

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233**

**HOME INSPECTOR REGULATORY REVIEW COMMITTEE
OF THE
BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**

Tentative **AGENDA**

**WEDNESDAY, FEBRUARY 3, 2021, 10:00
A.M. 2nd FLOOR, BOARD ROOM 4**

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. COVID-19 SAFETY REMINDERS

IV. APPROVAL OF AGENDA

- a. Committee Agenda, February 3, 2021

V. PUBLIC COMMENT PERIOD*

VI. RESOURCES AND INFORMATION

- a. Chapter 5 of Title 54.1 of the Code of Virginia
- b. Home Inspector Licensing Regulations
- c. Licensing Requirements for Related Professions

VII. NEW BUSINESS

- a. Review Draft Amendments:
 - a. Definitions
 - b. Entry Requirements
 - c. Renewal Reinstatement
- b. Begin Discussion and Review of Minimum Standards for Conducting Home Inspections and Standards of Conduct and Practice

VIII. OTHER BUSINESS

- a. Review Timeline and Discuss Topics for Next Meeting

IX. FUTURE MEETING DATE

- a. March 24, 2021

* Five minute public comment, per person, with the exception of any open disciplinary or application files.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

X. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XI. ADJOURN

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

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PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

COVID-19 SAFETY REMINDERS

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Code of Virginia

Title 54.1. Professions and Occupations

Subtitle II. Professions and Occupations Regulated by the Department of Professional and Occupational Regulation and Boards within the Department

Chapter 5. Asbestos, Lead, and Home Inspection Contractors and Workers

Article 1. General Provisions

§ 54.1-500. Definitions

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by

the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § 54.1-1100. As used in this definition, "compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. 185, 911; 1996, cc. 76, 176, 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 803, 835; 2016, cc. 161, 436, 527.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 14 members as follows: one shall be a representative of a Virginia-licensed asbestos contractor, one shall be a representative of a Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program, one shall be a member of the Board for Contractors, two shall be Virginia-licensed home inspectors, and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 522, 803, 835; 2016, cc. 161, 436.

§ 54.1-501. Powers and duties of the Board

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;

2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;
4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;
7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties; and
8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477; 1993, cc. 499, 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 649, 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 803, 835; 2016, cc. 161, 436.

§ 54.1-501.1. Applicability

The provisions of this chapter shall not apply to any employer, or any employees of such

employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

1992, c. 52.

§ 54.1-502. Interdepartmental implementation plan

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.

§ 54.1-503. Licenses required

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of

which a purchaser has not taken possession, whichever occurs later.

1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 560, 885; 1998, c. 739; 2004, c. 133; 2009, c. 819; 2015, c. 411; 2016, cc. 161, 436.

§ 54.1-504. Asbestos supervisor's or worker's license required; exception

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § 54.1-501.

1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.

§ 54.1-504.1. Notices for handling asbestos

The Department of Professional and Occupational Regulation shall include with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors.

2016, c. 252.

§ 54.1-505. Qualification for an asbestos contractor's license

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § 54.1-504, ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846.

§ 54.1-506. Repealed

Repealed by Acts 1993, c. 660.

§ 54.1-507. Repealed

Repealed by Acts 1992, c. 477.

§§ 54.1-508, 54.1-509. Repealed

Repealed by Acts 1993, c. 660.

§ 54.1-510. Repealed

Repealed by Acts 1988, c. 802.

§ 54.1-511. Repealed

Repealed by Acts 1993, c. 660.

§ 54.1-512. Exemptions from licensure

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project or renovation, if all of the asbestos or lead abatement work or renovation is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.

G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.

1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846; 1998, c. 739; 2009, c. 819.

§ 54.1-513. Repealed

Repealed by Acts 1998, c. 739.

§ 54.1-514. Award of contracts by state agencies and political subdivisions

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. 180, 846.

§ 54.1-515. Employer discrimination; penalty

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § 54.1-517.

1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.

