



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 add Certified Water Well Systems Providers
Document preparation date	August 5, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

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 add Certified Water Well Systems Providers as required by Chapter 792 of the Acts of the General Assembly approved March 26, 2005.

Legal basis

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

Section 54.1-1102(A) of the Code of Virginia provides the authority for the Board for Contractors to promulgate regulations for the licensure of tradesman.

As provided in Chapter 792 of the Acts of the General Assembly the following amendments were made to the Code of Virginia, as indicated:

Section 54.1-1129(D) requires that effective July 1, 2007, no individual shall engage in the drilling, installation, maintenance, or repair of a water well or water well system unless a certified water well systems provider is onsite at all times.

Section 54.1-1129.1(A) requires the Board establish three levels of certification: trainee, journeyman and master.

Section 54.1-1129.1(B) requires the Board approve continuing education required for renewal or reinstatement of certifications for water well systems providers.

Section 54.1-1130 requires that applicants for certification as water well systems providers take an oral or written test to determine their general knowledge of water well systems.

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 agency has determined that the proposed regulatory action 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.

Chapter 792 of the Acts of the General Assembly amended Article 3, Chapter 11 of Title 54.1 of the Code of Virginia. This amendment to the statutes introduces Certified Water Well Systems Providers to the regulatory authority of the Board for Contractors. These regulations will define entry requirements, list fees and set certificate maintenance procedures for this new program.

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.

Since this is a new program, mandated by law, no other alternatives exist for amending the regulations in order to bring them into compliance the Code of Virginia. At this time, no alternative has been established for amending current definitions or the establishment of a continuing education program; however, 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 impact on the institution of the family or family stability.