

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
PERIMETER CENTER  
9960 MAYLAND DRIVE  
RICHMOND, VIRGINIA 23233**

**HOME INSPECTOR REGULATORY REVIEW COMMITTEE  
OF THE  
BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**

*Tentative* **AGENDA**

**WEDNESDAY, MARCH 24, 2021, 10:00 A.M.  
2<sup>nd</sup> FLOOR, BOARD ROOM 3**

**I. CALL TO ORDER**

**II. EMERGENCY EVACUATION PROCEDURES**

**III. COVID-19 SAFETY REMINDERS**

**IV. APPROVAL OF AGENDA**

- a. Committee Agenda, March 24, 2021

**V. PUBLIC COMMENT PERIOD\***

**VI. RESOURCES AND INFORMATION**

- a. Chapter 5 of Title 54.1 of the Code of Virginia
- b. Home Inspector Licensing Regulations
- c. Prohibited Acts Sections from Other DPOR Boards
  - i. Board for Contractors
  - ii. Real Estate Board
  - iii. Board for APELSCIDLA

**VII. NEW BUSINESS**

- a. Review Draft Amendments:
  - i. Entry Requirements
  - ii. Renewal and Reinstatement
- b. Continue Discussion and Review of Minimum Standards for Conducting Home Inspections and Standards of Practice and Conduct
  - i. Home Inspection Contracts and Report Provisions
  - ii. Conflicts of Interest
  - iii. Prohibited Acts
  - iv. Maintenance of License/Reporting Requirements

\* Five minute public comment, per person, with the exception of any open disciplinary or application files.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

c. Discussion on Education and Training Program Provisions

**VIII. OTHER BUSINESS**

a. Review Timeline and Discuss Future Meeting Date

**IX. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**

**X. ADJOURN**

DRAFT AGENDA  
Materials contained in this agenda are proposed topics for discussion  
and are not to be construed as regulation or official Board position.  
DRAFT AGENDA

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**PERIMETER CENTER CONFERENCE CENTER**  
**EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS**  
(Script to be read at the beginning of each meeting.)

**PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.**

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

**Board Room 1**

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Board Room 2**

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Board Rooms 3 and 4**

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Training Room 1**

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Training Room 2**

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

# **COVID-19 SAFETY REMINDERS**

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# **PUBLIC COMMENT PERIOD**

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Code of Virginia

Title 54.1. Professions and Occupations

Subtitle II. Professions and Occupations Regulated by the Department of Professional and Occupational Regulation and Boards within the Department

## Chapter 5. Asbestos, Lead, and Home Inspection Contractors and Workers

### Article 1. General Provisions

#### § 54.1-500. Definitions

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by

the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § 54.1-1100. As used in this definition, "compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.



"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. 185, 911; 1996, cc. 76, 176, 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 803, 835; 2016, cc. 161, 436, 527.

#### **§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum**

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 14 members as follows: one shall be a representative of a Virginia-licensed asbestos contractor, one shall be a representative of a Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program, one shall be a member of the Board for Contractors, two shall be Virginia-licensed home inspectors, and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 522, 803, 835; 2016, cc. 161, 436.

#### **§ 54.1-501. Powers and duties of the Board**

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;

2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;
4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;
7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties; and
8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477; 1993, cc. 499, 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 649, 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 803, 835; 2016, cc. 161, 436.

#### **§ 54.1-501.1. Applicability**

The provisions of this chapter shall not apply to any employer, or any employees of such

employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

1992, c. 52.

**§ 54.1-502. Interdepartmental implementation plan**

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.

**§ 54.1-503. Licenses required**

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of

which a purchaser has not taken possession, whichever occurs later.

1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 560, 885; 1998, c. 739; 2004, c. 133; 2009, c. 819; 2015, c. 411; 2016, cc. 161, 436.

**§ 54.1-504. Asbestos supervisor's or worker's license required; exception**

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § 54.1-501.

1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.

**§ 54.1-504.1. Notices for handling asbestos**

The Department of Professional and Occupational Regulation shall include with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors.

2016, c. 252.

**§ 54.1-505. Qualification for an asbestos contractor's license**

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § 54.1-504, ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846.

**§ 54.1-506. Repealed**

Repealed by Acts 1993, c. 660.

**§ 54.1-507. Repealed**

Repealed by Acts 1992, c. 477.

**§§ 54.1-508, 54.1-509. Repealed**

Repealed by Acts 1993, c. 660.

**§ 54.1-510. Repealed**

Repealed by Acts 1988, c. 802.

**§ 54.1-511. Repealed**

Repealed by Acts 1993, c. 660.

**§ 54.1-512. Exemptions from licensure**

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project or renovation, if all of the asbestos or lead abatement work or renovation is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.

G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.

1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846; 1998, c. 739; 2009, c. 819.

**§ 54.1-513. Repealed**

Repealed by Acts 1998, c. 739.

**§ 54.1-514. Award of contracts by state agencies and political subdivisions**

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. 180, 846.

**§ 54.1-515. Employer discrimination; penalty**

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § 54.1-517.

1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.

**§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing**

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § 54.1-307.1.

2004, c. 222.

**§ 54.1-516. Disciplinary actions**

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, renovation contractor, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.

1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 803, 835; 2016, cc. 161, 436.

#### **§ 54.1-517. Penalties for willful violations**

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, renovators, dust sampling technicians, renovation contractors, and accredited asbestos training programs, accredited lead training programs, accredited renovator training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739; 2009, c. 819.

## **Article 2. Home Inspectors**

### **§ 54.1-517.1. Repealed**

Repealed by Acts cc. 161 and 436, cl. 2, effective July 1, 2017.

### **§ 54.1-517.2:1. Home inspection; required statement related to the presence of yellow shaded corrugated stainless steel tubing**

A. As used in this section:

"Bonding" means connecting metallic systems to establish electrical continuity and conductivity.

"Corrugated stainless steel tubing" or "CSST" means a flexible stainless steel pipe used to supply natural gas or propane in residential, commercial, and industrial structures.

"Grounding" means connecting to the ground or to a conductive body that extends to ground connection.

B. If a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1, 2008, he shall include that observation in the report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia."

2017, c. [805](#).

**§ 54.1-517.2. Requirements for licensure**

A. The Board shall issue a license to practice as a home inspector in the Commonwealth to:

1. An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or
2. An applicant who has successfully:
  - a. Completed the educational requirements as required by the Board;
  - b. Completed the experience requirements as required by the Board; and
  - c. Passed the examination approved by the Board.

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.

2001, c. [723](#);2015, c. [411](#);2016, cc. [161](#), [436](#).

**Article 3. Mold Inspectors and Remediators**

**§§ 54.1-517.3 through 54.1-517.5. Repealed**

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 56.



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COMMONWEALTH OF VIRGINIA  
VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME  
INSPECTORS



**HOME INSPECTOR LICENSING  
REGULATIONS**

Last Updated February 1, 2020

STATUTES  
Title 54.1, Chapter 5



Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400  
Richmond, VA 23233  
(804) 367-8500  
[www.dpor.virginia.gov](http://www.dpor.virginia.gov)

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## NOTICE SUMMARY OF SIGNIFICANT CHANGES

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Virginia Board for Asbestos, Lead, and Home Inspectors is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)).

This document is a complete, edited (unofficial) copy of the Home Inspector Licensing Regulations (18 VAC 15-40). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://law.lis.virginia.gov/admincode>.

The following is a brief summary of the changes to the Home Inspector Licensing Regulations effective February 1, 2020, but does not include all changes made to the regulations.

- License renewal and reinstatement fees for licenses are temporarily reduced. For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fee shall be \$40 for home inspector licenses; and \$80 for home inspector licenses with an NRS specialty. For reinstatement applications received after March 1, 2020, and on or before February 28, 2022, the reinstatement fee shall be \$120 for home inspector licenses; and \$160 for home inspector licenses with an NRS specialty.

## STATEMENT OF PURPOSE

This document contains the information you will need to obtain your Home Inspector License. The law that governs your profession is found in Chapter 5 (§ [54.1-500](#) et seq.) of Title 54.1 of the Code of Virginia. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This document contains a copy of the law and regulations that you will need to know and obey to obtain and keep your Home Inspector License.

**BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR HOME INSPECTOR LICENSE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this document, please write to:

Virginia Board for Asbestos, Lead, and Home Inspectors  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, VA 23233

or call the Agency at (804) 367-8595 or e-mail [ALHI@dpor.virginia.gov](mailto:ALHI@dpor.virginia.gov).

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**PART I.**  
**GENERAL**

**18VAC15-40-10. Definitions.**

A. Section [54.1-500](#) of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

“Board”

“Home inspection”

“Home inspector”

“Person”

“Residential building”

B. Section [54.1-517.2:1](#) of the Code of Virginia provides definitions of the following terms and phrases as used in 18VAC15-40-130:

“Bonding”

“Corrugated stainless steel tubing or CSST”

“Grounding”

C. The following words and terms when used in this chapter shall have the following meanings unless a different meaning is provided or is plainly required by the context:

“Address of record” means the mailing address designated by the licensee to receive notices and correspondence from the board.

"Adjacent" means adjoining or within three feet of the residential building and that may affect the residential building.

“Applicant” means an individual who has submitted an application for licensure.

“Application” means a completed, board-prescribed form submitted with the appropriate fee and other required documentation.

"Client" means a person who engages the services of a home inspector for a home inspection.

"Compensation" means the receipt of monetary payment or other valuable consideration for services rendered.

"Component" means a part of a system.

"Contact hour" means 50 minutes of participation in a structured training activity.

"CPE" means continuing professional education.

"Department" means the Department of Professional and Occupational Regulation.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, forgiveness of debt, or benefits from the use of property, or any combination of it, paid or provided by a business that exceeds or may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or personal property if the interest exceeds \$1,000 in value and excluding ownership in business, income, salary, other compensation, fringe benefits, or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds 3.0% percent of the asset value of the business; or (vi) an option for ownership of a business, real property, or personal property if the ownership interest will consist of clause (i) or (iv) of this definition.

"Fireplace" means an interior fire-resistant masonry permanent or prefabricated fixture that can be used to burn fuel and is either vented or unvented.

"Foundation" means the element of a structure that connects to the ground and transfers loads from the structure to the ground. Foundations may be shallow or deep.

"Licensee" means a home inspector as defined in Chapter 5 ([§ 54.1-500](#) et seq.) of Title 54.1 of the Code of Virginia.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation that is unlawful to practice without such license.

"New residential structure" or "NRS" means a residential structure for which the first conveyance of record title to a purchaser has not occurred or the purchaser has not taken possession, whichever occurs later.

"NRS specialty" means a designation granted by the board to a home inspector that authorizes such individual to conduct home inspections on any new residential structure.



"Outbuilding" means any structure on the property that is more than three feet from the residential building and that may affect the residential building.

"Prelicense education course" means an instruction program approved by the board and is one of the requirements for licensure effective July 1, 2017.

"Readily accessible" means available for access without requiring moving or removing of any obstacles.

"Reinstatement" means the process and requirements through which an expired license can be made valid without the licensee having to apply as a new applicant.

"Renewal" means the process and requirements for periodically approving the continuance of a license.

"Residential structure" means a structure consisting of no more than two dwelling units or a townhouse.

"Solid fuel burning appliances" means a hearth and fire chamber or similarly prepared place in which a fire may be built and that is built in conjunction with a chimney, or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.

"System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

"Virginia Residential Code" means the provisions of the Virginia Construction Code (Part I (13VAC5-63-10 et seq.) of 13VAC5-63) applicable to R-5 residential structures and that includes provisions of the International Residential Code as amended by the Board of Housing and Community Development.

***Historical Notes***

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 14, eff. April 17, 2017; Volume 33, Issue 19, eff. July 1, 2017; Volume 33, Issue 26, eff. September 20, 2017.*

**18VAC15-40-20. Necessity for licensure.**

- A. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the board to perform a home inspection for compensation on a residential building.
- B. A home inspection on a new residential structure shall only be conducted by a home inspector with the NRS specialty and who has completed a training module on the Virginia Residential Code.

***Historical Notes***

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.*

**PART II.**

**ENTRY**

**18VAC15-40-25. Application procedures.**

- A. All applicants seeking licensure shall submit an application with the appropriate fee specified in 18VAC15-40-50. Application shall be made on forms provided by the board or its agent.
1. By submitting the application to the department, the applicant certifies that the applicant has read and understands the applicable statutes and the board's regulations.
  2. The receipt of an application and the deposit of fees by the board do not indicate approval of the application by the board.
- B. The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied. All applications shall be completed in accordance with the instructions contained in this section and on the application. Applications will not be considered complete until all required documents are received by the board.
- C. The applicant will be notified within 30 days of the board's receipt of an initial application if the application is incomplete. An individual who fails to complete the application process within 12 months of receipt of the application in the board's office must submit a new application.
- D. The applicant shall immediately report all changes in information supplied with the application, if applicable, prior to issuance of the license or expiration of the application.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-30. General requirements for licensure.**

- A. In addition to the provisions of 18VAC15-40-32, every applicant for a home inspector license shall meet the requirements provided in this section.
- B. The applicant shall be at least 18 years old.
- C. The applicant shall provide a mailing address, which shall serve as the address of record. A post office box is only acceptable as the address of record when a physical address is also provided.
- D. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information:

1. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within five years of the date of the application; and
2. All felony convictions during his lifetime.

Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The record of conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with [§ 54.1-204](#) of the Code of Virginia.

- E. The applicant for licensure shall be in compliance with the standards of conduct and practice set forth in Part V (18VAC15-40-140 et seq.) of this chapter at the time of application, while the application is under review by the board, and at all times when the license is in effect.
- F. The applicant shall report any suspension, revocation, or surrender of a license, certification, or registration in connection with a disciplinary action or a license, certification, or registration that has been the subject of discipline in any jurisdiction prior to applying for licensure. The board, in its discretion, may deny licensure to any applicant based on prior suspensions, revocations, or surrender of licenses based on disciplinary action by any jurisdiction. The applicant has the right to request further review of any such action by the board under the Administrative Process Act ([§ 2.2-4000](#) et seq. of the Code of Virginia.)
- G. The applicant for licensure shall submit evidence of having obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business liability insurance policy or a commercial general liability insurance policy with minimum limits of \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an additional insured. If for any reason the board cannot reasonably ensure that the applicant is sufficiently covered in accordance with this subsection, the board may require that requisite coverage be obtained in the name of the applicant. Proof of such insurance policy must be submitted in order to obtain the license.

***Historical Notes***

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 20, eff. August 1, 2015; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-32. Qualifications for licensure.**

- A. An applicant for licensure as a home inspector shall furnish documentation acceptable to the board that one of the qualifications for licensure in Table 1 has been met:

TABLE 1			
	Board-approved prelicense education course contact hours	Experience	Passed the board-approved examination
1.	35	Completion of 100 home inspections prior to July 1, 2017	Yes
2.	35	Completion of 50 home inspections under the direct supervision of a home inspector	Yes
3.	70	Completion of 50 home inspections prior to July 1, 2017	Yes
4.	70	Completion of 25 home inspections under the direct supervision of a home inspector	Yes
5.	None	Verification of 10 years' experience as a home inspector prior to July 1, 2017, with a minimum of 250 home inspections completed during such time period	Yes

- B. Prelicense education courses must be approved by the board pursuant to Part VI (18VAC15-40-120 et seq.) of this chapter. No more than half of the required hours may be completed using distance or online education technology.
- C. Verification of home inspections completed under the direct supervision of a home inspector must be provided by an individual who was properly licensed or certified by the board during the applicable time period.
- D. The National Home Inspector Examination provided by the Examination Board of Professional Home Inspectors is the board-approved examination pursuant to [§ 54.1-517.2 A 2 c](#) of the Code of Virginia.

**Historical Notes**

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-33. Examination conduct.**

Procedures and appropriate conduct established by the board or examination organization administering the examination approved by the board, or both, shall be followed by the applicant. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the

date of the examination. Failure to comply with all procedures established by the board or the examination organization with regard to conduct at the examination shall be grounds for denial of the application.

