230-RICR-30-05-3

TITLE 230 - DEPARTMENT OF BUSINESS REGULATION

CHAPTER 30 – Commercial Licensing

SUBCHAPTER 05 – Auto Body

PART 3 – Motor Vehicle Glass Repair

3.1 Authority

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 5-38.5-1 *et seq*.

3.2 Purpose

The purpose of this Regulation is to establish standards and procedures for the issuance of Licenses for Motor Vehicle Glass Repair and Replacement, and to generally assist the Department in carrying out the administration and enforcement of the terms and provisions of the Act so that the public interest may be effectively served.

3.3 Definitions

A. Terms defined in R.I. Gen. Laws § 5-38.5-3 are incorporated herein by reference unless modified herein.

B. For the purposes of these regulations, except as provided below, the following terms shall have the following meanings:

1. "Act" means R.I. Gen. Laws § 5-38.5-1 *et seq*., as amended.

2. "Aftermarket part," as defined in R.I. Gen. Laws § 27-10.2-1, means a motor vehicle body replacement part, including a motor vehicle glass replacement part, that is not an original equipment manufacturer part.

3. "Agent" means an individual or group of individuals authorized by another to act on his, her or its behalf.

4. "Applicant" means a Person filing an application for a License.

5. "Department" means the Department of Business Regulation.

6. "Director" means the Director of the Department of Business Regulation.

7. “Licensee” means a Person holding a License.

8. “License” means a Motor Vehicle Glass Repair License issued by the Department to a Person engaged in the business of Motor Vehicle Glass Repair. However, automobile body repair shops that are licensed by the Department, pursuant to R.I. Gen. Laws § 5-38-1 *et seq.*, are not required to have a Motor Vehicle Glass Repair License to conduct motor vehicle glass repair or replacement.

9. “Location,” as defined in R.I. Gen. Laws § 5-38.5-8, means any physical place of business at which a licensed motor vehicle glass repair shop has indoor facilities suitable to perform motor vehicle glass repair and replacement services, and shall not apply to locations where a licensed motor vehicle glass repair shop provides services on a mobile basis.

10. “Mobile service van” means any vehicle used by a motor vehicle glass repair shop.

11. “Motor vehicle” means any automobile, truck or other self-propelled vehicle of any type.

12. “Motor vehicle glass repair” means the business or act of repairing or replacing damaged or undamaged glass in motor vehicles for compensation.

13. “Motor vehicle glass repair shop” means a person or entity that, for compensation, or with the intention or expectation of receiving the same, repairs or replaces, or undertakes to repair or replace, motor vehicle glass, whether at a physical place of business or through a mobile-only service.

14. “Original equipment manufacturer part” or “OEM part,” as defined in R.I. Gen. Laws § 27-10.2-1, means a motor vehicle body replacement part manufactured by the manufacturer of the motor vehicle being repaired.

15. “Person” means any individual, association, partnership, firm, corporation, limited liability company, sole proprietorship, public or private association or any other legal entity, however formed, including the officers, directors and employees of any such entity.

16. “Repair bill,” as defined in R.I. Gen. Laws § 5-38.5-13, means the record that a Licensee must maintain for each motor vehicle upon which motor vehicle glass repair services were performed, not the information required to be produced to the consumer.

17. “Technician” means any individual employed (including owners, partners, independent contractors, and all other individuals whether paid or unpaid) by a motor vehicle glass repair shop who performs repairs or replaces motor vehicle glass.

18. “AGSC” means the “Auto Glass Safety Council.”

19. “AGRSS” means the “Auto Glass Replacement Safety Standard,” which is developed by AGSC and approved by ANSI.

20. “ANSI” means the “American National Standards Institute.”

21. “NWRA” means the “National Windshield Repair Association.”

22. “ROLAGS” means the “Repair of Laminated Automotive Glass Standard,” which is developed by NWRA and approved by ANSI.

