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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Department of Professional and Occupational Regulation
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 50-22
<b>Regulation title</b>	Board for Contractors Regulations
<b>Date</b>	December 1, 2015

This information is required pursuant to Executive Order 17 (2014).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.*

Code of Virginia § 54.1-201.5 gives authority to the Board which states, in part, that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board." § 54.1-1102 of the Code of Virginia provides the authority for the Board to promulgate regulations for the licensure of contractors in the Commonwealth.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

No viable alternatives for achieving the purpose of the existing regulation could be determined. The regulation enables the Board to fulfill the statutory requirements established in Chapters 2 and 11 of Title 54.1 of the *Code of Virginia*. Further, the regulation is necessary to ensure that the Board’s statutory requirements are executed in the least burdensome and most efficient and cost effective manner possible while protecting the health, safety, and welfare of the citizens of Virginia

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Mr. Swaner	My proposed change to EO 17 falls under the General Principles section. As a general principle of a public body that is in existence, should be that they are readily available to answer questions from the citizens of this Common Wealth. Not just available through email, but in person and especially by phone. At this current time it is impossible to talk with anyone at any time, at best you will get a voicemail which never gets returned. I propose that a new line be entered into the General Principles section that states this entity shall always be easily accessible by any media within reasonable working hours.	Mr. Swaner, Thank you for your comment and we apologize that you were not able to speak with a representative in a timely manner. The Board for Contractors does have a call center that is staffed Monday through Friday from 8:30am to 5:00pm. The number to call is 804-367-8511. There is no voice mailbox on this line and you should be able to speak to someone during those hours. The Board will not be looking to amend the regulations at this time.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

The regulation meets the criteria set forth in Executive Order 17 (2014). The regulation establishes the education, examination, and experience requirements to become a Virginia licensed contractor. The regulation requirements provide minimum competency standards to provide necessary public protection. The regulation is clearly written and understandable.

**Result**

*Please state that the reason why the agency is recommending that the regulation should stay in effect without change.*

The agency is recommending that the regulation stay in effect without change.

### Small business impact

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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- 1) Code of Virginia §§ 54.1-201.5 and 54.1-1102 mandates the Board for Contractors to promulgate regulations. The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections provided by the regulation. The regulation does not have an adverse economic impact on small businesses. Rather, the regulation allows businesses that meet specific minimum competencies to become Virginia licensed contractors.
- 2) No relevant complaints or comments were received.
- 3) The regulation is clearly written and is easily understandable.
- 4) The regulation does not overlap, duplicate or conflict with federal or state law or regulation.
- 5) The most recent evaluation occurred in 2011 which resulted in no changes to the current regulations.

The Board discussed the regulation and, for the reasons stated in this section, determined that the regulation should not be amended or repealed, but should be retained in its current form.