

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
BOARD: Board of Registration for Professional Land Surveyors
RULE IDENTIFIER: 435-RICR-00-00-1
REGULATION TITLE: Rules and Regulations for Professional Land Surveying
RULEMAKING ACTION: Full rulemaking, Amendment
REASON FOR RULEMAKING:

This regulation sets forth the licensing requirements and procedural and technical standards for professional land surveyors (PLS) in RI. Due to restrictions on in-person gatherings during the Covid-19 pandemic, the PLS Board is amending the continuing education requirements for the biennial licensing cycle due 6/30/2021, by both reducing the number of Professional Development Hours (PDHs) required and allowing all PDHs to be obtained through remotely delivered online courses.

The PLS Board is also making two minor amendments for clarification and adding in long-standing presumptions of practice which were inadvertently left out of the regulation when the technical standards were previously consolidated into the regulation.

The specific amendments are as follows:

§ 1.7(C)(5) – Add provisions that apply to the upcoming 6/30/2021 biennial renewal to make it easier for PLS to comply with the continuing education requirement during the Covid-19 pandemic. Normally, PLS in RI are required to complete 20 PDHs for every 2-year renewal cycle and only 10 of those PDHs may be obtained through a remotely-delivered online course. As a result of the pandemic, the number of hours has been reduced by half and all of the PDH’s may be obtained online for this renewal cycle ONLY.

§ 1.9.7(A)(1) – Correction to clarify what is required in the Title Block of a survey plan. The “type” of survey is reflected in the certification (see § 1.9.7(C)). The “title” of the survey is what must be included here in the title block.

§ 1.9.7(C) – When this regulation was amended effective 11/25/2015, a blank space was left for the insertion of that effective date. That effective date has been inserted into the certification template.

§ 1.9.11 – Add the Presumptions of Practice to the regulation. The presumptions of practice should have been incorporated to the regulation years ago when the technical standards (§ 1.9) were incorporated. It was an oversight that we are now correcting. In the meantime, the presumptions of practice on the website resources page.

CHANGES TO TEXT OF THE RULE:

Only one comment was received which requested that the PLS Board waive all continuing education requirements for this licensing cycle. The PLS Board considered this request and declined to make a change. The PLS Board believes that continuing education is important and, therefore, has reduced the requirement by half and allowed it all to be online for this licensing cycle. Notwithstanding the Covid-19 Pandemic starting in March 2020, this licensing cycle started on July 1, 2019, and extends to June 30, 2021. PLS registrants had 9 months before the pandemic and will have about 6 months from the effective date of these amendments to complete the required 10 PDHs.

No changes were made to the text of the proposed rule. Therefore, the final rule is the same as what was proposed.

REGULATORY ANALYSIS:

The changes to the continuing education requirements for the renewal cycle due on 6/30/2021 add flexibility to the licensing process for professional land surveyors given the limitations on in-person gatherings resulting from the Covid-19 pandemic. The required PDHs have been reduced by half and all may be obtained through online courses. This added flexibility and reduction of hours for this biennial renewal is a benefit to all licensees.

The remaining changes add clarity and consolidate all technical requirements into the regulation. Any impact on small businesses resulting from these amendments will be positive. 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.