§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § 54.1-307.1.

2004, c. 222.

§ 54.1-516. Disciplinary actions

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, renovation contractor, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.

1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 803, 835; 2016, cc. 161, 436.

§ 54.1-517. Penalties for willful violations

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, renovators, dust sampling technicians, renovation contractors, and accredited asbestos training programs, accredited lead training programs, accredited renovator training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739; 2009, c. 819.

Article 2. Home Inspectors

§ 54.1-517.1. Repealed

Repealed by Acts cc. 161 and 436, cl. 2, effective July 1, 2017.

§ 54.1-517.2:1. Home inspection; required statement related to the presence of yellow shaded corrugated stainless steel tubing

A. As used in this section:

"Bonding" means connecting metallic systems to establish electrical continuity and conductivity.

"Corrugated stainless steel tubing" or "CSST" means a flexible stainless steel pipe used to supply natural gas or propane in residential, commercial, and industrial structures.

"Grounding" means connecting to the ground or to a conductive body that extends to ground connection.

B. If a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1, 2008, he shall include that observation in the report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia."

2017, c. [805](#).

§ 54.1-517.2. Requirements for licensure

A. The Board shall issue a license to practice as a home inspector in the Commonwealth to:

1. An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or
2. An applicant who has successfully:
 - a. Completed the educational requirements as required by the Board;
 - b. Completed the experience requirements as required by the Board; and
 - c. Passed the examination approved by the Board.

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.

2001, c. [723](#);2015, c. [411](#);2016, cc. [161](#), [436](#).

Article 3. Mold Inspectors and Remediators

§§ 54.1-517.3 through 54.1-517.5. Repealed

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 56.

COMMONWEALTH OF VIRGINIA
VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME
INSPECTORS



**HOME INSPECTOR LICENSING
REGULATIONS**

Last Updated February 1, 2020

STATUTES
Title 54.1, Chapter 5



Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400
Richmond, VA 23233
(804) 367-8500
www.dpor.virginia.gov

NOTICE SUMMARY OF SIGNIFICANT CHANGES

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Virginia Board for Asbestos, Lead, and Home Inspectors is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall (www.townhall.virginia.gov).

This document is a complete, edited (unofficial) copy of the Home Inspector Licensing Regulations (18 VAC 15-40). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://law.lis.virginia.gov/admincode>.

The following is a brief summary of the changes to the Home Inspector Licensing Regulations effective February 1, 2020, but does not include all changes made to the regulations.

- License renewal and reinstatement fees for licenses are temporarily reduced. For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fee shall be \$40 for home inspector licenses; and \$80 for home inspector licenses with an NRS specialty. For reinstatement applications received after March 1, 2020, and on or before February 28, 2022, the reinstatement fee shall be \$120 for home inspector licenses; and \$160 for home inspector licenses with an NRS specialty.

STATEMENT OF PURPOSE

This document contains the information you will need to obtain your Home Inspector License. The law that governs your profession is found in Chapter 5 (§ [54.1-500](#) et seq.) of Title 54.1 of the Code of Virginia. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This document contains a copy of the law and regulations that you will need to know and obey to obtain and keep your Home Inspector License.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR HOME INSPECTOR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this document, please write to:

Virginia Board for Asbestos, Lead, and Home Inspectors
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233

or call the Agency at (804) 367-8595 or e-mail ALHI@dpor.virginia.gov.

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PART I.
GENERAL

18VAC15-40-10. Definitions.

A. Section [54.1-500](#) of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

“Board”

“Home inspection”

“Home inspector”

“Person”

“Residential building”

B. Section [54.1-517.2:1](#) of the Code of Virginia provides definitions of the following terms and phrases as used in 18VAC15-40-130:

“Bonding”

“Corrugated stainless steel tubing or CSST”

“Grounding”

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

“Address of record” means the mailing address designated by the licensee to receive notices and correspondence from the board.

"Adjacent" means adjoining or within three feet of the residential building and that may affect the residential building.