**Historical Notes**

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-34. Individuals certified or licensed in another jurisdiction; equivalency to Virginia home inspector requirements.**

- A. The board may waive the requirements of 18VAC15-40-32 for an applicant who holds an active, current license or certificate as a home inspector in another state, the District of Columbia, or any other territory or possession of the United States provided the requirements and standards under which the license or certificate was issued are substantially equivalent to those established in this chapter.
- B. In considering qualifications pursuant to 18VAC15-40-32, the board may consider experience gained under a licensed (however denominated) home inspector in another state provided the requirements and standards under which the home inspector was licensed are substantially equivalent to those established in this chapter.

**Historical Notes**

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-35. Qualifications for the new residential structure specialty.**

To obtain the NRS specialty, the applicant shall submit the appropriate application form and fee pursuant to 18 VAC 15-40-50 and meet the following qualifications:

- 1. Hold a current and valid home inspector license. An applicant who does not hold a current and valid home inspector license shall apply for such licensure and meet the requirements contained in 18 VAC 15-40-30 and 18VAC 15-40-32.
- 2. Submit proof of successful completion of an NRS training module approved by the board pursuant to Part VI (18VAC15-40-120 et seq.) of this chapter and completed no more than two years prior to the date of application.

**Historical Notes**

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-40. (Repealed.)**

**Historical Notes**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-45. Application denial.**

The board may refuse initial licensure due to an applicant's failure to comply with entry requirements or for any of the reasons it may discipline a licensee. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ [2.2.-4000](#) et seq. of the Code of Virginia).

**Historical Notes**

*Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-48. General fee requirements.**

All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

**Historical Notes**

*Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011.*

**18VAC15-40-50. Fees.**

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application
Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Home inspector renewal	\$25
Home inspector with NRS specialty renewal	\$50

For reinstatement applications received after March 1, 2018, and on or before February 29, 2020, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees shall be as follows:

Home inspector renewal	\$40
Home inspector with NRS specialty renewal	\$80

For reinstatement applications received after March 1, 2020, and on or before February 28, 2022, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$120
Home inspector with NRS specialty reinstatement	\$160

***Historical Notes***

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 20, eff. August 1, 2015; Volume 33, Issue 14, eff. April 17, 2017; Volume 34, Issue 8, eff. February 1, 2018; Volume 36, Issue 9, eff. February 1, 2020.*

**18VAC15-40-52. (Repealed.)**

***Historical Notes***

*Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; amended, Virginia Register Volume 31, Issue 20, eff. August 1, 2015; repealed, Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

### PART III.

#### RENEWAL AND REINSTATEMENT OF LICENSE

##### **18VAC15-40-60. Renewal required.**

Licenses issued under this chapter shall expire two years from the last day of the month in which they were issued.

*Historical Notes*

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.*

##### **18VAC15-40-70. (Repealed.)**

*Historical Notes*

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011.*

##### **18VAC15-40-72. Continuing professional education required for home inspector licensure.**

- A. Each licensee shall have completed 16 contact hours of continuing professional education (CPE) during each license renewal cycle. CPE can be met through classroom instruction, distance learning, or online education technology.
- B. Notwithstanding the provisions of 18VAC15-40-75, the subject matter addressed during CPE contact hours shall be limited to the content areas covered by the board's approved examination.
- C. The licensee shall not receive CPE credit for the same training course more than once during a single license renewal cycle.
- D. A licensee who completes the initial training module required by 18VAC15-40-35 in order to obtain an NRS specialty may count completion of the module towards the required 16 hours of CPE credit for that renewal cycle.

*Historical Notes*

*Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.*

##### **18VAC15-40-75. Board-approved new residential structure update continuing professional education course required to maintain new residential structure specialty.**

In addition to the CPE requirements of 18VAC15-40-72, to maintain the NRS specialty, the licensee shall submit proof of completion of a four-hour, board-approved NRS CPE course, which can be applied toward the 16 contact hours of CPE required for the license renewal.

*Historical Notes*

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*



**18VAC15-40-76. Continuing professional education for instructors.**

A licensee may receive CPE credit for teaching a course that otherwise meets the requirements of this chapter; however, additional credit shall not be given for subsequent offerings of a course or activity with the same content within the same licensing cycle. In addition, a licensee may receive two hours of CPE no more than once during a single licensing cycle for the initial development or substantial updating of a CPE course.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-78. Maintenance of continuing professional education records.**

A. Each licensee shall maintain evidence of the satisfactory completion of CPE for at least three years following the end of the license renewal cycle for which the CPE was taken. Such documentation shall be provided to the board or its duly authorized agents upon request. The following shall be maintained by the licensee to document completion of the hours of CPE specified in 18VAC15-40-72:

1. Evidence of completion that shall contain the name, address, and telephone number of the training provider;
2. The dates the applicant participated in the training;
3. Descriptive material of the subject matter presented documenting that it covers the content areas covered by the board's examination; and
4. A statement from the provider verifying the number of CPE contact hours completed.

B. The board may conduct an audit of its licensees to ensure compliance with the applicable CPE requirements. Licensees who are selected for audit shall provide the necessary documentation stipulated in this section.

C. The licensee may request additional time to meet the CPE requirement; however, CPE hours earned during a license renewal cycle to satisfy the CPE requirement of the preceding license renewal cycle shall be valid only for that preceding license renewal cycle.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-80. Procedures for renewal.**

A. Prior to the expiration date shown on the license, the board shall mail a renewal notice to the licensee's address of record.

- B. Prior to the expiration date shown on the license, the licensee desiring to renew his license shall return to the board the renewal notice, proof of insurance required by 18VAC15-40-30, and the appropriate fee specified in 18VAC15-40-50.
- C. Prior to the expiration date shown on the license, a licensee with the NRS specialty must submit proof of completion of four hours of board-approved NRS CPE, in accordance with 18VAC15-40-75, along with the renewal notice and the appropriate fee specified in 18VAC15-40-50.
- D. Failure to receive the renewal notice does not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee and any other required documentation as an application for renewal. The date on which the renewal application is received by the department or its agent will determine whether the renewal application was received on time.
- E. By submitting the renewal application the licensee is affirming that the CPE requirements of 18VAC15-40-72 have been met, and he is in continued compliance with this chapter.

**Historical Notes**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-85. (Repealed.)**

**Historical Notes**

*Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-90. Reinstatement.**

- A. If the requirements for renewal of a license, as provided in 18 VAC15-40-80, are not completed by the licensee within 30 days after the expiration date on the license, reinstatement of the license shall be required.
- B. All applicants for reinstatement shall meet all requirements set forth in 18VAC15-40-30, 18VAC15-40-72, and 18VAC15-40-75, as applicable.
- C. A license may be reinstated for up to two years following the expiration date upon submittal of the reinstatement application consisting of (i) payment of the reinstatement fee, (ii) proof of insurance required by 18VAC15-40-30, (iii) proof of CPE in accordance with 18VAC15-40-72, and (iv) proof of CPE to maintain the NRS specialty, if applicable. After two years, the license shall not be reinstated under any circumstances and the individual shall apply as a new applicant, and meet entry requirements current at the time of submittal of the new application.
- D. By submitting the reinstatement application, the individual is affirming that he is in continued compliance with this chapter.

**Historical Notes**

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 15, eff. May 1, 2015; Volume 33, Issue 19, eff. July 1, 2017.

**18VAC15-40-100. (Repealed.)**

**Historical Notes**

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011.

**18VAC15-40-105. Status of licensee during the period prior to reinstatement.**

- A. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption and shall remain under the disciplinary authority of the board during this entire period and shall be held accountable for his activities during this period.
- B. Any regulated activity conducted subsequent to the license expiration date may constitute unlicensed activity and be subject to prosecution under Chapter 1 ([§ 54.1-100](#) et seq.) of Title 54.1 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

**18VAC15-40-107. Board discretion to deny renewal or reinstatement.**

The board may deny renewal or reinstatement of a license for the same reasons as the board may refuse initial licensure or discipline a licensee. The licensee has the right to request further review of any such action by the board under the Administrative Process Act ([§ 2.2-4000](#) et seq. of the Code of Virginia).

**Historical Notes**

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

**18VAC15-40-108. License renewal or reinstatement after July 1, 2017.**

A license eligible for renewal or reinstatement on or after July 1, 2017, shall be required to meet the requirements of this part as amended effective July 1, 2017, upon submittal of the renewal or reinstatement application, as applicable.

**Historical Notes**

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

**18VAC15-40-110. (Repealed.)**

**Historical Notes**

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011.

## PART IV.

### MINIMUM STANDARDS FOR CONDUCTING HOME INSPECTIONS

#### 18VAC15-40-120. Home inspection contract.

- A. For the protection of both the client and the licensee, both parties shall sign a legible, written contract clearly specifying the terms, conditions, and limitations and exclusions of the work to be performed.
- B. At a minimum, the written contract shall include:
1. Name, business name (if applicable), business address, and telephone number of the home inspector.
  2. License number of the home inspector, and notation of NRS specialty, if applicable.
  3. Name of the clients.
  4. Physical address of the residential property to be inspected.
  5. Cost of the home inspection.
  6. A listing of all areas and systems to be inspected, including those inspections that are either partial or limited in scope.
  7. A statement in the contract that the home inspection does not include a review for compliance with regulatory requirements (Virginia Uniform Statewide Building Code or other codes, regulations, laws, ordinances, etc.).
  8. To the extent that any of the following categories are not covered by the home inspection, they shall be noted as exclusions in the inspection contract:
    - a. The condition of systems or components that are not readily accessible.
    - b. The remaining life of any system or component.
    - c. The strength, adequacy, effectiveness, or efficiency of any system or component.
    - d. The causes of any condition or deficiency.
    - e. The methods, materials, or costs of corrections.
    - f. Future conditions including failure of systems and components.
    - g. The suitability of the property for any specialized use.

- h. The market value of the property or its marketability.
- i. The advisability of the purchase of the property.
- j. The presence of diseases harmful to humans or potentially hazardous plants or animals including wood destroying organisms and mold.
- k. The presence of any environmental hazards including toxins, carcinogens, noise, asbestos, lead-based paint, mold, radon, and contaminants in soil, water, and air.
- l. The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.
- m. The operating costs of systems or components.
- n. The acoustical properties of any system or component.
- o. The presence of components involved in manufacturer's recalls.
- p. The inspection of outbuildings.

To the extent any other items are not specifically included in the home inspection by agreement of the parties, they shall also be noted as exclusions in the home inspection contract.

9. Estimated delivery date to the client of the home inspection report.
10. Dated signatures of both the home inspector and the client or the client's authorized representative.
- C. The home inspection contract shall make written disclosure that the home inspection report is based upon visual observation of existing conditions of the inspected property at the time of the inspection and is not intended to be, or to be construed as, a guarantee, warranty, or any form of insurance. This provision does not prevent a home inspector from offering a separate guarantee, warranty, or any form of insurance if he so chooses.
- D. If the home inspector recommends a person to the client for repairs or modifications to the inspected property, the home inspector shall disclose to the client all financial interests that the home inspector has with the recommended person. The disclosure shall be written within the home inspection contract.

***Historical Notes***

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-130. Home inspection report.**

A. Home inspection reports shall contain:

1. Information pertaining to the licensee, including:

- a. Licensee's name;
- b. Business address;
- c. Telephone number; and
- d. License number and expiration date, to be followed by "NRS" if so designated and performing a home inspection on a new residential structure;

2. The name, address, and telephone number of the client or the client's authorized representative, if available at the time of the inspection;

3. The physical address of the residential property inspected; and

4. The date, time (to include both start and finish times of the home inspection), and weather conditions at the time of the home inspection.

B. In conducting a home inspection and reporting its findings, the home inspector, at a minimum, shall inspect the condition of and shall describe in writing the composition or characteristics of the following readily accessible components and readily observable defects, except as may be limited in the home inspection contract agreement:

1. Structural system.

- a. Foundation.
- b. Framing.
- c. Stairs.
- d. Crawl space, the method of inspecting the crawl space shall be noted and explained in the home inspection report. If the crawl space cannot be inspected, the licensee shall explain in the home inspection report why this component was not inspected.
- e. Crawl space ventilation and vapor barriers.
- f. Slab floor, when present.
- g. Floors, ceilings, and walls.

2. Roof structure, attic, and insulation.

- a. Roof covering. The method of inspecting the roof covering shall be noted and explained in the home inspection report. If the roof covering cannot be inspected, the licensee shall explain in the home inspection report why this component was not inspected.
- b. Roof ventilation.
- c. Roof drainage system, to include gutters and downspouts.
- d. Roof flashings, if readily visible.
- e. Skylights, chimneys, and roof penetrations, but not antennae or other roof attachments.
- f. Roof framing and sheathing.
- g. Attic, unless area is not readily accessible.
- h. Attic insulation.

3. Exterior of residential building or NRS.

- a. Wall covering, flashing, and trim.
- b. Readily accessible doors and windows, but not the operation of associated security locks, devices, or systems.
- c. Decks, balconies, stoops, steps, porches, attached garages, carports, and any associated railings that are adjacent to the residential building or NRS and on the same property but not associated screening, shutters, awnings, storm windows, detached garages, or storm doors.
- d. Eaves, soffits, and fascias where readily accessible from ground level.
- e. Walkways, grade steps, patios, and driveways, but not fences or privacy walls.
- f. Vegetation, trees, grading, drainage, and any retaining walls adjacent to the residential building or NRS.
- g. Visible exterior portions of chimneys.

4. Interior of residential building or NRS.

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- a. Interior walls, ceilings, and floors of residential building or NRS and any adjacent garage.
  - b. Steps, stairways, railings, and balconies and associated railings.
  - c. Countertops and installed cabinets, including hardware.
  - d. Doors and windows, but not the operation of associated security locks, devices, or systems.
  - e. Garage doors and permanently mounted and installed garage door operators. The automatic safety reverse function of garage door openers shall be tested, either by physical obstruction as specified by the manufacturer, or by breaking the beam of the electronic photo eye but only when the test can be safely performed and will not risk damage to the door, the opener, any nearby structure, or any stored items.
  - f. Fireplaces, venting systems, hearths, dampers, and fireboxes, but not mantles, fire screens and doors, seals and gaskets.
  - g. Solid fuel burning appliances, if applicable.
5. Plumbing system.
- a. Interior water supply and distribution systems, including water supply lines and all fixtures and faucets, but not water conditioning systems or fire sprinkler systems.
  - b. Water drainage, waste, and vent systems, including all fixtures.
  - c. Drainage sumps, sump pumps, and related piping.
  - d. Water heating equipment, including energy source and related vent systems, flues, and chimneys, but not solar water heating systems.
  - e. Fuel storage and distribution systems for visible leaks.
6. Electrical system.
- a. Service drop.
  - b. Service entrance conductors, cables, and raceways.
  - c. Service equipment and main disconnects.
  - d. Service grounding.
  - e. Interior components of service panels and sub panels, including feeders.



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- f. Conductors.
  - g. Overcurrent protection devices.
  - h. Readily accessible installed lighting fixtures, switches, and receptacles.
  - i. Ground fault circuit interrupters.
  - j. Presence or absence of smoke detectors.
  - k. Presence of solid conductor aluminum branch circuit wiring.
  - l. Arc fault interrupters shall be noted if installed but not tested if equipment is attached to them.
7. Heating system.
- a. Heating equipment, including operating controls, but not heat exchangers, gas logs, built-in gas burning appliances, grills, stoves, space heaters, solar heating devices, or heating system accessories such as humidifiers, air purifiers, motorized dampers, and heat reclaimers.
  - b. Energy source.
  - c. Heating distribution system.
  - d. Vent systems, flues, and chimneys, including dampers.
8. Air conditioning system.
- a. Central and installed wall air conditioning equipment.
  - b. Operating controls, access panels, and covers.
  - c. Energy source.
  - d. Cooling distribution system.
- C. Systems in the home that are turned off, winterized, or otherwise secured so that they do not respond to normal activation using standard operating controls need not be put into operating condition. The home inspector shall state, in writing, the reason these systems or components were not inspected.
- D. In accordance with [§ 54.1-517.2:1](#) of the Code of Virginia, if a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective

May 1, 2008, the home inspector shall include that observation in the report along with the following statement: “Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer’s installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia.”