3.4 Licenses

A. License Required. No Person may engage in the business of Motor Vehicle Glass Repair without first obtaining a License from the Department, unless exempted by § 3.6(E) of this Part. All Licenses shall have a term of not more than three (3) years before a renewal application is required.

B. Application. Every Applicant for a License or renewal of an existing License must submit to the Department the following:

1. The completed application form adopted by the Department;

2. The name and address of the Applicant and, if the Applicant is not in charge of the operations, identify at least one natural person who is in charge of the operations on behalf of the Applicant;

3. The name and address of any person having a financial interest, direct or indirect, in the business to be conducted by the Applicant;

4. A designation of the person and address, including an electronic mail address, where the Department may send notices;

5. The license fee of three hundred dollars ($300.00) for each year the License is to be issued, with the total fee for the entire term of the License to be paid at the time of application for the License or renewal;

6. Evidence of financial responsibility, as further detailed in § 3.4(D) of this Part below;

7. Certification, under the penalty of perjury, that all technicians are certified as required by § 3.8 of this Part;

8. Certification, under the penalty of perjury, that the Applicant possesses and maintains in working order the equipment necessary:

    a. To perform motor vehicle windshield glass stone chip repair; and

    b. To perform motor vehicle glass replacement services.

9. Certification, under the penalty of perjury, of all required local, state and federal licenses and permits, including a state sales tax identification number and a federal tax identification number.

10. For new or transfer applicants ONLY, evidence of compliance with state and local zoning, fire, health and safety laws and regulations;

11. If using a mobile service van, whether on a mobile-only basis or as an extension of a physical location, evidence of registration and insurance as a commercial vehicle for each such van; and

12. If providing motor vehicle glass repair services on a mobile-only basis, evidence of access to indoor facilities (licensed or subject to regulation under R.I. Gen. Laws Chapters 5-38, 5-38.3, & 5-38.5, or Chapter 31-5).

C. Multiple Locations. If an Applicant or Licensee desires to do business in more than one location, the Applicant or Licensee shall submit a separate License application for each location and pay a separate fee of three hundred dollars ($300.00) per year for each location authorized by the Department.

D. Change of Location. Any change in the business location requires the Licensee to apply to the Department for transfer of the License to the new location.

E. Evidence of Financial Responsibility. Each Applicant shall furnish to the Director and maintain during the term of the License a certificate of insurance issued by an insurance company authorized to transact business in this state showing that the Applicant has a policy insuring him, her or it against liability for injury to persons and damage to property which may be caused by the operation of the business or the operation of non-owned automobiles. Such policy shall provide for:

1. Bodily injury and property damage liability in the amount of not less than three hundred thousand dollars ($300,000) per occurrence; AND

2. Garage keepers legal liability, including comprehensive and collision for damage to customers' vehicles, in the amount of not less than fifty thousand dollars ($50,000) per occurrence.

3. Such insurance shall be non-cancelable by either party to the contract, except with five (5) days prior written notice to the Department furnished by the Licensee. Licensee shall also instruct the insurance company that issued the policy to send written notice to the Department at least five (5) days prior to any cancellation of the contract at the following address:

   Rhode Island Department of Business Regulation

   Division of Commercial Licensing, Attn: Auto Glass

   1511 Pontiac Ave, Bldg. 69

   Cranston, RI 02920

4. Cancellation shall be effective not sooner than five (5) days after receipt of said notice by the Department from the Licensee or insurance company, whichever is earlier. Any Licensee subject to such insurance cancellation shall obtain a replacement insurance policy and shall furnish to the Director a certificate of insurance evidencing new insurance coverage sufficient to meet the requirements listed above.

F. Display of License and License number - Advertisements.

1. Every Licensee must conspicuously display the License issued by the Department at the location listed on the License.

2. The License number shall appear on all signs and business communications including, estimates, business cards, receipts and any other written documentation, whether delivered by paper or electronically, relating to that business within the state of Rhode Island.

