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Proposed Regulation Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC50-30
VAC Chapter title(s)	Individual License and Certification Regulations
Action title	Eligibility Requirement Amendment
Date this document prepared	October 31, 2023

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

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board for Contractors (“the Board”) proposes to amend the Individual License and Certification Regulations to revise the eligibility requirements to obtain approval to sit for an examination to enter the profession.

The proposed amendments create a new residential journeyman tradesman class of license. The scope of practice for a residential journeyman license is limited to plumbing or HVAC work in dwellings and townhouses. It would not include commercial, industrial, institutional, or government use structures outside of dwellings and townhouses. The proposed amendments also include revisions to experience and vocational training requirements for journeyman licenses in the gas fitting trades. The proposed amendments also include revisions to qualifications for those who seek to qualify for licensure based solely on practical experience in a trade. Other changes are made to make the regulation clearer and ensure the regulation complements current Virginia law.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“HVAC” means heating, ventilation, and air conditioning.

“USBC” means Virginia Uniform Statewide Building Code (13VAC5-63).

Mandate and Impetus

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

This regulatory change is not the result of a mandate.

The initial impetus for this action was Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor “...to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.”

During review of the regulation, the Board identified certain eligibility requirements as potentially burdensome to individuals seeking to enter the profession. The Board identified several areas to amend to reduce the required years of experience or minimum education while ensuring minimum competency and protection of the health, safety, and welfare of the public as its primary goal.

Legal Basis

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

The agency is the Board for Contractors. Chapter 11 of Title 54.1 of the Code of Virginia enumerates the legal authority for the Board to administer the licensure and certification programs for tradesmen, gas fitters, liquefied petroleum gas fitters, natural gas fitter providers, water well systems providers, elevator mechanics, residential building energy analysts, backflow prevention device workers, and automatic fire sprinkler inspectors.

Section 54.1-1102 of the Code of Virginia states, in part:

- B. The Board shall promulgate regulations not inconsistent with statute necessary for the licensure of contractors and tradesmen and the certification of backflow prevention device workers, and for the relicensure of contractors and tradesmen and for the

recertification of backflow prevention device workers, after license or certificate suspension or revocation.

In addition, § 54.1-201 of the Code of Virginia provides, in part:

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The General Assembly has charged the Board with the responsibility for regulating those who (i) engage, or offer to engage in, work as a tradesman (electrician, plumber, and HVAC technician), gas fitter, liquefied petroleum gas fitter, or natural gas fitter provider; (ii) engage in the drilling, installation, maintenance, or repair of a water well or water well system; (iii) engage in, or offer to engage in, work as an elevator mechanic or accessibility mechanic; (iv) engage in, or offer to engage in, work as a residential building energy analyst; (v) present themselves as a certified backflow prevention device worker; and (vi) perform or offer to perform inspections of automatic fire sprinkler systems, by requiring that such individuals obtain the appropriate licensure or certification.

The performing of trade-related work by those who lack sufficient expertise poses a risk to the public health, safety, and welfare. These risks include the potential for significant damage to property, personal injury, and death. In addition, the improper performing of trade-related work can pose a substantial risk of financial harm to property owner who will be responsible for assuming costs to correct or complete work that is defective.

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession.

The goals of this regulatory action are to:

1. Review and revise the eligibility requirements to obtain approval to sit for an examination to enter the profession;
2. Update and clarify provisions of the regulation; and
3. Ensure the regulation complements current Virginia law, and is clearly written and understandable.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

1. Section -10 is revised to add a definition for "residential journeyman." This change is made in conjunction with amendments to section -40 to create a new class of license for residential journeyman.
2. Section -40 is revised to create a new residential journeyman tradesman class of license. This change is made to provide a level of licensure that will allow individuals to qualify for licensure and enter the profession sooner than would be required for a standard journeyman level license. The scope of practice for a residential journeyman license is limited to plumbing or HVAC work in dwellings and townhouses. It would not include commercial, industrial, institutional, or government use structures outside of dwellings and townhouses.
3. Section -40 is revised to allow those seeking a journeyman license in the gas fitting trades to substitute practical experience for some required vocational training.
4. Section -40 is revised to reduce the minimum required vocational training to qualify for examination as a journeyman gas fitter.
5. Section -40 is revised to allow for a residential journeyman tradesman to qualify for examination as a master tradesman.
6. Section -40 is revised to reduce the number of years of practical experience an individual needs to qualify for the journeyman or master tradesman examination without having required vocational training.
7. Section -40 is revised to remove "grandfathering" provisions applicable to individuals (i) who successfully passed the Class A contractor trade examination prior to January 1, 1991; or (ii) who meet the criteria provided for in § 54.1-1145(C) of the Code of Virginia to become licensed as residential building energy analysts. These provisions are no longer necessary.
8. A new section (-45) is added to allow an applicant to receive a maximum credit of 40 hours for Board-approved continuing education training toward formal vocational training required under section -40 as applicable to the license or certification sought.
9. Section -50 is revised to clarify that individuals who successfully complete an apprenticeship program approved by the Commissioner of the Department of Labor and Industry as outlined in § 54.1-1131 A 3 of the Code of Virginia are exempt from the journeyman examination. This change is made to comport the regulation with the current provisions in the Code of Virginia.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantages to the public and the regulated community are that the amendments to the regulation will:

