

**Virginia Board for Contractors Guidance Document**  
**Effective Date: 7/11/2016**

**Board for Contractors Policies & Interpretations**

**§ 54.1-1100. Definitions.**

**Contractor**

(12/14) A licensed contractor may bid on work, or enter into a contract for work, which is outside the scope of his license classification(s) provided that he subcontracts that work, to properly licensed contractors, and the work of the subcontractors is incidental to the contract. A contractor may not bid on work where the primary scope of the contract is outside the definition of the specialties/classifications permitted for his license, even if there is incidental work contained within the bid or contract that is within the scope of his license.

**§ 54.1-1101 Exemptions**

(10/10) “For own use” means that the person building or supervising the construction of a residential building must live in the residential building, and the person building or supervising the construction of a commercial building must operate their business in that building to be exempted, unless they can be exempted based on the familial relationship as outlined in § 54.1-1101.8.  
The Board stated that there should be no misunderstanding that a person who builds or supervises the building of a residential or commercial building with the intent to sell it must have a contractor’s license. The person building or supervising the building of a residential construction project must live in the residential building, and the person building or supervising the building of a commercial construction project must operate his business in that building.

**§ 54.1-1108.1 Waiver of examination; designated employee.**

(10/00) The Designated Employee for a Class B contractor who was previously exempted from the requirement to take the examination would be required to take the examination when applying for a Class A contractor license because these are different license classes with different knowledge and experience requirements.

**§ 54.1-1141 Certification required; exemption.**

(9/07) Temporary construction elevators and hoists do not meet the criteria for requiring installation, maintenance and repair work as having to be completed by a licensed elevator contractor with certified elevator mechanics as these are temporary in nature and monitored by OSHA for onsite safety compliance.

**18 VAC 50-22-10. Definitions**

**Supervision**

(12/05) The definition of “supervision” states that a licensed tradesman must “periodically” observe and evaluate the performance of helpers and laborers performing trade related tasks. That definition does not mean that a licensed tradesman is required to be on the job site at all times, but that the helpers and laborers be observed and evaluated periodically at a reasonable time frame for the qualifications of the person completing the work and the risk associated with the work being performed.

**Routine Maintenance**

(10/15) The definition of “routine maintenance” as used in the Board for Contractors Regulations means: “Recurring, preventative, and on-going activity necessary to delay or prevent the failure of a building, equipment, machinery, plant, or system, against normal wear and tear and is generally set by the manufacturer, the USBC, or by generally accepted practices within the industry.”

**18 VAC 50-22-20. Definitions of license classifications.**

**Building Contractors (BLD)**

(12/14) Pilings are included as foundation work that may be performed by contractors with the Building (BLD) specialty license.

(12/14) A contractor with the Building (BLD) specialty license may perform foundation work.

(12/14) A contractor holding the Building classification (BLD) may complete paving and concrete work which is incidental and adjacent to the structure being constructed i.e., sidewalks, walkways, and driveways).

**Highway/Heavy Contractors (H/H)**

(12/14) Contractors holding the Highway/Heavy classification may install, remove, or repair water and sewer lines from the street to the structure and may complete the plumbing connection. For sewer lines this would be to the house or building

clean-out and for water lines this would be to the stub out or connection point to the structure.

## **18 VAC 50-22-30. Definitions of specialty services.**

### **Billboard/Sign Contracting (BSC)**

(12/14) Contractors who erect billboards for their own use on another's property are exempt from licensing requirements.

### **Electronic/Communication Service Contracting (ESC)**

(7/93) Attaching telecommunications equipment to existing systems does not fall within the definition of contractor.

### **Elevator/Escalator Contracting (EEC)**

(9/07) Temporary construction elevators and hoists do not meeting the criteria for requiring installation, maintenance and repair work as having to be completed by a licensed elevator contractor with certified elevator mechanics as these are temporary in nature and monitored by OSHA for onsite safety compliance.

### **Home Improvement Contracting (HIC)**

(7/05) HIC contractors are not permitted to do framing work that is outside the footprint (horizontal and vertical) and boundaries of the original structure. They may not add roofing to decks, patios, or other portions of a structure that does not already have an existing roof.

(12/14) Utility out building is defined as a building less than 256 square feet, that is not attached to the main structure.

### **Landscape Service Contracting (LSC)**

(12/07) A landscape service contractor may install decorative fountains but must sub-contractor trade-related work to an appropriately licensed contractor. They may also construct steps that are part of a landscape project but not those that serve as ingress or egress to a structure.

(12/14) General landscape services, such as mowing, trimming, placement of plant material, and tree removal, do not require license issued by the Board for Contractors.

- (12/14) A contractor holding the landscape services specialty may construct retaining walls that are three feet or less in height and hold back less than 36” of unbalanced fill. Retaining walls that are more than three feet in height or hold back more than 36” of unbalanced fill must be constructed by a contractor holding the Highway/Heavy classification.
- (7/16) A contractor holding the landscape services specialty may install fencing that is not required by statute or regulation (such as swimming pool barrier, fencing around hazardous material storage, etc.)

