

FINAL – BOARD FOR CONTRACTORS’ RULES AND REGULATIONS

PART I.

DEFINITIONS.

18 VAC 50-22-10. General definitions.

The following words and terms when used in this chapter, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"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.

~~"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.~~

~~"Certificate holder" means a firm holding a Class C contractor certificate issued by the Board for Contractors to act as a contractor as defined in § 54.1-1100 of the Code of Virginia.~~

~~"Controlling financial interest" means the direct or indirect ownership or control of more than 50% or more of the applicable indicia of ownership of a firm.~~

~~"Firm" means any sole proprietorship, partnership, association, limited liability company, or corporation, which is required by § 54.1-1100 of the Code of Virginia to obtain a license/certificate business entity recognized under the laws of the Commonwealth of Virginia.~~

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["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, military, correspondence schools or other similar training organizations.]

"Full-time employee" means an employee who spends a minimum of 30 hours a week carrying out the work of the licensed~~[certified]~~ contracting business.

"Licensee" means a firm holding a license issued by the Board for Contractors to act as a contractor, as defined in § 54.1-1100 of the Code of Virginia.

"Net ~~Worth~~ worth" means assets minus liabilities. For purposes of this chapter, assets shall not include any property owned as tenants by the entirety.

"Reciprocity" means an arrangement by which the licensees of two states are allowed to practice within each other's boundaries by mutual agreement.

"Reinstatement" means having a license ~~or certificate~~ restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license ~~or certificate~~ for another period of time.

"Responsible management" means the following individuals:

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- 1 1. The sole proprietor of a sole proprietorship;
- 2
- 3 2. The partners of a general partnership;
- 4
- 5 3. The managing partners of a limited partnership;
- 6
- 7 4. The officers of a corporation;
- 8
- 9 5. The managers of a limited liability company; ~~and~~
- 10
- 11 6. The officers or directors of an association or both; and
- 12
- 13 7. Individuals in other business entities recognized under the laws of the
- 14 Commonwealth as having a fiduciary responsibility to the firm.
- 15

16 "Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an
17 assumed or fictitious name pursuant to the provisions of § 59.1-69 through 59.1-76 of the Code of Virginia.

18
19 "Tenants by the ~~Entirety~~ entirety" means a tenancy which is created between a husband and wife and by
20 which together they hold title to the whole with right of survivorship so that, upon death of either, the other
21 takes whole to exclusion of ~~deceased~~ the deceased's remaining heirs.

22
23 **18 VAC 50-22-20. Definitions of license/~~certificate~~ classifications.**

24

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1 The following words and terms, when used in this chapter, unless a different meaning is provided or is
2 plainly required by the context, shall have the following meanings:

3
4 "Building contractors" (Abbr: BLD) means those individuals whose contracts include construction on real
5 property owned, controlled or leased by another person of commercial, industrial, institutional,
6 governmental, residential (single-family, two-family or multifamily) and accessory use buildings or
7 structures. This classification also provides for remodeling, repair, improvement or demolition of these
8 buildings and structures. A holder of this license/~~certificate~~ can do general contracting ~~but his scope of~~
9 ~~work cannot include any work covered under the following trade or specialty licenses:~~

10

11	Alarm security	Fire alarm
12	Asbestos	Fire sprinkler
13	Billboard/sign	Fire suppression
14	Blasting	Gas fitting
15	Electrical	HVAC
16	Electronic communication	Irrigation
17	Elevator/escalator	Passive energy
18	Environmental systems	Plumbing

19

20 If the BLD contractor performs specialty services, all required specialty designations shall be obtained.

21 The building classification ~~does include~~ includes but is not limited to the functions carried out by the
22 following specialties:

23

24	<u>Billboard/sign contracting</u>	Landscape services <u>service contracting</u>
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1	Commercial improvement <u>contracting</u>	Miscellaneous
2	Home improvement	<u>Marine facility contracting</u>
3	Farm improvement <u>contracting</u>	Modular/ mobile <u>manufactured building</u>
4		<u>contracting</u>
5	<u>Home improvement contracting</u>	Recreational facilities facility <u>contracting</u>

6

7 ~~The above specialties are not inclusive of all of the functions covered by the building classification:~~

8

9 "Electrical Contractors contractors" (Abbr: ELE) means those individuals whose contracts include the
 10 construction, repair, maintenance, alteration, or removal of electrical systems under the National Electrical
 11 Code. This classification provides for all work covered by the National Electrical Code including electrical
 12 work covered by ~~ALS, ESC, and FAS classifications~~ the alarm/security systems contracting (ALS),
 13 electronic/communication service contracting (ESC) and fire alarm systems contracting (FAS) specialties.

14 A firm holding an electrical license is responsible for meeting all applicable tradesman ~~certification~~
 15 licensing standards adopted by each locality.

16

17 "Highway/heavy contractors" (Abbr: H/H) means those individuals whose contracts include construction,
 18 repair, improvement, or demolition of the following:

19

20	Bridges	Rail roads
21	Dams	Roads
22	Foundations	Runways
23	Drainage systems	Streets
24	<u>Foundations</u>	Structural signs & lights

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1 Parking lots Tanks

2 Public transit systems

3

4 The functions carried out by these contractors include but are not limited to the following:

5

6 Building demolition Nonwater well drilling

7 Clearing Paving

8 Concrete work Pile driving

9 Excavating Road marking

10 Grading

11

12 These contractors also install, maintain, or dismantle the following:

13

14 1. Power systems for the generation and primary and secondary distribution of electric current
15 ahead of the customer's meter;

16

17 2. Pumping stations and treatment plants;

18

19 3. Telephone, telegraph or signal systems for public utilities; and

20

21 4. Water, gas, and sewer lines up to five feet from any building or structure connections to
22 residential, commercial, and industrial sites, subject to local ordinances.

23

24 This classification may also install backflow prevention devices incidental to work in this classification

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1 ~~[upon passage of an installation competency and training program approved by the board when the~~
 2 ~~installer has received formal vocational training approved by the board that included instruction in the~~
 3 ~~installation of backflow prevention devices].~~

4
 5 "HVAC contractors" (Abbr: HVA) means those individuals whose work includes the installation,
 6 alteration, repair, or maintenance of heating systems, ventilating systems, cooling systems, steam and hot
 7 water heaters, heating systems, boilers, process piping, and mechanical refrigeration systems, including
 8 tanks incidental to the system. This classification does not provide for fire suppression installations,
 9 sprinkler system installations, or gas piping. A firm holding a HVAC license is responsible for meeting all
 10 applicable tradesman ~~certification licensure~~ standards ~~adopted by each locality~~. This classification may
 11 [also] install backflow prevention devices incidental to work in this classification [upon passage of an
 12 installation competency and training program approved by the board].

