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TITLE 440 –CONTRACTORS REGISTRATION AND LICENSING BOARD

CHAPTER 10 – GENERAL ADMINISTRATION

SUBCHAPTER 00 - N/A

PART 4 –Rules and Regulations for Commercial Roofing Installation Contractors

4.1 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 and 5-73-3.

4.2 Purpose

The purpose of this Part is to administer and enforce the provisions of the Commercial Roofing Contractors Law, R. I. Gen Laws Chapter 5-73, and to promote public safety, health, and welfare by providing a mechanism to ensure that all commercial roofing commercial roofing contractors conducting business in the State of Rhode Island have the requisite skills, training, and experience necessary to safety and adequately conduct roofing activities within this state. Any person who fails to license as a commercial roofing contractor, as stipulated, is subject to penalties for operating without a license.

4.3 Incorporated Materials

These regulations hereby adopt and incorporate the National Roofing Contractors Association's "Roofing Manuals", which were in effect at the time the commercial roofing project was permitted, by reference, and only to the extent that the provisions therein are not inconsistent with these regulations.

4.4. Definitions

In addition to the terms defined in R.I. Gen. Laws §§ 5-65-1, 5-73-1, and § 1.4 of Part 1, for the purpose of this Part, the following terms shall have the following meanings:

- A. "Appurtenance" means any accessory improvement to real estate associated with a primary structure.
- B. "Component" means a part of a system
- C. "Dismantle" means to take apart or remove any component, device or piece of equipment that would not be taken apart or removed by an owner in the course of normal and routine maintenance.
- D. "Field Personnel" means employee(s) of the roofing commercial roofing contractor who perform(s) repair, installation, alteration, or removal of commercial industrial roofing on the structure.
- E. "Further Evaluation" means examination and analysis by a qualified professional, tradesman or service technician beyond that provided by the licensee.
- F. "License" for the purposes of this part, license means a commercial roofing contractor's license issued by the Board to a person engaged in the business of commercial roofing.
- G. "Licensee" means a commercial roofing contractor duly licensed by the Board.
- H. "Residential Structure" means a building consisting of four (4) dwelling units or less.
- I. "Responsible person" means the individual, corporate member, or partner of a business entity who is responsible for the actions of the entity, the individuals employed by the entity, and for any violations of law, rule, or regulation that occur under the registration/license.
- J. "Roof" means the exterior upper covering and its supporting structures on the top of a building.
- K. "Roof Drainage System" means components used to carry water off of a roof and away from a building or structure.
- L. "Significantly Deficient" means unsafe or not functioning.
- M. "Speculative" means in anticipation of or with the intent of selling to another person or entity during or after construction.

- N. "Structural Component" means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).
- O. "Unsafe" means a condition on any project, which presents a significant risk of personal injury during normal, day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in accepted construction standards.

4.5 General Administration

- A. Administrative procedures for the licensing of commercial roofing contractors shall comply with R.I. Gen. Laws Chapters 5-65, 5-73 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.

- B. Requirement for Written Contract

All commercial roofing work performed, including the cost of labor and materials, in excess of one thousand dollars (\$1,000) must be in writing with a copy of the contract provided to the customer, unless otherwise directed by the customer.

4.6 Licensing of Commercial Roofing Contractors

- A. The licensing of commercial roofing contractors shall comply with R.I. Gen. Laws Chapters § 5-65, 5-73, and the following sections of Part 1:

1. License Required: § 1.6.1 of this Subchapter.
2. Transference of License Prohibited: § 1.6.2 of this Subchapter.
3. Display of License Number: § 1.6.3 of this Subchapter.

