

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

CONTRACTORS' REGISTRATION & LICENSING BOARD

Title of Rule: General Rules and Regulations for Registration, Licensing and Filing of Claims

Rule Identifier: 440-RICR-10-00-1

Rulemaking Action: Proposed Adoption

Important Dates:

Date of Public Notice: 08/31/2018

End of Public Comment: 09/30/2018

Authority for this Rulemaking:

R.I. Gen. Laws § 5-65-1, et seq.

Summary of Rulemaking Action:

The following regulation was reformatted and reorganized to comply with the Administrative Procedures Act and Secretary of State's formatting requirements. In the past, separate rules and regulations existed for each discipline that the Board governs. The result was voluminous, stand-alone rules and regulations for each discipline that contained repetitive information. In this regulation, shared information that applies to all disciplines (including administration, general definitions, claims, violations, and education) appears once, and repetitive and non-regulatory information has been removed.

Below is a summary of non-technical changes between the current and proposed regulation:

- o Part 1.3 - General Definitions
 - Removal of definitions that were unnecessary or discipline-specific, including:
 - *Appurtenance, Casual minor or inconsequential, Speculative*
 - Modifications to generalize universal definitions, including:
 - *Contractor, Owner of a Structure, Residence or Residential Structure, Structure*

- Addition of definitions that were located under a specific discipline, but that generally apply to all disciplines, such as:

- *Architectural Service, Architectural Study, Claimant, Complaint, Complainant, Condominium, Continuing Education Credit, Contract, Engineering Services, Good Standing, Inactive Registration or License, Incapacity or Incapacitated, Permits, Public Body or Public Agency, Respondent, Revoke, Violation*

- o Part 1.4 - General Administration

- Removed Board Meeting Procedures (Section 1.5.4 Board Meeting Agenda) from regulations as non-regulatory language

- o Part 1.6 - Violations and Penalties

- Removed the violation penalty fee structure, including removal of different penalty assessments for commercial and residential contractors, and replaced with discretionary language and statutory ceiling amounts (up to \$5k for first infraction, \$10K for subsequent). The removed fee scale for the various infractions will instead be utilized as an internal policy.

- o Part 1.7.8 – Alternative Continuing Education Credits

- Eliminating the exemption for Continuing Education Requirements for Board Members as applicable

- o Part 2.6 - Registration Cards

- Eliminating the issuance of plastic "pocket cards" and issuing certificates for Registrants/ Licensees, as this practice will be eliminated

- o Section 2.11 - 2.36 - Construction Standards

- Construction Standards have been removed from the regulations and will be used as a guidance document by CRLB staff

o Part 2.37 -Manufacturers' Standards

- Manufacturer's Standards have been removed from the regulations and will be used in concert with the Construction Standards

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until September 30, 2018 by contacting the appropriate party at the address listed below:

John M. Hoyle, Jr.
Contractors' Registration & Licensing Board
560 Jefferson Boulevard
Suite 204
Warwick, RI 02886-1394
john.hoyle@doa.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

This regulation imposes no societal cost or cost of compliance and provides the benefit of providing a structure to regulate the construction industry in the State of Rhode Island and provides a cost-effective claim process to resolve consumer and contractor disputes.

In the development of the proposed **adoption** 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.

For full regulatory analysis or supporting documentation see agency contact person above.