

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS
Adopted 10/19/04

TRADESMAN REGULATIONS
INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

PART I.

GENERAL.

18 VAC 50-30-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

~~“**Affidavit**” means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.~~

~~“**Apprentice**” means a person who assists tradesmen while gaining knowledge of the trade through on-the-job training and related instruction in accordance with the Virginia Voluntary Apprenticeship Act (§ 40.1-117 et seq. of the **Code of Virginia**).~~

~~“**Approved**” means approved by the Department of Professional and Occupational Regulation.~~

~~“**Backflow prevention device testing**” means performing functional procedures to ascertain that the device is still providing the necessary backflow protection in accordance with the Virginia Uniform Statewide Building Code.~~

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

~~“Backflow prevention device work” consists of and is limited to the following: (i) maintenance; (ii) repair; (iii) testing; or (iv) periodic inspection of cross connection control devices, including but not limited to reduced pressure principle backflow preventors, double check valve assemblies, double detector check valve assemblies, pressure type vacuum breaker assemblies, and other such devices designed, installed, and maintained in such a manner so as to prevent the contamination of the potable water supply by the introduction of nonpotable liquids, solids, or gases, thus ensuring that the potable water supply remains unaltered and free from impurities, odor, discoloration, bacteria, and other contaminants which would make the potable water supply unfit or unsafe for consumption and use.~~ means work performed by a backflow prevention device worker as defined in § 54.1-1128 of the Code of Virginia.

~~“Backflow prevention device worker” means any individual who engages in, or offers to engage in, the maintenance, repair, testing or periodic inspection of cross connection control devices.~~

~~“Board” means the Board for Contractors.~~

“**Building official/inspector**” is an employee of the state, a local building department or other political subdivision who enforces the Virginia Uniform Statewide Building Code.

“Certified Elevator Mechanic” means an individual who is certified by the board who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

elevators, escalators, or related conveyances in accordance with the Uniform Statewide Building Code.

~~“**Department**” means the Department of Professional and Occupational Regulation.~~

“**Division**” means a limited subcategory within any of the trades, as approved by the department.

“**Electrical work**” consists of, but is not limited to, the following: **(i)** planning and layout of details for installation or modifications of electrical apparatus and controls including preparation of sketches showing location of wiring and equipment; **(ii)** measuring, cutting, bending, threading, assembling and installing electrical conduits; **(iii)** performing maintenance on electrical systems and apparatus; **(iv)** observation of installed systems or apparatus to detect hazards and need for adjustments, relocation or replacement; and **(v)** repairing faulty systems or apparatus.

“**Electrician**” means a tradesman who does electrical work including the construction, repair, maintenance, alteration or removal of electrical systems in accordance with the National Electrical Code and the Virginia Uniform Statewide Building Code.

“**Formal vocational training**” means courses in the trade administered at an accredited educational facility; or formal training, approved by the department, conducted by trade associations, businesses, the military, correspondence schools or other similar training organizations.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

“Gas fitter” means ~~a tradesman~~ an individual who does gas fitting related work usually as a division within the HVAC or plumbing trades in accordance with the Virginia Uniform Statewide Building Code. This work includes the installation, repair, improvement or removal of liquefied petroleum or natural gas piping, tanks, and appliances annexed to real property.

“Helper” or **“laborer”** means a person who assists a licensed tradesman and who is not an apprentice as defined in this chapter.

“HVAC tradesman” means an individual whose work includes the installation, alteration, repair or maintenance of heating systems, ventilating systems, cooling systems, steam and hot water heating systems, boilers, process piping, backflow prevention devices, and mechanical refrigeration systems, including tanks incidental to the system.

“Incidental” means work that is necessary for that particular repair or installation.

“Journeyman” means a person who possesses the necessary ability, proficiency and qualifications to install, repair and maintain specific types of materials and equipment and supervise the work of installing, repairing and maintaining specific types of materials and equipment, utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code and according to plans and specifications.

“Licensed tradesman” ~~means an individual who meets the requirements for licensure that relate to the trade which he practices.~~

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

“Liquefied petroleum gas fitter” means any individual who engages in, or offers to engage in, work for the general public for compensation in work that includes the installation, repair, improvement, alterations or removal of piping, liquefied petroleum gas tanks and appliances (excluding hot water heaters, boilers and central heating systems that require a heating, ventilation and air conditioning or plumbing certification) annexed to real property.

“Maintenance” means the reconstruction or renewal of any part of a backflow device for the purpose of maintaining its proper operation. This does not include the actions of removing, replacing or installing, except for winterization.

“Master” means a person who possesses the necessary ability, proficiency and qualifications to plan and lay out the details for installation and supervise the work of installing, repairing and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code.

“Natural gas fitter provider” means any individual who engages in, or offers to engage in, work for the general public for compensation in the incidental repair, testing, or removal of natural gas piping or fitting annexed to real property, excluding new installation of gas piping for hot water heaters, boilers, central heating systems, or other natural gas equipment that requires heating, ventilation and air conditioning or plumbing certification.

