



townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) citation(s)	18 VAC 50-22
Regulation title(s)	Board for Contractors Regulations
Action title	Addition of Miscellaneous Specialty
Date this document prepared	July 25, 2017

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Subject matter and intent

The Board for Contractors seeks to amend the specialty definitions to add a miscellaneous category for those contractors whose work, as determined by the Board, is so specialized that it fails to fall under any under specialty.

The Board will also review existing regulations for clarity and consistency, and may make other changes it identifies as necessary during the regulatory review process.

Legal basis

Section 54.1-1102 of the Code of Virginia provides the authority for the Board to promulgate regulations for the licensure of contractors in the Commonwealth. The content of the regulations is pursuant to the Board's discretion, but shall not be in conflict with the purposes of the statutory authority.

Purpose

A miscellaneous specialty will allow an applicant to obtain contractor licensure for one particular area of expertise upon demonstrating to the Board that the work performed is too specific to be categorized in an existing specialty.

On December 1, 2012, the Board for Contractors promulgated regulations that require Qualified Individuals complete a technical examination for applicable specialty designations as a condition for licensure. On March 1, 2016, the Board for Contractors promulgated regulations that expanded the number of specialties available to applicants and licensees.

Comment received by the Board since the 2012 examination requirement and the 2016 specialty designation amendments, as well as a review of examination statistics, indicates that many contractors are performing work that is specialized to the point of not meeting any one specialty category. As a result, the Qualified Individual finds it difficult to satisfy the exam requirement because the material covered in the technical exam is overly broad for these applicants, whose expertise is narrow.

The re-establishment of the miscellaneous specialty (which the Board offered in the past) will allow these applicants, who currently are unable to pass a broad technical exam, to become licensed and engage in business within the Commonwealth.

Substance

Section 18 VAC 50-22-30 – Definitions of specialty services: The Board will add the miscellaneous specialty and develop a definition to allow eligible contractors to perform work in a narrow and defined scope not otherwise covered by any other specialties.

Other changes which may be necessary may also be considered.

Alternatives

In looking at other options, including removal of the examination requirement, the Board has determined that any alternative would reduce the public protection afforded by requiring Qualified Individuals demonstrate a minimum level of technical knowledge.

The Board may make other changes to the regulatory action under consideration if alternative proposals are identified during the regulatory review process and after consideration of any submissions during the public comment period.

Public participation

The agency is seeking comments on this regulatory action, including: ideas to be considered in the development of this proposal; the costs and benefits of any alternatives to this regulatory action; and the potential impacts of the regulation.

The agency is also seeking information specific to any impacts on small businesses (as defined in § 2.2-4007.1 of the Code of Virginia). Such information may include: projected reporting, recordkeeping, and

other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so by one of the following methods:

- Via the **REGULATORY TOWN HALL website** at <http://townhall.virginia.gov/>

OR send to the attention of:

Eric L. Olson, Executive Director
Board for Contractors

By E-MAIL to
contractor@dpor.virginia.gov

By FAX to:
(866) 430-1033

By U.S. Mail to:
9960 Mayland Drive, Suite 400
Richmond, VA 23233

Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.