

# **AUTO COLLISION REPAIR LICENSING ADVISORY BOARD**

**Meeting Minutes of March 30, 2011**

**Members present: Dave Reynolds, Chairman, Collision  
Repair Member**

**Tom Broderick, DBR**

**Dave Doucet, RISP, Law Enforcement  
Member**

**Gerry Galleshaw, Public Member**

**Dennis Gamba, Direct Repair Member**

**Dan Coleman, Glass Industry Member**

**Chris Hurd, New Car Dealer**

**Members Absent: Scott Wendell, Insurance Industry  
Member**

**Louis D'Quattro, Jr. – DBR, Deputy  
Director, Division of Regulatory  
Standards, Compliance and  
Enforcement**

**Others Present: Larry Alan**

**Randy Bottella, Reliable Collision Repair**

**Kim Precious, Implementation Aide**

**Evelyn Ferrara, Licensing Aide**

**Dave Reynolds: Meeting called to order at 10:35 a.m. No minutes of**

**previous meeting at this time.**

**DR: Dennis Gamba, and Dan Coleman's tenure are both up and want to be replaced. Until you are officially replaced you can sit on the board.**

## **REGULATION 4 AND CERTIFICATION OF TECHNICIANS**

**Dennis Gamba: Question- Are we to maintain a copy of the certificates for our records, or are we sending in all the certifications for each employee?**

**DR: When you renew your new license you will be sending in a copy of those certifications to DBR.**

**DG: That is what regulation 4 says, but regulation 16 says we are just to maintain a copy.**

**DR: OK. I guess it is up to the discretion of the department to spot check when they want to and everybody is on notice that under penalty of perjury you have got to have it.**

**Randy Bottella: I think the board had stated we wanted them to show that someone met the criteria in the different areas but we were not asking it to be inclusive of every single person in the shop. Meaning pick one person in the shop to show they are certified in this criteria**

**but not everyone.**

**DG: To make it easier on everybody, you have to send in an employee list anyway, why not indicate who is certified.**

**RB: Make a change to the form itself. Where it lists employees add their certifications next to it.**

**Dave Doucet: Isn't the renewal every three years? Wouldn't you have to keep it for the entire period of the license?**

**Dan Coleman: Say the three years are up, how much time do they have to comply? 30 days? 60 days?**

**DR: That would be up to the department itself on the discretion of the matter.**

**Scott Wendel: What happens when the one guy who has certifications in the area's leaves?**

**DR: You have to notify the department that person no longer works for the shop and you are making arrangements for someone else to come in to take their place.**

**SW: So you don't shut the guy down?**

**RB: I think it said to try to get it rectified in 30 days seems to be the language I recall.**

**DR: I believe it was a little bit longer. I thought it was 90days.**

**SW: 30 days is a short time frame.**

**DG: But It does not say that on the license or anywhere.**

**DR: There is a process to revoke a license for non-compliance. That procedure gives you ample amount of time to rectify your shortcomings.**

**RB: I think Dennis is trying to say is he wants to make sure that the shops are aware.**

**DG: Make sure they understand you have this time frame to get it done. You need something that is written.**

**RB: Kim, on that application form, do we have anything that stipulates if a tech that is certified in this specific area leaves?**

**Kim Precious: No.**

**RB: Do you think we should add it on there?**

**DR: Make a provision, under regulation 16.**

**RB: Just a notice. - Technicians must continually be certified under the appropriate areas per Regulation.**

**DR: There would have to be a grace period. People get sick, we don't want a shop to wind up without a license because of some unforeseen problem. I would say a minimum of 60 more inclined to have a 90-day grace period.**

**RB: Did we put this in writing somewhere?**

**DR: It is in Regulation 16.**

**DG: I thought, as soon as you fell in non-compliance you were suppose to send a letter to the department telling them you are not in compliance in this area. You can continue with your license. You can continue to fix cars. The bottom line is every 30days after that you would have to let the department know were you were going with it.**