“Periodic Inspection” means to examine a cross connection control device in accordance with the requirements of the locality to be sure that the device is in place and functioning in

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

accordance with the standards of the Virginia Uniform Statewide Building Code.

“**Plumber**” means ~~a tradesman~~ an individual who does plumbing work in accordance with the Virginia Uniform Statewide Building Code.

“**Plumbing work**” means work that includes the installation, maintenance, extension, or alteration or removal of piping, fixtures, appliances, and appurtenances in connection with any of the following:

1. Backflow prevention devices;
2. Boilers;
3. Domestic sprinklers;
4. Hot water baseboard heating systems;
5. Hydronic heating systems;
6. Process piping;
7. Public/private water supply systems within or adjacent to any building, structure or conveyance;
8. Sanitary or storm drainage facilities;
9. Steam heating systems;
10. Storage tanks incidental to the installation of related systems;
11. Venting systems; or
12. Water heaters.

These plumbing tradesmen may also install, maintain, extend or alter the following:

1. Liquid waste systems;
2. Sewerage systems;

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

3. Storm water systems; and

4. Water supply systems.

“Regulant” means ~~a tradesman license or backflow prevention device certification card holder~~ an individual licensed as a tradesman, liquefied petroleum gas fitter, natural gas fitter provider or certified as a backflow prevention device worker or elevator mechanic.

“Reinstatement” means having a ~~tradesman license or backflow prevention device worker~~ certification card restored to effectiveness after the expiration date has passed.

“Renewal” means continuing the effectiveness of a ~~tradesman license or a backflow prevention device worker~~ certification card for another period of time.

“Repair” means the reconstruction or renewal of any part of a backflow prevention device for the purpose of returning to service a currently installed device. This does not include the removal or replacement of a defective device by the installation of a rebuilt or new device.

“Supervision” means providing guidance or direction of a delegated task or procedure by a tradesman licensed in accordance with Title 54.1, Chapter 11 of the Code of Virginia, being accessible to the helper or laborer, and periodically observing and evaluating the performance of the task or procedure.

“Supervisor” means the licensed master or journeyman tradesman who has the responsibility to ensure that the installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code, ~~one of whom must be on the job site at all times during~~

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

~~installation~~ and provides supervision as defined in this chapter to helpers and laborers.

“Testing organization” means an independent testing organization whose main function is to develop and administer examinations.

“Trade” means any of the following: electrical, gas fitting, HVAC (heating, ventilation and air conditioning), liquefied petroleum gas fitting, natural gas fitting, plumbing, and divisions within them.

~~**“Tradesman”** means a person who engages in or offers to engage in, for the general public for compensation, any of the trades covered by this chapter.~~

“Water Distribution Systems” include fire sprinkler systems, highway/heavy, HVAC, lawn irrigation systems, plumbing, or water purveyor work.

PART II

ENTRY.

18 VAC 50-30-20. ~~Requirements for licensure as a journeyman or master tradesman engaging in the trades of electrical, gas fitting, HVAC (heating, ventilation and air conditioning), liquefied petroleum gas fitting, natural gas fitting, and plumbing or certification as a backflow prevention device worker.~~

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

Each ~~individual who engages in, or offers to engage in, electrical, gas fitting, HVAC, liquefied petroleum gas fitting, natural gas fitting, plumbing or backflow prevention device work for the general public for compensation~~ applicant shall meet or exceed the requirements set forth in this section prior to issuance of the license or certification card.

The applicant shall be required to take an ~~oral or written~~ examination to determine his general knowledge of the ~~trade~~ regulated activity in which he desires licensure or certification. If the applicant successfully completes the examination, an application furnished by the department shall be completed. The application shall contain the applicant's name, home address, place of employment, and business address; information on the knowledge, skills, abilities and education or training of the applicant; and ~~an affidavit stating~~ a statement certifying that the information on the application is correct. If the application is satisfactory to the board, a license or certification card shall be issued.

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

Every applicant to the Board for Contractors for licensure ~~as a tradesman~~ or certification ~~as a backflow prevention device worker~~ shall meet the requirements and have the qualifications provided in this section.

1. The applicant shall be at least 18 years old.
2. Unless otherwise exempted, the applicant shall meet the current educational

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

requirements by passing all required courses prior to the time the applicant sits for the examination and applies for licensure or certification.

3. Unless exempted, the applicant shall have passed the applicable ~~written~~ examination provided by the board or by a testing ~~service~~ organization acting on behalf of the board.

4. The applicant shall meet the experience requirements as set forth in sections 18 VAC 50-30-40 ~~or 18 VAC 50-30-50~~.

5. In those instances where the applicant is required to take the license or certification examination, the applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing ~~service~~ organization with regard to conduct at the examination shall be grounds for denial of application.

