



Final Regulation Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) citation	18 VAC 50-22
Regulation title	Board for Contractors Regulations
Action title	Amending Regulations to add/modify specialties.
Date this document prepared	April 15, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Board for Contractors (the Board) amended its current regulations in order to comply with Chapters 87 and 207 of the 2010 Acts of the General Assembly. These proposed amendments will add a new specialty to incorporate businesses that perform work related to the Certified Accessibility Mechanic program into licensure as a contractor.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency or board taking the action, and (3) the title of the regulation.

At its meeting of April 9, 2013, the Board for Contractors adopted as final these regulations that amend the Board for Contractors Regulations (18 VAC 50-22).

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Section 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. The content of the regulations is up to the discretion of the Board, but shall not be in conflict with the purposes of the statutory authority.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

Statutory changes requiring certification of individual accessibility mechanics required the promulgation of regulations that added this type of work to those specialties in which licensed contractors may perform. The Board for Contractors developed these amendments to ensure that they accurately reflect these changes and the current requirements and standards, and that they are consistent, clear, and not overly burdensome. By ensuring that the regulations are as clear as possible these amendments will facilitate the regulations' compliance with the statutes and Board's requirements, which will better protect the health, safety, and welfare of the public.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The new specialty Accessibility Services Contracting and a definition of the scope of practice for this specialty will be added to the current regulations. Also included is a separate specialty for contractors that perform work on Limited Use Limited Application (LULA) elevators.

Issues

Please identify the issues associated with the proposed regulatory action, including:
 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
 3) *other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

- 1) These changes are implemented to bring the current regulations into compliance with changes in statutes and regulations that have already been determined to be advantageous to the public. The failure of the Board for Contractors to bring its regulations into compliance with these changes could result in potential damage to businesses and individuals.
- 2) Failure to promulgate these regulations will directly affect those businesses that perform work on accessibility equipment, such as residential elevators, wheelchair lifts, dumbwaiters, and other similar equipment. These companies are currently required to hold a license with the elevator/escalator contractor specialty, which requires training and experience that is difficult and overly burdensome to obtain. This new specialty allows these businesses to remain licensed and continue to perform work in their current field.
- 3) There are no other pertinent matters of interest to the regulated community, government officials, and the public.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
18 VAC 50-22-30	The proposed regulations also included amendments to the then current definition of the manufactured/modular building contractor specialty.	The proposed changes to the specialty definitions adding the industrialized building contracting specialty, abbreviated IBC and the manufactured home contracting specialty, abbreviated MHC, have been removed from this regulatory submission.	The amendments were promulgated on December 1, 2012 in a separate regulatory submission.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

No public comment was received.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
18 VAC 50-22-30	N/A	Definitions	<p>Adds “Accessibility Services Contracting” (Abbr: ASC) to the definition of specialty services. This specialty is being added in order to bring the regulations that govern contractors into line with the creation of the Certified Accessibility Mechanic program chapters 81 and 207 of the 2010 Acts of the General Assembly. Currently, contractors performing work on accessibility devices are required to hold a license with the Elevator/Escalator specialty. Certified Accessibility Mechanics were added to the law in order to give those individuals who perform work on such devices a more limited scope of certification. This newly created specialty will accommodate businesses that employ these newly certified individuals and will allow them to continue to work without the burden of qualifying for the Elevator/Escalator specialty.</p> <p>Adds “Accessibility Services Contracting – LULA” (Abbr: ASL) to the definition of specialty services. The addition of this specialty allows a company that works on Limited Use/Limited Application (LULA) elevators to perform such work. The statute</p>

			<p>that created the Certified Accessibility Mechanic Program (§ 54.1-1140 et seq of the Code of Virginia) separates those that work on LULA devices in addition to the other equipment associated with accessibility. definitions are being added to allow those engaged in residential elevator installation to hold a license with similar yet different requirements than a “Certified Elevator Mechanic.” Additionally, the Limited Use, Limited Applicability (LULA) endorsement is being added to distinguish further amongst residential elevator installers and permits those to install LULAs.</p>
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