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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2002

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- TELECOMMUNICATIONS

Introduced By: Senators Ruggerio, Celona, Goodwin, Alves, and J Montalbano

Date Introduced: February 07, 2002

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-70-3 and 5-70-7 of the General Laws in Chapter 5-70 entitled

2 "Telecommunications" is hereby amended to read as follows:

3 **5-70-3. Definitions.** -- As used in this chapter:

4 (1) "Telecommunication device" means an analog or digital electronic device which
5 processes data, telephony, video, or sound transmission as part of a telecommunications system.

6 (2) "Telecommunications system technician" means a person who, by reason of his or
7 her knowledge of the mathematical and physical sciences, and the principles, functions and
8 fundamentals of one or more of the categories of telecommunications systems defined under
9 provisions of this chapter acquired by professional education and/or practical experience, is
10 qualified to engage in telecommunications work as attested by his or her licensing as a
11 telecommunications system technician in this state.

12 (3) "Telecommunications systems" means any system involved in the sending and/or
13 receiving at a distance of voice, sound, data, and/or video transmissions.

14 (4) "Telecommunications systems contractors" means a corporation, firm or person who,
15 by the employment of licensed telecommunications installers and technicians, performs the work
16 of telecommunications systems in accordance with the provisions of this chapter.

17 (5) "Telecommunications systems limited installer" means a person who, by reason of
18 his or her knowledge of general principles and fundamentals of telecommunications systems
19 installation including relevant codes and regulations, is qualified to engage in the installation of
20 telecommunications system equipment as attested to by his or her licensing as a

1 telecommunications system limited installer in this state.

2 (i) The category "data communications" means use or operation of apparatus for
3 transmission of digitized information between distant points with or without connecting wires.

4 (ii) The category "telephony" means use or operation of apparatus for transmission of
5 sounds and especially speech between distant points with or without connecting wires.

6 (iii) The category "video communications" means use or operation of apparatus for
7 transmission of image(s) between distant points reproduced through electrical or other means
8 with or without connecting wires.

9 (iv) The category "sound" means use or operation of apparatus for transmission of
10 sounds and especially music and/or speech between distant points with or without connecting
11 wires for broadcast or disbursement over a defined area.

12 (6) "Design" means the act of creating a document, either manually or electronically, that
13 defines the layout, placement and/or configuration of telecommunication devices, infrastructure
14 components and/or physical topology(s); trunking or distribution routing(s) and/or their material
15 components; telecommunication outlet locations and/or their material components;
16 telecommunication closet locations and/or their material components for the purpose of defining
17 telecommunication work licensed within this chapter. This definition does not include the
18 recording of changes to a design document that reflect field changes made during installation of
19 the telecommunication system detailed in the design document.

20 (7) "Residential dwelling" means a dwelling with one or more rooms for the use of one
21 or more persons as a housekeeping unit with space for eating, living and sleeping, and permanent
22 provisions for sanitation.

23 (8) The terms "demarc," "demarcation point" and/or "point of entrance" as used or
24 applied under this chapter shall be defined as follows: "point of entrance" shall be defined in
25 accordance with the national electric code, as adopted by the state of Rhode Island, state building
26 code commission; "demarc" and/or "demarcation point" shall be as defined in part 68 of the rules
27 and regulations of the federal communications commission.

28 (9) "Network interface" for the purpose of regulation pursuant to this chapter shall mean
29 that all providers of any and all telecommunications services to the general public shall cause to
30 be designated a physical point of network interface, hereinafter referred to as "NI." Such NI shall
31 not extend more than six (6) feet beyond the point of entrance or demarcation point as defined
32 herein. Such NI shall apply to any and all interior communications wiring and/or transmission
33 media and shall be considered to be covered by the laws establishing and governing the licens ing
34 authority pursuant to this chapter.

1 **5-70-7. Persons and work exempt.** -- The provisions of this chapter do not apply to:

2 (1) The work and equipment employed in connection with the operation of signals, or the
3 transmission of intelligence, and performed by an employee of a municipality or public utility
4 where that work and equipment is an integral part of the communication system owned and
5 operated by a municipality or by a public utility company; or in rendering that work that is
6 subject to regulation under the authority of the public utility commission or the federal
7 communications commission.

8 ~~(2) The work and equipment employed in connection with any community antenna
9 television system (CATV) subject to regulation under title 39 by the division of public utilities; or
10 any subcontractor of the CATV system while performing the work.~~

11 (3) The work and equipment employed in connection with any public or private radio or
12 television station and/or service and their authorized agents, that have in their employ a person
13 holding a valid federal commercial class license granted by the federal communication
14 commission.

15 (4) The work and equipment employed in connection with the installation and/or
16 servicing of data processing systems or personal computers that are provided by a data processing
17 firm or corporation. This exemption does not extend to include work pursuant to this chapter.

18 (5) This chapter does not forbid the installation of telecommunications systems in a
19 single family residential building or on the immediate premises of the building by the owner if the
20 owner is living on, or about to live on, the premises.

21 (6) This chapter exempts and has no application to any holder of an electrical
22 contractor's license, certificate A or the holder of an electrician's journeyman's license,
23 certificate B, issued by the Rhode Island department of labor and training, division of
24 professional regulation, and an electrician apprentice registered by the department of labor and
25 training working under the direct supervision of a holder of an electrician journeyman's license,
26 Class B. Work performed pursuant to this chapter is designed in accordance with the provisions
27 of this chapter or a manufacturer's design and specification installation instruction.

28 (7) This chapter does not forbid any person who now holds a license issued by the state
29 in the performance of their normal duties; nor does it forbid any person who now holds a license
30 to operate a moving picture machine in the performance of their normal duties; provided, that the
31 person holds a valid license that was granted by a town or city council in the state or by an
32 official, board, or agency endowed with authority to issue that license. This exemption does not
33 apply to work performed that is not directly related to the performance of the duties of the license
34 holder that are regulated under the valid license.

1 (8) (i) Any firm, corporation, or other form of legal entity which employs permanent
2 staff to design, configure, install, or service telecommunications system(s) within its own
3 organization, affiliates, members, or network. The organization is referred to as a "self-provider"
4 for purposes of this chapter.

5 (ii) The staff employed by the self-provider is not required to be licensed under this
6 chapter while performing work in supporting the telecommunications system(s) within its
7 organization, affiliates, members, or network.

8 (iii) However, should the self-provider contract any services provided by the subject
9 telecommunications system(s), those individuals performing the work associated with the
10 services are not exempt from this chapter and must hold the appropriate license under this
11 chapter.

12 (9) This chapter does not forbid the work of any person who holds a registration as a
13 professional engineer in this state in the performance of their normal duties; provided, that the
14 work is stamped and signed in accordance with the rules and regulations of the board of
15 registration of professional engineers.

16 (10) The telecommunications work and equipment in mines, ships, railway rolling stock,
17 or automotive equipment.

18 (11) The work and equipment employed in connection with kindergarten through grade
19 12 schools or public libraries utilizing volunteers under the direct supervision of a Rhode Island
20 licensed telecommunication system contractor (TSC), with no more than two (2) volunteers being
21 directly supervised by a Telecommunication Systems Contractor (TSC).

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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- 1 This act would add certain definitions and clarify certain exemptions within the
- 2 telecommunications law.
- 3 This act would take effect upon passage.

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