6. The applicant shall disclose his physical home address; a post office box alone is not acceptable.

7. Each non-resident applicant for a ~~tradesman~~ license or certification card shall file and maintain with the department an irrevocable consent for the department to serve as service agent for all actions filed in any court in this Commonwealth. In those instances where service is required, the director of the department will mail the court document to

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

the individual at the address of record.

8. The applicant shall sign, as part of the application, ~~an affidavit~~ a statement certifying that the applicant has read and understands ~~the Virginia Tradesman law, Article 3 (§ 54.1-1128~~

et seq.) of Chapter 11 of Title 54 of the **Code of Virginia** and this chapter.

9. The board may make further inquiries and investigations with respect to the qualifications of the applicant or require a personal interview with the applicant. ~~Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.~~

10. In accordance with § 54.1-204 of the **Code of Virginia**, each applicant shall disclose a conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of nolo contendere shall be considered a conviction for this purpose of this subdivision. The record of conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the **Code of Virginia**.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

11. The applicant shall report any suspensions, revocations, or surrendering of a certificate / or license in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure or certification in Virginia. The board, at its discretion, may deny licensure or certification to any applicant based on prior suspensions, revocations, or surrender of certifications / or licenses based on disciplinary action by any jurisdiction.

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

A. Applicants for examination to be licensed as a journeyman shall furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in the trade and 240 hours of formal vocational training in the trade. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours;
2. Four years of practical experience and 80 hours of vocational training for liquefied petroleum gas fitters and natural gas fitter providers except that no substitute experience will be allowed for liquefied petroleum gas and natural gas workers;

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

3. An associate degree or a certificate of completion from at least a two-year program in a tradesman related field from an accredited community college or technical school as evidenced by a transcript from the educational institution and two years of practical experience in the trade for which licensure is desired;
 4. A bachelor's degree received from an accredited college or university in an engineering curriculum related to the trade and one year of practical experience in the trade for which licensure is desired; or
 5. On or after July 1, 1995, an applicant with ten years of practical experience in the trade as verified by reference letters of experience from any of the following: building officials, building inspectors, current or former employers, contractors, engineers, architects or current or past clients, attesting to the applicant's work in the trade, may be granted permission to sit for the journeyman's level examination without having to meet the educational requirements.
- B. Applicants for examination to be licensed as a master shall furnish evidence that one of the following experience standards has been attained:
1. Evidence that they have one year of experience as a licensed journeyman; or
 2. On or after July 1, 1995, an applicant with 10 years of practical experience in the trade, as verified by reference letters of experience from any of the following: building officials,

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

building inspectors, current or former employers, contractors, engineers, architects or current or past clients, attesting to the applicant's work in the trade, may be granted permission to sit for the master's level examination without having to meet the educational requirements.

C. Individuals who have successfully passed the Class A contractors trade examination prior to January 1, 1991, administered by the Virginia Board for Contractors in a certified trade shall be deemed qualified as a master in that trade in accordance with this chapter.

D. Applicants for examination to be certified as a backflow prevention device worker shall furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in water distribution systems and 40 hours of formal vocational training in a school approved by the board; or
2. Applicants with seven or more years of experience may qualify with 16 hours of formal vocational training in ~~an approved~~ a school approved by the board.

The board accepts the American Society of Sanitary Engineers' (ASSE) standards for testing procedures. Other programs could be approved after board review. The board requires all backflow training to include instruction in a wet lab.

E. An applicant for certification as an elevator mechanic shall:

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

1. Have three years of practical experience in the construction, maintenance and service/repair of elevators, escalators, or related conveyances, 144 hours of formal vocational training, and satisfactorily complete a written examination administered by the board. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 40 hours of formal training, but not to exceed 120 hours; or

2. Have three years of practical experience in the construction, maintenance, and service/repair of elevators, escalators, or related conveyances and a certificate of completion of the elevator mechanic examination of a training program determined to be equivalent of the requirements established by the board; or

3. Successfully complete 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, as evidenced by providing a certificate of completion of other official document, and satisfactorily complete a written examination administered by the board.

18 VAC 50-30-50. Exemptions from examination; ~~exemptions from licensure.~~

A. An individual certified or licensed by any one of the following agencies shall not be required

to fulfill the examination requirement:

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

1. The Department of Housing and Community Development prior to July 1, 1995;
2. Any local governing body prior to July 1, 1978; or
3. Any Virginia locality backflow prevention device worker certification issued prior to July 1, 1998.