4. Business Entity Licenses: § 1.6.4 of this Subchapter.
 5. Nonresident Persons / Registered Agent: § 1.6.5 of this Subchapter.
 6. Change of License: § 1.6.6 of this Subchapter.
 7. Effect on License Due to Loss of Responsible Person: § 1.6.7 of this Subchapter.
- B. As a condition of licensing, all commercial roofing contractors who are licensed 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 commercial roofing contractor, to the extent allowable by law, including suspension of a contractor's license, without which a commercial roofing contractor cannot work in the state of RI.
- C. Grace Period: Compliance with the requirements of this Part shall begin as of the date this Part goes into effect. Enforcement of the licensing requirements shall begin on April 1, 2020.

4.7 Applications for Licensure

- A. Applications for the licensure of commercial roofing contractors shall comply with R.I. Gen. Laws Chapters 5-65, 5-73, 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 License: § 1.7.4 of this Subchapter.
 5. Lapsed License: § 1.7.5 of this Subchapter.
 6. Military Service License: § 1.7.6 of this Subchapter.
- B. Grandfather Clause

1. An applicant registered as a commercial roofing contractor by the Board as of December 31, 2015, and who remains in good standing, may obtain a commercial roofing contractors license without examination, and upon submission of a completed application.
2. For qualified applicants, the following provisions apply:
 - a. There shall be no fee to transfer from a registration to a license.
 - b. The license shall have the same expiration date as the former registration.
 - c. Upon expiration of the license, the licensee must apply for license renewal in accordance with § 1.7.4 of this Part.
 - d. Continuing education requirements shall commence upon the licensure cycle after the first renewal.

4.8 Educational Requirements

- A. Educational requirements for the license of commercial roofing contractors shall comply with R.I. Gen. Laws Chapters 5-65, 5-73, 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. Continuing Education Required for License Renewal

1. As a condition of a license renewal, commercial roofing contractors shall complete ten (10) hours of approved continuing education courses with an approved provider each year. These courses must be related to the practices of commercial roofing or other topics related to the nature of the registrant's business.
2. Each registrant shall maintain documentation for all continuing education for three (3) license cycles and shall furnish this documentation to the Board upon request.

4.9 Complaint Process

- A. The procedure for filing a complaint against a commercial roofing contractor shall comply with R.I. Gen. Laws Chapters 5-65, 5-73, 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.

4.10 Notice of Accepted Complaints and Initial Board Investigation

- A. 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:

4.11 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.

4.12 Violations

- A. The rules pertaining to Violations and Penalties 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

4.13 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.

4.14 Criminal Prosecution

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

4.15 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

4.16 Expungements

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

4.17 Default

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

4.18 Disqualification / Incapacity of Hearing Officer

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

4.19 Miscellaneous Provisions

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

4.20 Hearings - Public Information

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

4.21 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

4.22 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.

4.23 Severability

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

4.24 Standards of Professional Practice

- A. Commercial roofing contractors shall perform all work in accordance with R.I. Gen. Laws Chapters 5-65, 5-73, these Rules and Regulations, any plans and specifications governing the project(s), and city/town/municipal regulations.

- B. The Board's investigators and/or staff may inspect commercial roofing 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. Commercial roofing contractor responsibility may not extend to items which have been subject to owner neglect, modifications, or abnormal use.
- C. The Board's investigators and/or staff may rely on the National Roofing Contractors Association standards and definitions for roofing work, as well as any generally accepted practices, and/or industry standards to determine if a deficiency exists and what remedies should be implemented to correct any identified defects or problems.

4.24.1 Applicable Building Code

For the purposes of this part, the building code governing the life safety, structural, mechanical, plumbing, electrical, fuel, gas, and energy requirements for commercial roofing shall be the building code that was adopted and in effect at the time the work was permitted.

4.24.2 Manufacturers' Specifications, Warranty, and Contractor's Responsibility to Repair or Replace

- A. All roofing materials and components utilized in the roofing of commercial or industrial structures shall be installed in accordance with the adopted building codes and/or the manufacturers' installation instructions.
- B. The Board reserves the right to determine whether the product was properly installed, and to what extent repairs or replacement shall be made.