**RB: So we would need to list on the form what the expectations are.**

**DR: For the record, I know Chris Hurd has to leave at 11AM, If we can rap this up today with some alternate provisions in this regulation which we will e-mail to you to review again, would you vote**

**yes or no on sending this up? For the record that was Chris Hurd with a yes to get this up to the director with whatever kind of provisions we have to put in here.**

**DR: Do you want to make it in Regulation 4 rather than go back into Regulation 16?**

**RB: I do not think it should be in 4. I think it should be in 16.**

**DR: I thought we made a provision for that. We can outline a bulletin, if you fall out of compliance; these are the steps to follow. But at our next meeting we are going to have to go into Regulation 16 and make a provision. I am going to review my notes from Regulation 16.**

**KP: In the miscellaneous section of Regulation 4, when a licensee ceases operation in the business they are suppose to notify us within 15 days. We could use similar wording. If a technician leaves you must notify us within 15 days of his leaving and have 90 days to make the replacement, and must send updates every 30 days to the department until its complete.**

**DR: We can talk to LDQ, see how we can do it.**

## **INSURANCE DISCUSSION.**

**DG: On page 5. The amount of \$100,000 per occurrence. Weren't we**

**going to go up to \$500,000?**

**DR: We are on page 4, Evidence of financial responsibility, each applicant shall furnish to the director and maintain during the terms of the license certification of insurance. Policy insuring him or her in injury to property, which may have been caused by operation of the business. Such policy should be for liability for property damage and liability not less than \$600,00 per occurrence and garage keeper's liability in the amount of \$100,000**

**DG: Isn't that \$100,000 a little low?**

**KP: It would depend if it were a small or large shop.**

**DG: There is no large or small anymore. They are all 4,000 square feet. I think they should both be the same. Garage keeper's legal liability is going to cover the negligence of the shop. If you fix somebody's car and the guy drives down the road and because of your negligence he kills a family, 100,000 is not going to cover it.**

**KP: No the garage keepers is for consumer's property, if their car gets damaged at shop.**

**DR: This regulation is talking about Minimum Standards. Now as a businessperson you have an obligation to protect yourself beyond what the minimum requirements are.**

**DG: I just think \$100,000 on garage keepers is a little low.**

**RB: I don't think the wording on this is correct. I understand what we are going for and to make it clear in laymen's terms 600K is what you want the shop to cover for any work you may perform causing harm to somebody else. The 100K is what you want them to have physical property of the vehicles they are working on in the event of a fire/theft damage so on.**

**LA: Why don't we have LDQ sit with Beth Dwyer. Have DBR internally decide how they want to phrase that to accurately reflect what the insurance requirements are.**

**RB: Most policies are written as a per occurrence, this is going to confuse the matter even further. Because it confused me when I looked at it. You don't get 600/100 coverage, coverage is 100/300 or 300/900.**

**KP: Because before it was 300 per person/ 600 per accident / 300 property damage. And the garage keepers at 100K. Now they are saying instead of splitting the limits of the liability and property damage from 300/600/300 - It should be a combined single limit of 600. You still need garage keepers at 100K.**

**LA: Did somebody change the language in that section that changed**

**the meaning? That just needs to be clarified.**

**DR: Yes. We have to be conscious of the fact that there are still a number of very small shops in Rhode Island that do not take on more than one or two cars at a time. I will get in touch with LDQ and we will get a clarification on that.**

**There is a provision in §5-38-30, that there should be a sign posted in every shop – When a person walks into that shop they should be made aware that they have the right to choose the body shop of their choice. It has to be posted in a conspicuous manner.**

**LA: You don't need that repeated in the regulation, it is in the law.**

**DR: Any other questions on this regulation at the present time?**

**DG: The work-completed form is that the one that everyone didn't agree upon and was going back and forth with.**

**DR: This is the red-lined version sent down.**

**KP: I think we need to make changes still because of the letter you found from Barry Hitner. Some of the old wording is still on here that does not apply.**