13
 14 "Plumbing contractors" (Abbr: PLB) means those individuals whose contracts include the installation,
 15 maintenance, extension, or alteration, or removal of all piping, fixtures, appliances, and appurtenances in
 16 connection with any of the following:

- 17
- | | | |
|----|-------------------------------------|---|
| 18 | Backflow prevention devices | Process piping |
| 19 | Boilers | Public/private water supply systems within or |
| 20 | | adjacent to any building, structure or conveyance |
| 21 | Domestic sprinklers | Sanitary or storm drainage facilities |
| 22 | Hot water baseboard heating systems | Steam heating systems |
| 23 | Hot water heaters | Storage tanks incidental to the installation of |
| 24 | | related systems |

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1 Hydronic heating systems Venting systems related to plumbing
2 Limited area sprinklers (as defined by BOCA)

3

4 These contractors also install, maintain, extend or alter the following:

5

6 Liquid waste systems Storm water systems
7 Sewerage systems Water supply systems

8

9 This classification does not provide for gas piping or the function of fire sprinkler contracting as noted
10 above. A firm holding a plumbing license is responsible for meeting all applicable tradesman ~~certification~~
11 licensure standards ~~adopted by each locality~~.

12

13 "Specialty contractors" means those individuals whose contracts are for specialty services which do not
14 generally fall within the scope of any other classification within this chapter.

15

16 **18 VAC 50-22-30. Definitions of specialty services.**

17

18 The following words and terms, when used in this chapter, unless a different meaning is provided or is
19 plainly required by the context, shall have the following meanings:

20

21 "Alarm/security systems contracting" (Abbr: ALS) means that service which provides for the installation,
22 repair, improvement, or removal of alarm systems or security systems annexed to real property. This
23 classification covers only burglar and security alarm installations. A firm holding an ALS
24 license/~~certificate~~ is responsible for meeting all applicable ~~tradesman certification standards~~ rules and

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1 ~~regulations~~ adopted by each locality. The ~~electrical~~ ELE classification also provides for this function.

2

3 "Alternative energy system contracting" (Abbr: AES) means that service which provides for the
4 installation, repair or improvement, from the customer's meter, of alternative energy generation systems,
5 supplemental energy systems and associated equipment annexed to real property. No other classification
6 or specialty service provides this function. This specialty does not provide for electrical, plumbing, gas
7 fitting, or HVAC functions.

8

9 "Asbestos contracting" (Abbr: ASB) means that service which provides for the installation, removal, or
10 encapsulation of asbestos containing materials annexed to real property. No other classification or
11 specialty service provides for this function.

12

13 "Asphalt paving and sealcoating contracting" (Appr: PAV) means that service which provides for the
14 installation of asphalt paving and/or sealcoating on subdivision streets and adjacent intersections,
15 driveways, parking lots, tennis courts, running tracks, and play areas, using materials and accessories
16 common to the industry. This includes height adjustment of existing sewer manholes, storm drains, water
17 valves, sewer cleanouts and drain grates, and all necessary excavation and grading. The H/H
18 classification also provides for this function.

19

20 "Billboard/sign contracting" (Abbr: BSC) means that service which provides for the installation, repair,
21 improvement, or dismantling of any billboard or structural sign permanently annexed to real property. H/H
22 is and BLD are the only other classification classifications that can perform this work except that a
23 contractor in this specialty may connect or disconnect signs to existing electrical circuits. ~~A building~~
24 contractor may install signs incidental to work covered under their classification. No trade related

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1 plumbing, electrical or HVAC work is included in this ~~classification~~ function.

2

3 "Blast/explosive contracting" (Abbr: BEC) means that service which provides for the use of explosive
4 charges for the repair, improvement, alteration, or demolition of any real property or any structure annexed
5 to real property.

6

7 "Commercial improvement contracting" (Abbr: CIC) means that service which provides for ~~additions,~~
8 ~~repairs~~ repair or ~~improvements~~ improvement to nonresidential property and multifamily property as defined
9 in the Virginia Uniform Statewide Building Code. The BLD classification also ~~covers this work~~ provides
10 for this function. The CIC classification does not provide for the construction of new buildings, accessory
11 buildings, electrical, plumbing, HVAC or gas work.

12

13 "Concrete contracting" (Abbr: CEM) means that service which provides for all work in connection with
14 the processing, proportioning, batching, mixing, conveying and placing of concrete composed of materials
15 common to the concrete industry. This includes but is not limited to finishing, coloring, curing, repairing,
16 testing, sawing, grinding, grouting, placing of film barriers, sealing and waterproofing. Construction and
17 assembling of forms, molds, slipforms, pans, centering, and the use of rebar is also included. The BLD
18 and H/H classifications also provide for this function.

19

20 "Electronic/communication service contracting" (Abbr: ESC) means that service which provides for the
21 installation, repair, improvement, or removal of electronic or communications systems annexed to real
22 property including telephone wiring, computer cabling, sound systems, data links, data and network
23 installation, television and cable TV wiring, antenna wiring, and fiber optics installation, all of which operate
24 at 50 volts or less. A firm holding an ESC license/~~certificate~~ is responsible for meeting all applicable

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1 tradesman ~~certification~~ licensure standards ~~adopted by each locality~~. The electrical ELE classification also
2 provides for this function.

3
4 "Elevator/escalator contracting" (Abbr: EEC) means that service which provides for the installation, repair,
5 improvement or removal of elevators or escalators permanently annexed to real property. A firm holding
6 an EEC license/~~certificate~~ is responsible for meeting all applicable tradesman ~~certification~~ licensure
7 standards ~~adopted by each locality~~. No other classification or specialty service provides for this function.

8
9 "Environmental monitoring well contracting" (Abbr: EMW) means that service which provides for the
10 construction of a well to monitor hazardous substances in the ground.

11
12 "Environmental specialties contracting" (Abbr: ENV) means that service which provides for installation,
13 repair, removal, or improvement of pollution control and remediation devices. No other specialty provides
14 for this function. This specialty does not provide for electrical, plumbing, gas fitting, or HVAC functions.

15
16 "Equipment/machinery contracting" (Abbr: EMC) means that service which provides for the installation or
17 removal of equipment or machinery ~~such as~~ including but not limited to conveyors or heavy machinery. ~~It~~
18 This specialty does not provide for any electrical, plumbing, process piping or HVAC functions.

19
20 "Farm improvement contracting" (Abbr: FIC) means that service which provides for the installation, repair
21 or improvement of a nonresidential farm building or structure, or nonresidential farm accessory-use
22 structure, or additions thereto. The BLD classification also provides for this function. The FIC specialty
23 does not provide for any electrical, plumbing, HVAC, or gas fitting functions.

24

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1 "Fire alarm systems contracting" (Abbr: FAS) means that service which provides for the installation,
2 repair, or improvement of fire alarm systems which operate at 50 volts or less. The ~~electrical~~ ELE
3 classification also provides for this function. A firm with an FAS license/~~certificate~~ is responsible for
4 meeting all applicable tradesman ~~certification~~ licensure standards ~~adopted by each locality~~.

