

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

**DEPARTMENT OF BUSINESS REGULATION (INCLUDES THE OFFICE OF THE
HEALTH INSURANCE COMMISSIONER)**

Title of Rule: Motor Vehicle Body and Salvage Vehicle Repair

Rule Identifier: 230-RICR-30-05-2

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: April 4, 2022

Hearing Date: April 21, 2022

End of Public Comment: May 4, 2022

Rulemaking Authority:

R.I. Gen. Laws § 5-38-2

5-38-5

31-46-7

Summary of Rulemaking Action:

This regulation addresses the requirements for licensure of individuals and businesses performing motor vehicle body repair and salvage repair work. Several sections needed modernization and updating. It was necessary to add language addressing businesses operating paintless dent repair (“PDR”) facilities and businesses that desired to only repair motorcycles. The section addressing insurance requested re-inspection of vehicles after repair also needed amending to align procedures with modern business and industry practices. Changes were also instituted to the timeline for prohibition on use of aftermarket parts in accordance with changes in the law. Additionally, several changes minor edits were made to grammar for the licensee’s ease of use and to citations in accordance with RICR styles.

A summary of the substantive amendments:

- § 2.3(16) – Add definitions for paintless dent repair and testing equipment.
- § 2.4(A) – Updates application requirements for businesses, clarifies existing language for incomplete applications and renewal applications.
- § 2.5(A)(4) – Adds an alternative in technician certification requirements for Class A shops.
- § 2.6(A)(8) – Adds an alternative in technician certification requirements for Class B shops.
- § 2.4(D)(3) – Adds Paintless Dent Repair clarification to space requirement section.
- § 2.8(A)(4) – Adds Limited Heavy Truck technician certification clarification.
- § 2.9(A)(4) – Adds Limited Paint, Restoration and Customization technician certification clarification.
- § 2.10(B) – Adds Motorcycle Only License and requirements. DBR has issued these special use licenses before and is adding existing requirements to regulation for clarity as a result of questions from applicants/licensees.
- § 2.10(C) – Adds Paintless Dent Repair License and requirements. DBR worked with the Auto Collision Repair Licensing Advisory Board to develop these requirements.
- § 2.15 (A) – Clarification of authority for written request for reinspection by an insurance company
- § 2.15(B) – Changes how fee paid by insurer to shop is calculated from the annual CPI to a contract-based arrangement, which reflects industry and business practices.
- § 2.16(E) – Updates provision for aftermarket parts used in a vehicle’s repair to be consistent with R.I. Gen. laws § 27-10.2-2.

A public hearing will be held on Thursday, April 21, 2022, at 10 am via Zoom. Please click the link below to join the webinar:
<https://us02web.zoom.us/j/82466482455?pwd=Mm43ZnBTTk8rZGxhK0VPVzJlZGZlVz09>

Webinar ID: 824 6648 2455

Passcode: 761045

Or Telephone: US: +1 646 558 8656 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free)

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until May 4, 2022 by contacting the appropriate party at the address listed below:

Diane Paravisini
Department of Business Regulation (includes the Office of the Health Insurance Commissioner)
1511 Pontiac Avenue, Bldg 68-1
Cranston, RI 02920
diane.paravisini@dbr.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.5, to consider the proposed amendment shall be held at which time and place all persons interested therein will be heard. This hearing is subject to R.I. Gen. Laws Chapter 42-46, Open Meetings.

Public Hearing Information:

Date: April 21, 2022

Time: 10:00 A.M.

Location: Zoom Webinar ID: 824 6648 2455

Passcode: 761045

833 548 0282 (Toll Free) or 877 853 5247 (Toll Free)

Cranston, RI, 02920

The place of the public hearing is accessible to individuals with disabilities. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-462-9551 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting. For questions regarding available parking, please contact the agency staffperson listed above.

Regulatory Analysis Summary and Supporting Documentation:

This regulation impacts motor vehicle body repair shops, including those with certain special use licenses, and salvage vehicle repairers. Approximately 250 licensees must comply with this regulation. We have identified less than 10 PDR businesses in the state who will be notified as interested parties and advised of the license requirement.

Costs - No new costs are imposed by this regulation because PDR work is auto body work and such businesses have been required to be licensed by R.I. Gen. Laws Chapter 5-38. The auto body license fee is set by statute (R.I. Gen. Laws § 5-38-8), therefore, the PDR special use license will have the same \$300 fee per year as all other auto body licenses. The Motorcycle only license is an option DBR has offered before but is rarely utilized. In response to some questions from an applicant, we added motorcycle only provisions to the regulation for clarity and transparency.

Benefits - These amendments benefit existing licensees by: codifying requirements for special use licenses for motorcycle only and paintless dent repair and tailoring the license requirements to the needs of those businesses; updating language and grammar to add clarity for all applicants and licensees; making changes to reinspection and technician certification requirements that reflect current business practices; and tailoring a license to PDR businesses, which removes the inapplicable requirements from the full collision repair licenses. Note that the specific requirements for technician certification, vehicle registration and insurance are in the interest of consumer protection and are not overly burdensome. Notably, the liability insurance minimum requirements for PDR are less than those for a full collision licensee.

The amendments to §§ 2.4, 2.5, 2.8 & 2.9 will reduce the burden of technician certifications, and reduces the requirements that are inapplicable to some limited licenses.

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.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.