

TITLE 440 – CONTRACTORS’ REGISTRATION AND LICENSING BOARD

CHAPTER 10 – GENERAL ADMINISTRATION, REGISTRATION, LICENSING, AND FILING CLAIMS

SUBCHAPTER 00 - N/A

PART 2 – Rules and Regulations for Contractors

2.1 Authority

These rules and regulations are promulgated by the Contractors’ Registration and Licensing Board ("Board") in accordance with R.I. Gen. Laws § 5-65-17.

2.2 Purpose

The purpose of this Part is to administer and enforce the Contractors’ Registration Law, R.I. Gen. Laws Chapter 5-65. The Contractors’ Registration Law requires every contractor, remodeler and most subcontractors who are in the business of building or repairing residential or commercial structures and their appurtenances in the State of Rhode Island to register with the Contractors’ Registration and Licensing Board, so that claims filed against them can be heard and settled. Any person who fails to register as a contractor, as stipulated, is subject to penalties for operating without a registration.

2.3 Incorporated Materials

Reserved

2.4 Definitions

- . In addition to the terms defined in R.I. Gen Laws § 5-65-1 and § 1.4 of Part 1 of this Subchapter, the following terms shall have the following meanings.
- A. "Appurtenance" means any accessory improvement to real estate associated with a primary structure. An appurtenance includes, but is not limited to, any of the following, located on land owned by the owner of the structure to enhance the residential or commercial use of the structure:
 - 1. Garage or carport;
 - 2. Porch, patio, decks and deck steps, docks, sheds, tents and other fabric structures (temporary or permanent), gazebos, walkways, or fencing;

3. Driveways, roads or bridges;
 4. A retaining wall when necessary to protect a structure or its appurtenances or to comply with building code slope requirements or when done in conjunction with landscaping work;
 5. Swimming pools;
 6. Sidewalks;
 7. Stone/masonry walls;
 8. Towers; and
 9. Roadways and parking areas.
- B. "Casual," "Minor" or "Inconsequential" means work not of a structural nature that cannot affect the health or safety of the owner or occupant of the structure; the value for the contract, labor, materials, and all other items is less than five-hundred dollars (\$500.00) as used in R.I. Gen. Laws § 5-65-2(4).

2.5 General Administration and Procedures

- A. Administrative procedures for the registration of contractors shall comply with R.I. Gen. Laws Chapter 5-65 and the following sections of Part 1:
1. Delivery of Notices: § 1.5(A) of this Subchapter.
 2. Change of Address § 1.5(B) of this Subchapter
 3. Public Records and Information Requests: § 1.5(C) of this Subchapter.
 4. Certification of Registration/License § 1.5(D) of this Subchapter.
 5. Filing Fees and Record Changes § 1.5(E) of this Subchapter

2.6 General Registration and Licensing Requirements

- A. The registration of contractors shall comply with R.I. Gen. Laws § 5-65 and the following sections of Part 1:
1. Registration Required: § 1.6.1 of this Subchapter.
 2. Transference of Registration Prohibited: § 1.6.2 of this Subchapter.
 3. Display of Registration Number: § 1.6.3 of this Subchapter.
 4. Business Entity Registrations: § 1.6.4 of this Subchapter.

5. Nonresident Persons / Registered Agent: § 1.6.5 of this Subchapter.
 6. Change of Registration: § 1.6.6 of this Subchapter.
 7. Effect on Registration Due to Loss of Responsible Person: § 1.6.7 of this Subchapter.
- B. As a condition of registration, all contractors who are registered with the Board, shall participate and make good faith efforts to resolve all complaints, violations, and/or contested cases within the jurisdiction of the Board. Failure to do so shall result in the Board taking action against the contractor, to the extent allowable by law, including suspension of a contractor's registration, without which a contractor cannot work in the state of RI.

2.7 Applications for Registration

- A. Applications for the registration of contractors shall comply with R.I. Gen. Laws § 5-65 and the following sections of Part 1:
1. General Application: § 1.7.1 of this Subchapter.
 2. Examination: § 1.7.2 of this Subchapter.
 3. Effective Date / Term: § 1.7.3 of this Subchapter.
 4. Renewal and Reissuance of Registration: § 1.7.4 of this Subchapter.
 5. Lapsed Registration: § 1.7.5 of this Subchapter.
 6. Military Service Registration: § 1.7.6 of this Subchapter.