### **Manufactured Home Contracting (MHC)**

- (12/14) The cost of the manufactured home must be included in the contract when determining what Class of license is required by the contractor, unless the contractor separately delineates the cost of the manufactured home and the cost of the installation, in which case the Class of license of the contractor can be based solely on the cost of installation.

## **18 VAC 50-22-40. Requirements for a Class C license**

### **C. Reporting of financial history**

- (7/97) If the Qualified Individual (QI) for the Contractor Business is not a member of the firm’s Responsible Management, but is merely an employee of the firm, the Board may, at its discretion, not consider the financial history of the Qualified Individual.

### **E. Reporting of criminal history**

- (4/10) Contractors whose criminal history has been previously reviewed and approved by the Board must still submit a CCRE that is no older than 90 days when submitting a subsequent application.

## **18 VAC 50-22-50. Requirements for a Class B license**

### **E. Reporting of financial history**

- (4/94) The value of land used in the determination of net assets may be done with either the assessed tax value or the appraised value from a certified appraiser, and, in either case, the applicant must furnish documents to establish the chosen value.
- (12/14) If the Qualified Individual (QI) or Designated Employee (DE) for the Contractor Business is not a member of the firm’s Responsible Management, but is merely an

employee of the firm, the Board may, at its discretion, not consider the financial history of the QI or DE.

### **G. Reporting of criminal history**

- (4/10) Contractors whose criminal history has been previously reviewed and approved by the Board must still submit a CCRE that is no older than 90 days when submitting a subsequent application.

## **18 VAC 50-22-60. Requirements for a Class A license**

### **E. Reporting of financial history**

- (4/94) The value of land used in the determination of net assets may be done with either the assessed tax value or the appraised value from a certified appraiser, and, in either case, the applicant must furnish documents to establish the chosen value.
- (4/98) Assets used to determine whether a Class A Contractor Business meets the \$45,000.00 net worth requirement must be in the name of the business entity applying for the license. If a CPA reviewed balance sheet is used to document the business' net worth, it must have been completed within twelve months of the date of application. There may be no jointly owned property or assets for Sole Proprietors.
- (12/14) If the Qualified Individual (QI) or Designated Employee (DE) for the Contractor Business is not a member of the firm's Responsible Management, but is merely an employee of the firm, the Board may, at its discretion, not consider the financial history of the QI or DE.
- (7/16) If the assets of an applicant contain more than 25% undocumented value (accounts receivable, "other", etc.) then the applicant must provide an audited financial statement or not count more than 25% of that value when calculating the net worth.

### **G. Reporting of criminal history**

- (4/10) Contractors whose criminal history has been previously reviewed and approved by the Board must still submit a CCRE that is no older than 90 days when submitting a subsequent application.

## **18 VAC 50-22-260. Filing of charges; prohibited acts.**

### **B. 8 Failure to use residential contract**

(12/07) In situations involving houses built on speculation. If the house is purchased or if a contract to purchase the home is made prior to the issuance of the final certificate of occupancy, then the contractor must use a contract that contains all of the provisions set forth in 18 VAC 50-22-260 B 9 of the regulations. If the house is purchased after a final certificate of occupancy is issued, then it becomes a real estate transaction and no residential construction contract is required.

## **Service Contracts**

(4/16) “Work done that is included in a service contract shall not require an additional contract and will be considered to have met the requirements of the regulations. Work that is not included in the service contract must meet the contract requirements set forth in the regulations. Additionally, repair or replacement work, above the diagnostic service or work done to stabilize an emergency condition, must also meet the contract requirements.”

## **18 VAC 50-30-10. Definitions.**

### **Incidental**

(12/14) Gas fitting is not incidental and must be done by a licensed gas fitter.

## **18 VAC 50-30-30. General qualifications for licensure or certification.**

(4/10) Applicants for individual licenses and certifications whose criminal history has been previously reviewed and approved by the Board may submit an affidavit stating that there have been no subsequent criminal convictions, provided that it has been less than five years since the last Board review and approval. Applications that meet this policy may be processed administratively.

## **18 VAC 50-30-40. Evidence of ability and proficiency.**

(10/07) Certified trade-related building inspectors may count a single year of full time inspection experience, and the related training, as fulfilling the 240 hour education requirement for licensure set forth in 18VAC50-30-40 of the

regulations, but that inspection experience does not meet the definition of practical experience in that same section.

- (3/09) Individuals licensed as elevator mechanics in Florida and Georgia other than by reciprocity may qualify by substantial equivalency to take the Virginia's Elevator Mechanics examination.

### **18 VAC 50-30-120. Renewal. (individual licenses/certifications)**

- 10/07 Approved instructors of required education courses may receive credit for courses they teach.