5
6 "Fire sprinkler contracting" (Abbr: SPR) means that service which provides for the installation, repair,
7 alteration, addition, testing, maintenance, inspection, improvement or removal of sprinkler systems using
8 water as a means of fire suppression when annexed to real property. This specialty does not provide for
9 the installation, repair, or maintenance of other types of fire suppression systems. The PLB classification
10 allows for the installation of limited area sprinklers as defined by BOCA. This specialty may engage in the
11 installation of backflow prevention devices in the fire sprinkler supply main and sprinkler system [upon
12 passage of an installation competency and training program approved by the board when the installer has
13 received formal vocational training approved by the board that included instruction in the installation of
14 backflow prevention devices].

15
16 "Fire suppression contracting" (Abbr: FSP) means that service which provides for the installation, repair,
17 improvement, or removal of fire suppression systems including but not limited to halon and other gas
18 systems; dry chemical systems; and carbon dioxide systems annexed to real property. No other
19 classification provides for this function. The FSP specialty does not provide for the installation, repair, or
20 maintenance of water sprinkler systems.

21
22 "Gas fitting contracting" (Abbr: GFC) means that service which provides for the installation, repair,
23 improvement, or removal of gas piping and appliances annexed to real property. A firm with a GFC
24 license is responsible for meeting all applicable tradesman licensure standards.

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2 "Home improvement contracting" (Abbr: HIC) means that service which provides for repairs or
3 improvements to one-family and two-family residential buildings or structures annexed to real property.
4 The BLD classification also provides for this function. The HIC specialty does not provide for electrical,
5 plumbing, HVAC, or gas fitting functions. It does not include high rise buildings, buildings with more than
6 two dwelling units, or new construction functions beyond the existing building structure other than decks,
7 patios, driveways and utility out buildings.

8

9 "Landscape irrigation contracting" (Abbr: ISC) means that service which provides for the installation,
10 repair, improvement, or removal of irrigation sprinkler systems or outdoor sprinkler systems. The PLB and
11 H/H classifications also provide for this function. ~~However, only the PLB classification provides for the~~
12 ~~installation of backflow devices. This specialty may install backflow prevention devices incidental to work~~
13 ~~in this specialty [upon passage of an installation competency and training program approved by the board~~
14 ~~when the installer has received formal vocational training approved by the board that included instruction in~~
15 ~~the installation of backflow prevention devices].~~

16

17 "Landscape service contracting" (Abbr: LSC) means that service which provides for the alteration or
18 improvement of a land area not related to any other classification or service activity by means of
19 excavation, clearing, grading, construction of retaining walls for landscaping purposes, or placement of
20 landscaping timbers. The BLD classification also provides for this function.

21

22 "Lead abatement contracting" (Abbr: LAC) means that service which provides for the removal or
23 encapsulation of lead-containing materials annexed to real property. No other classification or specialty
24 service provides for this function. ~~A plumber, except that the PLB classification~~ may provide this service

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1 incidental to work embraced in that classification.

2

3 "Liquefied petroleum gas contracting" (Abbr: LPG) means that service which includes the installation,
4 maintenance, extension, alteration, or removal of all piping, fixtures, appliances, and appurtenances used in
5 transporting, storing or utilizing liquefied petroleum gas. This excludes hot water heaters, boilers, and
6 central heating systems that require a HVA or PLB license. No other classification or specialty service
7 provides for this function. A firm holding a LPG license is responsible for meeting all applicable
8 tradesman licensure standards.

9

10 "Marine facility contracting" (Abbr: MCC) means that service which provides for the construction, repair,
11 improvement, or removal of any structure the purpose of which is to provide access to, impede, or alter a
12 body of surface water. The BLD and H/H classification classifications also provides provide for this
13 function. The MCC specialty does not provide for the construction of accessory structures or electrical,
14 HVAC or plumbing functions.

15

16 ~~"Miscellaneous contracting" (Abbr: MSC) means that service which may fall under another classification~~
17 ~~or specialty service but is more limited than the functions provided by the other classification.~~

18

19 "Masonry contracting" (Abbr: BRK) means that service which includes the installation of brick, concrete
20 block, stone, marble, slate or other units and products common to the masonry industry, including
21 mortarless type masonry products. This includes installation of grout, caulking, tuck pointing, sand blasting,
22 mortar washing, parging and cleaning and welding of reinforcement steel related to masonry construction.
23 The BLD classification and HIC and CIC specialties also provide for this function.

24

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1 "Modular/~~mobile~~/manufactured building contracting" (Abbr: MBC) means that service which provides for
2 the installation or removal of a modular,~~mobile~~, or manufactured building manufactured under ANSI
3 standards. This classification does not cover foundation work; however, it does allow installation of piers
4 covered under HUD regulations. ~~It~~ It does allow a licensee/~~certificate holder~~ to do internal tie ins of
5 plumbing, gas and electrical or HVAC equipment. It does not allow for installing additional plumbing,
6 electrical, or HVAC work such as installing the service meter, or installing the outside compressor for the
7 HVAC system. The H/H and BLD classifications also provide for this function.

8
9 "~~Passive energy systems contracting~~" (Abbr: PES) means ~~that service which provides for the installation,~~
10 ~~repair or improvement, from the customer's meter, of passive energy generation systems or passive~~
11 ~~supplemental energy systems annexed to real property. No other classification or specialty service~~
12 ~~provides this function. This specialty does not provide for electrical, plumbing, gas fitting or HVAC~~
13 ~~functions.~~

14
15 "Natural gas fitting provider contracting" (Abbr: NGF) means that service which provides for the incidental
16 repair, testing, or removal of natural gas piping or fitting annexed to real property. This does not include
17 new installation of gas piping for hot water heaters, boilers, central heating systems, or other natural gas
18 equipment which requires a HVA or PLB license. No other classification or specialty service provides for
19 this function. A firm holding a NGF license is responsible for meeting all applicable tradesman licensure
20 standards.

21
22 "Painting and wallcovering contracting" (Abbr: PTC) means that service which provides for the application
23 of materials common to the painting and decorating industry for protective or decorative purposes, the
24 installation of surface coverings such as vinyls, wall papers, and cloth fabrics. This includes surface

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1 preparation, caulking, sanding and cleaning preparatory to painting or coverings and includes both interior
2 and exterior surfaces. The BLD classification and the HIC and CIC specialties also provide for this
3 function.

4
5 "Radon mitigation contracting" (Abbr: RMC) means that service which provides for additions, repairs or
6 improvements to buildings or structures, for the purpose of mitigating or preventing the effects of radon
7 gas. This function can only be performed by a firm holding the BLD classification or CIC (for other than
8 one-family and two-family dwellings), FIC (for nonresidential farm buildings) or HIC (for one-family and
9 two-family dwellings) specialty services. No electrical, plumbing, gas fitting, or HVAC functions are
10 provided by this specialty.

11
12 "Recreational facility contracting" (Abbr: RFC) means that service which provides for the construction,
13 repair, or improvement of any recreational facility, excluding paving and the construction of buildings,
14 plumbing, electrical, and HVAC functions. The ~~building~~ BLD classification also provides for this function.

