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Exempt Action Final Regulation Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) citation(s)	18 VAC 50-30
Regulation title(s)	Individual License and Certification Regulations
Action title	Mandatory Certification of Automatic Fire Sprinkler Inspectors
Final agency action date	December 17, 2019
Date this document prepared	January 9, 2020

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory action establishes the Certified Automatic Fire Sprinkler Inspector program, as mandated by SB 1774 (2019), which Governor Northam signed into law on March 21, 2019. The legislation's third enactment clause provided that the initial adoption of the regulations be exempt from the provisions of the Administrative Process Act (Va. Code § 2.2-4000 et seq.), except that the Board must provide an opportunity for public comment on the regulations prior to final adoption.

The public comment period began on October 9, 2019, and ended November 8, 2019. During that time, the Board received nine comments, all in favor of the new licensing program and none provided any suggested regulatory language.

Evidence of ability and proficiency will be accomplished by certification in a national program, such as the National Institute for Certification in Engineering Technologies (NICET), or another program approved by the Board. Fees for new applications and renewals will be equivalent to those in place for other individual licenses and certifications, as will any other administrative fees. Continuing education will be a condition of renewal and must be completed from an education provider that has been approved by the Board.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, board decision, etc.). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

On March 21, 2019, Governor Northam approved Chapter 726 of the 2019 Acts of Assembly, which created an individual license mandate for Automatic Fire Sprinkler Inspectors. Pursuant to the third enactment clause of the legislation, the initial regulations adopted by the Board for Contractors to implement the provisions of the act are exempt from the Administrative Process Act's standard rulemaking, with the exception of a public comment period.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

At its meeting on December 17, 2019, the Board for Contractors, after reviewing the public comment required by the enacting legislation, voted to approve as exempt the final regulations for the mandatory Certification of Automatic Fire Sprinkler Inspectors.