the law references 'who arranges' and is much clearer than the regulation. This should be in the definition. X: Good standing should be clearly emphasizing the contractor otherwise opens door for other type of licenses nurses, real estate, etc. KK: Residence should also include its appurtenance such as garages, decks etc., even though appurtenances is defined in another section. Speculative is missing from this section and should be included because it is in the general law and needs clarification in the regulations to make it clear. C1A9: Information request should include educational course and status if required. 1.5.4-A-4: third party testing agency if respondent is at fault must be paid by contractor. 1.5.5-A-5: except to enforce mechanics lien. 1/5/5-A-6: One year on repair from date of completion. 1.5.6.C1: Notice in emergency situations due to inclement weather, accident or death. 1.5.6-F: Recordings of hearings is imperative and provides accuracy and transparency, both Board meetings as well as all hearings before hearing officers. 1-6.1 B: Liens being placed by board has to be better documented here so proper action can take place making the collection of restitution and fines easier. Has to be elaborated to make sure a clear approach is in place to file liens against contractors or corporations. 1.6.4 A: Tickets / Violations: This section needs clarity; violations do not have to be issued with tickets but could be result of other findings by the board such as insurance lapse or advertising. • Removal of the violation penalty fee structure and replacing it with discretionary language can result in favoritism and discretionary assessment of

~~finer and potential political influence. The fee schedule with the scale was established to remove those factors. Utilizing an internal policy rather than a regulation will make the penalty fee assessment much more political. It is strongly urged not to change this section, but to modify it to reflect the same standards for residential and commercial in order to have consistency. These changes were a result of a study commission comprised of members from the public, industry, board and legislators who spent a considerable amount of time discussing why they wanted a tiered structure and that assessing penalty fees should not be a judgment call.~~

Comment By : **George Whalen**

On : **09/28/2018**

No attachments

See supplemental handout

Comment ID : #10231-23

Not displayed to public

Consideration should be given to notifying homeowners of hearings where a contractor is requesting reinstatement of a suspended or revoked registration when said homeowner was harmed by said contractor resulting in suspension or revocation. Providing the homeowner notice and the opportunity to speak for or against board actions is vital to full transparency of the board.

Comment By : **T F**

On : **09/29/2018**

No attachments

Matter for discussion