**Historical Notes**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017; Volume 33, Issue 26, eff. September 20, 2017.*

DRAFT AGENDA  
Materials contained in this agenda are proposed topics for discussion  
and are not to be construed as regulation of the Official Board of Inspection.  
DRAFT AGENDA

**PART V.**

**STANDARDS OF CONDUCT AND PRACTICE**

**18VAC15-40-140. Conflict of interest.**

A. The licensee shall not:

1. Design or perform repairs or modifications to a residential building or NRS on which he has performed a home inspection as a result of the findings of the home inspection within 12 months after the date he performed the home inspection, except in cases where the home inspector purchased the residence after he performed the home inspection;
2. Perform a home inspection of a residential building or NRS upon which he has designed or performed repairs or modifications within the preceding 12 months without disclosing to the client in the home inspection contract the specifics of the repairs or modifications he designed or performed;
3. Refer his client to another person to make repairs or modifications to a residential building or NRS on which he has performed a home inspection unless, in accordance with 18VAC15-40-120 D, he provides written documentation to his client that clearly discloses all financial interests that the licensee has or reasonably expects to have with the person who is recommended for the repairs or modifications;
4. Represent the financial interests, either personally or through his employment, of any of the parties to the transfer or sale of a residential building on which he has performed a home inspection; or
5. Perform a home inspection of a residential building or NRS under a contingent agreement whereby any compensation or future referrals are dependent on the reported findings or on the sale of the property.

B. The licensee shall not disclose any information concerning the results of the home inspection without the approval of the client for whom the home inspection was performed. However, the licensee may disclose information in situations where there is an imminent endangerment to life or health.

C. The licensee shall not accept compensation from more than one interested party for the same service on the same property without the consent of all interested parties.

D. The licensee shall not accept nor offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the licensee is responsible. Additionally, the licensee shall not enter into any financial relationship with any party that may compromise the licensee's commitment to the best interest of his client.

- E. The home inspection shall not be used as a pretext by the licensee to solicit or obtain work in another field, except for additional diagnostic inspections or testing.

**Historical Notes**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-145. Competency for assignments.**

- A. The licensee shall undertake to perform professional assignments only when qualified by education or experience, or both.
- B. A licensee shall not misrepresent to a prospective or existing client or employer his qualifications and the scope of his responsibility in connection with a home inspection.

**Historical Notes**

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-150. Grounds for disciplinary action.**

The board has the power to place a licensee on probation, impose a monetary penalty in accordance with [§ 54.1-202 A](#) of the Code of Virginia, or revoke, suspend, or refuse to renew a license when the licensee has been found to have violated or cooperated with others in violating any provision of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia or this chapter.

**Historical Notes**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-152. Notice of adverse action.**

- A. A licensee shall notify the board of the following actions against the licensee:
1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including any (i) reprimand; (ii) license or certificate revocation, suspension, or denial; (iii) monetary penalty; (iv) requirement for remedial education; or (v) other corrective action.
  2. Any voluntary surrendering of a related license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.
  3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, in any jurisdiction of the United States of any (i) misdemeanor involving moral turpitude, sexual offense, drug distribution, or physical injury or relating to performing a home inspection or (ii) felony, there being no appeal pending therefrom or the time for appeal having lapsed. Review of convictions shall be subject to the requirements of [§ 54.1-204](#) of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purpose of this section.

- B. The notice must be made to the board in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice. The record of conviction, finding, or case decision shall be considered prima facie evidence of a conviction or finding of guilt.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-155. Prohibited acts.**

The following acts are prohibited and any violation may result in disciplinary action by the board:

1. Obtaining or attempting to obtain a license by false or fraudulent representation.
2. Performing improvements or repairs to a residential building as a result of the findings of the home inspection within 12 months before or after performing a home inspection on it, except in cases where the home inspector purchased the residential building after he performed the home inspection.
3. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia or this chapter.
4. A licensee having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC15-40-152. Review of convictions shall be subject to the requirements of [§ 54.1-204](#) of the Code of Virginia.
5. Failing to inform the board in writing within 30 days that the licensee was convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC15-40-152.
6. Failing to act as a licensee in such a manner as to safeguard the interests of the public.
7. Engaging in improper, fraudulent, or dishonest conduct in conducting a home inspection.
8. Having performed a home inspection when not qualified by training or experience to competently perform any part of the home inspection.
9. Failing to maintain, through training, the proficiency to perform Virginia home inspections.
10. Conducting a home inspection on any new residential structure without the NRS specialty issued by the board.
11. Failing to maintain the insurance policy required pursuant to 18VAC15-40-30 G.

12. Failing to report a change pursuant to 18VAC15-40-160.
13. Having cited, stated, or represented that there exists a violation of the Virginia Uniform Statewide Building Code (13VAC5-63) in a home inspection report or other document prepared relative to a home inspection.

**Historical Notes**

*Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-160. Maintenance of licenses, reports, and documentation.**

- A. The licensee shall at all times keep the board informed of his current address of record, to include the physical address, as applicable. Changes of address shall be reported to the board in writing within 30 calendar days after such change. A post office box is acceptable as the address of record only when a physical address is also provided. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board of any change of address.
- B. The licensee shall notify the board in writing of a name change within 30 calendar days of any change in the licensee's legal name. Such notification shall be accompanied by a copy of a marriage license, divorce decree, court order, or other documentation that verifies the name change.
- C. The licensee shall retain all records pertaining to home inspections performed to include written reports and supporting documentation for a period of three years from the date of the related home inspection.
- D. The licensee shall report the cancellation, amendment, expiration, or any other change of the insurance policy submitted in accordance with 18VAC15-40-30 G within 30 days of the change.

**Historical Notes**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-170. (Repealed.)**

**Historical Notes**

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-180. Response to inquiry of the board.**

- A. A licensee must respond within 10 days to a request by the board or any of its agents regarding any complaint filed with the department.
- B. Unless otherwise specified by the board, a licensee of the board shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any transaction pertaining to a complaint filed in which the licensee was involved, or for which

the licensee is required to maintain records. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

- C. A licensee shall not provide a false, misleading, or incomplete response to the board or any of its agents seeking information in the investigation of a complaint filed with the board.
- D. With the exception of the requirements of subsections A and B of this section, a licensee must respond to an inquiry by the board or its agent within 21 days.

***Historical Notes***

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.*

**18VAC15-40-190. (Repealed.)**

***Historical Notes***

*Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.*

## PART VI.

### APPROVAL OF PRELICENSE EDUCATION COURSES, NEW RESIDENTIAL STRUCTURES TRAINING MODULE, AND NEW RESIDENTIAL STRUCTURES CONTINUING PROFESSIONAL EDUCATION

#### **18VAC15-40-200. Prelicense education courses, new residential structures training modules, and new residential structures continuing professional education courses generally.**

All prelicense education courses, NRS training modules, and NRS CPE courses proposed for the purposes of meeting the requirements of this chapter must be approved by the board. Prelicense education courses and training modules may be approved retroactively upon request of the provider with the application; however, no applicant will receive credit until such approval is granted by the board.

#### *Historical Notes*

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

#### **18VAC15-40-210. Approval of prelicense education courses.**

A training provider seeking approval of a prelicense education course shall submit an application for prelicense education course approval on a form provided by the board. In addition to the appropriate fee provided in 18VAC15-40-50, the application shall include:

1. The name of the provider;
2. Provider contact person, address, and telephone number;
3. Course contact hours;
4. Schedule of prelicense education courses if established, including dates, times, and locations;
5. Method of delivery;
6. Instructor information, including name, license number, if applicable, and a list of trade-appropriate designations, as well as a professional resume with a summary of teaching experience and subject matter knowledge and qualifications acceptable to the board;
7. Materials to be provided to students;
8. Fees for prelicense education course and materials; and
9. Training module syllabus.



***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

**18VAC15-40-220. Prelicense education course requirements.**

A prelicense education course must be a minimum of 35 hours. The syllabus for each type of prelicense education course shall encompass the following subject areas and include methods for identification and inspection, safety and maintenance, and standards for material selection and installation procedures, as applicable:

1. Site conditions;
2. Exterior components of the residential building;
3. Structural system elements;
4. Electrical system elements;
5. Heating and cooling systems;
6. Insulation, moisture management systems, and ventilation systems;
7. Plumbing systems;
8. Interior components;
9. Fireplace and chimney systems;
10. Common permanently installed appliances;
11. Inspection report requirements;
12. Responsibilities to the client, including required contract elements; and
13. Overview of the board's regulations.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

**18VAC15-40-230. Approval of new residential structures training modules and new residential structures continuing professional education.**

A training provider seeking approval of an NRS training module or NRS CPE course shall submit an application for NRS training module or NRS CPE course approval on a form provided by the board. NRS training modules and NRS CPE can be provided in a classroom environment,

online, or through distance learning. In addition to the appropriate fee provided in 18VAC15-40-50, the application shall include:

1. The name of the provider;
2. Provider contact person, address, and telephone number;
3. Module or CPE course contact hours;
4. Schedule of training module or CPE course if established, including dates, times, and locations;
5. Method of delivery;
6. Instructor information, including name, license number, if applicable, and a list of trade-appropriate designations, as well as a professional resume with a summary of teaching experience and subject matter knowledge and qualifications acceptable to the board;
7. Materials to be provided to students;
8. Fees for NRS training module or NRS CPE course and materials; and
9. Training module syllabus.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

**18VAC15-40-240. New residential structures training module requirements.**

- A. In order to qualify as an NRS training module under 18VAC15-40-35, the training module must include a minimum of eight contact hours and the syllabus shall encompass all of the subject areas set forth in subsection B of this section.
- B. The following subject areas as they relate to the Virginia Residential Code shall be included in all NRS training modules. The time allocated to each subject area must be sufficient to ensure adequate coverage of the subject as determined by the board.
  1. Origin of the Virginia Residential Code.
    - a. Overview of Title 36 of the Code of Virginia.
    - b. Roles and responsibilities of the Board of Housing and Community Development and the Department of Housing and Community Development.

- C. Virginia Uniform Statewide Building Code, Part I (13VAC5-63-10 through 13VAC5-63-390) of 13VAC5-63.
2. Scope of the Virginia Residential Code.
- a. Purpose of the Virginia Residential Code.
  - b. Exemptions from the Virginia Residential Code.
  - c. Compliance alternatives.
  - d. Code official discretion in administration and enforcement of the Virginia Residential Code.
  - e. Process for amending the Virginia Residential Code.
  - f. Code violations and enforcement.
    - (1) Statute of limitations.
    - (2) Effect of violations.
  - g. Examples of code and non-code violations.
3. Roles of the building code official and the home inspector, including an overview of [§ 36-105](#) of the Code of Virginia.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

**18VAC15-40-250. New residential structures training modules and new residential structures continuing professional education requirements.**

In order to qualify for NRS CPE for the renewal of home inspector licenses with the NRS specialty, the NRS CPE must include a minimum of four contact hours and the syllabus shall encompass all of the topic areas listed in 18VAC15-40-240 for an NRS training module.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

**18VAC15-40-260. Documentation of prelicense education courses, new residential structures training modules, and new residential structures continuing professional education completion requirements.**

All prelicense education course, NRS training module, and NRS CPE providers must provide each student who successfully completes the course or training module with a certificate of completion or other documentation that the student may use as proof of course or training

module completion. Such documentation shall contain the contact hours completed, the date of training, and the course identification number assigned by the board.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

**18VAC15-40-270. Maintenance of records.**

All providers of approved prelicense education courses, NRS training modules, or NRS CPE courses must establish and maintain a record for each student. The record shall include the student's name and address, the training module or course name and hours attended, the training module or course syllabus or outline, the name or names of the instructors, the date of successful completion, and the board's approved training module or course identification number. Records shall be available for inspection during normal business hours by authorized representatives of the board. Providers must maintain these records for a minimum of five years.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

**18VAC15-40-280. Reporting changes.**

Any change in the information provided in 18VAC15-40-210 or 18VAC15-40-230 must be reported to the board within 30 days of the change. Any change in information submitted will be reviewed to ensure compliance with the provisions of this chapter.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

**18VAC15-40-290. Withdrawal of approval.**

The board may withdraw approval of a prelicense education course, an NRS training module, or an NRS CPE course for the following reasons:

1. The training module or course being offered no longer meets the standards established by the board.
2. The provider, through an agent or otherwise, advertises its services in a fraudulent or deceptive way.
3. The provider, instructor, or contact person of the provider falsifies any information relating to the application for approval, training module, course information, or student records or fails to produce records required by 18VAC15-40-270.
4. A change in the information provided that results in noncompliance with this part.
5. Failure to comply with 18VAC15-40-280.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

**18VAC15-40-300. Board authority to audit approved education courses and training modules.**

The board may conduct an audit of any board-approved prelicense education course, NRS training module, or NRS CPE course provider to ensure continued compliance with this chapter.

***Historical Notes***

*Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.*

DRAFT AGENDA  
Materials contained in this agenda are proposed topics for discussion  
and are not to be construed as regulation or official Board position.  
DRAFT AGENDA

Included in this document are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Virginia Board for Asbestos, Lead, and Home Inspectors. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2019 session. Any changes made during the 2019 session became effective July 1, 2019, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

## *Code of Virginia*

### Title 54.1, Chapter 5

#### Article 1 General Provisions

#### § 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may

be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § [54.1-1144](#), shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.



"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § [54.1-1100](#). As used in this definition,

"compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. [185](#), [911](#); 1996, cc. [76](#), [176](#), [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#), [527](#).

**§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.**

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 14 members as follows: one shall be a representative of a Virginia-licensed asbestos contractor, one shall be a representative of a Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program, one shall be a member of the Board for Contractors, two shall be Virginia-licensed home inspectors, and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [522](#), [803](#), [835](#); 2016, cc. [161](#), [436](#).

**§ 54.1-501. Powers and duties of the Board.**

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;
7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties; and
8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477; 1993, cc. 499, 660; 1994, cc. [185](#), [911](#); 1995, cc. [543](#), [585](#); 1996, cc. [180](#), [846](#); 1997, cc. [649](#), [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#).

#### **§ 54.1-501.1. Applicability.**

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

1992, c. 52.

**§ 54.1-502. Interdepartmental implementation plan.**

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.

**§ 54.1-503. Licenses required.**

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new

residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.

1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. [185](#), [911](#); 1995, cc. [543](#), [585](#); 1996, cc. [180](#), [846](#); 1997, cc. [560](#), [885](#); 1998, c. [739](#); 2004, c. [133](#); 2009, c. [819](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

**§ 54.1-504. Asbestos supervisor's or worker's license required; exception.**

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § [54.1-501](#).

1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.

**§ 54.1-504.1. Notices for handling asbestos.**

The Department of Professional and Occupational Regulation shall include with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors.

2016, c. [252](#).

**§ 54.1-505. Qualification for an asbestos contractor's license.**

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § [54.1-504](#), ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#).

**§ 54.1-506. Repealed.**

Repealed by Acts 1993, c. 660 .

**§ 54.1-507. Repealed.**

Repealed by Acts 1992, c. 477 .

**§ 54.1-508. Repealed.**

Repealed by Acts 1993, c. 660 .

**§ 54.1-510. Repealed.**

Repealed by Acts 1988, c. 802.

**§ 54.1-511. Repealed.**

Repealed by Acts 1993, c. 660 .

**§ 54.1-512. Exemptions from licensure.**

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ [8.01-195.1](#) et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project or renovation, if all of the asbestos or lead abatement work or renovation is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.

G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.

1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#); 1998, c. [739](#); 2009, c. [819](#).

**§ 54.1-513. Repealed.**

Repealed by Acts 1998, c. 739.

**§ 54.1-514. Award of contracts by state agencies and political subdivisions.**

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. [180](#), [846](#).

**§ 54.1-515. Employer discrimination; penalty.**

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § [54.1-517](#).

1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.

**§ 54.1-516. Disciplinary actions.**

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, renovation contractor, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual

without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.

1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#).

#### **§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing.**

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § [54.1-307.1](#).

2004, c. [222](#).

#### **§ 54.1-517. Penalties for willful violations.**

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, renovators, dust sampling technicians, renovation contractors, and accredited asbestos training programs, accredited lead training programs, accredited renovator training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.



1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2009, c. [819](#).

## **Article 2 Home Inspectors**

### **§ 54.1-517.1 Repealed.**

Repealed by Acts cc. 161 and 436, cl. 2, effective July 1, 2017.

