

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: Contractor’s Registration and Licensing Board
RULE IDENTIFIER: 440-RICR-10-00-5
REGULATION TITLE: Rules and Regulations for Home Inspectors and Associate Home Inspectors
RULEMAKING ACTION: Full Rulemaking
Amendment
COMMENT PERIOD: December 2, 2025 – January 2, 2026

A. Statement of Purpose of the Amendments

The Contractors Registration and Licensing Board (CRLB) proposed amendments to the Rules and Regulations for Home Inspectors and Associate Home Inspectors. Section 5.24.5(D)(4) and (5) are being amended to conform with clarifying statutory changes made to R.I. Gen. Laws § 5-6-2 of the electrician licensing law, 2024 Public Laws Ch. 209 & 210, effective 1/30/2025.

The Department is not exercising any discretion in making these amendments. The changes are only to ensure that this regulation is consistent with the update electrician licensing laws and related guidance issued by DLT.

While preparing these amendments, it was discovered that cross references within § 5.24.5(D)(5) to §§ 5.22.5 and 5.22.6 (and which also appear throughout the regulation) were incorrect. Those subsections do not exist in the regulation. Upon further review, it was clear that those cross references are meant to point to the exclusions and prohibitions set forth in §§ 5.24.5 and 5.24.6 which contain the standards for the scope of the home inspection and general exclusions. All instances have been corrected. No change to status quo.

B. Summary of the Regulatory Analysis

This regulation applies to all licensed home inspectors and associate home inspectors. The proposed amendments to § 5.24.5(D)(4) and (5) conform to RIGL 5-6-2; no change to status quo. Clarifying these regulations to conform to existing statute benefits society, including small business home inspectors, because it promotes efficiency and consistency. There are no societal costs to this amendment.

C. Summary of Comments Not Resulting in Regulatory Language Changes

Below is a summary of 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. *440-RICR-10-00-5.24.5(D)* Commentary was received suggesting the removal of language requiring home inspectors to “observe and report on the service and distribution panels by removing the enclosure cover.

The proposed amendments to the Rules and Regulations for Home Inspectors are intended to ensure consistency with the statutory changes made to the electrician licensing law. The Department declines to make any changes based upon this comment because the Department is not proposing any changes to § 5.24.5(D)(1)(d) requirement to observe and report on certain devices. The proposed amendments are to §§ 5.24.5(D)(4) and (D)(5)(c) and designed to conform to statutory changes made to R.I. Gen. Laws § 5-6-2 (2024 Public Laws, ch. 209 & 210 effective 1/30/2025)

2. *440-RICR-10-00-5.24.5(D)(4)* Commentary was received suggesting the removal of language which provides that the use of a plug-in receptacle tester or use of the test button thereon or on a ground fault circuit interrupting (GFCI) receptacle is permissible provided there is no exposure of live parts, no removal of the electrical device and no disturbance of the current state of the receptacle.

The Department declines to make any changes based upon this comment because the proposed amendment of § 5.24.5(D)(4) conforms to and is consistent with the statutory changes made to R.I. Gen. Laws § 5-6-2 (2024 Public Laws, ch. 209 & 210 effective 1/30/2025) as confirmed by the Board of Examiners for Electricians within the Department of Labor and Training, which has regulatory purview of R.I. Gen. Laws Chapter 5-6. See: <https://dlt.ri.gov/sites/g/files/xkgbur571/files/2025-02/DOC021925.pdf>

3. *440-RICR-10-00-5.24.5(D)* Commentary was received suggesting the inclusion of prohibitions about removal of breaker panel covers, add prohibition about dismantling, and add prohibition about use of any tool other than non-contact voltage testers and plug-in receptacle testers.

The Department declines to make any changes based upon this comment because these matters are already addressed in the existing regulation and proposed amendments.

4. *440-RICR-10-00-5.24.(D)* Commentary was received suggesting the removal of § 5.24.5(D)(5)(c) which prohibits home inspectors from entering, internally accessing or inserting any tool, probe, or testing device inside the electrical panels, outlets, devices or other fixtures.

The Department declines to make any changes based upon this comment because the proposed amendment of § 5.24.5(D)(5)(c) conforms to and is consistent with the statutory changes made to R.I. Gen. Laws § 5-6-2 (2024 Public Laws, ch. 209 & 210 effective 1/30/2025) as confirmed by the Board of Examiners for Electricians within the Department of Labor and Training, which has regulatory purview of R.I. Gen. Laws Chapter 5-6.

5. *440-RICR-10-00-5* – Commentary was received recommending that the Department remove § 5.24.5(D)(5)(e) which prohibits home inspectors from dismantling any electrical device or control other than to remove the covers of the service and distribution panels. However, the inspector is not required to remove the covers . . . if the panel covers are not readily accessible, if there are dangerous or adverse situations present, or when removal would damage or mar any painted surface and/or covering materials”

The Department declines to make any changes based upon this comment because the Department did not propose any changes to § 5.24.5(D)(5)(e), which is consistent with the statutory changes made to R.I. Gen. Laws § 5-6-2 (2024 Public Laws, ch. 209 & 210 effective 1/30/2025).

6. *440-RICR-10-00-5* – Commentary was received which broadly stated comments related to the increased rigidity of the proposed amendments, increased liability risks for home inspectors, and concerns about unlicensed individuals performing work under licensed entities, and a request for the CRLB to consider whether the proposed amendments improve consumer outcomes or discourage home inspectors from remaining/joining the profession.

These comments do not provide specific reference to any section(s) of the proposed amendments and, therefore, do not present comments on which the Department or the CRLB can meaningfully respond. The Department declines to make any changes based upon these general comments because the Department’s proposed changes conform the regulation to the statutory changes made to R.I. Gen. Laws § 5-6-2 (2024 Public Laws, ch. 209 & 210 effective 1/30/2025).

D. Summary of Comments That Are Really FAQs

1. *440-RICR-10-00-5* – Commentary was received regarding how to access the proposed rules on the Secretary of State website.

The proposed amendments were posted for public comment on December 2, 2025. An emailed notice was sent on that date and a follow-up emailed notice was sent on December 3, 2025 providing additional links to the Secretary of State website which were posted for the required 30-day public comment period.

2. *440-RICR-10-00-5* – Commentary was received requesting clarification as to whether home inspectors are required or not required to remove electrical panel covers.

The proposed amendments are not changing §§ 5.24.5(D)(1)(d) and (D)(5)(e) regarding removal of electrical panel covers.