15
16 "Refrigeration contracting" (Abbr: REF) means that service which provides for installation, repair, or
17 removal of any refrigeration equipment (excluding HVAC equipment). No electrical, plumbing, gas fitting,
18 or HVAC functions are provided by this specialty. This specialty is intended for those contractors who
19 repair or install coolers, refrigerated casework, ice-making machines, drinking fountains, cold room
20 equipment, and similar hermetic refrigeration equipment. ~~This function is also provided by~~ The HVAC
21 classification also provides for this function.

22
23 "Roofing contracting" (Abbr: ROC) means that service which provides for the installation, repair, removal
24 or improvement of materials common to the industry that form a watertight, weather resistant surface for

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1 roofs and decks. This includes roofing system components when installed in conjunction with a roofing
2 project, application of dampproofing or waterproofing, and installation of roof insulation panels and other
3 roof insulation systems above roof deck. The BLD classification and the HIC and CIC specialties also
4 provide for this function.

5
6 "~~Sewage Disposal Systems Contracting~~ disposal systems contracting" (Abbr: SDS) means that service
7 which provides for the installation, repair, improvement, or removal of septic tanks, septic systems, and
8 other on-site sewage disposal systems annexed to real property.

9
10 "Swimming pool construction contracting" (Abbr: POL) means that service which provides for the
11 construction, repair, improvement or removal of in-ground swimming pools. The BLD classification and
12 the RFC specialty also provide for this function. No trade related plumbing, electrical, backflow or HVAC
13 work is included in this specialty.

14
15 "Vessel construction contracting" (Abbr: VCC) means that service which provides for the construction,
16 repair, improvement, or removal of nonresidential vessels, tanks, or piping that hold or convey fluids other
17 than sanitary, storm, waste, or potable water supplies. The H/H classification also provides for this
18 service function.

19
20 "Water well/pump contracting" (Abbr: WWP) means that service which provides for the installation of a
21 water well system, which includes construction of a water well to reach groundwater, as defined in §
22 62.1-255 of the Code of Virginia, and the installation of the well pump and tank, including pipe and wire, up
23 to and including the point of connection to the plumbing and electrical systems. No other classification or
24 specialty service provides for construction of water wells. This regulation shall not exclude PLB, ELE or

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1 HVAC from installation of pumps and tanks.

2

3 Note: Specialty contractors engaging in construction which involves the following activities or items or
 4 similar activities or items may fall under the ~~specialty service of commercial improvement, home~~
 5 ~~improvement and/or farm improvement~~ CIC, HIC and/or EIC specialty services, or they may fall
 6 under the ~~building~~ BLD classification.

7

8	Appliances	Flooring	Shutters
9	Awnings	Floors	Siding
10	Blinds	Glass	Skylights
11	Bricks	Glazing	Special coatings
12	Bulkheads	Grouting	Stone
13	Cabinetry	Grubbing	Storage Bins & Lockers
14	Carpentry	Guttering	Stucco
15	Carpeting	Insulation	Temperature Controls
16	Casework	Interior Decorating	Terrazzo
17	Caulking	Lubrication	Tile
18	Ceilings	Marble	Vaults
19	Chimneys	Masonry	Vinyl Flooring
20	Chutes	Metal Work	Wall Coverings
21	Concrete	Millwrighting	Wall Panels
22	Conduit Rodding	Mirrors	Wall Tile
23	Curtains	Miscellaneous Iron	Waterproofing
24	Curtain Walls	Ornamental Iron	Weatherstripping

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1	Decks	Painting	Welding
2	Doors	Partitions	Windows
3	Drapes	Plastic Wall Coverings	Wood Floors
4	Drywall	Protective Coatings	
5	Epoxy	Railings	
6	Exterior Decoration	Rigging	
7	Facings	Roofing	
8	Fences	Rubber Linings	
9	Fiberglass	Sandblasting	
10	Fireplaces	Scaffolding	
11	Fireproofing	Screens	
12	Fixtures	Sheet Metal	
13	Floor Coverings	Shingles	

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PART II.

ENTRY.

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

19

20 A. ~~Every~~ ^Δ firm applying for a Class C ~~certificate~~ license must meet the requirements of this
21 section.

22

23 B. For every classification or specialty in which the firm seeks to be ~~certified~~ licensed, the
24 firm shall name a qualified individual who meets the following requirements:

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1. Is at least 18 years old;
2. Has a minimum of two years experience in the classification or specialty for which he is the qualifier;
3. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm; ~~and~~
4. Where appropriate, has passed the trade-related examination or has completed an education and training program approved by the board and required for the specialties listed below:

<u>Electrical</u>	a. Blast/explosive contracting;
<u>Gas fitting</u>	b. Radon mitigation; and
<u>HVAC</u>	c. Water well drilling;
<u>Plumbing</u>	<u>Fire sprinkler</u>
5. Has obtained, pursuant to the tradesman regulations, a master tradesman license as required for those classifications and specialties listed in 18 VAC 50-22-20 and 18 VAC 50-22-30.

C. ~~Each~~ The firm shall provide information for the past five years prior to application on any outstanding, past-due debts and judgments; ~~;~~ outstanding tax obligations; ~~;~~ ~~or~~ defaults on

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1 bonds; ~~or pending or past bankruptcies~~. The firm, its qualified individual or individuals, and
2 all members of the responsible management of the firm shall submit information on any
3 past-due debts and judgments or defaults on bonds directly related to the practice of
4 contracting as defined in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of
5 Virginia.

6
7 D. The firm, the qualified individual, and all members of the responsible management of the
8 firm shall disclose at the time of application any current or previous contractor licenses
9 held in Virginia or in other jurisdictions and any disciplinary actions taken on these
10 licenses; ~~including~~. This includes but ~~is~~ not limited to any monetary penalties, fines,
11 ~~suspension~~ suspensions, ~~revocation or revocations~~, surrender of a license in connection
12 with a disciplinary action, or voluntary termination of a license in Virginia or in any other
13 jurisdiction ~~within the five years immediately prior to applying for a Virginia contractor~~
14 certificate.

15
16 E. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the
17 following information about the firm, ~~any member~~ all members of the responsible
18 management, and the qualified individual or individuals for the firm:

19
20 1. ~~A conviction in any jurisdiction of any felony; All misdemeanor~~
21 ~~convictions within three years of the date of application; and~~

22
23 2. ~~A conviction in any jurisdiction of any misdemeanor within the three~~
24 ~~years immediately prior to application~~ All felony convictions during their

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1 lifetime.

2

3 Any plea of nolo contendere shall be considered a conviction for purposes of this
4 subsection. The record of a conviction received from a court shall be accepted as prima
5 facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny
6 ~~certification-licensure~~ to any applicant in accordance with § 54.1-204 of the Code of
7 Virginia.

