

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Rhode Island Department of Labor and Training

DIVISION: Workforce Regulation and Safety

RULE IDENTIFIER: 260-RICR-30-15-8

RULE TITLE: Examining and Licensing of Hoisting Engineers

REASON FOR RULEMAKING:

The Department proposes amendments to 260-RICR-30-15-8 to clarify exemptions under R.I. Gen. Laws § 28-26-14 by defining the terms “Agriculturist,” “Horticulturist,” and “Tree Service Company,” and to strengthen safety by expressly prohibiting operation of hoisting machinery while under the influence of alcohol or drugs. The definitional updates are intended to align the regulations with statutory text by distinguishing cultivation-focused occupations (agriculture and horticulture) from commercial tree services whose primary activities involve structural tree work (e.g., pruning, dismantling, and removal). The amendments also reaffirm that licensing is equipment-based under R.I. Gen. Laws § 28-26-5 so that entities performing tree work without covered hoisting machinery remain outside the licensing requirement. In addition, the rule text is updated for internal consistency (definitions section organization; cross-references to license categories) and to codify the Department’s longstanding safety practice that operators must be attentive and unimpaired when controlling hoisting machinery. A minor cross-referencing error and minor spelling error is fixed. No fees are created or increased.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: None.

TESTIMONY AND COMMENTS: None.

CHANGE TO TEXT OF THE RULE: None.

REGULATORY ANALYSIS:

The amendments clarify the scope of existing licensing requirements and improve enforceability without imposing new fees, staffing, or reporting obligations on regulated parties. Definitional clarity is expected to reduce disputes regarding exemptions and to promote consistent enforcement. The impairment provision reflects existing safety norms and imposes no additional cost beyond ordinary employer compliance programs (e.g., policies and supervision). The proposal is not anticipated to affect state or municipal budgets or to impose material burdens on small businesses beyond clarifying existing obligations.