1. Reduce the required years of experience or minimum education while ensuring minimum competency and protection of the health, safety, and welfare of the public;
2. Allow for more individuals to enter the profession;
3. Provide needed updating and clarification to the regulation; and

- 4. Ensure the regulation complements current Virginia law and is clearly written and understandable.

As noted in greater detail in the “Public Comments” section, concerns have been raised by some in the regulated community regarding the lowering of experience requirements for examination eligibility. One concern is that reducing the current requirement of four years for a journeyman would not allow individuals to be proficient in their trade and work alone without requiring assistance. Another concern was raised that reducing the experience requirement would negatively affect apprenticeships and decrease the safety and quality of work. Another concern is that reducing experience requirements would increase costs for businesses that work on government projects and must pay Davis-Bacon wages.

There are no identifiable disadvantages to the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No other state agencies are particularly affected by the regulatory change.

Localities Particularly Affected

No localities are particularly affected by the regulatory change.

Other Entities Particularly Affected

No other entities are particularly affected by the regulatory change.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Summary:

This action amends the regulation to reduce entry requirements for licensure as a tradesman (electrician, plumber, or HVAC tradesman), a liquefied petroleum gas fitter, natural gas fitter provider, or gas fitter. These include creation of a new license type for a Residential Journeyman tradesman (plumber or HVAC tradesman). The license type requires fewer hours of formal vocational training and years of experience to qualify for license examination than a standard journeyman tradesman license.

Qualifications for standard journeyman tradesmen, liquefied petroleum gas fitter, natural gas fitter provider, and gas fitter licenses are revised to allow for individuals to qualify for examination based on having more practical experience in a trade in place of vocational training hours. Similarly, individuals without formal training may qualify for examination as a journeyman with fewer years of practical experience in the trade. Currently, such individuals must have 10 years of experience. This action reduces the requirement to eight (8) years.

The action also reduces the requirements for an individual to qualify for the master license examination. An individual may qualify based on having held a residential journeyman license for three years. An individual may also qualify based on having nine (9) years of practical experience in the trade; a reduction from the current requirement of 10 years.

The action also allows for individuals to receive credit for a maximum of 40 hours of Board-approved continuing education training toward formal vocational training requirements to qualify for examination. There is no direct economic or fiscal impact to other state agencies.

All costs incurred in support of board activities and regulatory operations are paid by the Department of Professional and Occupational Regulation (DPOR) and funded through fees paid by applicants and regulants. All boards within DPOR must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of agency operating costs. DPOR allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies. The Board has no other source of income.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources. 	<p>There are associated costs to DPOR resulting from this regulatory change. The Board is requesting to add three additional classified employees to implement the necessary changes that are being proposed. The regulatory change would increase DPOR's revenue by approximately \$182,000, with the expectation of 1,400 additional applications for the "residential journeyman" license that is being proposed.</p> <ul style="list-style-type: none"> a) The payroll expenses for the additional three employees would be charged to Fund 09222, and Service Area 560046. b) The regulatory change would create a onetime expenditure of approximately \$5,500 for the initial printing of new regulations and the postage to mail to the licensees of the Board. There will be an on-going expenditure for the proposed classified employees that will be needed to
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	<p>complete the mailings and process the new applications.</p> <p>c) The regulatory change as presented would not cause a loss of revenue for DPOR; however, with the additional payroll expense the Board could consider an alternate method to absorb the workload associated with the new license into the current staff if the classified positions are not available to be hired for the change in regulation.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no savings and no changes to costs, fees, or revenues of other state agencies resulting from this regulatory change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>There is no benefit to other state agencies. The benefit to DPOR is that the Board will have additional revenue to cover the Board expenses. It is expected that these individuals will obtain the residential journeyman, and then the journeyman license, therefore, the residential journeyman license will act as a steppingstone to obtain the journeyman or master license.</p>