B. Other methods of exemption from the journeyman examination are as follows:

1. Successful completion of an apprenticeship program that is approved by the Virginia Apprenticeship Council for exemption from examination, as evidenced by providing a certificate of completion or other official document.
2. Any tradesman who had a Class B registration in the trade prior to January 1, 1991, and has been continuously licensed as a Class B contractor. ~~Candidates for this exemption must submit documentation from the Board for Contractors.~~
3. ~~Individuals applying for certification as backflow prevention device workers between July 1, 1998, and July 1, 1999, shall be deemed to have fulfilled the examination requirements if they are able to demonstrate the required years of discipline-free experience and education or training set forth in 18 VAC 50-30-40 D 2. These individuals shall provide the following with their application:~~

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

- ~~a. An affidavit from a building official, building inspector or Virginia water purveyor~~
- ~~- attesting to at least seven years of experience and competency in the field on a form provided~~

~~by the department; and~~

- ~~b. A certificate or other documentation that an appropriate course of instruction of at least 16 hours at an approved school has been successfully completed prior to July 7, 1999.~~

~~4. a. Individuals applying for licensure as a liquefied petroleum gas fitter by November 1, 2002, who are able to demonstrate that they have at least five years' experience as a liquefied petroleum gas fitter, are exempted from the examination requirements. This item refers to master tradesmen.~~

~~b. Individuals applying for licensure as a liquefied petroleum gas fitter between July 1, 2000 and July 1, 2005, shall be deemed to have fulfilled the examination requirements if they are able to demonstrate that they have at least five years' experience in an apprenticeship capacity under the direct supervision of a gas fitter. This item refers to journeymen tradesmen.~~

~~5. a. Individuals applying for a natural gas fitter provider license within one year of the effective date of the board's final regulations shall be deemed to have fulfilled the examination requirement if they are able to demonstrate that they have five years' prior experience as a natural gas fitter provider. This item refers to master tradesmen.~~

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS
Adopted 10/19/04

~~b. Individuals applying for a natural gas fitter provider license between July 1, 1999 and July 1, 2004, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate that they have at least five years' experience in an apprenticeship capacity under the direct supervision of a gas fitter. This item refers to journeymen tradesmen.~~

~~C. Exemptions from licensure are as follows:~~

- ~~1. Helpers or laborers who assist licensed tradesmen;~~
- ~~2. Any person who performs electrical, gas fitting, HVAC, liquefied petroleum gas fitting, natural gas fitting, or plumbing work not for the general public for compensation;~~
- ~~3. Any person who installs television or telephone cables, lightning arrestor systems, or wiring or equipment operating at less than 50 volts;~~
- ~~4. Installers of wood stove equipment, masonry chimneys or prefabricated fireplaces shall be exempt from certification as an HVAC tradesman; and~~
- ~~5. Any person who is performing work on any ship, boat, barge or other floating vessel.~~

18 VAC 50-30-60. Application and issuance of tradesman licenses or backflow prevention device worker certifications. Repealed.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

~~A. All applicants for licensure as a tradesman or certification as a backflow prevention device worker must make application with the department to obtain the required tradesman license or backflow prevention device worker certification.~~

~~B. Unless otherwise exempted, an applicant must successfully complete an examination to be issued a tradesman license or backflow prevention device worker certification and deemed qualified.~~

~~C. The board shall receive and review applications and forward approved applications to the national testing organizations designated by the board. At its discretion, the board may delegate the application receipt and review process to the testing organization.~~

~~D. The applicant shall present to the board evidence of successful completion of a board approved examination.~~

18 VAC 50-30-70. Other recognized programs.

Individuals certified or licensed as a journeyman or a master by governing bodies located outside the Commonwealth of Virginia shall be considered to be in compliance with this chapter, if the board or its designee has determined the certifying system to be substantially equivalent to the Virginia system. ~~These individuals must meet the following requirements:~~ In addition to the requirements set forth in 18 VAC 50-30-30, these individuals must meet the following

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

requirements:

- ~~1. The applicant shall be at least 18 years of age.~~
 2. 1. The applicant shall have received the tradesman certification or license by virtue of having passed in the jurisdiction of original certification or licensing a written or oral examination deemed to be substantially equivalent to the Virginia examination.
 - ~~3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia Tradesman law, Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 of the **Code of Virginia** and this chapter.~~
 4. 2. The applicant shall be in good standing as a certified or licensed tradesman in every jurisdiction where certified or licensed, and the applicant shall not have had a certificate or a license as a tradesman which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.
 - ~~5. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution or physical injury, or any felony.~~
- ~~Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima~~

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

~~facie evidence of such conviction.~~

~~6. Applicants for licensure who do not meet the requirements set forth in sub-divisions 4 and 5 of this section may be approved for licensure following consideration by the board.~~

~~7.~~ 3. Individuals certified or licensed by governing bodies other than the Commonwealth of Virginia may sit for the same level of tradesman examination by completing the required application and providing a copy of a currently valid journeyman or master license or certification.

~~8.~~ 4. Individuals certified or licensed as backflow prevention device workers by governing bodies located outside the Commonwealth of Virginia may sit for the Virginia backflow prevention device worker examination upon presentation of a currently valid certificate or card from such jurisdictions with their completed examination application and fee. Upon successful completion of this examination, the applicant will be provided with the proper application for certification as a backflow prevention device worker in the Commonwealth of Virginia.