8

9 **18 VAC 50-22-50. Requirements for a Class B license.**

10

11 A. Every Δ firm applying for a Class B license must meet the requirements of this section.

12

13 B. Every Δ firm shall name a designated employee who meets the following requirements:

14

15 1. Is at least 18 years old;

16

17 2. Is a full time employee of the firm as defined in this chapter, or is a member of
18 responsible management as defined in this chapter;

19

20 3. Has passed ~~the General Section and the Virginia Section of the licensing a board-~~
21 approved examination as required by § 54.1-1108 of the Code of Virginia. ~~An~~
22 applicant who has passed in another jurisdiction a licensing exam found by the
23 board to be substantially equivalent to the General Section of the Virginia exam,
24 shall only be required to pass the Virginia Section of the board's licensing

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1 ~~examination or has been exempted from the exam requirement in accordance~~
2 ~~with § 54.1-1108.1 of the Code of Virginia; and~~

3
4 4. Has followed all rules established by the board or by the testing service
5 acting on behalf of the board with regard to conduct at the examination.
6 Such rules shall include any written instructions communicated prior to
7 the examination date and any oral or written instructions given at the
8 site on the date of the exam.

9
10 C. For every classification or specialty in which the firm seeks to be licensed, the
11 firm shall name a qualified individual who meets the following requirements:

- 12
13 1. Is at least 18 years old;
- 14
15 2. Has a minimum of three years experience in the classification or specialty for
16 which he is the qualifier;
- 17
18 3. Is a full-time employee of the firm as defined in this chapter or is a member of the
19 responsible management of the firm; ~~and~~
- 20
21 4. Where appropriate, has passed the trade-related examination or has completed an
22 education and training program approved by the board and required for the
23 classifications and specialties listed below:

24

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- 1 a. Electrical; e. Blast/explosive contracting;
- 2 b. Gas fitting; f. Radon mitigation; ~~and~~
- 3 c. HVAC; g. Water well drilling;
- 4 d. Plumbing; Fire sprinkler

5

6 5. Has obtained, pursuant to the tradesman regulations, a master tradesman license

7 as required for those classifications and specialties listed in 18 VAC 50-22-20 and

8 18 VAC 50-22-30.

9

10 D. Each firm shall submit information on its financial position. Excluding any property owned

11 as tenants by the entirety, the firm shall state a net worth or equity of \$15,000 or more.

12

13 E. Each firm shall provide information for the five years prior to application on any

14 outstanding, past-due debts and judgments; ~~or~~ outstanding tax obligations; ~~or~~ defaults on

15 bonds; or pending or past bankruptcies. The firm, its designated employee, qualified

16 individual or individuals, and all members of the responsible management of the firm shall

17 submit information on any past-due debts and judgments or defaults on bonds directly

18 related to the practice of contracting as defined in Chapter 11 (§ 54.1-1100 et seq.) of

19 Title 54.1 of the Code of Virginia.

20

21 F. The firm, the designated employee, the qualified individual and all members of the

22 responsible management of the firm shall disclose at the time of application any current or

23 previous substantial identities of interest with any contractor licenses held issued in

24 Virginia or in other jurisdictions and any disciplinary actions taken on these licenses;

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1 including. ~~This includes but is not~~ limited to any monetary penalties, fines, suspension,
2 revocation, or surrender of a license in connection with a disciplinary action. The board,
3 in its discretion, may deny licensure to any applicant when any of the parties listed above
4 have had a substantial identity of interest (as deemed in § 54.1-1110 of the Code of
5 Virginia) with any firm that has had a license suspended, revoked, voluntarily terminated
6 or surrendered in connection with a disciplinary action in Virginia or any other jurisdiction
7 ~~within the five years immediately prior to applying for a Virginia contractor license.~~

8
9 G. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the
10 following information about the firm, designated employee, ~~any member~~ all members of
11 the responsible management, and the qualified individual or individuals for the firm:

- 12
13 1. ~~A conviction in any jurisdiction of any felony~~ All misdemeanor convictions
14 within three years of the date of application; and
15
16 2. ~~A conviction in any jurisdiction of any misdemeanor within the three~~
17 ~~years immediately prior to application~~ All felony convictions during their
18 lifetime.

19
20 Any plea of nolo contendere shall be considered a conviction for purposes of this
21 subsection. The record of a conviction received from a court shall be accepted as prima
22 facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny
23 licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.
24

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1 **18 VAC 50-22-60. ~~Additional requirements~~ Requirements for a Class A license.**

2
3 A. Every ~~Δ~~ firm applying for a Class A license shall meet all of the requirements ~~outlined in~~
4 subsections E, F, and G of 18 VAC 50-22-50 as well as the additional qualifications of this
5 section.

6
7 B. ~~The~~ A firm shall name a designated employee ~~shall meet~~ who meets the following
8 requirements:

9
10 1. Is at least 18 years old;

11
12 2. Is a full-time employee of the firm as defined in this chapter or is a member of the
13 responsible management of the firm as defined in this chapter; and

14
15 3. Has passed ~~the Advanced Section of the licensing~~ a board-approved examination
16 as required by § 54.1-1106 of the Code of Virginia or has been exempted from
17 the exam requirement in accordance with § 54.1-1108.1 of the Code of Virginia:
18 ~~An applicant who has passed in another jurisdiction a licensing examination found~~
19 ~~by the board to be substantially equivalent to the General and Advanced Sections~~
20 ~~of the Virginia exam, shall only be required to pass the Virginia section of the~~
21 ~~board's licensing examination;~~ and

22
23 4. Has followed all rules established by the board or by the testing service acting on
24 behalf of the board with regard to conduct at the examination. Such rules shall

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1 include any written instructions communicated prior to the examination date and
2 any oral or written instructions given at the site on the day of the exam.

3
4 C. ~~The qualified individual~~ For every classification or specialty in which the firm seeks to be
5 licensed shall meet, the firm shall name a qualified individual who meets the following
6 requirements:

- 7
- 8 1. Is at least 18 years old;
 - 9
 - 10 2. Has a minimum of five years of experience in the classification or specialty for
11 which he is the qualifier;
 - 12
 - 13 3. Is a full-time employee of the firm as defined in this chapter or is a member of the
14 firm as defined in this chapter or is a member of the responsible management of
15 the firm; and
 - 16
 - 17 4. Where appropriate, has passed the trade-related examination or has completed an
18 education and training program approved by the board and required for the
19 classifications and ~~specialities~~ specialties listed below:

- 20
- | | |
|---|-------------------------------------|
| 21 a. Blast/explosive contracting; | e. Plumbing; |
| 22 b. Electrical; | f. Radon mitigation; and |
| 23 c. Gas fitting; | g. Water well drilling; |
| 24 d. HVAC; | <u>Fire sprinkler</u> |

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1
2 5. ~~Has obtained, pursuant to the tradesman regulations, a master tradesman license~~
3 ~~as required for those classifications and specialties listed in 18 VAC 50-22-20 and~~
4 ~~18 VAC 50-22-30.~~

5
6 D. Each firm shall submit information on its financial position. Excluding any property owned
7 as tenants by the entirety, the firm shall state a net worth or equity of \$45,000.