2.8 Education Requirements - Pre-Registration and Continuing Education

- A. Educational requirements for the registration of contractors shall comply with R.I. Gen. Laws § 5-65 and the following sections of Part 1:
1. Scope: § 1.8.1 of this Subchapter.
 2. Specifications: § 1.8.2 of this Subchapter.
 3. Qualifying Education: § 1.8.3 of this Subchapter.
 4. Course Materials and Fees: § 1.8.4 of this Subchapter.
 5. Proof of Educational Course Completion / Compliance: § 1.8.5 of this Subchapter.

6. Educational Requirements: § 1.8.6 of this Subchapter.
7. Exception to Educational Requirements: § 1.8.7 of this Subchapter.
8. Violations for Failing to Complete Educational Requirements: § 1.8.8 of this Subchapter.
9. Educational Course Providers § 1.8.9 of this Subchapter.
10. Educational Courses § 1.8.10 of this Subchapter.
11. Violations for Operating as a Non-Approved Provider: § 1.8.11 of this Subchapter.
12. Penalties for Provider Noncompliance: § 1.8.12 of this Subchapter.

B. Educational Requirements for Initial Registration

1. As a condition of initial registration, each applicant for a contractor's registration must provide the Board with proof of satisfactory completion of five (5) credit hours of education prior to obtaining a registration. The five (5) hours of pre-registration credits must be completed within the twenty-four (24) months prior to applying for a registration and must have been completed in-person, not online.
2. The five (5) pre-registration credit hours must include:
 - (a) One (1) credit hour of Board-approved education covering Construction Codes and Standards;
 - (b) One (1) credit hour of Board-approved education covering Contracts;
 - (c) One (1) credit hour of Board-approved education covering Workplace Safety;
 - (d) One (1) credit hour of Board-approved education covering Business Principles and Practices; and
 - (e) One (1) credit hour of Board-approved education related to the practice of construction or other topics related to the applicant's business, including but not limited to: land use, development, planning and zoning, resource conservation or estimating.
3. An applicant who has graduated from an accredited technical or vocational high school or college within the prior twenty-four (24) months may submit evidence to the Board that the courses completed are sufficient to satisfy the pre-registration education requirements. The

applicant must submit an original transcript listing construction-related courses completed, details regarding the school's accreditation information, and contact information for the registrar. It is within the Board's discretion whether to allow the prior schooling to qualify as pre-registration education credit.

C. Continuing Education for Renewal Registration

1. As condition of registration renewal, registrants shall complete five (5) hours of approved continuing education courses with an approved Provider during each two (2)-year registration cycle. These courses must be related to the practices of construction or other topics related to the nature of the registrant's business.
2. Each registrant shall maintain documentation for all continuing education for two (2) registration cycles and shall furnish this documentation to the Board upon request.

D. Exemptions

Contractors engaging in only commercial contracting work shall be exempted from the pre- and continuing education requirements outlined in this section.

2.9 Complaints

A. The procedure for filing a complaint against a contractor shall comply with R.I. Gen. Laws § 5-65 and the following sections of Part 1:

1. Duty to Participate: § 1.9.1 of this Subchapter.
2. Complaints Generally: § 1.9.2 of this Subchapter.
3. Board Initiated Investigations: § 1.9.3 of this Subchapter.
4. The Board's Right to Refuse and/or Dismiss Complaints: § 1.9.4 of this Subchapter.

2.10 Notice of Accepted Complaints and Initial Board Investigation

The rules pertaining to the notice of accepted complaints and initial board investigation shall comply with R.I. Gen. Laws § 5-65 and § 1.10 of this subchapter:

2.11 Prehearing Conferences and Alternative Dispute Resolution

A. The rules pertaining to Prehearing Conferences and Alternative Dispute Resolution shall comply with R.I. Gen. Laws § 5-65 and the following sections of Part 1:

1. Pre-Hearing Conferences: § 1.11.1 of this Subchapter
2. Alternative Dispute Resolution: § 1.11.2 of this Subchapter
3. Pre-Hearing/Alternative Dispute Resolution Procedures: § 1.11.3 of this Subchapter
4. Administrative Hearings Based on Contested Cases: § 1.11.4 of this Subchapter.

