



Virginia
Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) citation	18 VAC 50 -30
Regulation title	Board for Contractors Tradesman Regulations
Action title	Amending Regulations to provide for clarifying changes and addition of continuing education requirements
Document preparation date	December 11, 2003

This information is required for executive review (www.townhall.state.va.us/dbppages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dbppages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Board for Contractors (the Board) seeks to amend its current Tradesman Regulations to clarify eligibility requirements for licensure, implement continuing education requirements permitted by statute, respond to changes in the industry and to address concerns brought to the board by its regulants and the public. With the exception of a fee increase, the regulations have not been amended or reviewed since November 2001.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

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

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

At a minimum the following are to be reviewed:

18 VAC 50-30-10 (Definitions): The Board is reviewing the existing definition of “Supervisor” and will explore the addition of definitions for “Job Site” and “Installation”. This review is being conducted as a result of comment received by the board from licensed tradesman.

18 VAC 50-30-30 10: The Board will consider amending the requirements of reporting criminal convictions to make them consistent with those currently in place for applicants of other licenses issued by the Board.

18 VAC 50-30-50 B 1: This section requires amending in order to agree with language in place for the Virginia Apprenticeship Council.

Part VI (18 VAC 50-30-200 et seq.): The Board is addressing the issue of continuing education as provided for in § 54.1-1133 of the Code and requested through public comment by licensed tradesman and various trade organizations.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

No other alternatives exist for amending the regulations in order to bring them into compliance with regulations or programs already in existence that are referenced in the Tradesman Regulations. At this time, no alternative has been established for amending current definitions or the establishment of continuing education requirements, however, based on comment already received or brought to the attention of the Board, it is likely that many alternatives will be presented during the public comment periods.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

These amendments will have no action on the institution of the family or family stability.

