

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: Commercial Licensing

RULE IDENTIFIER: 230-RICR-30-05-1

REGULATION TITLE: Automobile Body Shop Storage Rates

RULEMAKING ACTION: Direct Final Amendment

REASON FOR RULEMAKING:

The current regulation in § 1.4(A) provides that “The maximum rates of Storage that may be charged by an automobile body repair shop for storage of a vehicle shall be consistent with the storage rate set for vehicle storage by the Division of Public Utilities and Carriers. . . .” The Rhode Island Division of Public Utilities and Carriers (“DPUC”) most recently changed its storage rates through the Consent Agreement Regarding Rates for Non-Consensual Towing and Storage Within the State of Rhode Island and Related Matters. Instead of altering the wording of § 1.4(A) and (B) and consequently holding an administrative hearing every time the DPUC changes its rates, over which the Department of Business Regulation (the “Department”) has no control, the Department has proposed eliminating the re-statement of the current rates. Additionally, because the Department is already obligated to conform its rulemaking procedure to R.I. Gen. Laws § 42-35-1 et seq., it was reasonable to delete the restatement of that obligation in § 1.4(B). In addition, some minor non-substantive amendments have been made to conform to the style of the RICR, including citations and substituting the word “Part” for “Regulation.” The Department did not expect these proposed amendments to be controversial.

CHANGES TO TEXT OF THE RULE:

No comments or objections were received. No changes were made. Therefore, the final rule is the same as what was proposed.

REGULATORY ANALYSIS:

For Department licensees, there is no cost to compliance with the proposed amendments. For customers of licensees, there is a modest increase in costs associated with storage rates of vehicles per day, however the increased costs are the result of action already taken by the DPUC and not the result of changes made by the Department. Any small business impact is positive because the auto body shops can charge a higher daily storage rate. In the development of the proposed amendment 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.