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>There are no anticipated costs to localities because of the regulatory changes.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>None.</p>

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>Individuals who do not qualify for licensure because they do not meet the current experience and training requirements for a journeyman license would be affected. In addition, individuals who are currently licensed could be affected to the extent such individuals seek to qualify for licensure in another discipline or seek to qualify for a master license. Contractor firms that perform trade-related work would be affected by the change because of the potential increase in the supply of labor for individuals in the licensed trades.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Include an estimate</p>	<p>As the change will primarily affect individuals who</p>

<p>of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p> <ul style="list-style-type: none"> a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. 	<p>are not currently licensed, it is not clear how many individuals will be affected by the change.</p> <p>According to the Board's records, during 2022, 1,722 individual tradesman applications to sit for the journeyman license examination were received. These 1,722 individuals met the current eligibility criteria of four (4) years of experience and 240 vocational hours. About 40% of applicants (\approx 700) were in the plumbing or HVAC trade. Therefore, it's anticipated that approximately 700 individuals annually would meet the qualifications for the proposed residential journeyman license of two (2) years of experience and 160 vocational hours. It is also estimated that approximately the same number of individuals would qualify based on having three (3) years of experience and 120 vocational hours. A total number of 1,400 new eligible applicants.</p> <p>It is anticipated the Board could receive up to 1,400 additional license applications after the change becomes effective. Even though these individuals would obtain licensure as a residential journeyman, it's expected that most would continue to obtain the journeyman license as this license is required to perform commercial or industrial trade-related work.</p> <p>Licenses are issued to individuals, and not businesses, so businesses would not be directly affected by the change. However, many licensed contractor firms employ individuals in the trades licensed under the regulation. The change could potentially increase the available supply of labor for these licensed trades.</p> <p>No small businesses are included in the estimate above. However, many licensed contractor firms would likely fall within the meaning of "small business" in § 2.2-4007.1 of the Code of Virginia. Such, small businesses, particularly those specializing in residential trade related work would likely benefit because the employees of the firms could obtain licensure after having just two (2) years of experience and 160 vocational hours. The number of businesses specializing in residential trade related work is unknown.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; 	<p>Individuals applying for licensure will be required to submit a payment of \$130 for the application. Once the license is obtained, the individual will be required to complete a continuing education class that costs, on average, \$90. This continuing education course is required for all individual licensed tradesman. Some businesses</p>

b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	reimburse employees for the cost of licensure and cost of continuing education.
Benefits the regulatory change is designed to produce.	The primary benefit of the regulatory change is that more individuals, particularly those seeking to enter the profession, will be able to qualify for licensure sooner than under current requirements. Another benefit of the change is that individuals who may already be licensed in a discipline will have the flexibility to qualify for licensure in another discipline sooner than under current requirements.

	FY 2024	FY 2025	FY2026	FY2027
Fund	NGF (09222)	NGF (09222)	NGF (09222)	NGF (09222)
Program/Service Area	560046	560046	560046	560046

Impact of Regulatory Changes:				
One-Time Costs	\$0	\$5,500	\$0	\$0
Ongoing Costs	\$0	\$139,500	\$142,290	\$145,136
Total Fiscal Impact	\$0	\$145,000	\$142,290	\$145,138
FTE	0.00	3.00	3.00	3.00

Alternatives to Regulation

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

Licenses and certifications issued under this regulation are issued to individuals, and not to business entities. However, many licensees and certificate holders are likely owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia. No less intrusive or less costly alternatives to achieve the purpose of the regulatory change were identified.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

Licenses and certifications issued under this regulation are issued to individuals, and not to business entities. However, many licensees and certificate holders are likely owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia.

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession and minimum standards to assure continued competency.