3. All advertisements that originate in Rhode Island or specifically target Rhode Island consumers shall include the License number.

4. The Department encourages Licensees to include the License number on all Mobile Service Vans, but it is not required.

3.5 Records Retention and Repair Bills

A. Records Retention. Pursuant to R.I. Gen. Laws § 5-38.5-13, every Licensee shall maintain records for each motor vehicle repaired as outlined in the Act for

thirty-six (36) months or for so long as a warranty on the motor vehicle glass repair service performed is in effect, whichever is longer.

B. Notification to Consumer. Upon completion of any motor vehicle glass repair or replacement, the Licensee shall notify each consumer in writing of post-repair practices and the appropriate drive-away time that may be necessary to ensure safe operation of the vehicle.

C. Repair Bills for Each Motor Vehicle. Every Licensee shall record the following information as the Repair Bill for each motor vehicle upon which motor vehicle glass repair or replacement services have been performed. The Repair Bill is for the Licensee's record keeping and does not have to be provided to the consumer, but shall be provided upon request of a consumer or the Department. The Repair Bill shall include:

1. License Number. The motor vehicle glass repair shop license number, and the license number of any other facility where motor vehicle glass repair services are performed on the motor vehicle.

2. Itemized List of Parts and Adhesives. An itemized listing of all parts used, including all: glass parts; major accessory parts, including moldings and major hardware component parts; and the adhesive system used in the motor vehicle glass repair or replacement.

3. Adhesive Product Identification. Brand, product number or name and lot and batch numbers for the adhesive system product used.

4. Certification. A certification, under the penalties of perjury, that the repairs to a particular vehicle have actually been made and were completed by a licensed shop and certified technician(s) as required by § 3.8 of this Part.

5. Notification to Consumer. A copy of the notice given to consumer in § 3.5(B) of this Part above.

D. Detailed Disclosure of Costs to Consumer – Upon Request. Upon the request of the consumer, irrespective of whether the amount is paid by the consumer or billed to the consumer's insurance company, a Licensee shall disclose all information relating to the charges for repair or replacement services, including:

1. Amount of the charges;

2. Specific identification of line-item charges for the parts provided; and

3. Verification of the parts used.

3.6 Miscellaneous

A. Change of Address. Written notice shall be given to the Department by each Licensee within fourteen (14) days of any change in mailing address, electronic mail address, or any other change in contact information reported on the most recent application. Note that a change in business address, ownership or management would require a Transfer Application or other additional information to be submitted.

B. Licenses are Not Transferable. A License shall be granted only to the Applicant. The License is not subject to transfer, assignment or leasing to another Person without prior application to, and approval from the Department.

C. Licensee Ceases Operations. When a Licensee ceases operating the business of Motor Vehicle Glass Repair, the Licensee must return the original License to the Department within fifteen (15) days of ceasing such operations.

D. Licensee Limitations. No Licensee shall be permitted to perform automobile body repair shop work or to advertise or represent in any form or manner that such Licensee is licensed to perform automobile body repair shop work, other than Motor Vehicle Glass Repair, unless such Licensee also has an automobile body repair shop license issued by the Department pursuant to R.I. Gen. Laws § 5-38-1 *et seq*.

E. Exception for Licensed Auto Body Repair Shops. Any Person who possesses an automobile body repair shop license from the Department, pursuant to R.I. Gen. Laws § 5-38-1 *et seq*., shall not be required to hold a License in order to perform Motor Vehicle Glass Repair.

F. Aftermarket Parts on Newer Vehicles. Pursuant to R.I. Gen. Laws § 27-10.2-1 *et seq*., entitled “Motor Vehicle Body Replacement Parts,” Licensees shall not use aftermarket parts in Motor Vehicle Glass Repair on any Motor Vehicle less than thirty (30) months beyond the date of manufacture without the written consent of the Person who owns the Motor Vehicle as required by this statute.

