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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 50-30
VAC Chapter title(s)	Board for Contractor Individual License and Certification Regulations
Action title	General Regulatory Reduction Initiative
Date this document prepared	August 24, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Board for Contractors seeks to amend regulations that are determined to be overly burdensome or no longer applicable and provide clarity and/or combine other regulations.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

There are no acronyms, abbreviations, or technical definitions.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

On August 2, 2022, the Board approved a Notice of Intended Regulatory Action to review each of its regulations to potentially amend any overly burdensome requirements, remove any obsolete information and provide more clarity with clear direct regulations.

The Board is conducting a review of its Regulations in accordance with Governor Youngkin’s Executive Directive 1.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

§ 54.1-1102 A of the Code of Virginia provides the Board for Contractors with the authority to promulgate regulations not inconsistent with the statute necessary for the licensure of contractors and tradesman.

§ 54.1-201 A 5 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. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The Board will be conducting a general review of their regulations in accordance to the provisions of Executive Directive 1, the Board identified areas they could provide clarity to and combine and areas that were no longer applicable.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

Section 18 VAC 50-30-10 of the regulations defines terms used in the regulations. There are definitions that are in the statute and simply repeated verbatim in the regulations that could potentially be removed, definitions that potentially need greater detail and definitions that no longer apply.

Section 18 VAC 50-30-20 of the regulations list the requirements for licensure and certification. This could potentially be repealed as it is listed in the statute and other places within the regulations.

Section 18 VAC 50-30-30 of the regulations lists the general qualification for licensure. This section could be more clear and direct.

Section 18 VAC 50-30-41 of the regulations provides evidence of ability and proficiency for fire sprinkler inspectors. This language could potentially be more clear and direct.

Section 18 VAC 50-30-50 of the regulations lists exemptions from examination, and some of the language could potentially consolidated and more clear.

Section 18 VAC 50-30-70 of the regulations lists several other recognized programs. This information could potentially be a policy/procedure and be more clear and direct.

Section 18 VAC 50-30-90 of the regulations provides the fees for licensure. While the fees will not change, the language around the fees could potentially be amended.

Section 18 VAC 50-30-130 of the regulations provides the fees and language for reinstatement. This section could potentially be more clear and direct.

Section 18 VAC 50-30-140 of the regulations provides detail about the status of a regulant during the reinstatement period. A portion of this information is incorrect.

Section 18 VAC 50-30-150 of the regulations provides lists details about a regulant obtaining more than one trade designation on their license. A portion of this information is redundant and repeated.

Section 18 VAC 50-30-160 of the regulations requires each regulant to update their address within 30 days. This language could potentially be reworded and cleaned up for clarity.

Section 18 VAC 50-30-170 of the regulations repeats what is listed in the prohibited acts. This language could be potentially repealed.

Section 18 VAC 50-30-185 of the regulations is repeated and could potentially be repealed.

Section 18 VAC 50-30-190 of the regulations list the prohibited acts. Portions of the prohibited acts could be combined and clarified while others can potentially be removed.

Section 18 VAC 50-30-200 of the regulations provides details about the Boards vocational training. This section could potentially be more clear and direct.

Section 18 VAC 50-30-210 of the regulations lists the requirements for each education provider. This section could potentially be consolidated and clearer.

Section 18 VAC 50-30-220 of the regulations provides details about continuing education courses and what must be provided in order for the course to be approved. This section could be more clear and direct.

Section 18 VAC 50-30-230 of the regulations give direction on how the education providers must submit each regulants course completion. This section could potentially be amended for clarity.

Section 18 VAC 50-30-240 of the regulations requires a continuing education provider to have copies of their provider and course approval available at the location the course is taught. This could potentially be repealed.

Section 18 VAC 50-30-250 of the regulations requires the education provider to report any changes within ten days. This could potentially be amended to allow for additional time or consolidated and made clearer.

Section 18 VAC 50-30-260 of the regulations discusses the withdrawal of approval of an education provider.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No viable alternatives have been identified.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

INSERT:

The Board for Contractors is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Marjorie King c/o Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233,

telephone (804) 367-2785, fax (866) 430-1033, email: contractor@dpor.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action.