These proposed amendments do not pose an unreasonable administrative or financial burden. The enabling statutes establishing the licensing and certification programs covered by this regulation provide no exemption for small business; therefore there are no such exemptions contained in the proposed change.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This action is not being used to conduct a periodic review or small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
<p>Chris Biondi, Washington D.C. Joint Plumbing Apprenticeship Committee (Comment received by email through Secretary of Labor’s Office)</p>	<p>The commenter opposes the amendment of individual tradesman eligibility.</p> <p>The commenter noted that their plumbing apprentices are trained for five years.</p> <p>The commenter noted that additional avenues already exist and could be considered not stringent enough.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>
<p>W. Robert O’Neal, W.R. O’Neal Electric, Inc. (Comment received by email through Secretary of Labor’s Office)</p>	<p>The commenter opposes the amendment of individual tradesman eligibility.</p> <p>The commenter noted that skilled construction workers need a minimum of four years in the trade, and anything less than four years is inadequate.</p> <p>The commenter also noted existing pathways for tradespeople to obtain a license is adequate and not in need of revisions.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>
<p>Lawrence R. Moter, Jr., Executive Director, National Electrical Contractors Association, East Coast Chapter (Comment received by letter through Secretary of Labor’s Office)</p>	<p>The commenter opposes the amendment of individual tradesman eligibility.</p> <p>The commenter noted reducing the current four-year program requirement to two years would be detrimental to the industry and is characterized as “ill-informed & ill-conceived.”</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>
<p>Kendall Martin, Aaron Bast, Sebastian Feculak, Kevin Poole, Mid- Atlantic District Council of Iron Workers (Comment received by letter through Secretary of Labor’s Office)</p>	<p>The commenter opposes the amendment of individual tradesman eligibility.</p> <p>The commenter noted the current eligibility standards are imperative to the safety of the public and the workers.</p> <p>The commenter also noted that lowering the licensing eligibility standards will not create an incentive for individuals to join the skilled workforce of the building and construction trades.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>

<p>Edward Hazelwood, Hazelwood Electrical & General Services (Comment received by email through Secretary of Labor's Office)</p>	<p>The commenter opposes the amendment of individual tradesman eligibility.</p> <p>The commenter noted the requirements are essential to cover the vast amount of material the students need to learn, and the associated training is necessary to keep up and keep personnel and property safe.</p> <p>The commenter also noted they work with upcoming apprentices in the apprenticeship program.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>
<p>E.G. Middleton III, E.G. Middleton, Inc. (Comment received by letter through Secretary of Labor's Office)</p>	<p>The commenter is "totally opposed" to reducing the qualification time to sit for the trade exams.</p> <p>The commenter noted that knowledge needed to become a qualified tradesman has increased over the years due to technology changes, and to reduce the requirements to two years will have unqualified workers in the workplace.</p> <p>The commenter also noted a reduction in trade experience will undermine the Board's main directive, "protect the public."</p> <p>The commenter indicated a reduction of two years of experience may have more workers in the workforce, but the industry would suffer in the long run.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>
<p>Bryan Halstead, Richmond Electricians' JATC (Comment received by email through Secretary of Labor's Office)</p>	<p>The commenter opposes reducing the years of experience from four years to two years.</p> <p>The commenter noted that this reduction lowers the standards and will result in poorly trained workers, and more mistakes raising the cost of construction and lowering the profits for contractors. The commenter states "when you lower your training standards you will end up with untrained construction workers."</p> <p>The commenter also noted with less training individuals are more likely to be injured or killed on a job site.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>
<p>Lonnie Stephenson, International Brotherhood of Electrical Workers (Comment received by Secretary of Labor's Office)</p>	<p>The commenter "forcefully" opposes any attempt to lower training standards.</p> <p>The commenter stated, "lowering the bar for skilled craft labor training would not ease the construction workforce shortage or reduce project costs; in fact, it would have the opposite effect". The commenter noted untrained workers lower productivity and increase on-the-job injuries, creates high turnover, and shoddy workmanship.</p> <p>The commenter noted the IBEW model requires between three to five years to complete an</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>