### **§ 54.1-517.2. Requirements for licensure.**

A. The Board shall issue a license to practice as a home inspector in the Commonwealth to:

1. An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or

2. An applicant who has successfully:

a. Completed the educational requirements as required by the Board;

b. Completed the experience requirements as required by the Board; and

c. Passed the examination approved by the Board.

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.

2001, c. [723](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

#### **§ 54.1-517.2:1. Home inspection; required statement related to the presence of yellow shaded corrugated stainless steel tubing.**

A. As used in this section:

"Bonding" means connecting metallic systems to establish electrical continuity and conductivity.

"Corrugated stainless steel tubing" or "CSST" means a flexible stainless steel pipe used to supply natural gas or propane in residential, commercial, and industrial structures.

"Grounding" means connecting to the ground or to a conductive body that extends to ground connection.

B. If a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1, 2008, he shall include that observation in the report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia."

2017, c. [805](#).

DRAFT AGENDA  
Materials contained in this agenda are proposed for discussion  
and are not to be construed as regulation or code.  
DRAFT AGENDA

Virginia Administrative Code  
Title 18. Professional And Occupational Licensing  
Agency 50. Board For Contractors  
Chapter 22. Board for Contractors Regulations

## Part V. Standards of Practice and Conduct

### 18VAC50-22-260. Filing of charges; prohibited acts.

A. All complaints against contractors and residential building energy analyst firms may be filed with the Department of Professional and Occupational Regulation at any time during business hours, pursuant to § 54.1-1114 of the Code of Virginia.

B. The following acts are prohibited acts:

1. Failure in any material way to comply with provisions of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board.
2. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license.
3. Failure of the responsible management, designated employee, or qualified individual to report to the board, in writing, the suspension or revocation of a contractor license by another state or conviction in a court of competent jurisdiction of a building code violation.
4. Publishing or causing to be published any advertisement relating to contracting that contains an assertion, representation, or statement of fact that is false, deceptive, or misleading.
5. Negligence or incompetence in the practice of contracting or residential building energy analyses.
6. Misconduct in the practice of contracting or residential building energy analyses.
7. A finding of improper or dishonest conduct in the practice of contracting by a court of competent jurisdiction or by the board.
8. Failure of all those who engage in residential contracting, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed. For the purposes of this chapter, residential contracting means construction, removal, repair, or improvements to single-family or multiple-family residential buildings, including accessory-use structures as defined in § 54.1-1100 of the Code of Virginia. Prior to commencement of work or acceptance of payments, the contract shall be signed by both the consumer and the licensee or his agent.
9. Failure of those engaged in residential contracting as defined in this chapter to comply

with the terms of a written contract that contains the following minimum requirements:

- a. When work is to begin and the estimated completion date;
  - b. A statement of the total cost of the contract and the amounts and schedule for progress payments including a specific statement on the amount of the down payment;
  - c. A listing of specified materials and work to be performed, which is specifically requested by the consumer;
  - d. A "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating timeframes for payment or performance;
  - e. A statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning;
  - f. Disclosure of the cancellation rights of the parties;
  - g. For contracts resulting from a door-to-door solicitation, a signed acknowledgment by the consumer that he has been provided with and read the Department of Professional and Occupational Regulation statement of protection available to him through the Board for Contractors;
  - h. Contractor's name, address, license number, class of license, and classifications or specialty services;
  - i. A statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties; and
  - j. Effective with all new contracts entered into after July 1, 2015, a statement notifying consumers of the existence of the Virginia Contractor Transaction Recovery Fund that includes information on how to contact the board for claim information.
10. Failure to make prompt delivery to the consumer before commencement of work of a fully executed copy of the contract as described in subdivisions 8 and 9 of this subsection for construction or contracting work.
11. Failure of the contractor to maintain for a period of five years from the date of contract a complete and legible copy of all documents relating to that contract, including the contract and any addenda or change orders.
12. Refusing or failing, upon request, to produce to the board, or any of its agents, any document, book, record, or copy of it in the licensee's possession concerning a transaction covered by this chapter or for which the licensee is required to maintain records.
13. Failing to respond to an agent of the board or providing false, misleading, or incomplete information to an investigator seeking information in the investigation of a complaint filed with the board against the contractor. Failing or refusing to claim certified

mail sent to the licensee's address of record shall constitute a violation of this regulation.

14. Abandonment defined as the unjustified cessation of work under the contract for a period of 30 days or more.

15. The intentional and unjustified failure to complete work contracted for or to comply with the terms in the contract.

16. The retention or misapplication of funds paid, for which work is either not performed or performed only in part.

17. Making any misrepresentation or making a false promise that might influence, persuade, or induce.

18. Assisting another to violate any provision of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or this chapter; or combining or conspiring with or acting as agent, partner, or associate for another.

19. Allowing a firm's license to be used by another.

20. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.

21. Action by the firm, responsible management as defined in this chapter, designated employee or qualified individual to offer, give, or promise anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry.

22. Where the firm, responsible management as defined in this chapter, designated employee or qualified individual has been convicted or found guilty, after initial licensure, regardless of adjudication, in any jurisdiction, of any felony or of any misdemeanor, there being no appeal pending therefrom or the time of appeal having elapsed. Any plea of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt.

23. Failure to inform the board in writing, within 30 days, that the firm, a member of responsible management as defined in this chapter, its designated employee, or its qualified individual has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or of a Class 1 misdemeanor or any misdemeanor conviction for activities carried out while engaged in the practice of contracting.

24. Having been disciplined by any county, city, town, or any state or federal governing body including action by the Virginia Department of Health, which action shall be reviewed by the board before it takes any disciplinary action of its own.

25. Failure to abate a violation of the Virginia Uniform Statewide Building Code, as amended.

26. Failure of a contractor to comply with the notification requirements of the Virginia Underground Utility Damage Prevention Act, Chapter 10.3 (§ 56-265.14 et seq.) of Title 56 of the Code of Virginia (Miss Utility).
27. Practicing in a classification, specialty service, or class of license for which the contractor is not licensed.
28. Failure to satisfy any judgments.
29. Contracting with an unlicensed or improperly licensed contractor or subcontractor in the delivery of contracting services.
30. Failure to honor the terms and conditions of a warranty.
31. Failure to obtain written change orders, which are signed by both the consumer and the licensee or his agent, to an already existing contract.
32. Failure to ensure that supervision, as defined in this chapter, is provided to all helpers and laborers assisting licensed tradesman.
33. Failure to obtain a building permit or applicable inspection, where required.
34. Failure of a residential building energy analyst firm to ensure that residential building energy analyses conducted by the firm are consistent with the requirements set forth by the board, the U.S. Environmental Protection Agency, the U.S. Department of Energy, or the Energy Star Program.
35. Failure of a residential building energy analyst firm to maintain the general liability insurance required in 18VAC50-22-62 C at any time while licensed by the board.
36. Failure of a contractor holding the drug lab remediation specialty to ensure that remediation work conducted by the firm or properly licensed subcontractors is consistent with the guidelines set forth by the U.S. Environmental Protection Agency, Virginia Department of Environmental Quality, Virginia Department of Health, or Virginia Department of Forensic Science.
37. Failure of a contractor to appropriately classify all workers as employees or as independent contractors as provided by law.

**Statutory Authority**

§ 54.1-201 of the Code of Virginia.

**Historical Notes**

Derived from VR220-01-2:1 § 5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006; Volume 29, Issue 3, eff. December 1, 2012; Volume 31, Issue 3, eff. December 1, 2014; Volume 32, Issue 3, eff. January 1, 2016; Volume 34, Issue 6, eff. January 1, 2018; Volume 36, Issue 26, eff. October 1, 2020.

Virginia Administrative Code  
Title 18. Professional And Occupational Licensing  
Agency 50. Board For Contractors  
Chapter 30. Individual License and Certification Regulations

Part V. Standards of Conduct

18VAC50-30-190. Prohibited acts.

Any of the following are cause for disciplinary action:

1. Failure in any material way to comply with provisions of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board;
2. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license or certification card;
3. Where the regulant has failed to report to the board, in writing, the suspension or revocation of a tradesman, liquefied petroleum gas fitter or natural gas fitter provider license, certificate or card, or backflow prevention device worker, water well systems provider, elevator mechanic, or accessibility mechanic certification card, by another state or a conviction in a court of competent jurisdiction of a building code violation;
4. Negligence or incompetence in the practice of a tradesman, liquefied petroleum gas fitter, natural gas fitter provider, backflow prevention device worker, elevator mechanic, accessibility mechanic, water well systems provider, or automatic fire sprinkler inspector;
5. Misconduct in the practice of a tradesman, liquefied petroleum gas fitter, natural gas fitter provider, backflow prevention device worker, elevator mechanic, accessibility mechanic, water well systems provider, or automatic fire sprinkler inspector;
6. A finding of improper or dishonest conduct in the practice of a tradesman, liquefied petroleum gas fitter, natural gas fitter provider, backflow prevention device worker, elevator mechanic, accessibility mechanic, or water well systems provider by a court of competent jurisdiction;
7. For licensed tradesmen, liquefied petroleum gas fitters or natural gas fitter providers performing jobs under \$1,000, or backflow prevention device workers, elevator mechanics, accessibility mechanics, or water well systems providers performing jobs of any amount, abandonment, the intentional and unjustified failure to complete work contracted for, or the retention or misapplication of funds paid, for which work is either not performed or performed only in part (unjustified cessation of work under the contract for a period of 30 days or more shall be considered evidence of abandonment);
8. Making any misrepresentation or making a false promise of a character likely to influence, persuade, or induce;

9. Aiding or abetting an unlicensed contractor to violate any provision of Chapter 1 or Chapter 11 of Title 54.1 of the Code of Virginia or these regulations or combining or conspiring with or acting as agent, partner, or associate for an unlicensed contractor; or allowing one's license or certification to be used by an unlicensed or uncertified individual;
10. Where the regulant has offered, given, or promised anything of value or benefit to any federal, state, or local government employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry;
11. Where the regulant has been convicted or found guilty, after initial licensure or certification, regardless of adjudication, in any jurisdiction of any felony or of a misdemeanor involving lying, cheating or stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession, there being no appeal pending therefrom or the time of appeal having elapsed. Any pleas of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;
12. Having failed to inform the board in writing, within 30 days, that the regulant has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession;
13. Having been disciplined by any county, city, town, or any state or federal governing body for actions relating to the practice of any trade, backflow prevention device work, elevator or accessibility work, or water well systems provider work, which action shall be reviewed by the board before it takes any disciplinary action of its own;
14. Failure to comply with the Virginia Uniform Statewide Building Code (13VAC5-63);
15. Practicing in a classification or specialty service for which the regulant is not licensed or certified;
16. Failure to obtain any document required by the Virginia Department of Health for the drilling, installation, maintenance, repair, construction, or removal of water wells, water well systems, water well pumps, or other water well equipment;
17. Failure to obtain a building permit or applicable inspection where required;
18. Failure to perform a residential building energy analysis consistent with the requirements set forth by the board, the U.S. Environmental Protection Agency, the U.S. Department of Energy, or the Energy Star Program;
19. Failure of a residential building energy analyst to maintain the general liability insurance required in 18VAC50-30-40 I 4; and
20. Failure of a certified automatic fire sprinkler inspector to continually maintain the



certification required in § 54.1-1147 of the Code of Virginia.

**Statutory Authority**

§ 54.1-201 of the Code of Virginia.

**Historical Notes**

Derived from Virginia Register Volume 13, Issue 18, eff. July 1, 1997; amended, Virginia Register Volume 15, Issue 19, eff. July 9, 1999; Volume 23, Issue 12, eff. April 1, 2007; Volume 24, Issue 3, eff. November 15, 2007; Volume 29, Issue 5, eff. January 1, 2013; Volume 30, Issue 6, eff. January 1, 2014; Volume 32, Issue 1, eff. November 1, 2015; Volume 36, Issue 13, eff. April 1, 2020.

DRAFT AGENDA  
Materials contained in this agenda are proposed for discussion  
and are not to be construed as regulation or official Board position.  
DRAFT AGENDA

Virginia Administrative Code  
Title 18. Professional And Occupational Licensing  
Agency 135. Real Estate Board  
Chapter 20. Virginia Real Estate Board Licensing Regulations

Part V. Standards of Practice and Conduct

18VAC135-20-260. Prohibited acts.

The following are prohibited acts:

1. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license;
2. Holding more than one license as a real estate broker or salesperson in Virginia except as provided in this chapter;
3. As a currently licensed real estate salesperson, sitting for the licensing examination for a salesperson's license;
4. As a currently licensed real estate broker, sitting for a real estate licensing examination;
5. Signing an experience verification form without direct supervision or actual knowledge of the applicant's activities as defined in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia or unreasonably refusing to sign an experience verification form;
6. Having been convicted or found guilty regardless of the manner of adjudication in any jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision;
7. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 6 of this section;
8. Having had a license as a real estate broker or real estate salesperson that was suspended, revoked, or surrendered in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction;
9. Failing to inform the board in writing within 30 days of a disciplinary action as stated in subdivision 8 of this section;
10. Having been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act, the Fair Housing Laws of any jurisdiction of the United States, including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed;

11. Actions constituting failing to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public, including but not limited to the following:

- a. A principal broker or supervising broker failing to ensure proper supervision and accountability over the firm's day-to-day financial dealings, escrow account or accounts, and daily operations;
- b. A broker failing to disburse funds from an escrow account according to the regulations or failing to properly retain documents relating to the basis for disbursal;
- c. A broker failing to ensure the licensees for whom the broker has oversight responsibility hold active licenses while practicing real estate;
- d. A broker failing to provide accurate and timely reports to the board about a licensee's compliance with the board's laws and regulations;
- e. A broker failing to have signatory authority on all accounts;
- f. A broker failing to account for or remit any moneys coming into a licensee's possession that belong to another;
- g. A licensee failing to submit to the broker in a timely manner, all earnest money deposits, contracts, listing agreements, deeds of lease, or any other documents for which the broker has oversight responsibility;
- h. A licensee negotiating leases for a third party through an unlicensed firm or without a principal broker;
- i. A licensee operating an unlicensed firm or acting as a principal broker;
- j. A licensee practicing real estate with an inactive or expired license;
- k. A licensee knowingly providing the broker with an earnest money deposit check from an account with insufficient funds;
- l. A licensee allowing unsupervised access to a home without the owner's authorization;
- m. A licensee failing to inform the broker of a transaction; and
- n. A licensee submitting unauthorized altered copies of a contract or contracts to the broker; and

12. Actions constituting engaging in improper, fraudulent, or dishonest conduct, including but not limited to the following:

- a. A licensee attempting to divert commission from the firm or sole proprietorship and direct payment to a licensee or an unlicensed individual who is not a party to the transaction;
- b. A licensee fabricating or altering any document with the intent to mislead;

- c. A licensee signing any documents on a client's behalf without first obtaining a client's proper written permission or authorization to sign said documents on his behalf;
- d. A licensee making an earnest money deposit payable to himself or negotiating the check without written authority;
- e. A licensee misrepresenting ownership of a property;
- f. A licensee submitting copies of the same earnest money deposit check for inclusion with multiple offers;
- g. A licensee entering into agreements to be compensated for real estate services while his license is inactive;
- h. A licensee representing in offers he received the earnest money deposit when he has not or he knows the check is worthless; and
- i. A licensee misrepresenting who is holding the earnest money deposit.

**Statutory Authority**

§§ 54.1-201 and 54.1-2105 of the Code of Virginia.

**Historical Notes**

Derived from VR585-01-1 § 6.7, eff. July 15, 1987; amended, Virginia Register Volume 5, Issue 23, eff. October 1, 1989; Volume 7, Issue 14, eff. May 15, 1991; Volume 8, Issue 13, eff. May 15, 1992; Volume 11, Issue 18, eff. June 28, 1995; Volume 15, Issue 5, eff. January 1, 1999; Volume 19, Issue 12, eff. April 1, 2003; Errata, 19:14 VA.R. 2176, 2177 March 24, 2003; amended, Virginia Register Volume 31, Issue 26, eff. November 1, 2015.