8
9 E. ~~The firm shall provide information for the five years prior to application on any~~
10 ~~outstanding, past-due debts and judgments; outstanding tax obligations; defaults on bonds;~~
11 ~~or pending or past bankruptcies. The firm, its designated employee, qualified individual or~~
12 ~~individuals, and all members of the responsible management of the firm shall submit~~
13 ~~information on any past-due debts and judgments or defaults on bonds directly related to~~
14 ~~the practice of contracting as defined in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of~~
15 ~~the Code of Virginia.~~

16
17 E. ~~The firm, the designated employee, the qualified individual, and all members of the~~
18 ~~responsible management of the firm shall disclose at the time of application any current or~~
19 ~~previous substantial identities of interest with any contractor licenses issued in Virginia or~~
20 ~~in other jurisdictions and any disciplinary actions taken on these licenses. This includes~~
21 ~~but is not limited to, any monetary penalties, fines, suspensions, revocations, or surrender~~
22 ~~of a license in connection with a disciplinary action. The board, in its discretion, may deny~~
23 ~~licensure to any applicant when any of the parties listed above have had a substantial~~
24 ~~identity of interest (as deemed in § 54.1-1110 of the Code of Virginia) with any firm that~~

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1 has had a license suspended, revoked, voluntarily terminated, or surrendered in connection
2 with a disciplinary action in Virginia or in any other jurisdiction.

3
4 G. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the
5 following information about the firm, all members of the responsible management, the
6 designated employee and the qualified individual or individuals for the firm:

7
8 1. All misdemeanor convictions within three years of the date of application;
9 and

10
11 2. All felony convictions during their lifetime.

12
13 Any plea of nolo contendere shall be considered a conviction for purposes of this
14 subsection. The record of a conviction received from a court shall be accepted as prima
15 facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny
16 licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

17
18 **18 VAC 50-22-70. Qualifications for licensure by reciprocity.**

19
20 Firms originally licensed in a state with which the board has a reciprocal agreement may obtain a Virginia
21 contractor's license in accordance with the terms of that agreement.

22
23 **18 VAC 50-22-80. Examinations.**

24

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1 All examinations required for licensure shall be approved by the board and provided by the board; ~~or a~~
 2 testing service acting on behalf of the board, or another governmental agency or organization. ~~The~~
 3 ~~examination fee shall consist of the administration expenses of the Department of Professional and~~
 4 ~~Occupational Regulation ensuing from the board's examination procedures and contract charges. Exam~~
 5 ~~service contracts shall be established through competitive negotiation in compliance with the Virginia~~
 6 ~~Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The current examination shall not~~
 7 ~~exceed a cost of \$100 per element to the candidate.~~

8

9 **18 VAC 50-22-100. Fees.**

10

11 Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the
 12 board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a
 13 fee required by statute or regulation is not honored by the bank or financial institution named, the applicant
 14 or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing
 15 charge specified below:

16

17 Fee Type	When Due	Amount Due
18 Class C Initial Certificate - <u>License</u>	with certificate <u>license</u> application	\$65
19 Class B Initial License	with license application	\$85
20 Class A Initial License	with license application	\$100
21 Declaration of Designated Employee	with license application	\$25
22 <u>Qualified Individual Exam Fee</u>	<u>with exam application</u>	<u>\$20</u>
23 Class B Exam Fee	with exam application (\$20 per section)	\$40
24 Class A Exam Fee	with exam application (\$20 per section)	\$60

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1	Water Well Exam	with exam application	\$40
2	Dishonored Check Fee	with replacement check	\$25

3

4 Note: A \$25 Recovery Fund assessment is also required with each initial license application. If the

5 applicant does not meet all requirements and does not become licensed, this assessment will be refunded.

6 The examination fees for ~~examinations~~ approved by the board but administered by another governmental

7 agency or organization shall be determined by that agency or organization.

8

9 PART III.

10 RENEWAL.

11

12 **18 VAC 50-22-110. Renewal required.**

13

14 Licenses/~~certificates~~ issued under this chapter shall expire two years from the last day of the month in

15 which they were issued, as indicated on the license/~~certificate~~.

16

17 **18 VAC 50-22-120. Procedures for renewal.**

18

19 The Department of Professional and Occupational Regulation will mail a notice of renewal application to

20 the licensee/~~certificate holder~~ at the last known address of record. Failure to receive this notice shall not

21 relieve the licensee/~~certificate holder~~ of the obligation to renew. If the licensee/~~certificate holder~~ does not

22 receive the notice of renewal application, a copy of the license/~~certificate~~ may be substituted with the

23 required fee.

24

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1 **18 VAC 50-22-130. Qualifications for renewal.**

2

3 A. The license holder's completed renewal form and appropriate fees must be received
4 within 30 days of the license expiration date in order to renew the license. Applications
5 and fees received after the 30-day period will be processed in accordance with Part IV
6 (18 VAC 50-22-160 et seq.) of this chapter.

7

8 B. Applicants for renewal of a Class C ~~certificate~~ license shall continue to meet all of the
9 qualifications for ~~certification~~ [~~license~~ licensure] set forth in 18 VAC 50-22-40. Applicants
10 for renewal of a Class B license shall continue to meet all of the qualifications for
11 licensure set forth in 18 VAC 50-22-50. Applicants for renewal of a Class A license shall
12 continue to meet all of the qualifications for licensure set forth in 18 VAC 50-22-60.

13

14 **18 VAC 50-22-140. Renewal fees.**

15

16 Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the
17 board are nonrefundable.

18

19 In the event that a check, money draft, or similar instrument for payment of a fee required by statute or
20 regulation is not honored by the bank or financial institution named, the applicant or regulant shall be
21 required to remit fees sufficient to cover the original fee, plus the additional processing charge specified
22 below:

23

24 Fee Type	When Due	Amount Due
-------------	----------	------------

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1	Class C Renewal	with renewal application	\$ 50
2	Class B Renewal	with renewal application	\$ 70
3	Class A Renewal	with renewal application	\$ 90
4	Dishonored Check Fee	with replacement check	\$ 25

5

6 The date on which the renewal fee is received by the Department of Professional and Occupational
 7 Regulation or its agent shall determine whether the licensee/~~certificate holder~~ is eligible for renewal or
 8 must apply for reinstatement. ~~If the renewal application and fee are not received within 30 days of the~~
 9 ~~expiration date of the license, the licensee/ certificate holder will be required to reinstate the~~
 10 ~~license/certificate.~~

11

12 **18 VAC 50-22-150. Board discretion to deny renewal.**

13

14 A. The board may deny renewal of a license/~~certificate~~ for the same reasons as it may
 15 refuse initial licensure/~~certification~~ or discipline a licensee/~~certificate holder~~. The
 16 licensee/~~certificate holder~~ has a right to appeal any such action by the board under the
 17 Administrative Process Act (§ 9.6.14:1 et seq. of the Code of Virginia).

18

19 B. Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed
 20 by consent order or final order ~~shall~~ may result in delaying or withholding services
 21 provided by the department such as, but not limited to, renewal, reinstatement, ~~transfer of~~
 22 ~~a license/certificate~~, processing a new application, or exam administration.

23

24

PART IV.

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REINSTATEMENT.