**DG: In my opinion it still has to go back to the sub-committee and we**

**must go over our notes. Because in my opinion unless I was not available and something happened it does not reflect what we did.**

**LA: My understanding Dennis, is that the representatives from the board went to a meeting with the Department with what the sub-committee recommended, and changed what was recommended**

**KP: They didn't know why we were changing the Appendix A and I believe they just kept it the way it originally was.**

**DR: There should be no section 1.**

**LA: When I met with Paula I asked why the insurance people would not be given a copy of this. Paula pointed out that we are already getting because we are part of the process. And I pointed out we are not suppose to be part of the process, and it appeared that DBR shifted everything back to the way it use to be. I had misread the revised version.**

**KP: What we have to do is find the last version that Jina sent us to show what we wanted to change and compare it to the version Beth did. Then make the boards changes.**

**DG: The meeting wasn't in this room was in the other room and the bottom line was we discussed a lot of things about the work**

completed form.

**KP:** Right and that is when Dave found the letter from Barry Hitner. That the form as it was, is beyond the scope of the intention of the law. That is when we realized we could get rid of some of the form.

**DG:** This looks like it is going to be executed first by the insurance company.

**LA:** That is basically the old form. If we use the new form where insurers are not involved in processing it, then it has to be made available to insurers. If you are going to replace the form, which I agree we should, you also need to include that previous section that allows insurers access or copies.

**DD:** How did this end up like that? I am missing something, how did this form that was all hashed out, change?

**LA:** What is the source of this version you sent out the other day?

**RB:** There is a communication problem.

**KP:** Absolutely.

**LA:** Can I make a recommendation? Just to finalize everything, I recommend a meeting that involves both LDQ and Beth.

**KP: Or the board sending up it's official voted on copy so they will know what we are looking for.**

**DG: I say we finish up ours but I am not voting on it until it is in front of me and they are in the room.**

**KP: It would be the version sent up. It would not be the final version.**

**RB: I think what he is trying to say is go ahead forward all the changes we agreed to, have them send back down the changes so we can look at it and make sure it is correct.**

**DG: I think what should happen is that the people making the changes need to be here.**

**Let's get it right. Have everyone who needs to be in the room be here. I am not going to vote on something that looks like this.**

**KP: But we make our changes that we want then send it upstairs.**

**DG: I know, but I've done this before. I have been here for 10 years. The bottom line is that we have done this before and we sent it upstairs and when it comes down to a hearing it's the wrong form.**

**KP: That is because it is your recommendation. They take your recommendation.**

**LA:** And they don't have to use it, your right, you are not saying anything out of line. This is an advisory board.

**KP:** And that way when it goes to a hearing you say why are our things taken off.

**DG:** It is tougher to change in the hearing room than it is to change right now. We are trying to get it right. The reality of it is, this form does not work in today's environment.

**DR:** The work-completed form is a statutory requirement under the DBR by the General Assembly to have some type of work-completed form. Now, the Department has full discretion as to how they are going to complete that form?

**LA:** DBR has discretion in how they design it. If this form has to be amended, Insurance Regulation 78 also has to be amended. I make a recommendation to put together a version that this board wants, and then the Board has a face to face with LDQ and BD. Say here is our recommendation you guys have issues with it than tell us right now and finalize it there. Then come back to the board, and say here's what happened at the meeting and this is what we are voting on.

**DD:** You can sit around and guess whether or not it's a change they

**made intentionally or not. But what we need is an explanation as to why, in case it is just an oversight.**

**LA: It may be better to have a board meeting with both Beth and Lou here. Dennis can then ask all the questions he wants to.**

**DR: Here is what we are going to do, with the permission of the board, we take both copies and ask for a meeting with LDQ and Beth. Because we are not going to get anywhere the way we are going right now. We have to have a meeting.**

**LA: Can the department send one copy of each version to the board members and interested parties, so that we know what we are comparing?**

**KP: Yes.**

**DR: I make a motion to adjourn at 11:40 AM Seconded by Gerry Galleshaw. All in favor.**