



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Board for Contractors
VAC Chapter Number:	18 VAC 50-22-10 et seq
Regulation Title:	Board for Contractors Rules and Regulations
Action Title:	Amending
Date:	December 16, 2002

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 2.2-4007(B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should 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 regulations to reflect statutory changes, to clarify an amendment made during the last change, to 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 2000.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

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 would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

At a minimum, the following are to be reviewed:

18 VAC 50-22-30 (Definitions): This section requires the removal of the Alarm/Security Systems Contracting (ALS) specialty as a result of the removal of the licensing requirement for these contractors, by the General Assembly in July of 2002. An amendment of the definition for Liquefied Petroleum Gas Contracting and Natural Gas Fitting Provider Contracting is also planned, allowing a firm holding the Gas Fitting Contractor Specialty (GFC) to complete the work, as permitted by the Tradesman Regulations (18 VAC 50-30-10 et seq.).

18 VAC 50-22-50(B) & 18 VAC 50-22-60(B): These sections require amending in order that they agree with the provisions of § 54.1-1108(B) and § 54.1-1106(B) of the Code of Virginia, respectively, as it pertains to the requirement that a Designated Employee be a full-time employee of the firm being licensed.

18 VAC 50-22-260(B): The Board is addressing the issue of the requirement that a licensed tradesman be on every job site involving a trade related classification or specialty contractor. The Board will explore the possibility of including the failure of having a licensed tradesman on the job site as a prohibited act.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

No other alternatives exist for amending the regulations due to changes in the statutes. At this time, no alternative has been determined for the requirement that a licensed tradesman be on an applicable job site, 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 Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

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