18 VAC 50-22-160. Reinstatement required.

Should the Department of Professional and Occupational Regulation fail to receive a ~~licensee's/certificate~~ license holder's renewal application or form and appropriate fees within 30 days of the ~~license/certificate~~ expiration date, the ~~licensee/certificate holder~~ shall be required to reinstate the ~~license/certificate~~.

Applicants for reinstatement of a Class C license shall meet the requirements of 18 VAC 50-22-130.

~~Applicants for reinstatement of a Class B license shall continue to meet the qualifications for licensure set forth in 18 VAC 50-22-50. Applicants for reinstatement of a Class A license shall continue to meet all the qualifications for licensure set forth in 18 VAC 50-22-60.~~

18 VAC 50-22-170. Reinstatement fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. 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 specified below:

Fee type	When Due	Amount Due
Class C Reinstatement	with reinstatement application	\$ 90 <u>\$140*</u>
Class B Reinstatement	with reinstatement application	\$100 <u>\$170*</u>
Class A Reinstatement	with reinstatement application	\$100 <u>\$190*</u>

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1 Dishonored Check Fee with replacement check \$ 25

2

3 * ~~In addition to~~ Includes renewal fee listed in 18 VAC 50-22-140.

4

5 The date on which the reinstatement fee is received by the Department of Professional and Occupational
6 Regulation or its agent shall determine whether the licensee is eligible for reinstatement or must apply for a
7 new license/~~certificate~~ and meet the entry requirements in place at the time of that application. In order to
8 ensure that licensees/~~certificate holders~~ are qualified to practice as contractors, no reinstatement will be
9 permitted once six months from the expiration date of the license/~~certificate~~ has passed.

10

11 **18 VAC 50-22-180. Status of licensee/~~certificate holder~~ during the period prior to**
12 **reinstatement.**

13

14 A. When a license/~~certificate~~ is reinstated, the licensee/~~certificate~~ shall continue to have the
15 same license/~~certificate~~ number and shall be assigned an expiration date two years from
16 the previous expiration date of the license/~~certificate~~.

17

18 B. A contractor who reinstates his license/~~certificate~~ shall be regarded as having been
19 continuously licensed/~~certified~~ without interruption. Therefore:

20

21 1. The contractor shall remain under the disciplinary authority of the board during
22 this entire period and may be held accountable for his activities during this period.

23

24 2. A consumer who contracts with a contractor during the period between the

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~~Article 1:~~

~~Revocation, Suspension, and Fines:~~

18 VAC 50-22-200. R[emedial education, r]evocation or suspension; fines.

The board may [require remedial education,] revoke or suspend a license/~~certificate~~ or fine a licensee/~~certificate holder~~ when a licensee/~~certificate holder~~ has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

~~Article 2:~~

~~Maintenance of License/Certificate:~~

18 VAC 50-22-210. ~~Transfer of license/certificate prohibited:~~ Change of business entity requires a new license.

Licenses/~~certificates~~ are issued to firms as defined in this chapter and are not transferable. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the firm shall apply for a new license is required, on a form provided by the board, within 30 days of the change in the business entity. Such changes include but are not limited to:

1. Death of a sole proprietor;

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2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and

3. Formation or dissolution of a corporation, a limited liability company, or an association or any other business entity recognized under the laws of the Commonwealth of Virginia.

18 VAC 50-22-220. Change of responsible management, designated employee, or qualified individual.

A. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 90 days of the change.

B. Any change of designated employee shall be reported on a form provided by the board within ~~45~~ 90 days of the change. The new designated employee for a Class B licensee shall meet the requirements of 18 VAC 50-22-50 B. The new designated employee for a Class A licensee shall meet the requirements of 18 VAC 50-22-60 B.

C. Any change of qualified individual shall be reported on a form provided by the board within 45 days of the change. The new qualified individual for a Class C [~~certificate holder licensee~~] shall meet the requirements of 18 VAC 50-22-40 B. The new qualified individual for a Class B licensee shall meet the requirements of [§] 18 VAC 50-22-50 C. The new qualified individual for a Class A licensee shall meet the requirements of 18

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1 VAC 50-22-60 C.

2
3 **18 VAC 50-22-230. Change of name or address.**

4
5 A. A licensee/~~certificate holder~~ must operate under the name in which the license/~~certificate~~
6 is issued. Any name change shall be reported in writing to the board within 30 days of the
7 change. The board shall not be responsible for the licensee's/~~certificate holder's~~ failure to
8 receive notices or correspondence due to the licensee's/~~certificate holder's~~ not having
9 reported a change of name.

10
11 B. Any change of address shall be reported in writing to the board within 30 days of the
12 change. The board shall not be responsible for the licensee's/~~certificate holder's~~ failure to
13 receive notices or correspondence due to the licensee's/~~certificate holder's~~ not having
14 reported a change of address.

15
16 **18 VAC 50-22-240. Deletion or addition of a classification or specialty.**

17
18 A. A licensee/~~certificate holder~~ wishing to delete a classification or specialty from its license
19 shall notify the board in writing. If a licensee has only one classification or specialty,
20 deletion of that classification or specialty will result in termination of the
21 license/~~certificate~~.

22
23 B. A licensee/~~certificate holder~~ wishing to add a classification or specialty to its
24 license/~~certificate~~ shall complete a form provided by the board. A Class C ~~certificate~~

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1 ~~holder~~ licensee seeking an additional classification or specialty shall meet the requirements
 2 of 18 VAC 50-22-40 B for the new classification or specialty. A Class B licensee
 3 seeking an additional classification or specialty shall meet the requirements of 18 VAC
 4 50-22-50 C for the new classification or specialty. A Class A licensee seeking an
 5 additional classification or specialty shall meet the requirements of 18 VAC 50-22-60 C
 6 for the new classification or specialty.

7

8 **18 VAC 50-22-250. Fees.**

9

10 Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the
 11 board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a
 12 fee required by statute or regulation is not honored by the bank or financial institution named, the applicant
 13 or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing
 14 charge specified below:

15

16 Fee Type	When Due	Amount Due
17 Change of Designated Employee	with change form	
18 \$25		
19 Change of Qualified Individual	with change form	\$25
20 Addition of Classification or Specialty	with addition application	\$25
21 Certification of Licensure/Certification	with written request	\$25
22 Dishonored Check Fee	with replacement check	\$25

23

24 **18 VAC 50-22-260. Filing of charges; prohibited acts.**

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A. All complaints against contractors 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.

B. The following are prohibited acts:

1. Failure in any material way to comply with provisions of Chapter 1 (§ 54.1-100 et seq.) 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/certificate.

3. ~~Where~~ Failure of the responsible management, designated employee, or qualified individual ~~has failed~~ to report to the board, in writing, the suspension or revocation of a contractor license by another state or ~~his~~ conviction in a court of competent jurisdiction of a building code violation.

4. Publishing or causing to be published any advertisement relating to contracting which contains an assertion, representation, or statement of fact that is false, deceptive, or misleading.

5. ~~Gross Negligence and/or incompetence~~ in the practice of contracting.