	<p>apprenticeship, including classroom training and on-the-job experience.</p>	
<p>James “Lou” Spencer, Assistant Business Manager, Plumbers and Gas Fitters Local Union #5 (Comment received by email through Governor’s Office)</p>	<p>The commenter opposes reducing the years of experience.</p> <p>The commenter noted that it would make it more difficult for attract qualified workers, meet consumer needs, and contribute to economic growth. It will also have consequences for public health and safety and will injure consumer confidence.</p> <p>The commenter noted that Virginia’s contractor and tradesmen regulations are some of the least restrictive in the nation, and need enhancement and improvement, not diminution and downgrading.</p> <p>The commenter noted that it would harm the competitiveness of Virginia workers and companies in their ability to do business in other states and would threaten license reciprocity with other states.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>
<p>Independent Electrical Contractors (IEC) Chesapeake</p>	<p>The commenter opposes reducing the years of experience.</p> <p>The commenter noted its an unwise public policy to reduce the years of experience from four years to two years. It’s stated the IEC believes the current requirement is the right amount of time to gain the education, skills, and experience necessary to provide qualify electrical services in a safe manner.</p> <p>The commenter also noted reducing the requirements is not the way to address workforce shortages.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>
<p>Jason Parker, President, Virginia State Building and Construction Trades Council</p>	<p>The commenter opposes reducing the years of experience.</p> <p>The commenter noted that reducing the requirement creates safety risks, would eliminate reciprocity with other states, undermine the Commonwealth’s goal of promoting workforce development, and drive private industry and government construction investments to other states with greater skill training capabilities.</p> <p>The commenter provided a study completed on <i>Plumbing Licensing, Code Compliance and Work Quality: A National Survey of Professional Plumbing Inspectors</i> completed by through the Institute for Construction Economic Research.</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>
<p>Francis McGonegal, President, Virginia Plumbing-Heating-Cooling</p>	<p>The commenter opposes reducing the years of experience.</p> <p>The commenter noted there is concern about forcing four years of training into two, and that a shorter learning period may result in a journeyman who is deficient in knowledge of all variations that</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.</p>

Contractors Association	are expected with comprehensive on-the-job training.	
Tony Bertolino, Plumbing Heating Cooling Contractors of Virginia (Comment received by email)	<p>The commenter opposes reducing the years of experience from four years to two years.</p> <p>The commenter noted individuals who have not complete a four-year apprenticeship weakens the current apprenticeship program, and one cannot gain four years of experience in two years.</p> <p>The commenter also noted most accidents are due to lack of experience, and understanding relevant code is essential and requires time and thorough understanding.</p>	The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.
The Associated General Contractors of Virginia	<p>The commenter opposes reducing the years of experience requirement.</p> <p>The commenter noted receiving a license requires not only knowledge but real-world experience and the experience helps ensure trades people have seen and dealt with a number of situations, including proper application of the code and safety regulations.</p>	The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.
Anonymous (Comment received on TownHall)	The commenter opposes reducing the years of experience requirement.	The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.
Jason Parker (Comment received on TownHall)	<p>The commenter opposes reducing the years of experience requirement.</p> <p>The commenter noted reducing the years of experience will have a negative impact that includes 1) serious safety risks, 2) eliminates reciprocity for Virginia contractors, 3) undermines the goal of promoting workforce development in the construction sector, and 4) capital construction investments will be pushed to other states with greater skill training capabilities.</p>	The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.
Nate Davenport (Comment received on TownHall)	<p>The commenter opposes journeyman exam exemption.</p> <p>The commenter noted the requirement to sit for an examination is an important step in preparing tradespersons, as it serves as a crucial step for individuals to show knowledge retention and comprehension, and ensures the journeyman has sufficient knowledge than can be utilized safely and properly train upcoming trades people.</p>	The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.
Anonymous (Comment received on TownHall)	<p>The commenter supports reducing the years of experience required.</p> <p>The commenter noted that you can currently sit for the journeyman examination if you have an associates degree in a related field and two years of experience. The commenter stated, "this</p>	The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.

	requirement simply means you can attend 240 hours of vocational training and sit for the examination without requiring an associates degree”.	
Kat Harville, Carpenters LU 205 (Comment received on TownHall)	The commenter opposes reducing the years of experience required. The commenter noted that reducing the experience requirement it guarantees injuries and deaths of tradespeople and the public.	The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.

As a result of the significant amount of feedback received during public comment, the Board sought additional comment by circulating a questionnaire to interested parties, including some who had provided comments. The questionnaire sought input on the current eligibility requirements. At the end of the questionnaire, these individuals had the opportunity to disclose their contact information should they be interested in a one-on-one meeting with a Board member and Board staff to express and outline their concerns. Forty-five (45) responses were received, and 25 of the respondents indicated they would like to meet with an individual board member.

On March 7, 2023, Board Member Donald Groh and Board staff met with three (3) separate groups of individuals. On March 9, 2023, Board Member Bif Johnson and Board staff met with five (5) separate groups of individuals. During these one-on-one sessions, the groups of individuals discussed and relayed various concerns as outlined below.

Each group opposes reducing the years of experience required to meet the eligibility criteria to sit for the applicable examination.

