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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Auctioneers Board
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 25-21
VAC Chapter title(s)	Regulations Governing Auctioneers
Action title	General Regulatory Reduction Initiative
Date this document prepared	December 12, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Auctioneers Board seeks to amend regulations that are determined to be overly burdensome or no longer applicable and provide clarity and/or combine other regulations.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

There are no acronyms, abbreviations, or technical definitions.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The Auctioneers Board conducted a review of its regulations in accordance with Governor Youngkin's Executive Directive One. The Board completed its review of each of its regulations and amended any overly burdensome requirements, removed any obsolete information and provided more clarity with clear direct regulations.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Code of Virginia § 54.1-602.B.1 gives authority to the Board to promulgate regulations. It states, in part, that the Board has the power and duty "Establish regulations to obtain and retain licensure of auctioneers."

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The Board conducted a general review of each of its regulations in accordance to the provisions of Executive Directive 1, the Board identified areas that could provide clarity to and combine areas that were no longer applicable.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

18VAC25-21-20 states entry requirements for auctioneers. The language is reworded and clarified.

18VAC25-21-40 states entry requirements for reciprocity. Repealed as it is specified in the statute.

18VAC25-21-50 explains application requirements. The language is reworded and clarified.

18VAC25-21-60 explains the auctioneer's exam; this regulation is to be repealed; it is repeated in another regulation.

18VAC25-21-80 explains the renewal requirements. A portion of this information is redundant.

18VAC25-21-90 explains the late renewal fee and reinstatement requirements. A portion of this information is redundant.

18VAC25-21-100 requirements for advertising; this regulation is to be repealed as it is listed in the statute.

18VAC25-21-110 states the requirements of a contract. The language is reworded and clarified.

18VAC25-21-130 explains requirements of displaying a license; this regulation is to be repealed because it is unnecessary.

18VAC25-21-140 explains the documentation to be provided to the owner; this regulation is reworded and clarified.

18VAC25-21-150 explains the requirements of escrow funds. The language is reworded and clarified.

18VAC25-21-160 explains how long records are to be saved; this regulation is to be repealed because it was better suited in regulation 18VAC25-21-140.

18VAC25-21-180 defines what actions are subject to discipline. A portion is deleted because it is unnecessary.

18VAC25-21-190 defines what is on the school of auctioneering application. The language is reworded and clarified for ease of reading.

18VAC25-21-200 explains school of auctioneering course requirements. This regulation is to be repealed because it is better suited in regulation 18VAC25-21-190.

18VAC25-21-210 reporting of changes to the board. This regulation is to be repealed because it is better suited in regulation 18VAC25-21-190.

18VAC25-21-220 explains periodic requalification for continued course approval. This regulation is to be repealed because it is better suited in regulation 18VAC25-21-190.

18VAC25-21-230 provides application and criteria for continuing education course approval. This regulation is to be repealed because it is in statute.

18VAC25-21-240 explains administration of courses. This regulation is to be repealed because it is unnecessary.

18VAC25-21-250 explains continuing education requirements for renewal or reinstatement. This regulation is to be repealed because it is in statute.

18VAC25-21-270 reporting of changes to the board. This regulation is to be repealed because it is unnecessary.

18VAC25-21-280 explains the periodic requalification for continued course approval. This regulation is to be repealed because it is unnecessary.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No viable alternatives have been identified.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Auctioneers Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Bonnie Davis, Regulatory Operations Administrator, Auctioneers Board
Department of Professional and Occupational Regulation

By E-MAIL to: Auctioneers@dpor.virginia.gov
By FAX to: (866) 465-6206
By U.S. Mail to: 9960 Mayland Drive, Suite 400, Richmond, VA 23233

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.