~~**18 VAC 50-30-80. Revocation of licensure or certification.**~~

~~A. Licensure or certification may be revoked for misrepresentation or a fraudulent application or for incompetence as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code.~~

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

~~B. Any building official, building inspector or water purveyor who finds that an individual is practicing as a tradesman without a tradesman license as required by state law or as a backflow prevention device worker without a backflow prevention device certification card if such a card is required by the locality shall file a report on a form provided by the board to such effect with the Board for Contractors, 3600 West Broad Street, Richmond, Virginia 23230-4917.~~

~~C. Any building official, building inspector or water purveyor who has reason to believe that a tradesman or a backflow prevention device worker is performing incompetently as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code shall file a report on a form provided by the board to such effect with the board.~~

~~D. The department shall have the power to require remedial education and to suspend, revoke or deny renewal of the tradesman license or the backflow prevention device worker certification card of any individual who is found to be in violation of the statutes or regulations governing the practice of licensed tradesmen or backflow prevention device workers in the Commonwealth.~~

18 VAC 50-30-90. Fees for licensure, and certification and ~~examination~~.

A. Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable and the shall not be prorated. The date of receipt by the department or its agent is the date that will be used to determine whether or not it is on time. Fees remain active for a period of one year from the date of receipt and all applications must be

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

completed within that time frame.

~~B. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge of \$25.~~

~~C. Tradesman license – original fee – by examination. The fee for an initial tradesman license shall be \$90.~~

~~D. Tradesman license – original fee – without an examination, through successful completion of an appropriate apprenticeship program offered through the Virginia Voluntary Apprenticeship Act. The fee for an initial tradesman license shall be \$90.~~

~~E. Commencing July 1, 1995, the Department of Professional and Occupational Regulation will institute a program of issuing tradesmen's cards. Those tradesmen who hold valid tradesmen cards issued by local governing bodies prior to July 1, 1978, or by the Department of Housing and Community Development prior to July 1, 1995, must replace the old cards with new cards issued by the Board for Contractors.~~

~~In order to obtain the tradesman card issued by the Board for Contractors, the individual must use the current application form provided by the Department of Professional and Occupational Regulation. The fee for card exchange application and processing is \$40. As a matter of~~

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

~~administrative necessity, the department will assign expiration dates in a manner that will stagger renewals for these applicants. Once the initial period ends, all renewals will be for a period of 24 months.~~

~~F. Commencing July 1, 1998, the Department of Professional and Occupational Regulation will institute a voluntary program of issuing backflow prevention device worker certification cards. Those individuals who hold valid backflow prevention device worker certifications issued by local governing bodies or the Virginia Department of Health prior to that date may replace those cards with new cards issued by the board.~~

~~In order to obtain the backflow prevention device worker certification card issued by the board, the individual must use the current application form provided by the department. The fee for the card exchange application and processing is \$40. The term of certification will be for a period of 24 months.~~

~~G. Backflow prevention device worker certification through the "grandfather" clause of § 54.1-1131 B 2 of the **Code of Virginia** expired on July 1, 1999.~~

~~H. Commencing on the November 1, 2001, the Department of Professional and Occupational Regulation will add the trades of liquefied petroleum gas fitter and natural gas fitter provider to the trades regulated by the Board for Contractors. The fee for the initial licensure shall be \$90.~~

B. Fees are as follows:

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

<u>Original tradesman license by examination</u>	<u>\$90.00</u>
<u>Original tradesman license without examination</u>	<u>\$90.00</u>
<u>Card Exchange (exchange of locality-issued card for state-issued</u>	
<u>Virginia Tradesman License</u>	<u>\$40.00</u>
<u>Liquefied petroleum gas fitter</u>	<u>\$90.00</u>
<u>Natural gas fitter provider</u>	<u>\$90.00</u>
<u>Backflow prevention device worker certification</u>	<u>\$90.00</u>
<u>Elevator Mechanic Certification</u>	<u>\$90.00</u>

18 VAC 50-30-100. Fees for examinations.

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation, in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the **Code of Virginia**). The current examination shall not exceed a cost of \$100 for the journeyman's exam and \$125 for the master's exam for any of the trades or \$100 for the backflow prevention device worker or elevator mechanic exam.

18 VAC 50-30-110. Fees for duplicate cards.

The fee for a duplicate card shall be as follows:

First request	\$30
Second request	\$30
Third request	\$45 and a report sent to the Enforcement Section.

Any request for the issuance of such a card must be in writing to the board. Requests for a third

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

or subsequent duplicate card may be referred for possible disciplinary action.

PART III.**RENEWAL AND REINSTATEMENT.****18 VAC 50-30-120. Renewal.**

A. ~~Tradesman Licenses or backflow prevention device worker~~ and certification cards issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the ~~tradesman license or the backflow prevention device worker~~ certification card.