Virginia Administrative Code

Title 18. Professional And Occupational Licensing

Agency 10. Board For Architects, Professional Engineers, Land Surveyors, Certified Interior Designers And Landscape Architects

Chapter 20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations

## Part XII. Standards of Practice and Conduct

### 18VAC10-20-790. Sanctions.

A license, certificate, or registration shall not be sanctioned unless a majority of the eligible voting members of the entire board vote for the action. The board may discipline or sanction any regulant if the board finds that:

1. The regulant failed to maintain good moral character pursuant to the definition in 18VAC10-20-10;
2. The license, certification, or registration was obtained or renewed through fraud or misrepresentation;
3. The regulant has been found guilty by the board, or by a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted, pleaded guilty or has been found guilty, regardless of adjudication or deferred adjudication, of any felony or misdemeanor that, in the judgment of the board, adversely affects the regulant's ability to perform satisfactorily within the regulated discipline. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The board shall review the conviction pursuant to the provisions of § 54.1-204 of the Code of Virginia;
4. The regulant is guilty of professional incompetence, negligence, or gross negligence;
5. The regulant has abused drugs or alcohol to the extent that professional competence is adversely affected;
6. The regulant fails to comply, or misrepresents any information pertaining to their compliance, with any of the continuing education requirements as contained in this chapter;
7. The regulant violates any standard of practice and conduct as defined in this chapter; or
8. The regulant violates or induces others to violate any provision of Chapters 7 (§ 13.1-542.1 et seq.) and 13 (§ 13.1-1100 et seq.) of Title 13.1 or Chapters 1 (§ 54.1-100 et seq.) through 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, or any other statute applicable to the practice of the professions regulated by this chapter.

#### Statutory Authority

§§ 54.1-201 and 54.1-404 of the Code of Virginia.

**Historical Notes**

Derived from VR130-01-2 § 12.11, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 23, Issue 1, eff. February 1, 2007; Volume 25, Issue 12, eff. April 1, 2009; Volume 32, Issue 6, eff. January 1, 2016.

DRAFT AGENDA  
Materials contained in this agenda are proposed topics for discussion  
and are not to be construed as regulation or official Board position.  
DRAFT AGENDA

1 **Project 6496 - NOIRA**

2 **Virginia Board For Asbestos, Lead, And Home Inspectors**

3 **2020-2021 General Review of Home Inspector Licensing Regulations**

4 Chapter 40

5 Home Inspector Licensing Regulations

6 Part I

7 General

8 **18VAC15-40-10, Definitions.**

9 A. Section 54.1-500 of the Code of Virginia provides definitions of the following terms and  
10 phrases as used in this chapter:

11 "Board"

12 "Home inspection"

13 "Home inspector"

14 "Person"

15 "Residential building"

16 B. Section 54.1-517.2:1 of the Code of Virginia provides definitions of the following terms and  
17 phrases as used in 18VAC15-40-130:

18 "Bonding"

19 "Corrugated stainless steel tubing"

20 "Grounding"

21 C. The following words and terms when used in this chapter shall have the following meanings  
22 unless a different meaning is provided or is plainly required by the context:

23 "Address of record" means the mailing address designated by the licensee to receive notices  
24 and correspondence from the board.

25 "Adjacent" means adjoining or within three feet of the residential building and that may affect  
26 the residential building.

27 "Applicant" means an individual who has submitted an application for licensure.

28 "Application" means a completed, board-prescribed form submitted with the appropriate fee  
29 and other required documentation.

30 "Client" means a person who engages the services of a home inspector for a home inspection.

31 "Compensation" means the receipt of monetary payment or other valuable consideration for  
32 services rendered.

33 ~~"Component" means a part of a system.~~

34 "Contact hour" means 50 minutes of participation in a structured training activity.

35 "CPE" means continuing professional education.

36 "Department" means the Department of Professional and Occupational Regulation.

37 "Describe" means to report a system or component by its type or other observed significant  
38 characteristics to distinguish it from other systems or components.

39 "Direct supervision" means a licensed home inspector being physically present on the  
40 premises at all times and the same is at all times responsible for compliance with this chapter.

41 "Financial interest" means financial benefit accruing to an individual or to a member of his  
42 immediate family. Such interest shall exist by reason of (i) ownership in a business if the  
43 ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds



44 or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property  
45 or a business; (iii) salary, other compensation, fringe benefits, forgiveness of debt, or benefits  
46 from the use of property, or any combination of it, paid or provided by a business person that  
47 exceeds or may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or  
48 personal property if the interest exceeds \$1,000 in value and excluding ownership in business,  
49 income, salary, other compensation, fringe benefits, or benefits from the use of property; (v)  
50 personal liability incurred or assumed on behalf of a business if the liability exceeds 3.0% of the  
51 asset value of the business; or (vi) an option for ownership of a business, real property, or  
52 personal property if the ownership interest will consist of clause (i) or (iv) of this definition.

53 "Fireplace" means an interior fire-resistant masonry permanent or prefabricated fixture that  
54 can be used to burn fuel and is either vented or unvented assembly consisting of a hearth and  
55 fire chamber of noncombustible material provided with a chimney, for use with solid fuel.

56 "Foundation" means the element of a structure that connects to the ground and transfers loads  
57 from the structure to the ground. Foundations may be shallow or deep.

58 "Licensee" means a home inspector as defined in Chapter 5 (§ 54.1-500 et seq.) of Title 54.1  
59 of the Code of Virginia.

60 "Licensure" means a method of regulation whereby the Commonwealth, through the issuance  
61 of a license, authorizes a person possessing the character and minimum skills to engage in the  
62 practice of a profession or occupation that is unlawful to practice without such license.

63 "New residential structure" or "NRS" means a residential structure for which the first  
64 conveyance of record title to a purchaser has not occurred or the purchaser has not taken  
65 possession, whichever occurs later.

66 "NRS specialty" means a designation granted by the board to a home inspector that  
67 authorizes such ~~individual licensee~~ to conduct ~~a home inspections~~ inspection on any a new  
68 residential structure.

69 "Outbuilding" means any structure on the property that is more than three feet from the  
70 residential building and that may affect the residential building.

71 ~~"Prelicense education course" means an instruction program approved by the board and is~~  
72 ~~one of the requirements for licensure effective July 1, 2017.~~

73 "Qualifying experience" means the experience used by a home inspector applicant to qualify  
74 for licensure.

75 "Readily accessible" means available for access without requiring moving or removing of any  
76 obstacles.

77 "Reinstatement" means the process and requirements through which an expired license can  
78 be made valid without the licensee having to apply as a new applicant.

79 "Renewal" means the process and requirements for periodically approving the continuance of  
80 a license.

81 "Residential structure" means a structure consisting of no more than two dwelling units or a  
82 townhouse.

83 ~~"Solid fuel burning appliances" means a hearth and fire chamber or similarly prepared place~~  
84 ~~in which a fire may be built and that is built in conjunction with a chimney, or a listed assembly of~~  
85 ~~a fire chamber, its chimney and related factory made parts designed for unit assembly without~~  
86 ~~requiring field construction~~ chimney-connected devices that burn solid fuel for purposes of  
87 heating, cooking, or both. Such appliances include wood stoves, fireplace wood burning inserts,  
88 wood pellet burning appliances or similar solid fuel burning devices.

89 "System" means a combination of interacting or interdependent components, assembled to  
90 carry out one or more functions.

91 "Virginia Residential Code" means the provisions of the Virginia Construction Code (Part I  
92 (13VAC5-63-10 et seq.) of 13VAC5-63) applicable to R-5 residential structures and that includes  
93 provisions of the International Residential Code as amended by the Board of Housing and  
94 Community Development.

95 **18VAC15-40-20. Necessity for licensure.**

96 A. It shall be unlawful for any individual who does not possess a license as a home inspector  
97 issued by the board to perform a home inspection for compensation on a residential building.

98 B. A home inspection on a new residential structure, to include any course of construction  
99 inspection, shall only be conducted by a home inspector with the NRS specialty and who has  
100 completed a training module on the Virginia Residential Code.

101 C. An individual who does not hold a license as a home inspector and who is only conducting  
102 inspections of a component or system of a residential building is not considered to be performing  
103 a home inspection.

104 Part II  
105 Entry

106 **18VAC15-40-25. Application procedures.**

107 A. All applicants seeking licensure shall must submit an application with the appropriate fee  
108 specified in 18VAC15-40-50. Application shall will be made on forms provided by the board or its  
109 agent.

110 1. By submitting the application to the department, the applicant certifies that the applicant  
111 has read and understands the applicable statutes and the board's regulations.

**Commented [VP1]:** Derived from Board's guidance document effective August 17, 2017.

112 2. The receipt of an application and the deposit of fees by the board do not indicate  
113 approval of the application by the board.

114 B. The board may make further inquiries and investigations with respect to the applicant's  
115 qualifications to confirm or amplify information supplied. All applications ~~shall~~ must be completed  
116 in accordance with the instructions contained in this section and on the application. Applications  
117 will not be considered complete until all required documents are received by the board.

118 C. The applicant will be notified within 30 days of the board's receipt of an initial application if  
119 the application is incomplete. An individual who fails to complete the application process within  
120 12 months of receipt of the application in the board's office must submit a new application.

121 D. The applicant ~~shall~~ must immediately report all changes in information supplied with the  
122 application, if applicable, prior to issuance of the license or expiration of the application.

123 **18VAC15-40-30. General requirements for licensure.**

124 A. In addition to the provisions of 18VAC15-40-32, every applicant for a home inspector  
125 license ~~shall~~ must meet the requirements provided in this section.

126 B. The applicant ~~shall~~ must be at least 18 years old.

127 C. The applicant ~~shall~~ must provide a mailing address, which ~~shall~~ will serve as the address  
128 of record. A post office box is only acceptable as the address of record when a physical address  
129 is also provided.

130 D. In accordance with § 54.1-204 of the Code of Virginia, each applicant ~~shall~~ must disclose  
131 the following information:

132 1. All misdemeanor convictions ~~involving moral turpitude, sexual offense, drug distribution,~~  
133 ~~or physical injury~~ within ~~five~~ three years of the date of the application; and

134 2. All felony convictions ~~during his lifetime.~~

135 Any plea of nolo contendere ~~shall~~ will be considered a conviction for the purposes of this  
136 section. The record of conviction received from a court ~~shall~~ will be accepted as prima facie  
137 evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any  
138 applicant in accordance with § 54.1-204 of the Code of Virginia.

139 E. The applicant for licensure ~~shall~~ must be in compliance with the standards of conduct and  
140 practice set forth in Part V (18VAC15-40-140 et seq.) of this chapter at the time of application,  
141 while the application is under review by the board, and at all times when the license is in effect.

142 F. The applicant ~~shall~~ must report any ~~suspension, revocation, or surrender of a license,~~  
143 ~~certification, or registration in connection with a disciplinary action or a license, certification, or~~  
144 ~~registration that has been the subject of discipline in any jurisdiction prior to applying for licensure~~  
145 action taken by any board or administrative body in any jurisdiction against a professional or  
146 occupational license, certification, or registration issued to the applicant, to include any  
147 suspension, revocation, or surrender of a license, certification, or registration, imposition of a  
148 monetary penalty, or requirement to take remedial education or other corrective action. The board,  
149 in its discretion, may deny licensure to any applicant ~~based on prior suspensions, revocations, or~~  
150 ~~surrender of licenses based on disciplinary action by~~ for any prior action taken by any board or  
151 administrative body in any jurisdiction. The applicant has the right to request further review of any  
152 such action by the board under the Administrative Process Act (§ [2.2-4000](#) et seq. of the Code of  
153 Virginia).

154 G. The applicant for licensure ~~shall~~ must submit evidence satisfactory to the board of having  
155 obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business  
156 liability insurance policy or a commercial general liability insurance policy with minimum limits of  
157 \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an  
158 additional insured. If for any reason the board cannot reasonably ensure that the applicant is  
159 sufficiently covered in accordance with this subsection, the board may require that requisite

160 coverage be obtained in the name of the applicant. Proof of such insurance policy must be  
161 submitted in order to obtain the license.

162 **18VAC15-40-32. Qualifications for licensure.**

163 ~~A. An applicant for licensure as a home inspector shall must furnish documentation acceptable~~  
164 ~~to the board that one of the qualifications for licensure in Table 1 has been met. of the following:~~

**Commented [VP2]:** Option #3 as revised following discussion during Committee meeting held on February 3, 2021.

	Board-approved prelicense education course contact hours	Experience	Passed the board- approved examination
1.	35	Completion of 100 home inspections prior to July 1, 2017	Yes
2.	35	Completion of 50 home inspections under the direct supervision of a home inspector	Yes
3.	70	Completion of 50 home inspections prior to July 1, 2017	Yes
4.	70	Completion of 25 home inspections under the direct supervision of a home inspector	Yes
5.	None	Verification of 10 years' experience as a home inspector prior to July 1, 2017, with a minimum of 250 home inspections completed during such time period	Yes

165 ~~B. Prelicense education courses must be approved by the board pursuant to Part VI~~  
166 ~~(18VAC15-40-120 et seq.) of this chapter. No more than half of the required hours may be~~  
167 ~~completed using distance or online education technology.~~

168 ~~C. Verification of home inspections completed under the direct supervision of a home~~  
169 ~~inspector must be provided by an individual who was properly licensed or certified by the board~~  
170 ~~during the applicable time period.~~

171 ~~D. The National Home Inspector Examination provided by the Examination Board of~~  
 172 ~~Professional Home Inspectors is the board-approved examination pursuant to § 54.1-517.2 A 2 c~~  
 173 ~~of the Code of Virginia.~~

174 1. The applicant has passed a board-approved examination. The National Home Inspector  
 175 Examination provided by the Examination Board of Professional Home Inspectors is the  
 176 board-approved examination pursuant to § 54.1-517.2 A 2 c of the Code of Virginia.

177 2. A minimum of 20 qualifying points from a combination of the following education and  
 178 experience, with a minimum of five (5) points from each category in Tables 1 and 2. An  
 179 applicant cannot be assigned points from multiple areas in each table for the same activity  
 180 for which credit is being sought.

**TABLE 1**

**Qualifying Points Table: Education Category**

<b>Points Assigned</b>	<b>Education Description</b>
<u>5</u>	<u>Successfully completed a 3-credit hour minimum class with a passing grade in home inspection from an accredited college or university pursuant to 18VAC15-40-32.2</u>
<u>1</u>	<u>Successfully completed a 3-credit hour minimum class with a passing grade in construction, remodeling, engineering, architecture, building design, building technology, or real estate from an accredited college or university pursuant to 18VAC15-40-32.2</u>
<u>1</u>	<u>Successfully completed a 4-hour course specific to home inspection contracts, home inspection reports, or topics covered on the board-approved examination</u>
<u>5</u>	<u>Successfully completed a minimum 35-hour pre-license education course approved by the Board in accordance with Part VI (18VAC15-40-120 et seq.) of this chapter</u>
<u>10</u>	<u>Successfully completed a minimum 70-hour pre-license education course approved by the Board in accordance with Part VI (18VAC15-40-120 et seq.) of this chapter</u>

**TABLE 2**

**Qualifying Points Table: Experience Category**

<b>Points Assigned</b>	<b>Experience Description</b>
------------------------	-------------------------------

<u>2</u>	One month of full-time qualifying experience pursuant to 18VAC15-40-32.1
<u>2</u>	Completion of 10 home inspections under the direct supervision of a home inspector or without supervision if lawfully conducted
<u>2</u>	Membership in a home inspector trade or professional association
<u>2</u>	One year teaching at an accredited college or university, trade school, or private business for monetary compensation in construction, remodeling, engineering, architecture, building design, building technology, real estate, or home inspections
<u>2</u>	The qualified individual of a contractor license issued pursuant to Chapter 11 of Title 54.1 of the Code of Virginia for one or more of the following classifications or specialty services: 1. Residential Building Contractors (RBC) 2. Home Improvement Contracting (HIC) 3. Commercial Building Contractors (CBC) 4. Commercial Improvement Contracting (CIC)
<u>2</u>	Architect or professional engineer licensed pursuant to Chapter 4 of Title 54.1 of the Code of Virginia
<u>2</u>	Building code official certified pursuant to the Department of Housing and Community Development Virginia Certification Standards (13VAC5-21-10 et seq. of the Virginia Administrative Code)

181 **18VAC15-40-32.1. Qualifying experience.**

182 In order to be acceptable, qualifying experience must meet all of the following:

- 183 1. Experience must be verified by one or more of the following: licensed home inspector;  
184 qualified individual or responsible manager of a licensed contractor; or any combination  
185 of at least three licensed real estate professionals or clients.
- 186 2. An applicant's experience must have been gained by assisting a properly licensed or  
187 certified home inspector, as applicable, and under such home inspector's direct  
188 supervision; or through the performance of home inspections as authorized under the laws  
189 of the applicable jurisdiction.
- 190 3. For the purposes of this part, experience requirements are expressed in terms of  
191 calendar periods of full-time employment.



