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Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	DPOR/Auctioneers Board
Virginia Administrative Code (VAC) citation	18 VAC 25-21
Regulation title	Rules and Regulations of the Virginia Auctioneers Board
Action title	Develop necessary regulations to implement a mandatory continuing education program.
Document preparation date	July 22, 2004

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.

Develop necessary regulations to implement a mandatory continuing education program for the renewal/reinstatement of auctioneer licenses as required by HB1022 from the 2004 session of the General Assembly.

Other changes which may be necessary may also be considered.

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.

The mandatory continuing education program is mandatory pursuant to § 54.1-603.1 of the Code of Virginia. In addition, § 54.1-602 provides the Board with its broad authority to establish regulations in order to obtain and retain licenses.

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.

The Board will develop regulations to implement the continuing education program in accordance with the provisions of § 54.1-603.1 of the Code of Virginia which are as follows:

§ 54.1-603.1. Continuing education.

A. The Board shall promulgate regulations governing continuing education requirements for auctioneers licensed by the Board. Such regulations shall require the completion of the equivalent of at least six hours of Board-approved continuing education courses for any license renewal or reinstatement. The Board shall establish criteria for continuing education courses including, but not limited to (i) content and subject matter of continuing education courses, (ii) curriculum of required continuing education courses, (iii) standards and procedures for the approval of courses, course sponsors, and course instructors, (iv) methods of instruction for continuing education courses, and (v) the computation of course credit. Any continuing education courses completed by an auctioneer pursuant to a requirement of the Certified Auctioneer's Institute or participation in the educational programs sponsored by the National Auctioneer's Association or Virginia Auctioneer's Association shall satisfy the continuing education requirement of this section.

B. The Board may grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship.

Other changes which may be necessary may also be considered.

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.

There are no available alternatives as this is a statutorily mandated requirement.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

The contemplated changes are not anticipated to have any significant impact on Virginia's families.