~~B. The fee for renewal of a tradesman license is \$40. The fee for renewal of a backflow prevention device worker certification card is \$40. All fees required by the board are non-refundable and shall not be prorated.~~

B. Effective with all licenses issued or renewed after July 1, 2007, as a condition of renewal or reinstatement, and pursuant to § 54.1-1133 of the Code of Virginia, all individuals holding tradesman licenses with the trade designations of plumbing, electrical and heating ventilation and cooling shall be required to satisfactorily complete three hours of continuing education for each designation and individuals holding licenses as liquefied petroleum gas fitters and natural gas fitter providers, one hour of continuing education, relating to the applicable building code, from a provider approved by the Board in accordance with the provisions of this chapter.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS
Adopted 10/19/04

C. Certified Elevator Mechanics, as a condition of renewal or reinstatement, and pursuant to § 54.1-1143 of the Code of Virginia, shall be required to satisfactorily complete eight hours of continuing education, relating to the provisions of the Virginia Uniform Statewide Building Code pertaining to elevators, escalators and related conveyances. This continuing education will be from a provider approved by the board in accordance with the provisions of this chapter.

D. Renewal fees are as follows:

<u>Tradesman license</u>	<u>\$40.00</u>
<u>Liquefied petroleum gas fitter license</u>	<u>\$40.00</u>
<u>Natural gas fitter provider license</u>	<u>\$40.00</u>
<u>Backflow prevention device worker certification</u>	<u>\$40.00</u>
<u>Elevator mechanic certification</u>	<u>\$40.00</u>

All fees are nonrefundable and shall not be prorated.

E. The board will mail a renewal notice to the regulant outlining procedures for renewal. Failure to receive this notice, however, shall not relieve the regulant of the obligation to renew. If the regulant fails to receive the renewal notice, a photocopy of the license or certification card may be submitted with the required fee as an application for renewal within 30 days of the expiration date.

E. The date on which the renewal fee is received by the department or its agent will determine whether the regulant is eligible for renewal or required to apply for reinstatement.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

G. The board may deny renewal of a license or of a certification card for the same reasons as it may refuse initial issuance or to discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the **Code of Virginia**).

H. Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department, such as, but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

18 VAC 50-30-130. Reinstatement.

A. Should the Department of Professional & Occupational Regulation fail to receive the renewal application or fees within 30 days of the expiration date, the regulant will be required to reinstate the tradesman license, ~~or~~ backflow prevention device worker certification card or elevator mechanic certification card.

B. ~~The fee for reinstatement of a tradesman license (all designations) is \$90 (this is in addition to the \$40 renewal fee, which makes the total fee for reinstatement \$130). The reinstatement fee for a backflow prevention device worker certification card is \$90 (this is in addition to the \$40 renewal fee, which makes the total reinstatement fee \$130).~~ Reinstatement fees are as follows:

Tradesman license

\$130.00*

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

<u>Liquefied petroleum gas fitter license</u>	<u>\$130.00*</u>
<u>Natural gas fitter provider license</u>	<u>\$130.00*</u>
<u>Backflow prevention device worker certification</u>	<u>\$130.00*</u>
<u>Elevator mechanic certification</u>	<u>\$130.00*</u>

*Includes renewal fee listed in 18 VAC 50-30-120

All fees required by the board are non-refundable and shall not be prorated.

C. Applicants for reinstatement shall meet the requirements of 18 VAC 50-30-30.

D. The date on which the reinstatement fee is received by the department or its agent will determine whether the license or certification card is reinstated or a new application is required.

E. In order to ensure that license or certification card holders are qualified to practice as tradesmen, or liquefied petroleum gas fitters, natural gas fitter providers, backflow prevention device workers or elevator mechanics, no reinstatement will be permitted once one year from the expiration date has passed. After that date the applicant must apply for a new tradesman license or ~~backflow prevention device worker certification card~~ and meet the then current entry requirements.

F. Any tradesman, liquefied petroleum gas fitter, or natural gas fitter provider activity conducted subsequent to the expiration of the license may constitute unlicensed activity and may be subject to prosecution under Title 54.1 of the **Code of Virginia**. Further, any person who holds himself out as a certified backflow prevention device worker, as defined in § 54.1-1128 of the **Code of Virginia**, or as a certified elevator mechanic, as defined in § 54.1-1140 of

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

the **Code of Virginia**, without the appropriate certification, may be subject to prosecution under Title 54.1 of the **Code of Virginia**. Any activity related to the operating integrity of an elevator, escalator, or related conveyance, conducted subsequent to the expiration of an elevator mechanic certification may constitute illegal activity and may be subject to prosecution under Title 54.1 of the Code of Virginia.

G. G. The board may deny reinstatement of a ~~tradesman~~ license or a ~~backflow prevention device worker~~ certification card for the same reasons as it may refuse initial issuance or to discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the **Code of Virginia**).

H. Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department, such as, but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

18 VAC 50-30-140. Status of regulant during the period prior to reinstatement.

A. When a regulant is reinstated, the individual shall continue to have the same number and shall be assigned an expiration date two years from the previous expiration date.

B. A regulant who reinstates his ~~tradesman~~ license or ~~backflow prevention device worker~~ certification card shall be regarded as having been continuously licensed or certified without

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

interruption. Therefore, the regulant shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period. Nothing in this chapter shall divest the board of its authority to discipline a regulant for a violation of the law or regulations during the period of licensure or certification.