- Two or three years of experience is not enough due to complexity in the trade, and four years of experience allows individuals to be proficient in their trade and work alone not requiring any assistance. Individuals with two or three years of experience work at a slower pace and are allowed to make mistakes.
- Lowering the years of experience would increase costs for businesses that work on government projects that are required to pay Davis-Bacon wages.
- Individuals are pigeon-holed and work on the same project performing the same tasks for months at a time and don't obtain the necessary skills to become a journeyman in less than four years.
- Lowering the years of experience would negatively impact apprenticeship and decrease safety and quality of work.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Marjorie King
 Executive Director
 9960 Mayland Drive, Suite 400
 Richmond, VA 23233
 Contractors@dpor.virginia.gov
 (866) 430-1033 (fax)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
30-10	N/A	Provides definitions that are necessary to make the regulation clear and understandable, and provides definitions for other specific terms used throughout the regulation.	Adds definition for “residential journeyman” which means a person who possesses the necessary ability, proficiency, and qualifications to install, repair, and maintain specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the USBC applicable to dwellings and townhouses, as defined in the Virginia Residential Code, or structures annexed to those dwellings and townhouses. It does not include commercial, industrial, institutional, or government use structures outside of dwellings and townhouses.

			<p>This definition is added in conjunction with amendments to section -40 to create a new class of license for residential journeyman.</p>
<p>30-40</p>	<p>N/A</p>	<p>This section provides for the qualifications for individuals to be approved for examination for the following:</p> <ul style="list-style-type: none"> • Journeyman tradesman (electrician, plumber, and HVAC technician), gas fitter, liquefied petroleum gas fitter, or natural gas fitter provider licenses. • Master tradesman (electrician, plumber, and HVAC technician), gas fitter, liquefied petroleum gas fitter, or natural gas fitter provider licenses. • Certification as a backflow prevention device worker. • Certification as an elevator mechanic. • Certification as a water well systems provider. • Certification as an accessibility mechanic. • Endorsement as a limited use/limited application accessibility mechanic. • Residential building energy analyst license. <p><u>Journeyman Licenses</u></p> <p>The section provides that for an individual to qualify as a journeyman, the applicant must furnish evidence to the Board the applicant meets one of the following experience and education standards:</p> <ul style="list-style-type: none"> • Four (4) years of practical experience in the trade and 240 hours of formal vocational training in the trade. • For liquefied petroleum gas fitters and natural gas 	<p>The caption of the section is revised to “Qualifications for examination approval.”</p> <p>The section is revised to create a new residential journeyman tradesman class of license.</p> <p>A new subsection A is added to provide for the requirements for this class of license. An applicant for examination as a residential journeyman plumber or HVAC tradesman must furnish evidence to the Board the applicant meets one of the following experience and education standards:</p> <ul style="list-style-type: none"> • Two (2) years of practical experience in the trade; and 160 hours of formal vocational training. • Three (3) years of practical experience in the trade; and 120 hours of formal vocational training. • Four (4) years of practical experience in the trade; and 80 hours of formal vocational training. • Five (5) years of practical experience in the trade; and 40 hours of formal vocational training. • Six (6) years of practical experience in the trade. No education is required. <p>This change is made to provide a level of licensure that will allow individuals to qualify for licensure and enter the profession sooner than would be required for a standard journeyman level license. Individuals who only perform residential work will not be required to complete additional years of experience prior to obtaining licensure.</p> <p>The scope of practice for a residential journeyman license is limited to plumbing or HVAC work in dwellings and townhouses. It would not include work in the electrical trade. It would not include commercial, industrial, institutional, or government use structures outside of dwellings and townhouses.</p>