G. Licensee Responsible for Acts of Agents. Pursuant to R.I. Gen. Laws § 5-38.5-14, each Licensee shall be responsible for the acts of any salesperson or any person acting as an agent of that Licensee, and for the acts of any salesperson, estimator, or other employee acting as the agent for that Licensee.

H. Corporate Licensee. Pursuant to R.I. Gen. Laws § 5-38.5-14, if a Licensee is a firm or corporation, it is sufficient cause for the suspension or revocation of a License that any officer, director, or trustee of the firm or corporation, or any member in the case of a partnership, has been found by the Department guilty of

any act or omission that would be cause for refusing, suspending, or revoking a License to that party as an individual.

3.7 Complaints/Hearings

A. Complaints. All complaints against Licensees or other Persons for violations of this Regulation or the Act shall be investigated by the Department. In furtherance thereof, the Department shall notify the Licensee or Person in writing of the Department's receipt of the complaint, enclosing a copy thereof. The Licensee or Person shall within ten (10) days from the date of the Department's letter to the Licensee file with the Department a written answer to the complaint. The Department shall review the answer and submit a copy thereof to the complainant for further response, if necessary. Upon receipt of the response, the Department will then evaluate the complaint and response thereto and the matter will be handled in compliance with the Department's applicable procedures and regulations for such matters. The Department may, upon its own motion, with or without a complaint, notice a hearing for the purposes of further investigating whether to sanction a Licensee or other Person.

B. Hearings. The notice for and conduct of any hearings held pursuant to this Regulation or Act shall be governed by the applicable provisions of the Act, the Department's Rules of Procedure for Administrative Hearings (Part 10-00-2 of this Title) and the Rhode Island Administrative Procedures Act (R.I. Gen. Laws § 42-35-1 *et seq.*).

3.8 Technician Certification

A. Requirements. Upon submission of a new or renewal application for a License, each Applicant must certify under the penalty of perjury to the Department that all Technicians, as defined in § 3.3(B)(17) of this Part above, in its employ are certified (by means of the successful completion of trainings, coursework and/or tests) in the following areas:

1. Motor vehicle glass repair and replacement;

2. AGSC Technician Certification or equivalent; and

3. Adhesives.

B. Certification Documentation. All Licensees must maintain evidence of compliance with § 3.8(A) of this Part for each Technician in its employ. Such documentation must include the Technician’s transcript and related documentation, and must be readily available. All Technician certifications must be maintained and current throughout the term of the License. Upon receipt of a written demand from the

Department or during an on-site examination, the Licensee must be able to provide such documentation within three (3) business days of the request.

C. Licensees shall ensure that their technicians renew and update certifications every three (3) years or as required by AGSC or equivalent provider to stay current with industry safety standards and changes in technology.

3.9 Safety Standards

Licensees shall implement safety standards for motor vehicle glass repair and replacement that are consistent with: the original equipment manufacturer instructions and directions; the current Auto Glass Replacement Safety Standard (“AGRSS”); and the current Repair of Laminated Automotive Glass Standard (“ROLAGS”).

3.10 Penalties for Violations

Any Licensee or other Person who fails to comply with the provisions of this Regulation or the provisions of the Act may be subject to any of the penalties, administrative, civil and criminal, as outlined in the Act.

3.11 Severability

If this Regulation, or the application thereof to any Person or circumstance, is held to be invalid such invalidity shall not effect other provisions or application of this Regulation which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.

230-RICR-30-05-3

TITLE 230 - DEPARTMENT OF BUSINESS REGULATION (INCLUDES THE OFFICE OF THE HEALTH INSURANCE COMMISSIONER)

CHAPTER 30 - COMMERCIAL LICENSING

SUBCHAPTER 05 - AUTO BODY

PART 3 - Motor Vehicle Glass Repair (230-RICR-30-05-3)

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