PART IV.**STANDARDS OF PRACTICE.****18 VAC 50-30-150. ~~Changes, additions, or deletions to~~ Adding or deleting trade designations.**

A. A regulant may ~~change a designation or obtain additional~~ add designations to a license by demonstrating, on a form provided by the board, acceptable evidence of experience, and examination if appropriate, in the designation sought. The experience, and successful completion of examinations, must be demonstrated by meeting the requirements found in **Part II** (18 VAC 50-30-20 et seq.) of this chapter.

B. The fee for each ~~change or~~ addition is \$30. All fees required by the board are nonrefundable.

C. While a regulant may have multiple trade designations on his license, the renewal date will be based upon the date the card was originally issued to the individual by the board, not the date of the most recent trade designation addition.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION
REGULATIONS
Adopted 10/19/04

D. If a regulant is seeking to delete a designation, then the individual must provide a signed statement listing the designation to be deleted. There is no fee for the deletion of a designation. If the regulant only has one trade or level designation, the deletion of that designation will result in the termination of the license.

PART V.

STANDARDS OF CONDUCT.

18 VAC 50-30-180. ~~Filing of complaints.~~ Repealed.

~~—All complaints against regulants may be filed with the Department of Professional and Occupational Regulation at any time during business hours, pursuant to § 54.1-1114 of the Code of Virginia.~~

18 VAC 50-30-185. Revocation of licensure or certification.

A. Licensure or certification may be revoked for misrepresentation or a fraudulent application or for incompetence as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code.

B. The board shall have the power to require remedial education and to suspend, revoke or deny renewal of a license or certification card of any individual who is found to be in violation of the statutes or regulations governing the practice of licensed tradesmen, liquefied petroleum

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

gas fitters, natural gas fitter providers, backflow prevention device workers or elevator mechanics in the Commonwealth of Virginia.

18 VAC 50-30-190. Prohibited acts.

Any of the following are cause for disciplinary action:

1. Failure in any material way to comply with provisions of Chapter 1 (§ 54.1-100) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the **Code of Virginia** or the regulations of the board;
2. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license or certification card;
3. Where the regulant has failed to report to the board, in writing, the suspension or revocation of a tradesman, liquefied petroleum gas fitter or natural gas fitter provider license, certificate or card, or backflow prevention device worker certification card, by another state, or a conviction in a court of competent jurisdiction of a building code violation;
4. Gross negligence in the practice of a ~~trade or~~ tradesman, liquefied petroleum gas fitter, natural gas fitter provider, backflow prevention device work worker or elevator mechanic;
5. Misconduct in the practice of a ~~trade or~~ tradesman, liquefied petroleum gas fitter, natural gas fitter provider, backflow prevention device work worker or elevator mechanic;

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

6. A finding of improper or dishonest conduct in the practice of ~~the trade~~ a tradesman, liquefied petroleum gas fitter, natural gas fitter provider, or backflow prevention device work worker or elevator mechanic by a court of competent jurisdiction;

7. For licensed tradesmen, liquefied petroleum gas fitters or natural gas fitter providers performing jobs under \$1,000, or backflow prevention device workers or elevator mechanics performing jobs of any amount, abandonment, the intentional and unjustified failure to complete work contracted for, or the retention or misapplication of funds paid, for which work is either not performed or performed only in part (unjustified cessation of work under the contract for a period of 30 days or more shall be considered evidence of abandonment);

8. Making any misrepresentation or making a false promise of a character likely to influence, persuade, or induce;

9. Aiding or abetting an unlicensed contractor to violate any provision of Chapter 1 or Chapter 11 of § 54.1 of the **Code of Virginia**, or these regulations; or combining or conspiring with or acting as agent, partner, or associate for an unlicensed contractor; or allowing one's license or certification to be used by an unlicensed or uncertified individual;

10. Where the regulant has offered, given or promised anything of value or benefit to any federal, state, or local government employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry;

11. Where the regulant has been convicted or found guilty, after initial licensure or

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

certification, regardless of adjudication, in any jurisdiction of any felony or of a misdemeanor involving lying, cheating or stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession, there being no appeal pending therefrom or the time of appeal having elapsed. Any pleas of guilty or nolo contendere shall be considered convictions for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

12. Having failed to inform the board in writing, within 30 days, that the regulant has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession;

13. Having been disciplined by any county, city, town, or any state or federal governing body for actions relating to the practice of any trade or backflow prevention device work, which action shall be reviewed by the board before it takes any disciplinary action of its own;

14. Failure to comply with the Virginia Uniform Statewide Building Code, as amended;

and

15. Practicing in a classification or specialty service for which the ~~tradesman~~ regulant is not licensed or certified.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION
REGULATIONS
Adopted 10/19/04