		<p>fitter providers, four (4) years of practical experience and 80 hours of formal vocational training.</p> <ul style="list-style-type: none"> • An associate’s degree or certificate of completion from a two-year program (minimum length) in a tradesman-related field from an accredited community college or technical school, and two (2) years of practical experience in the trade. • Ten (10) years of practical experience in the trade with no education required. <p>For a journeyman, experience in excess of four years may be substituted for formal vocational training at a ratio of 80 hours for each year of experience, not to exceed 200 hours. This substitution provision does not apply to liquefied petroleum gas fitters or natural gas fitter providers.</p> <p>Applicants for a journeyman license seeking to qualify on the basis of an associate’s degree or certificate of completion in a tradesman-related program, must provide a transcript from the educational institution.</p> <p>Applicants for a journeyman license seeking to qualify by experience alone must provide verification of experience by reference letters from any of the following:</p> <ul style="list-style-type: none"> • Building officials; • Building inspectors; • Current or former employers; • Contractors; • Engineers; 	<p>Current subsection A which provides for standard journeyman qualifications is revised to provide more clearly detailed qualifications for examination. Individuals seeking to qualify for the journeyman examination (with exception to gas fitting trades) must still have at least four (4) years of practical experience in the trade; and 240 hours of formal vocational training. However, individuals may substitute experience of one year for 80 hours of formal training, to exceed 200 hours as follows:</p> <ul style="list-style-type: none"> • Five (5) years of practical experience in the trade; and 160 hours of formal vocational training; • Six (6) years of practical experience in the trade; and 80 hours of formal vocational training. • Seven (7) years of practical experience in the trade; and 40 hours of formal vocational training. <p>The provisions pertaining to those seeking a journeyman license in the gas fitting trades are revised to allow for experience substitutions.</p> <p>Those seeking licensure as journeyman liquefied petroleum gas fitters and natural gas fitter providers must still have a minimum of four (4) years of practical experience; and 80 hours of formal vocational training. However, an individual with five (5) years of experience may qualify with only 40 hours of vocational training.</p> <p>Those seeking licensure as a journeyman gas fitter must have a minimum of four (4) years of practical experience; and 120 hours of formal vocational training. The requirement for formal vocational training is reduced from the current requirement of 240 hours.</p> <p>Gas fitting provisions are being revised because the requirements are overly burdensome. There are not many gas fitting courses available, therefore individuals have not been able to complete the required hours for gas fitting and either must obtain 10 years of experience or have their application</p>
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		<ul style="list-style-type: none"> • Four (4) years of practical experience in water distribution and a minimum of 32 hours of formal vocational training in a Board-approved school. • Seven (7) or more years of experience and 16 hours of formal vocational training in a Board-approved school. <p>The testing procedure standards of the American Society of Sanitary Engineers are accepted by the Board. However, other programs could be approved after Board review. The Board requires all backflow training to include instruction in wet lab.</p> <p><u>Elevator Mechanic</u></p> <p>The section provides that for an individual to qualify as an elevator mechanic, the applicant must furnish evidence to the Board the applicant meets one of the following experience and education standards:</p> <ul style="list-style-type: none"> • Three (3) years of practical experience in the construction, maintenance, and service/repair of elevators, escalators, or related conveyances, and 144 hours of formal vocational training. • Three (3) years of practical experience in the construction, maintenance, and service/repair of elevators, escalators, or related conveyances; and completion of an elevator mechanic examination through a training program equivalent to the requirements established 	<p>Subsection G which provides for qualifications for accessibility mechanics is revised to clarify that an individual with more than three years of experience may substitute such experience at a ratio of one year for 20 hours of formal vocational training, not to exceed 60 hours.</p> <p>The “grandfathering” provision for individuals who successfully passed the Class A contractor trade examination prior to January 1, 1991, is removed. This provision is no longer necessary.</p> <p>The “grandfathering” provision for those who meet the criteria provided for in § 54.1-1145(C) of the Code of Virginia to become licensed as residential building energy analysts is removed. This provision is no longer necessary.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate. Other changes are made for the purposes of clarity or style.</p>
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	<p>by the Board. Such individual is not required to pass the Board's examination.</p> <ul style="list-style-type: none"> • Successful completion of an elevator mechanic apprenticeship program that is approved by the Virginia Apprenticeship Council or registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. <p>For an elevator mechanic, experience in excess of four years may be substituted for formal vocational training at a ratio of 40 hours for each year of experience, not to exceed 120 hours.</p> <p>Applicants for an elevator mechanic certification seeking to qualify on the basis of completing an apprenticeship must provide a certificate of completion or other official document.</p> <p><u>Water Well Systems Provider</u></p> <p>The section provides that for an individual to qualify as a water well systems provider, the applicant must furnish evidence to the Board the applicant of the following:</p> <ul style="list-style-type: none"> • For trainee certification, one (1) year of full-time practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider, or other equivalent experience as approved by the Board. • For journeyman certification, three (3) years of practical experience in the drilling, 	