192 a. A month of full-time qualifying experience is a minimum of 146 hours during a one-  
193 month period or a minimum of 18 workdays in a one-month period. More than 146  
194 hours or 18 workdays during a one-month period will not be considered as more than  
195 one month of full-time employment.

196 b. Partial credit may be given for actual hours of qualifying experience if the applicant's  
197 experience was gained working less than full time.

198 **18VAC15-40-32.2. Accredited colleges or universities and verification procedures.**

199 A. An applicant seeking to qualify for licensure based on completion of a class from an  
200 accredited college or university must submit an official transcript from the school where the  
201 applicable class was completed. Only classes from an accredited college or university that is  
202 approved or accredited by the Commission on Colleges of the Southern Association of Colleges  
203 and Schools, a regional or national accreditation association, or by an accrediting agency that is  
204 recognized by the U.S. Secretary of Education will be considered.

205 B. An applicant seeking to qualify for licensure based on working or teaching at an accredited  
206 college or university must submit evidence satisfactory to the board of employment by the college  
207 or university. Only employment with an accredited college or university that is approved or  
208 accredited by the Commission on Colleges of the Southern Association of Colleges and Schools,  
209 a regional or national accreditation, or by an accrediting agency that is recognized by the U.S.  
210 Secretary of Education will be considered.

211 **18VAC15-40-33. Examination conduct.**

212 Procedures and appropriate conduct established by the board or examination organization  
213 administering the examination approved by the board, or both, ~~shall~~ must be followed by the  
214 applicant. Such procedures ~~shall~~ include written instructions communicated prior to the  
215 examination date and instructions communicated at the site, either written or oral, on the date of

216 the examination. Failure to comply with all procedures established by the board or the  
217 examination organization with regard to conduct at the examination ~~shall~~ will be grounds for denial  
218 of the application.

219 **18VAC15-40-34. Individuals certified or licensed in another jurisdiction; equivalency to**  
220 **Virginia home inspector requirements.**

221 A. The board may waive the requirements of 18VAC15-40-32 for an applicant who holds an  
222 active, current license or certificate as a home inspector in another state, the District of Columbia,  
223 or any other territory or possession of the United States provided the requirements and standards  
224 under which the license or certificate was issued are substantially equivalent to those established  
225 in this chapter.

226 B. In considering qualifications pursuant to 18VAC15-40-32, the board may consider  
227 experience gained under a licensed (however denominated) home inspector in another state  
228 provided the requirements and standards under which the home inspector was licensed are  
229 substantially equivalent to those established in this chapter.

230 **18VAC15-40-35. Qualifications for the new residential structure specialty.**

231 To obtain the NRS specialty, the applicant ~~shall~~ must submit the appropriate application form  
232 and fee pursuant to 18VAC15-40-50 and meet the following qualifications:

233 1. Hold a current and valid home inspector license. An applicant who does not hold a  
234 current and valid home inspector license ~~shall~~ must apply for such licensure and meet the  
235 requirements contained in 18VAC15-40-30 and 18VAC15-40-32.

236 2. Submit proof of successful completion of an NRS training module approved by the board  
237 pursuant to Part VI (18VAC15-40-120 et seq.) of this chapter and completed no more than  
238 two years prior to the date of application.

239 **18VAC15-40-45. Application denial.**

240 The board may refuse initial licensure due to an applicant's failure to comply with entry  
 241 requirements or for any of the reasons it may discipline a licensee. The applicant has the right to  
 242 request further review of any such action by the board under the Administrative Process Act (§  
 243 2.2.-4000 et seq. of the Code of Virginia).

244 **18VAC15-40-48. General fee requirements.**

245 All fees are nonrefundable and ~~shall~~ will not be prorated. The date on which the fee is received  
 246 by the department or its agent will determine whether the fee is on time. Checks or money orders  
 247 ~~shall~~ must be made payable to the Treasurer of Virginia.

248 **18VAC15-40-50. Fees.**

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application
Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

249 For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees  
 250 shall be as follows:

Home inspector renewal	\$25
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Home inspector with NRS specialty renewal	\$50
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251 For reinstatement applications received after March 1, 2018, and on or before February 29,  
 252 2020, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

253 For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees  
 254 shall be as follows:

Home inspector renewal	\$40
Home inspector with NRS specialty renewal	\$80

255 For reinstatement applications received after March 1, 2020, and on or before February 28,  
 256 2022, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$120
Home inspector with NRS specialty reinstatement	\$160

257 Part III  
 258 Renewal and Reinstatement of License

259 **18VAC15-40-60. Renewal required.**

260 Licenses issued under this chapter ~~shall~~ will expire two years from the last day of the month  
 261 in which they were issued.

262 **18VAC15-40-72. Continuing professional education required for home inspector licensure.**

263 A. Each licensee ~~shall have completed~~ must complete 16 contact hours of continuing  
 264 professional education (CPE) during each license renewal cycle. CPE can be met through  
 265 classroom instruction, distance learning, or online education technology.

266 B. Notwithstanding the provisions of 18VAC15-40-75, the subject matter addressed during  
267 CPE contact hours shall be limited to the content areas covered by the board's approved  
268 examination.

269 C. The licensee shall will not receive CPE credit for the same training course more than once  
270 during a single license renewal cycle.

271 D. A licensee who completes the initial training module required by 18VAC15-40-35 to obtain  
272 an NRS specialty may count completion of the module towards the required 16 hours of CPE  
273 credit for that renewal cycle.

274 **18VAC15-40-73. Acceptable topics for continuing professional education.**

275 **A. The following topics will be accepted for CPE credit, all as related to home inspection**

276 **services:**

277 **1. Site conditions;**

278 **2. Exterior components;**

279 **3. Roof components;**

280 **4. Structural components;**

281 **5. Electrical systems;**

282 **6. Cooling systems;**

283 **7. Heating systems;**

284 **8. Insulation, moisture management systems, and ventilation systems;**

285 **9. Mechanical exhaust systems;**

286 **10. Plumbing systems;**

287 **11. Interior components;**

**Commented [VP3]:** New section added to provide guidance regarding acceptable CPE for license renewal.

- 288 12. Fireplaces, fuel-burning appliances, chimney, and vent systems;
- 289 13. Common permanently-installed kitchen appliances;
- 290 14. Home inspection reporting requirements;
- 291 15. Responsibilities to the client, including required home inspection contract elements;
- 292 and
- 293 16. Laws and regulations applicable to the profession.

294 B. In addition to the topics provided in subsection A, a licensee may receive a maximum of

295 four contact hours of CPE credit for completion of training required to maintain credentials,

296 however denominated, related to home inspection services.

297 C. A licensee may apply completion of the NRS CPE course, as applicable, toward the 16

298 contact hours of CPE required for license renewal.

299 **18VAC15-40-75. Board-approved new residential structure update continuing professional**

300 **education course required to maintain new residential structure specialty.**

301 A. In addition to the CPE requirements of 18VAC15-40-72, to maintain the NRS specialty, the

302 licensee shall ~~must~~ submit proof of completion of a four-hour, board-approved NRS CPE course,

303 which can be applied toward the 16 contact hours of CPE required for the license renewal.

304 B. A licensee who has taken the initial NRS training module pursuant to subdivision 2 of

305 18VAC15-40-35 no more than one year before the expiration date on the license will not require

306 proof of the NRS CPE course for that renewal. All other requirements for renewal must be met in

307 order to renew the license and the home inspector is still required to have completed all other

308 CPE requirements pursuant to this chapter.

**Commented [VP4]:** Provide avenue for licensees with other home inspection related credentials, such as radon certification or asbestos/lead inspector licenses to use some training toward qualification for renewal.

**Commented [VP5]:** This provision was moved to the new proposed Section -73.

309 **18VAC15-40-76. Continuing professional education for instructors.**

310 A licensee may receive CPE credit for teaching a course that otherwise meets the  
311 requirements of this chapter; however, additional credit ~~shall~~ will not be given for subsequent  
312 offerings of a course or activity with the same content within the same licensing cycle. In addition,  
313 a licensee may receive two hours of CPE no more than once during a single licensing cycle for  
314 the initial development or substantial updating of a CPE course.

315 **18VAC15-40-78. Maintenance of continuing professional education records.**

316 A. Each licensee ~~shall~~ must maintain evidence of the satisfactory completion of CPE for at  
317 least three years following the end of the license renewal cycle for which the CPE was taken.  
318 Such documentation ~~shall~~ must be provided to the board or its duly authorized agents upon  
319 request. The following ~~shall~~ will be maintained by the licensee to document completion of the  
320 hours of CPE specified in 18VAC15-40-72:

- 321 1. Evidence of completion that ~~shall contain~~ that contains the name, address, and  
322 telephone number of the training provider;
- 323 2. The dates the applicant participated in the training;
- 324 3. Descriptive material of the subject matter presented documenting that it covers the  
325 content areas covered by the board's examination; and
- 326 4. A statement from the provider verifying the number of CPE contact hours completed.

327 B. The board may conduct an audit of its licensees to ensure compliance with the applicable  
328 CPE requirements. Licensees who are selected for audit ~~shall~~ must provide the necessary  
329 documentation stipulated in this section.

330 C. The licensee may request additional time to meet the CPE requirement; however, CPE  
331 hours earned during a license renewal cycle to satisfy the CPE requirement of the preceding  
332 license renewal cycle ~~shall~~ will be valid only for that preceding license renewal cycle.

333 **18VAC15-40-80. Procedures for renewal.**

334 A. Prior to the expiration date shown on the license, the board ~~shall~~ will mail a renewal notice  
335 to the licensee's address of record.

336 B. Prior to the expiration date shown on the license, ~~the~~ a licensee desiring to renew his  
337 license ~~shall~~ must return to the board ~~the renewal notice~~ (i) a completed renewal application, (ii)  
338 proof of insurance required by 18VAC15-40-30, (iii) proof of completion of CPE, in accordance  
339 with 18VAC15-40-72, and (iv) the appropriate fee specified in 18VAC15-40-50.

340 ~~C. Prior to the expiration date shown on the license~~ In addition to the requirements of  
341 subsection B of this section, a licensee with the NRS specialty must submit proof of completion  
342 of four hours of board-approved NRS CPE, in accordance with 18VAC15-40-75, ~~along with the~~  
343 ~~renewal notice and the appropriate fee specified in 18VAC15-40-50.~~

344 D. Failure to receive the renewal notice does not relieve the licensee of the obligation to  
345 renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted  
346 with the required fee and any other required documentation as an application for renewal. The  
347 date on which the renewal application is received by the department or its agent will determine  
348 whether the renewal application was received on time.

349 E. By submitting the renewal application, the licensee is affirming that the CPE requirements  
350 of 18VAC15-40-72 have been met, and he is in continued compliance with this chapter.



351 **18VAC15-40-90. Reinstatement.**

352 A. If the requirements for renewal of a license, as provided in 18VAC15-40-80, are not  
353 completed by the licensee within 30 days after the expiration date on the license, reinstatement  
354 of the license ~~shall~~ will be required.

355 B. All applicants for reinstatement ~~shall~~ must meet all requirements set forth in 18VAC15-40-  
356 30, 18VAC15-40-72, and 18VAC15-40-75, as applicable.

357 C. A license may be reinstated for up to two years following the expiration date upon submittal  
358 of the reinstatement application consisting of (i) payment of the reinstatement fee, (ii) proof of  
359 insurance required by 18VAC15-40-30, (iii) proof of CPE in accordance with 18VAC15-40-72, and  
360 (iv) proof of CPE to maintain the NRS specialty, if applicable. After two years, the license ~~shall~~  
361 will not be reinstated under any circumstances, and the individual ~~shall~~ must apply as a new  
362 applicant and meet entry requirements current at the time of submittal of the new application.

363 D. By submitting the reinstatement application, the individual is affirming that he is in continued  
364 compliance with this chapter.

365 **18VAC15-40-105. Status of licensee during the period prior to reinstatement.**

366 A. A licensee who reinstates his license ~~shall~~ will be regarded as having been continuously  
367 licensed without interruption; ~~and shall~~ will remain under the disciplinary authority of the board  
368 during this entire period; and ~~shall~~ will be held accountable for his activities during this period.

369 B. Any regulated activity conducted subsequent to the license expiration date may constitute  
370 unlicensed activity and be subject to prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title  
371 54.1 of the Code of Virginia.

372 **18VAC15-40-107. Board discretion to deny renewal or reinstatement.**

373 The board may deny renewal or reinstatement of a license for the same reasons as the board  
374 may refuse initial licensure or discipline a licensee. The licensee has the right to request further  
375 review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq.  
376 of the Code of Virginia).

377 **~~18VAC15-40-108. License renewal or reinstatement after July 1, 2017. (Repealed.)~~**

378 ~~A license eligible for renewal or reinstatement on or after July 1, 2017, shall be required to~~  
379 ~~meet the requirements of this part as amended effective July 1, 2017, upon submittal of the~~  
380 ~~renewal or reinstatement application, as applicable.~~

1 Project 6496 - NOIRA

2 Virginia Board For Asbestos, Lead, And Home Inspectors

3 2020-2021 General Review of Home Inspector Licensing Regulations

4 Chapter 40

5 Home Inspector Licensing Regulations

6

7 Part IV

8 Minimum Standards for Conducting Home Inspections

9 **18VAC15-40-120. Home inspection contract.**

10 A. For the protection of both the client and the licensee, both parties ~~shall~~ must sign a legible,  
11 written contract clearly specifying the terms, conditions, and limitations and exclusions of the work  
12 to be performed. Prior to the commencement of work or acceptance of payments, the contract  
13 must be signed by both the client, or the client's authorized representative, and the licensee. The  
14 licensee must make prompt delivery to the client, or client's authorized representative, a fully  
15 executed copy of the contract in compliance with this section before work begins. Any modification  
16 to the contract, which changes the cost, scope of work to be performed, or estimated completion  
17 date, must be in writing and signed by all parties.

18 B. At a minimum, the written contract ~~shall~~ must include:

19 1. ~~Name, business name (if applicable), business address, and telephone number of the~~  
20 ~~home inspector.~~ The following information applicable to the home inspector:

21 a. Name;

22 b. Business name, if applicable;

- 23 c. Address;
- 24 d. Telephone number, email address, or other contact information, as applicable; and
- 25 e. License number and notation of NRS specialty, if applicable.
- 26 ~~2. License number of the home inspector, and notation of NRS specialty, if applicable.~~
- 27 ~~3. 2. Name of the clients client.~~
- 28 ~~4. 3. Physical address of the residential property building or NRS to be inspected.~~
- 29 ~~5. 4. Cost of the home inspection.~~
- 30 ~~6. 5. A listing of all areas and systems to be inspected, including those inspections that~~
- 31 ~~are either partial or limited in scope.~~
- 32 ~~7. 6. A statement in the contract that the home inspection does not include a review for~~
- 33 ~~compliance with regulatory requirements (Virginia Uniform Statewide Building Code or~~
- 34 ~~other codes, regulations, laws, ordinances, etc.).~~
- 35 ~~8. To the extent that any of the following categories are not covered by the home~~
- 36 ~~inspection, they shall be noted as exclusions in the inspection contract 7. A statement~~
- 37 ~~disclosing any exclusions to the home inspection. Such exclusions may include the~~
- 38 ~~following:~~
- 39 a. The condition of systems or components that are not readily accessible.
- 40 b. The remaining life of any system or component.
- 41 c. The strength, adequacy, effectiveness, or efficiency of any system or component.
- 42 d. The causes of any condition or deficiency.
- 43 e. The methods, materials, or costs of corrections.
- 44 f. Future conditions including failure of systems and components.

**Commented [VP1]:** This provision appears to be unnecessary since a contract must specify any exclusions or limitations to the home inspection.