PART VI

SCHOOLS/PROFESSIONAL EDUCATION

VOCATIONAL TRAINING AND CONTINUING EDUCATION PROVIDERS

18 VAC 50-30-200. Professional education. Vocational training.

- A. Pursuant to ~~§ 54.1-1130 of the Code of Virginia~~, unless certified through exemption, candidates for licensure as journeymen are required to ~~(i) complete 240 classroom hours of tradesman educational courses in their specialty or 80 classroom hours of training for liquefied petroleum gas fitters and natural gas fitter providers, and four years of practical experience in the trade for which licensure is desired to qualify to sit for the licensing examination, (ii) have an associate degree or a certificate of completion from at least a two-year program in a trade-related field from an accredited community college or technical school as evidenced by a transcript from the educational institution and two years of practical experience in the trade for which licensure is desired, or (iii) have a bachelor's degree received from an accredited college or university in an engineering curriculum related to the trade and one year of practical experience in the trade for which licensure is desired (see Part II, 18 VAC 50-30-20 et seq., of this chapter).~~ Tradesman Vocational training courses must be completed through accredited colleges, universities, junior and community colleges; adult distributive, marketing and formal vocational training as defined in this chapter; Virginia Apprenticeship Council programs; or proprietary schools approved by the Virginia Department of Education.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

B. Backflow prevention device worker courses must be completed through schools approved by the board. The board accepts the American Society of Sanitary Engineers' (ASSE) standards for testing procedures. Other programs could be approved after board review. The board requires all backflow training to include instruction in a wet lab.

C. Elevator mechanic courses must be completed through schools approved by the board. The board accepts training programs approved by the National Elevator Industry Education Program (NEIEP). Other programs could be approved after board review.

18 VAC 50-30-210. Continuing education providers.

- A. Application requirements for continuing education providers
1. Each provider of a building code related continuing education course shall submit an application for approval on a form provided by the Board . The application shall include but is not limited to:
 - a. the name of the provider;
 - b. provider contact person, address and telephone number;
 - c. course contact hours;
 - d. schedule of courses, if established, including dates, time and locations;
 - e. name(s) of instructor(s).

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

B. Continuing education providers shall have their subject(s) approved by the board prior to initially offering the course. Correspondence and other distance learning courses must include appropriate testing procedures to verify completion of the course.

C. All providers must establish and maintain a record for each student. The record shall

include: the student's name and address; social security number or current license number; the course name and clock hours attended; the course syllabus or outline; the name or names of the instructor; the date of successful completion and the board's course code. Records shall be available for inspection during normal business hours by authorized representatives of the board. Providers must maintain class records for a minimum of five years.

18 VAC 50-30-220. Continuing Education Courses

A. All courses offered by continuing education providers must be approved by the board and shall cover articles of the current edition of building code for the applicable license specialty. For tradesman with the electrical specialty the National Electrical Code; for tradesman with the plumbing specialty the International Plumbing Code; for tradesman with the HVAC specialty the International Mechanical Code; for Gas Fitters, Liquefied Petroleum Gas Fitters and Natural Gas Fitter the International Fuel Gas Code. Courses offered by continuing education providers for elevator mechanics shall cover articles of the current edition of the building code and other

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION REGULATIONS

Adopted 10/19/04

applicable laws governing elevators, escalators, or related conveyances.

B. Approved providers shall submit an application for course approval on a form provided by _____ the Board. The application shall include but is not limited to:

1. the name of the provider and the approved provider number;
2. the name of the course;
3. the date(s), time(s), and location(s) of the course;
4. instructor information, including name, license number(s) if applicable, and a list of other appropriate trade designations;
5. course and material fees;
6. course syllabus

C. Courses may be approved retroactively, however no regulant will receive credit toward the continuing education requirements of renewal until such approval is received from the board.

18 VAC 50-30-230. Reporting of course completion.

All continuing education providers shall electronically transmit course completion data, to the board, in an approved format, within 7 days of the completion of each individual course. The transmittal will include: each student's name; social security number or current license number; the date of successful completion of the course and the board's course code.

18 VAC 50-30-240. Posting continuing education provider and course certificates of approval.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION
REGULATIONS
Adopted 10/19/04

Copies of continuing education provider and course certificates of approval must be available at the location a course is taught.

18 VAC 50-30-250. Reporting of changes.

Any change in the information provided in 18 VAC 50-30-210 A 1 must be reported to the board within 30 days of the change with the exception of changes in the schedule of courses, which must be reported within 10 days of the change. Failure to report the changes as required may result in the withdrawal of approval of a continuing education provider by the board.

18 VAC 50-30-260. Withdrawal of approval.

The board may withdraw approval of any continuing education provider for the following reasons:

1. The courses being offered no longer meet the standards established by the board.
2. The provider, through an agent or otherwise, advertises its services in a fraudulent, or deceptive way.
3. The provider, instructor, or designee of the provider falsify any information relating to the application for approval, course information, student records or fail to produce records required by 18 VAC 50-30-210 C.

PROPOSED BOARD FOR CONTRACTORS INDIVIDUAL LICENSE AND CERTIFICATION
REGULATIONS
Adopted 10/19/04