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	<p>installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider, or other equivalent experience as approved by the Board; and 24 hours of formal vocational training.</p> <ul style="list-style-type: none"> • For master certification, six (6) years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider, or other equivalent experience as approved by the Board; and 48 hours of formal vocational training. <p><u>Accessibility Mechanic</u></p> <p>The section provides that for an individual to qualify as an accessibility mechanic, the applicant must furnish evidence to the Board the applicant meets one of the following experience and education standards:</p> <ul style="list-style-type: none"> • Three (3) years of practical experience in the construction, installation, maintenance, service, repair, and testing of wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, or related conveyances; and 80 hours of formal vocational training. • Three (3) years of practical experience in the construction, installation, maintenance, service, repair, and testing of wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, or related 	
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		<p>conveyances; and a certificate of completion of an accessibility mechanic examination through a training program equivalent to the requirements established by the Board. Such individual is not required to pass the Board's examination.</p> <ul style="list-style-type: none"> • Successful completion of an accessibility mechanic apprenticeship program that is approved by the Virginia Apprenticeship Council or registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. <p>For an accessibility mechanic, experience in excess of four years may be substituted for formal vocational training at a ratio of 20 hours for each year of experience, not to exceed 60 hours.</p> <p>Applicants for an accessibility mechanic certification seeking to qualify on the basis of completing an apprenticeship must provide a certificate of completion or other official document.</p> <p><u>Limited Use/Limited Application Endorsement</u></p> <p>The section provides that for an individual to qualify for a limited use/limited application endorsement, the applicant must furnish evidence to the Board the applicant must meet the following:</p> <ul style="list-style-type: none"> • Hold a current certification as an accessibility mechanic; and • One (1) year of practical experience in the 	
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		<p>construction, installation, maintenance, service, repair, and testing of limited use/limited application elevators; and (i) completion of a vocational education program approved by the Board or (ii) completion of a training program equivalent to the requirements established by the Board.</p> <p><u>Residential Building Energy Analyst</u></p> <p>The section provides that for an individual to qualify as a residential building energy analyst, the applicant must furnish evidence to the Board the applicant of the following:</p> <ul style="list-style-type: none"> • Completion of a Board-approved residential building energy analyst training program; • Completion of at least five (5) residential building energy analyses under the supervision of a licensed residential building energy analyst; • Current membership in good standing with a certifying organization approved by the Board; and • A minimum \$100,000 general liability insurance policy from a company authorized to provide such insurance in Virginia. This requirement is not applicable to individuals who are employed by a company that holds a valid license as a residential building energy analyst firm issued by the Board. <p>An applicant for a residential building energy analyst license must also provide</p>	
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		<p>information on any outstanding past-due debts, outstanding judgments, outstanding tax obligations, defaults on bonds, or pending or past bankruptcies for the five years prior to application.</p> <p><u>Other Provisions</u></p> <p>The section provides a “grandfathering” provision for individuals who successfully passed the Class A contractor trade examination prior to January 1, 1991. Such individuals are deemed qualified as a master in the trade for which the individual had passed the examination.</p> <p>The section provides a “grandfathering” provision for those who meet the criteria provided for in § 54.1-1145(C) of the Code of Virginia to become licensed as residential building energy analysts.</p>	
N/A	30-45	N/A – No current requirements.	<p>A new section -45 is added to provide that an applicant may receive credit for a maximum of 40 hours for Board-approved continuing education toward formal vocational training required under section -40 as applicable to the license or certification sought.</p> <p>This change is made to provide for flexibility for individuals to meet formal vocational training requirements. Frequently, continuing education courses contain the same content as vocational training courses. In addition, many individuals complete the CE classes, and then are also required to complete the vocational training.</p>
30-50	N/A	<p>This section provides for exemptions from the examination requirement.</p> <p>Individuals certified or licensed by one of the</p>	<p>Subsection B is revised to clarify that individuals who successfully complete an apprenticeship program approved by the Commissioner of the Department of Labor and Industry as outlined in § 54.1-1131 A 3 of the Code of Virginia are exempt from the journeyman</p>

		<p>following are exempt from examination:</p> <ul style="list-style-type: none"> • Department of Housing and Community Development prior to July 1, 1995. • Any local governing body prior to July 1, 1978. • Any Virginia locality backflow prevention device worker certification issued prior to July 1, 1998. <p>The section also provides the following exemptions from the journeyman examination:</p> <ul style="list-style-type: none"> • Successful completion of an apprenticeship program approved by the Virginia Apprenticeship Council. • Tradesmen who had a Class B registration prior to January 1, 1991, and have been continuously licensed as a Class B contractor. 	<p>examination. This change is made to comport the regulation with the current provisions in the Code of Virginia.</p>
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