- 45 g. The suitability of the property for any specialized use.
- 46 h. The market value of the property or its marketability.
- 47 i. The advisability of the purchase of the property.
- 48 j. The presence of diseases harmful to humans or potentially hazardous plants or
- 49 animals including wood destroying organisms and mold.
- 50 k. The presence of any environmental hazards including toxins, carcinogens, noise,
- 51 asbestos, lead-based paint, mold, radon, and contaminates in soil, water, and air.
- 52 l. The effectiveness of any system installed or methods utilized to control or remove
- 53 suspected hazardous substances.
- 54 m. The operating costs of systems or components.
- 55 n. The acoustical properties of any system or component.
- 56 o. The presence of components involved in manufacturer's recalls.
- 57 p. The inspection of outbuildings.

58 ~~To the extent any other items are not specifically included in the home inspection by~~

59 ~~agreement of the parties, they shall also be noted as exclusions in the home inspection~~

60 ~~contract.~~

61 ~~9. 8. Estimated delivery date of the home inspection report to the client of the home~~

62 ~~inspection report.~~

63 ~~10. 9. Dated signatures of both the home inspector and the client or the client's authorized~~

64 ~~representative.~~

65 10. A statement providing that any modification to the contract, which changes the cost,

66 scope of work to be performed, or estimated completion date, must be in writing and

67 signed by all parties.

68 11. Disclosure of the cancellation rights of the parties.

69 12. A general statement on the limits of the home inspector's liability.

**Commented [VP2]:** Additional disclosures.

70 C. The home inspection contract ~~shall~~ must make written disclosure that the home inspection  
71 report is (i) based upon visual observation of existing conditions of the inspected ~~property~~  
72 residential building or NRS at the time of the inspection, and ~~is~~ (ii) not intended to be, or to be  
73 construed as, a guarantee, warranty, or any form of insurance. This provision does not prevent a  
74 home inspector from offering a separate guarantee, warranty, or any form of insurance if he so  
75 chooses.

76 D. If the home inspector recommends a person to the client for repairs or modifications to the  
77 inspected property, the home inspector shall disclose to the client all financial interests that the  
78 home inspector has with the recommended person. The disclosure shall be written within the  
79 home inspection contract The home inspection contract must disclose any financial interest that  
80 the licensee has or reasonably expects to have with any person whom the licensee recommends  
81 to the client for the repairs or modifications to the residential building or NRS.

**Commented [VP3]:** Revised so that requirement is consistent with that outlined in 18VAC15-40-140.3.

82 E. If the home inspector has designed or performed repairs or modifications to the residential  
83 building or NRS to be inspected within the preceding 12 months, the home inspection contract  
84 must disclose to the client the specifics of the repairs or modifications he designed or performed.

**Commented [VP4]:** Added to incorporate the contract requirement outlined in 18VAC15-40-140.2.

85 **18VAC15-40-130. Home inspection report.**

86 A. A home inspection report is a written evaluation of the readily accessible components of a  
87 residential building or NRS, including heating, cooling, plumbing, and electrical systems; structural  
88 components; foundation; roof; masonry structure; exterior and interior components; and other  
89 related residential housing components.

**Commented [VP5]:** Incorporates description of written evaluation detailed in the definition of "home inspection" in § 54.1-500.

90 A. B. Home inspection reports ~~shall~~ must contain:

91 1. Information pertaining to the licensee, including:

- 92 a. Licensee's name Name;
- 93 b. ~~Business address~~ Address;
- 94 c. Telephone number, email address, or other contact information, as applicable; and
- 95 d. License number and expiration date, to be followed by "NRS" if so designated and
- 96 performing a home inspection on a new residential structure;
- 97 2. The name, and address, and telephone number of the client or the client's authorized
- 98 representative, if available at the time of the inspection;
- 99 3. The physical address of the residential ~~property~~ building or NRS inspected; and
- 100 4. The date; time ~~(to include both start and finish times of the home inspection)~~; and
- 101 weather conditions at the time of the home inspection.

**Commented [VP6]:** Discuss reason for this provision, and if there are any other conditions that should be noted.

102 ~~B. C.~~ In conducting a home inspection and reporting its findings, the home inspector, ~~at a~~

103 ~~minimum, shall must~~ inspect the condition of and ~~shall must~~ describe in writing the composition

104 ~~or and~~ characteristics of the following readily accessible components and readily observable

105 defects of the residential building or NRS, except as may be limited ~~in~~ by the home inspection

106 contract ~~agreement~~:

- 107 1. Structural system.
- 108 a. Foundation.
- 109 b. Framing.
- 110 c. Stairs.
- 111 d. Crawl space, ~~the~~ The method of inspecting the crawl space shall must be noted
- 112 and explained ~~in the home inspection report. If the crawl space cannot be inspected,~~
- 113 ~~the licensee shall explain in the home inspection report why this component was not~~
- 114 inspected.

**Commented [VP7]:** This provision is removed because a new subsection will detail requirement to identify any items not inspected and provide explanation.

- 115 e. Crawl space ventilation and vapor barriers.
- 116 f. Slab floor, ~~when present.~~
- 117 g. Floors, ~~ceilings, and walls.~~
- 118 h. Ceilings.
- 119 i. Walls.
- 120 2. Roof structure, attic, and insulation systems and components.
- 121 a. Roof covering. The method of inspecting the roof covering shall must be noted and
- 122 explained in the home inspection report. ~~If the roof covering cannot be inspected, the~~
- 123 ~~licensee shall explain in the home inspection report why this component was not~~
- 124 ~~inspected.~~
- 125 b. Roof ventilation.
- 126 c. Roof drainage system, to include gutters and downspouts.
- 127 d. Roof flashings, if readily visible.
- 128 e. Skylights, chimneys, and roof penetrations, but not antennae or other roof
- 129 attachments.
- 130 f. Roof framing and sheathing.
- 131 g. Attic, ~~unless area is not readily accessible.~~
- 132 h. Attic insulation.
- 133 3. Exterior ~~of residential building or NRS~~ systems or components.
- 134 a. Wall covering, flashing, and trim.
- 135 b. ~~Readily accessible doors~~ Doors and windows, but, This does not include the
- 136 operation of associated security locks, devices, or systems.

**Commented [VP8]:** This provision is removed because a new subsection will detail requirement to identify any items not inspected and provide explanation.

**Commented [VP9]:** Not needed since covered by the beginning of this subsection.

**Commented [VP10]:** Not needed since covered by the beginning of this subsection.



137 c. Decks, balconies, stoops, steps, porches, attached garages, carports, and any  
138 associated railings that are adjacent to the residential building or NRS and on the same  
139 property ~~but~~, This does not include associated screening, shutters, awnings, storm  
140 windows, detached garages, or storm doors.

141 d. Eaves, soffits, and fascias where readily accessible from ground level.

142 e. Walkways, grade steps, patios, and driveways, ~~but~~, This does not include fences or  
143 privacy walls.

144 f. Vegetation, trees, grading, drainage, and ~~any~~ retaining walls adjacent to the  
145 residential building or NRS.

146 g. Visible exterior portions of chimneys.

147 4. Interior of residential building or NRS systems and components.

148 a. Interior walls, ceilings, and floors of residential building or NRS and any adjacent  
149 garage.

150 b. Steps, stairways, railings, and balconies and associated railings.

151 c. Countertops and installed cabinets, including hardware.

152 d. Doors and windows, ~~but~~, This does not include the operation of associated security  
153 locks, devices, or systems.

154 e. Garage doors and permanently mounted and installed garage door operators. The  
155 automatic safety reverse function of garage door openers ~~shall~~ must be tested, either  
156 by physical obstruction as specified by the manufacturer, or by breaking the beam of  
157 the electronic photo eye but only when the test can be safely performed and will not  
158 risk damage to the door, the opener, any nearby structure, or any stored items.

159 f. Fireplaces, venting systems, hearths, dampers, and fireboxes, ~~but~~. This does not  
160 include mantles, fire screens and doors, or seals and gaskets.

161 g. Solid fuel burning appliances, ~~if applicable~~.

162 5. Plumbing system.

163 a. Interior water supply and distribution systems, including water supply lines and all  
164 fixtures and faucets, ~~but~~. This does not include water conditioning systems or fire  
165 sprinkler systems.

166 b. Water drainage, waste, and vent systems, including all associated fixtures.

167 c. Drainage sumps, sump pumps, and related piping.

168 d. Water heating equipment, including energy source and related vent systems, flues,  
169 and chimneys, ~~but~~. This does not include solar water heating systems.

170 e. Fuel storage and distribution systems ~~for visible leaks~~.

**Commented [VP11]:** This does not appear necessary since the report must disclose any readily observable defects.

171 6. Electrical system.

172 a. Service drop.

173 b. Service entrance conductors, cables, and raceways.

174 c. Service equipment and main disconnects.

175 d. Service grounding.

176 e. Interior components of service panels and sub panels, including feeders.

177 f. Conductors.

178 g. Overcurrent protection devices.

179 h. ~~Readily accessible installed~~ Installed lighting fixtures, switches, and receptacles.

**Commented [VP12]:** Not needed since covered by the beginning of this subsection.

180 i. Ground fault circuit interrupters.

181 j. Presence or absence of smoke detectors.

**Commented [VP13]:** Discuss whether this should be the only thing to note in the inspection report.

182 k. Presence of solid conductor aluminum branch circuit wiring.

183 l. Arc fault interrupters ~~shall~~ must be noted if installed but not tested if equipment is  
184 attached to them.

185 7. Heating system.

186 a. Heating equipment, including operating controls, ~~but~~ This does not include heat  
187 exchangers, gas logs, built-in gas burning appliances, grills, stoves, space heaters,  
188 solar heating devices, or heating system accessories such as humidifiers, air purifiers,  
189 motorized dampers, and heat reclaimers.

190 b. Energy source.

191 c. Heating distribution system.

192 d. Vent systems, flues, and chimneys, including dampers.

193 8. Air conditioning system.

194 a. Central and installed wall air conditioning equipment.

195 b. Operating controls, access panels, and covers.

196 c. Energy source.

197 d. Cooling distribution system.

198 D. To the extent that a component or system cannot be inspected, the home inspection report  
199 must identify such component or system and provide an explanation for why the component or  
200 system was not inspected.

**Commented [VP14]:** Added as a general requirement to disclose any items that could not be inspected, such as lack of access.

201 ~~C.~~ E. Systems in the home that are turned off, winterized, or otherwise secured so that they  
202 do not respond to normal activation using standard operating controls need not be put into

203 operating condition. The ~~home inspector shall~~ home inspection report must state, in writing, the  
204 reason these systems or components were not inspected.

205 ~~D. F.~~ In accordance with § 54.1-517.2:1 of the Code of Virginia, if a home inspector observes  
206 the presence of any shade of yellow corrugated stainless steel tubing during a home inspection  
207 in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective  
208 May 1, 2008, the home inspector shall include that observation in the report along with the  
209 following statement: "Manufacturers believe that this product is safer if properly bonded and  
210 grounded as required by the manufacturer's installation instructions. Proper bonding and  
211 grounding of the product should be determined by a contractor licensed to perform the work in  
212 the Commonwealth of Virginia."

213

214

#### Part V

215

#### Standards of Conduct and Practice

216 **18VAC15-40-140. Conflict of interest.**

217

A. The licensee ~~shall~~ will not:

218

1. Design or perform repairs or modifications to a residential building or NRS on which he  
219 has performed a home inspection ~~as a result of the findings of the home inspection~~ within  
220 12 months after the date he performed the home inspection, except in cases where the  
221 home inspector purchased the residence after he performed the home inspection;

222

2. Perform a home inspection of a residential building or NRS upon which he has designed  
223 or performed repairs or modifications within the preceding 12 months without disclosing  
224 to the client in the home inspection contract the specifics of the repairs or modifications  
225 he designed or performed;

226 3. Refer his client to another person to make repairs or modifications to a residential  
227 building or NRS on which he has performed a home inspection unless, in accordance with  
228 18VAC15-40-120 D, he provides written documentation to his client that clearly discloses  
229 all ~~any financial interests~~ interest that the licensee has or reasonably expects to have with  
230 the person who is recommended for the repairs or modifications;

231 4. Represent the financial interests, either personally or through his employment, of any  
232 of the parties to the transfer or sale of a residential building or NRS on which he has  
233 performed a home inspection; or

234 5. Perform a home inspection of a residential building or NRS under a contingent  
235 agreement whereby any compensation or future referrals are dependent on the reported  
236 findings or on the sale of the property.

237 B. Notwithstanding the provisions of 18VAC15-180, ~~The~~ the licensee ~~shall~~ must not disclose  
238 any information concerning the results of the home inspection without the approval of the client  
239 for whom the home inspection was performed. However, the licensee may disclose information  
240 in situations where there is an imminent endangerment to life or health.

241 C. The licensee ~~shall~~ must not accept compensation from more than one interested party for  
242 the ~~same service~~ home inspection on the same property without the consent of all interested  
243 parties.

244 D. The licensee ~~shall~~ must not accept nor offer commissions or allowances, directly or  
245 indirectly, from other parties dealing with the client in connection with ~~work for which the licensee~~  
246 ~~is responsible~~ the home inspection. Additionally, the licensee ~~shall~~ must not enter into any  
247 financial relationship with any party that may compromise the licensee's commitment to the best  
248 interest of his client.

**Commented [VP15]:** Discuss what harm this provision is attempting to address, and whether this provision is necessary.

249 E. A home inspector may provide services to a client in addition to a home inspection. The  
250 home inspector must disclose to the client the additional services to be performed and how such  
251 services may conflict with the home inspection. The disclosure must be in writing and may be  
252 incorporated into the home inspection contract or contained in a separate written agreement with  
253 the client. Any additional services performed pursuant to this subsection must be performed in  
254 accordance with applicable laws and regulations.

255 ~~E.~~ F. The home inspection shall must not be used as a pretext by the licensee to solicit or  
256 obtain work in another field, except for additional diagnostic inspections or testing.

**Commented [VP16]:** Discuss what harm this provision is attempting to address, and whether this provision is necessary.

257 **18VAC15-40-145. Competency for assignments.**

258 A. The licensee shall must undertake to perform professional assignments only when qualified  
259 by education or experience, or both.

260 B. A licensee shall must not misrepresent to a prospective or existing client or employer his  
261 qualifications and the scope of his responsibility in connection with a home inspection.

262 **18VAC15-40-147. Licensee's responsibility.**

**Commented [VP17]:** New section to address licensee's obligations to the public.

263 A. The primary obligation of the licensee is to the public. If the licensee's judgment is overruled  
264 and not adhered to when performing a home inspection or advising appropriate parties of the  
265 circumstances of a substantial threat to the public health, safety, or welfare, the licensee must  
266 inform the employer or client, as applicable, of the possible consequences and notify appropriate  
267 authorities.

268 B. The licensee must not knowingly associate in a business venture with, or permit the use of  
269 the licensee's name by, any person or firm where there is reason to believe that person or firm is  
270 engaging in activity of a fraudulent or dishonest nature or is violating any law or regulation of the  
271 board.

272 C. A licensee who has direct knowledge that another individual may be violating any of the  
273 provisions of this chapter or the provisions of Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the  
274 Code of Virginia must immediately inform the board in writing and must cooperate in furnishing  
275 any further information or assistance that may be required.

276 **18VAC15-40-150. Grounds for disciplinary action.**

277 The board ~~has the power to~~ may place a licensee on probation; ~~impose~~ a monetary penalty  
278 in accordance with § 54.1-202 A of the Code of Virginia; ~~or~~ revoke, suspend, or refuse to renew  
279 a license when the licensee has been found to have violated or cooperated with others in violating  
280 any provision of the regulations of the board or Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of  
281 Virginia ~~or this chapter~~.

282 **18VAC15-40-152. Notice of adverse action.**

283 A. A licensee ~~shall~~ must notify the board of the following actions against the licensee:

284 1. Any disciplinary action taken by any jurisdiction, board, or administrative body of  
285 competent jurisdiction, including any (i) reprimand; (ii) license or certificate revocation,  
286 suspension, or denial; (iii) monetary penalty; (iv) requirement for remedial education; or  
287 (v) other corrective action.

288 2. Any voluntary surrendering of a related license, certificate, or registration done in  
289 connection with a disciplinary action in another jurisdiction.