### **General Policies**

- (10/15) Effective immediately, or at such time as the EAGLES licensing system can be modified to facilitate the change, all Qualified Individuals that, as part of an application, are required to complete a technical examination, must be approved by the Board for Contractors to sit for that examination. As part of the application process the Qualified Individual candidate will provide documentation of experience in the specialty in which they will serve as the Qualified Individual.
- (12/14) Tradesmen are permitted to perform work that is within the scope of the applicable section of the USBC for their trade. Work experience used by applicants for tradesman licenses must be for work that is within the scope of the applicable section of the USBC for their trade.
- (1/92) Examination candidates are allowed to use a language glossary for word-to-word translations during the examination.
- (12/14) Contractors holding the BLD or HVAC classifications or the HIC or CIC specialties may install factory engineered fireplaces, fireplace inserts, or wood stoves. Venting for any of these or similar appliances must be completed by a contractor holding the HVAC classification.
- (12/14) Contractors holding the HIC, CIC, or BRK specialties may construct, remove, or repair masonry chimneys.
- (7/00) Foreign language interpreters are not allowed at examination sites.
- (12/14) No restrictions will be placed on reference materials brought to examination sites, provided they meet the exam site criteria (i.e. no tabbing, marked pages, loose-leaf sheets, etc.)
- (1/05) Framing contractors must hold the BLD classification.

- (3/05) Contractors who install emergency generators must hold a license with the Electrical Contractor (ELE) license classification.
- (3/05) The license expiration date for a Master Tradesman who upgrades from a Journeyman Tradesman license in the same trade, and who is only licensed in that one trade, shall occur on the last day of the month two years after the date the Master Tradesman license is issued by the Board.
- (3/05) Master or Journeyman Tradesmen, whose license is past reinstatement, must meet all current entry requirements, including passing the examination.
- (9/05) The business name of a licensed contractor cannot reflect work that the contractor is not licensed to perform.
- (3/06) A Home Improvement Contracting (HIC) specialty license is needed to install an unvented gas prefabricated fireplace. An HVAC contracting or tradesman license is needed to install or modify a venting system. A contractor licensed to perform masonry work is authorized to install brick, concrete, block, stone, marble, slate or other types of masonry chimneys.
- (12/09) Tradesman examination approvals are valid for one year. Extensions will not be granted.
- (1/11) All Qualified Individuals of Sewage Disposal System Contractors are required to hold the individual license issued by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.
- (1/12) The Board includes pilings as foundation work that may be performed by contractors with the Building (BLD) classification
- (4/12) The Board rescinds their previous interpretation of § 54.1-1129 of the Code of Virginia, by considering the breaking of water well seal by a plumber to be work contained in the plumbing code, thus allowing plumbers to break the seal to perform work on pumps.
- (10/12) Contractors with the Highway/Heavy, HVAC and Plumbing classification may install/drill horizontal geothermal trenches and piping 10 feet below grade that is associated with horizontal loop geothermal system.
- (6/07) **General Complaint Processing**  
In order to more efficiently utilize agency and board resources, any pending or future complaints received on licensees whose license has been revoked, shall be closed administratively.
- (8/09) The Board will not provide extensions to the due dates of provisions of Final and Consent Orders.



(10/10) Once an individual license or certificate candidate completes the regulatory portion of the examination, it does not have to be retaken if the candidate decides to upgrade an existing license. This new policy matches the one that has been in place for contractor Designated Employee candidates since 1995.

(7/16) In order for an applicant to qualify for an “umbrella” specialty (HIC or CIC) then they must have experience in at least three of the “breakout” specialties. For example, an applicant with experience in flooring, painting, and roofing, would be eligible for the applicable improvement specialty. However, an applicant with only flooring and painting experience, would be required to hold both the PTC and FLR specialties. The “breakout” specialties are: DRY, FIN, FLR, GLZ, INS, BRK, PTC, ROC, TMC, and FRM.

### **Tradesman Apprenticeship Exam Exemption**

(06/13) The Board added clarification to the journeyman exam exemption in 18 VAC 50-30-50 B 1 for applicants that successfully complete an apprenticeship program which is approved by the Virginia Apprenticeship Council. The exemption is limited to being used twice, once upon initial application, and once again the first time an individual allowed his license to lapse. After the second use, the individual would be required to complete the examination requirements.

### **Subsequent Examination Requests**

(07/15) Individuals are prohibited from registering for or taking an examination that they have already successfully completed, when there is no requirement for the individual to complete the examination a subsequent time.

### **General Definitions**

“Change Order” (3/06)

Any modification in the original contract including, but not limited to: 1) Time to complete the job; 2) Change in materials; 3) Change in cost; or, 4) Change in the scope of work. The Change Order must be signed by all contracting parties.

“New Construction” (7/97)

Any construction activity that occurs outside the original building perimeter shall be designated as “NEW” construction.

“Practical Experience in a Trade” (3/05)

Activity regulated by the USBC and applicable referenced model code.