2.12 Violations

- A. The rules pertaining to violations shall comply with R.I. Gen. Laws § 5-65 and the following sections of Part 1:
1. Authority: § 1.12.1 of this Subchapter
 2. Procedure for Investigating and Processing Violations: § 1.12.2 of this Subchapter
 3. Notices of Violation / Proposed Order: § 1.12.3 of this Subchapter
 4. Fines / Penalties: § 1.12.4 of this Subchapter
 5. Court Judgments / Arbitration Awards - Effect on Registration/License: § 1.12.5 of this Subchapter

2.13 Appeals

- A. The rules pertaining to appeals shall comply with R.I. Gen. Laws § 5-65 and the following sections of Part 1:
1. Appeal of Notice of Violation to Hearing Officer: § 1.13.1 of this subchapter.
 2. Appeal of Final Order by the Hearing Officer to the Full Board: § 1.13.2 of this subchapter.
 3. Appeal of Final Order by the Full Board to the Superior Court: § 1.13.3 of this subchapter.

2.14 Criminal Prosecution

The rules pertaining to criminal prosecution shall comply with R.I. Gen. Laws § 5-65 and § 1.14 of this Subchapter.

2.15 Administrative Hearings

A. The rules pertaining to administrative hearings shall comply with R.I. Gen. Laws Chapters 42-35 and 5-65 and the following sections of Part 1:

1. Notice of Hearing: § 1.15.1 of this Subchapter
2. Representation: § 1.15.2 of this Subchapter
3. Filing of Pleadings and Other Documents: § 1.15.3 of this Subchapter
4. Service: § 1.15.4 of this Subchapter
5. Time: § 1.15.5 of this Subchapter
6. Motions: § 1.15.6 of this Subchapter
7. Discovery: § 1.15.7 of this Subchapter
8. Subpoenas: § 1.15.8 of this Subchapter
9. Evidence: § 1.15.9 of this Subchapter
10. Conduct of Hearings: § 1.15.10 of this Subchapter
11. Decisions: § 1.15.11 of this Subchapter

2.16 Expungements

The rules pertaining to expungements shall comply with R.I. Gen. Laws Chapter 5-65 and § 1.16 of this Subchapter.

2.17 Default

The rules pertaining to default shall comply with R.I. Gen. Laws Chapter 5-65 and § 1.17 of this Subchapter.

2.18 Disqualification / Incapacity of Hearing Officer

The rules pertaining to disqualification / incapacity of Hearing Officer shall comply with § 1.18 of this Subchapter.

2.19 Miscellaneous Provisions

The rules pertaining to miscellaneous provisions shall comply with § 1.19 of this Subchapter.

2.20 Hearings - Public Information

The rules pertaining to the hearings - public information shall comply with § 1.20 of this Subchapter.

2.21 Publication of Orders and Notices

The publication of all orders issued by the board and notices of hearing shall comply with the requirements of R.I. Gen. Laws § 5-65-25.

2.22 Equal Access to Justice for Small Business

The rules pertaining to the equal access to justice for small business shall comply with § 1.22 of this Subchapter.

2.23 Severability

The rules pertaining to severability shall comply with § 1.23 of this Subchapter.

2.24 Standards of Professional Practice

- A. Contractors must perform all work in accordance with R.I. Gen. Laws Chapter 5-65, these Rules and Regulations, any plans and specifications governing the project(s), and additionally rely on generally accepted practices, industry standards, and city/town/municipal regulations to determine if a deficiency exists and what remedies shall be implemented to correct any identified defects or problems.
- B. The Rhode Island Contractors' Registration and Licensing Board and/or its staff may inspect contractors' work to ensure it complies with all applicable laws, regulations, city/town/municipal regulations, plans, and specifications governing the project, industry standards, manufacturers' specifications. Contractor responsibility may not extend to items which have been subject to owner neglect, modifications, or abnormal use.