290 3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred  
291 adjudication, in any jurisdiction of the United States of any ~~(i) misdemeanor involving moral~~  
292 ~~turpitude, sexual offense, drug distribution, or physical injury or relating to performing a~~  
293 ~~home inspection~~ or ~~(ii) felony~~, there being no appeal pending therefrom or the time for  
294 appeal having lapsed. Review of convictions shall be subject to the requirements of §

**Commented [VP18]:** Revised to be consistent with changes to Section -30.

295 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a  
296 conviction for the purpose of this section.

297 B. The notice must be made to the board in writing within 30 days of the action. A copy of the  
298 order or other supporting documentation must accompany the notice. The record of conviction,  
299 finding, or case decision ~~shall~~ will be considered prima facie evidence of a conviction or finding of  
300 guilt.

301 **18VAC15-40-155. Prohibited acts.**

302 The following acts are prohibited and any violation may result in disciplinary action by the  
303 board:

304 1. Violating, including inducing another to violate, cooperating with another to violate, or  
305 combining or conspiring with or acting as agent, partner, or associate for another to violate  
306 any of the provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-  
307 300 et seq.) or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or any of the  
308 regulations of the board.

309 4. ~~2.~~ Obtaining or attempting to obtain a license by false or fraudulent representation, or  
310 maintaining, renewing, or reinstating a license by false or fraudulent representation; or  
311 furnishing substantially inaccurate or incomplete information to the board in obtaining,  
312 renewing, reinstating, or maintaining a license.

313 ~~2. Performing improvements or repairs to a residential building as a result of the findings~~  
314 ~~of the home inspection within 12 months before or after performing a home inspection on~~  
315 ~~it, except in cases where the home inspector purchased the residential building after he~~  
316 ~~performed the home inspection.~~

317 3. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3,  
318 or 5 of Title 54.1 of the Code of Virginia or this chapter.

**Commented [VP19]:** Specific prohibited acts will be rearranged in order.

**Commented [VP20]:** Previously #3.

**Commented [VP21]:** Expanded to cover actions during license renewal or reinstatement. Also addresses providing inaccurate or incomplete information to the board.

**Commented [VP22]:** This prohibited act will be covered under a subdivision which addresses non-compliance with conflict of interest provisions.



319 3. Failing to maintain the insurance policy required pursuant to 18VAC15-40-30 G.

**Commented [VP23]:** Moved from #11.

320 4. Failing to report a change pursuant to 18VAC15-40-160.

**Commented [VP24]:** Moved from #12.

321 4. 5. A licensee having been convicted, or found guilty in any jurisdiction, or disciplined by  
322 any jurisdiction, board, or administrative body in any jurisdiction of any offense or violation  
323 enumerated in 18VAC15-40-152. Review of convictions shall be subject to the  
324 requirements of § 54.1-204 of the Code of Virginia.

325 ~~5. 6. Failing to inform the board in writing within 30 days that the licensee was convicted,~~  
326 ~~or found guilty in any jurisdiction, or disciplined in by any jurisdiction, board, or~~  
327 ~~administrative body of any offense or violation enumerated in 18VAC15-40-152.~~

328 7. Failure to use a contract that complies with 18VAC15-40-120.

**Commented [VP25]:** New prohibited act to address compliance with contract provisions.

329 8. Failure to produce a home inspection report that complies with 18VAC15-40-130.

**Commented [VP26]:** New prohibited act to address compliance with inspection report provisions.

330 9. Having performed a home inspection when not qualified by training or experience to  
331 competently perform any part of the home inspection.

**Commented [VP27]:** Moved from #8.

332 10. Conducting a home inspection on any new residential structure without the NRS  
333 specialty issued by the board.

334 11. Having cited, stated, or represented that there exists a violation of the Virginia Uniform  
335 Statewide Building Code (13VAC5-63) in a home inspection report or other document  
336 prepared relative to a home inspection.

**Commented [VP28]:** Moved from #13.

337 12. Failure to comply with the requirements of 18VAC15-40-140.

**Commented [VP29]:** New prohibited act to address compliance with conflict of interest provisions.

338 ~~6. 13. Failing to act as a licensee in such a manner as to safeguard the interests of the~~  
339 ~~public.~~

340 ~~7. 14. Engaging in improper, fraudulent, or dishonest conduct in conducting a home~~  
341 ~~inspection.~~

342 8. Having performed a home inspection when not qualified by training or experience to  
343 competently perform any part of the home inspection.

344 9. Failing to maintain, through training, the proficiency to perform Virginia home  
345 inspections.

346 10. Conducting a home inspection on any new residential structure without the NRS  
347 specialty issued by the board.

348 11. Failing to maintain the insurance policy required pursuant to 18VAC15-40-30 G.

349 12. Failing to report a change pursuant to 18VAC15-40-160.

350 13. Having cited, stated, or represented that there exists a violation of the Virginia Uniform  
351 Statewide Building Code (13VAC5-63) in a home inspection report or other document  
352 prepared relative to a home inspection.

353 15. Failure to comply with the requirements of 18VAC15-40-180.

354 **Additional prohibited acts to consider:**

- 355 • The intentional and unjustified failure to complete work contracted for or to comply with the
- 356 terms in the contract.
- 357 • The retention or misapplication of funds paid, for which work is either not performed or
- 358 performed only in part.
- 359 • Making any misrepresentation or making a false promise that might influence, persuade, or
- 360 induce.
- 361 • Allowing license issued by the board to be used by another.
- 362 • Not demonstrating reasonable care, judgment, or application of the required knowledge, skill, and
- 363 ability in the performance of the licensee's duties.
- 364 • Negligence, misconduct, or incompetence in the practice of the profession.
- 365 • Making any misrepresentation or engaging in acts of fraud or deceit in advertising or soliciting
- 366 home inspection services.
- 367 • Failing to adequately supervise and review work by unlicensed individuals who are gaining
- 368 experience under the direct supervision of the licensee.
- 369 • Knowingly misrepresenting factual information in expressing a professional opinion.
- 370 • Advising a client as to whether the client should or should not engage in a real estate transaction
- 371 or provides an opinion of value regarding the residential building or NRS that is the subject of the
- 372 home inspection.

**Commented [VP30]:** New prohibited act to address failure to respond to investigators or other inquiries from the board.

**Commented [VP31]:** For discussion.

373 **18VAC15-40-160. Maintenance of licenses, reports, and documentation.**

374 A. The licensee ~~shall~~ must at all times keep the board informed of his current address of  
375 record, to include the physical address, as applicable. Changes of address ~~shall~~ must be reported  
376 to the board in writing within 30 calendar days after such change. A post office box is acceptable  
377 as the address of record only when a physical address is also provided. The board ~~shall~~ will not  
378 be responsible for the licensee's failure to receive notices, communications and correspondence  
379 caused by the licensee's failure to promptly notify the board of any change of address.

380 B. The licensee ~~shall~~ must notify the board in writing of a name change within 30 calendar  
381 days of any change in the licensee's legal name. Such notification ~~shall~~ must be accompanied by  
382 a copy of a marriage license, divorce decree, court order, or other documentation that verifies the  
383 name change.

384 C. The licensee ~~shall~~ must retain all records pertaining to home inspections performed to  
385 include written reports and supporting documentation for a period of three years from the date of  
386 the related home inspection.

387 D. The licensee ~~shall~~ must report the cancellation, amendment, expiration, or any other  
388 change of the insurance policy submitted in accordance with 18VAC15-40-30 G within 30 days of  
389 the change.

390 **18VAC15-40-180. Response to inquiry of the board.**

391 A. A licensee must respond within 10 days to a request by the board or any of its agents  
392 regarding any complaint filed with the department.

393 B. Unless otherwise specified by the board, a licensee of the board ~~shall~~ must produce to the  
394 board or any of its agents within 10 days of the request any document, book, or record concerning  
395 any transaction pertaining to a complaint filed in which the licensee was involved, or for which the

396 licensee is required to maintain records. The board may extend such timeframe upon a showing  
397 of extenuating circumstances prohibiting delivery within such 10-day period.

398 C. A licensee ~~shall~~ must not provide a false, misleading, or incomplete response to the board  
399 or any of its agents seeking information in the investigation of a complaint filed with the board.

400 D. With the exception of the requirements of subsections A and B of this section, a licensee  
401 must respond to an inquiry by the board or its agent within 21 days.

402 Part VI

403 Approval of Prelicense Education Courses, New Residential Structures Training Module, and  
404 New Residential Structures Continuing Professional Education

405 **18VAC15-40-200. Prelicense education courses, new residential structures training**  
406 **modules, and new residential structures continuing professional education courses**  
407 **generally.**

408 All prelicense education courses, NRS training modules, and NRS CPE courses proposed for  
409 the purposes of meeting the requirements of this chapter must be approved by the board.  
410 Prelicense education courses and training modules may be approved retroactively upon request  
411 of the provider with the application; however, no applicant will receive credit until such approval  
412 is granted by the board.

413 **18VAC15-40-210. Approval of prelicense education courses.**

414 A training provider seeking approval of a prelicense education course ~~shall~~ must submit an  
415 application for prelicense education course approval on a form provided by the board. In addition  
416 to the appropriate fee provided in 18VAC15-40-50, the application ~~shall~~ must include:

- 417 1. The name of the provider;
- 418 2. Provider contact person, address, and telephone number;

- 419 3. Course contact hours;
- 420 4. Schedule of prelicense education courses if established, including dates, times, and  
421 locations;
- 422 5. Method of delivery;
- 423 6. Instructor information, including name, license number, if applicable, and a list of trade-  
424 appropriate designations, as well as a professional resume with a summary of teaching  
425 experience and subject matter knowledge and qualifications acceptable to the board;
- 426 7. Materials to be provided to students;
- 427 8. Fees for prelicense education course and materials; and
- 428 9. Training module syllabus.

429 **18VAC15-40-220. Prelicense education course requirements.**

430 A prelicense education course must be a minimum of 35 hours. The syllabus for each type of  
431 prelicense education course ~~shall~~ must encompass the following subject areas and include  
432 methods for identification and inspection, safety and maintenance, and standards for material  
433 selection and installation procedures, as applicable:

- 434 1. Site conditions;
- 435 2. Exterior components of the residential building;
- 436 3. Structural system elements;
- 437 4. Electrical system elements;
- 438 5. Heating and cooling systems;
- 439 6. Insulation, moisture management systems, and ventilation systems;
- 440 7. Plumbing systems;

- 441 8. Interior components;
- 442 9. Fireplace and chimney systems;
- 443 10. Common permanently installed appliances;
- 444 11. Inspection report requirements;
- 445 12. Responsibilities to the client, including required contract elements; and
- 446 13. Overview of the board's regulations.

447 **18VAC15-40-230. Approval of new residential structures training modules and new**  
448 **residential structures continuing professional education.**

449 A training provider seeking approval of an NRS training module or NRS CPE course ~~shall~~  
450 must submit an application for NRS training module or NRS CPE course approval on a form  
451 provided by the board. NRS training modules and NRS CPE can be provided in a classroom  
452 environment, online, or through distance learning. In addition to the appropriate fee provided in  
453 18VAC15-40-50, the application ~~shall~~ must include:

- 454 1. The name of the provider;
- 455 2. Provider contact person, address, and telephone number;
- 456 3. Module or CPE course contact hours;
- 457 4. Schedule of training module or CPE course if established, including dates, times, and  
458 locations;
- 459 5. Method of delivery;
- 460 6. Instructor information, including name, license number, if applicable, and a list of trade-  
461 appropriate designations, as well as a professional resume with a summary of teaching  
462 experience and subject matter knowledge and qualifications acceptable to the board;

463 7. Materials to be provided to students;

464 8. Fees for NRS training module or NRS CPE course and materials; and

465 9. Training module syllabus.

466 **18VAC15-40-240. New residential structures training module requirements.**

467 A. In order to qualify as an NRS training module under 18VAC15-40-35, the training module  
468 must include a minimum of eight contact hours, and the syllabus ~~shall~~ must encompass all of the  
469 subject areas set forth in subsection B of this section.

470 B. The following subject areas as they relate to the Virginia Residential Code ~~shall~~ must be  
471 included in all NRS training modules. The time allocated to each subject area must be sufficient  
472 to ensure adequate coverage of the subject as determined by the board.

473 1. Origin of the Virginia Residential Code.

474 a. Overview of Title 36 of the Code of Virginia.

475 b. Roles and responsibilities of the Board of Housing and Community Development  
476 and the Department of Housing and Community Development.

477 c. Virginia Uniform Statewide Building Code, Part I (13VAC5-63-10 through 13VAC5-  
478 63-390) of 13VAC5-63.

479 2. Scope of the Virginia Residential Code.

480 a. Purpose of the Virginia Residential Code.

481 b. Exemptions from the Virginia Residential Code.

482 c. Compliance alternatives.

483 d. Code official discretion in administration and enforcement of the Virginia Residential  
484 Code.

485 e. Process for amending the Virginia Residential Code.

486 f. Code violations and enforcement.

487 (1) Statute of limitations.

488 (2) Effect of violations.

489 g. Examples of code and non-code violations.

490 3. Roles of the building code official and the home inspector, including an overview of §  
491 36-105 of the Code of Virginia.

492 **18VAC15-40-250. New residential structures training modules and new residential**  
493 **structures continuing professional education requirements.**

494 In order to qualify for NRS CPE for the renewal of home inspector licenses with the NRS  
495 specialty, the NRS CPE must include a minimum of four contact hours and the syllabus ~~shall~~ must  
496 encompass all of the topic areas listed in 18VAC15-40-240 for an NRS training module.

497 **18VAC15-40-260. Documentation of prelicense education courses, new residential**  
498 **structures training modules, and new residential structures continuing professional**  
499 **education completion requirements.**

500 All prelicense education course, NRS training module, and NRS CPE providers must provide  
501 each student who successfully completes the course or training module with a certificate of  
502 completion or other documentation that the student may use as proof of course or training module  
503 completion. Such documentation ~~shall~~ must contain the contact hours completed, the date of  
504 training, and the course identification number assigned by the board.

505 **18VAC15-40-270. Maintenance of records.**

506 All providers of approved prelicense education courses, NRS training modules, or NRS CPE  
507 courses must establish and maintain a record for each student. The record ~~shall~~ must include the



508 student's name and address, the training module or course name and hours attended, the training  
509 module or course syllabus or outline, the name or names of the instructors, the date of successful  
510 completion, and the board's approved training module or course identification number. Records  
511 shall must be available for inspection during normal business hours by authorized representatives  
512 of the board. Providers must maintain these records for a minimum of five years.

513 **18VAC15-40-280. Reporting changes.**

514 Any change in the information provided in 18VAC15-40-210 or 18VAC15-40-230 must be  
515 reported to the board within 30 days of the change. Any change in information submitted will be  
516 reviewed to ensure compliance with the provisions of this chapter.

517 **18VAC15-40-290. Withdrawal of approval.**

518 The board may withdraw approval of a prelicense education course, an NRS training module,  
519 or an NRS CPE course for the following reasons:

- 520 1. The training module or course being offered no longer meets the standards established  
521 by the board.
- 522 2. The provider, through an agent or otherwise, advertises its services in a fraudulent or  
523 deceptive way.
- 524 3. The provider, instructor, or contact person of the provider falsifies any information  
525 relating to the application for approval, training module, course information, or student  
526 records or fails to produce records required by 18VAC15-40-270.
- 527 4. A change in the information provided that results in noncompliance with this part.
- 528 5. Failure to comply with 18VAC15-40-280.

529 **18VAC15-40-300. Board authority to audit approved education courses and training**  
530 **modules.**

531 The board may conduct an audit of any board-approved prelicense education course, NRS  
532 training module, or NRS CPE course provider to ensure continued compliance with this chapter.

DRAFT AGENDA  
Materials contained in this agenda are proposed topics for discussion  
and are not to be construed as regulatory or official Board position.  
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# **REVIEW TIMELINE AND DISCUSS** **FUTURE MEETING DATE**

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# OTHER BUSINESS

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**COMPLETE CONFLICT OF INTEREST**  
**FORMS AND**  
**TRAVEL VOUCHERS**

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# ADJOURN

**Please return your document folders to Tanya Pettus.**

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Materials contained in this agenda are proposed topics for discussion  
and are not to be construed as regulation or official Board position  
DRAFT AGENDA