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6. Misconduct in the practice of contracting.
7. A finding of improper or dishonest conduct in the practice of ~~his profession~~ contracting by a court of competent jurisdiction.
8. Failure of all those who engage in residential contracting, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed. For the purposes of this chapter, residential contracting means construction, removal, repair, or improvements to single-family or multiple-family residential buildings, including accessory-use structures as defined in § 54.1-1100 of the Code of Virginia. Prior to commencement of work or acceptance of payments, the contract shall be signed by both the consumer and the licensee/~~certificate holder~~ or his agent. ~~At a minimum the contract shall specify or disclose the following:~~
 9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:
 - a. When work is to begin and the estimated completion date;
 - b. A statement of the total cost of the contract and the amounts and

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- 1 schedule for progress payments including a specific statement on the
2 amount of the down payment;
3
- 4 c. A listing of specified materials and work to be performed, which is
5 specifically requested by the consumer;
6
- 7 d. A "plain-language" exculpatory clause concerning events beyond the
8 control of the contractor and a statement explaining that delays caused by
9 such events do not constitute abandonment and are not included in
10 calculating time frames for payment or performance;
11
- 12 e. A statement of assurance that the contractor will comply with all local
13 requirements for building permits, inspections, and zoning;
14
- 15 f. Disclosure of the cancellation rights of the parties;
16
- 17 g. For contracts resulting from a door-to-door solicitation, a signed
18 acknowledgment by the consumer that he has been provided with and
19 read the Department of Professional and Occupational Regulation
20 statement of protection available to him through the Board for
21 Contractors;
22
- 23 h. Contractor's name, address, license/~~certificate~~ number, expiration date,
24 class of license/~~certificate~~, and classifications or specialty services; and

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- 1
- 2 i. Statement providing that any modification to the contract, which changes
- 3 the cost, materials, work to be performed, or estimated completion date,
- 4 must be in writing and signed by all parties.
- 5
- 6 ~~9~~10. Failure to make prompt delivery to the consumer before commencement of work
- 7 of a fully executed copy of the contract as described in ~~subdivision~~ subdivisions 8
- 8 and 9 of this ~~section~~ subsection for construction or contracting work.
- 9
- 10 ~~10~~ 11. Failure of the contractor to maintain for a period of ~~three~~ five years from the date
- 11 of contract a complete and legible copy of all documents relating to that contract,
- 12 including, but not limited to, the contract and any addenda or change orders.
- 13
- 14 ~~11~~ 12. Refusing or failing, upon request ~~or demand~~, to produce to the board, or any of its
- 15 agents, any document, book, record, or copy of it in the licensee's/~~certificate~~
- 16 ~~holder's~~ possession concerning a transaction covered by this chapter or for which
- 17 the licensee/~~certificate holder~~ is required to maintain records, ~~or~~.
- 18
- 19 13. ~~Failing~~ to respond to an investigator or providing false, misleading or incomplete
- 20 information to an investigator seeking information in the investigation of a
- 21 complaint filed with the board against the contractor.
- 22
- 23 ~~12~~ 14. ~~Abandonment, or the intentional and unjustified failure to complete work~~
- 24 ~~contracted for, or the retention or misapplication of funds paid, for which work is~~

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1 ~~either not performed or performed only in part. (defined as the unjustified~~
2 ~~cessation of work under the contract for a period of 30 days or more shall be~~
3 ~~considered evidence of abandonment.)~~

4
5 15. ~~The intentional and unjustified failure to complete work contracted for and/or to~~
6 ~~comply with the terms in the contract.~~

7
8 16. ~~The retention or misapplication of funds paid, for which work is either not~~
9 ~~performed or performed only in part.~~

10
11 ~~13.~~ 17. ~~Making any misrepresentation or making a false promise of a character likely to~~
12 ~~that might~~ influence, persuade, or induce.

13
14 ~~14.~~ 18. ~~Assisting an unlicensed/uncertified contractor another to violate any provision of~~
15 Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1
16 of the Code of Virginia, or this chapter; or combining or conspiring with or acting
17 as agent, partner, or associate for an unlicensed/uncertified contractor another.

18
19 ~~15.~~ 19. ~~Allowing a firm's license/certificate to be used by an unlicensed/uncertified~~
20 ~~contractor another.~~

21
22 ~~16.~~ 20. ~~Acting as or being an ostensible licensee/certificate holder for undisclosed~~
23 persons who do or will control or direct, directly or indirectly, the operations of the
24 licensee's/certificate holder's business.

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~~17. Where~~ 21. Action by the firm, responsible management as defined in this chapter, designated employee or qualified individual ~~have offered to offer, given give, or promised promise~~ anything of value or benefit to any federal, state, or local 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.

~~18.22.~~ Where the firm, responsible management as defined in this chapter, designated employee or qualified individual have been convicted or found guilty, after initial licensure/~~certification~~, regardless of adjudication, in any jurisdiction, of any felony or of any misdemeanor, there being no appeal pending therefrom or the time of appeal having elapsed. Any plea of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt.

~~19. Having failed~~ 23. Failure to inform the board in writing, within 30 days, that the firm, a member of responsible management as defined in this chapter, its designated employee, or its qualified individual has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or of a Class 1 misdemeanor or any misdemeanor conviction for activities carried out while engaged in the practice of contracting.

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1 ~~20:24.~~ Having been disciplined by any county, city, town, or any state or federal
2 governing body including action by the Virginia Department of Health, which
3 action shall be reviewed by the board before it takes any disciplinary action of its
4 own.

5
6 ~~21:25.~~ Failure to ~~comply with~~ abate a violation of the Virginia Uniform Statewide
7 Building Code, as amended.

8
9 ~~22:26.~~ Failure of a contractor to comply with the notification requirements of the Virginia
10 Underground Utility Prevention Act, Chapter 10.3 (§ 56-265.14 et seq.) of Title
11 56 of the Code of Virginia (Miss Utility).

12
13 ~~23:27.~~ Practicing in a classification[, or specialty service, or class of license] for which
14 the contractor is not licensed/certified.

15
16 ~~24.~~ After January 1, 1996, failure to include the contractor's license/certificate
17 number and class on all business cards and flyers and in all classified and display
18 advertisements in newspapers and in telephone directories and in written
19 contracts.

20
21 ~~28.~~ Failure to satisfy any judgments.

22
23 ~~29.~~ Contracting with an unlicensed or improperly licensed contractor or subcontractor
24 in the delivery of contracting services.

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30. Failure to honor the terms and conditions of a warranty.

31. Failure to obtain written change orders, which are signed by both the consumer and the licensee or his agent, to an already existing contract.

18 VAC 50-22-270. Accountability of licensee/~~certificate holder~~.

Whenever a licensee/~~certificate holder~~ offers or performs any services in Virginia related to his profession, regardless of the necessity to hold a license/~~certificate~~ to perform that service, he shall be subject to the provisions of this chapter.

I certify that this regulation is full, true, and correctly dated.

David E. Dick, Assistant Director
Department of Professional and Occupational Regulation
Date: 13 June 2001