“Applicant” means an individual who has submitted an application for licensure.

“Application” means a completed, board-prescribed form submitted with the appropriate fee and other required documentation.

"Client" means a person who engages the services of a home inspector for a home inspection.

"Compensation" means the receipt of monetary payment or other valuable consideration for services rendered.

"Component" means a part of a system.

"Contact hour" means 50 minutes of participation in a structured training activity.

"CPE" means continuing professional education.

"Department" means the Department of Professional and Occupational Regulation.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, forgiveness of debt, or benefits from the use of property, or any combination of it, paid or provided by a business that exceeds or may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or personal property if the interest exceeds \$1,000 in value and excluding ownership in business, income, salary, other compensation, fringe benefits, or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds 3.0% percent of the asset value of the business; or (vi) an option for ownership of a business, real property, or personal property if the ownership interest will consist of clause (i) or (iv) of this definition.

"Fireplace" means an interior fire-resistant masonry permanent or prefabricated fixture that can be used to burn fuel and is either vented or unvented.

"Foundation" means the element of a structure that connects to the ground and transfers loads from the structure to the ground. Foundations may be shallow or deep.

"Licensee" means a home inspector as defined in Chapter 5 ([§ 54.1-500](#) et seq.) of Title 54.1 of the Code of Virginia.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation that is unlawful to practice without such license.

"New residential structure" or "NRS" means a residential structure for which the first conveyance of record title to a purchaser has not occurred or the purchaser has not taken possession, whichever occurs later.

"NRS specialty" means a designation granted by the board to a home inspector that authorizes such individual to conduct home inspections on any new residential structure.

"Outbuilding" means any structure on the property that is more than three feet from the residential building and that may affect the residential building.

"Prelicense education course" means an instruction program approved by the board and is one of the requirements for licensure effective July 1, 2017.

"Readily accessible" means available for access without requiring moving or removing of any obstacles.

"Reinstatement" means the process and requirements through which an expired license can be made valid without the licensee having to apply as a new applicant.

"Renewal" means the process and requirements for periodically approving the continuance of a license.

"Residential structure" means a structure consisting of no more than two dwelling units or a townhouse.

"Solid fuel burning appliances" means a hearth and fire chamber or similarly prepared place in which a fire may be built and that is built in conjunction with a chimney, or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.

"System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

"Virginia Residential Code" means the provisions of the Virginia Construction Code (Part I (13VAC5-63-10 et seq.) of 13VAC5-63) applicable to R-5 residential structures and that includes provisions of the International Residential Code as amended by the Board of Housing and Community Development.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 14, eff. April 17, 2017; Volume 33, Issue 19, eff. July 1, 2017; Volume 33, Issue 26, eff. September 20, 2017.

18VAC15-40-20. Necessity for licensure.

- A. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the board to perform a home inspection for compensation on a residential building.
- B. A home inspection on a new residential structure shall only be conducted by a home inspector with the NRS specialty and who has completed a training module on the Virginia Residential Code.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

PART II.

ENTRY

18VAC15-40-25. Application procedures.

- A. All applicants seeking licensure shall submit an application with the appropriate fee specified in 18VAC15-40-50. Application shall be made on forms provided by the board or its agent.
 1. By submitting the application to the department, the applicant certifies that the applicant has read and understands the applicable statutes and the board's regulations.
 2. The receipt of an application and the deposit of fees by the board do not indicate approval of the application by the board.
- B. The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied. All applications shall be completed in accordance with the instructions contained in this section and on the application. Applications will not be considered complete until all required documents are received by the board.
- C. The applicant will be notified within 30 days of the board's receipt of an initial application if the application is incomplete. An individual who fails to complete the application process within 12 months of receipt of the application in the board's office must submit a new application.
- D. The applicant shall immediately report all changes in information supplied with the application, if applicable, prior to issuance of the license or expiration of the application.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-30. General requirements for licensure.

- A. In addition to the provisions of 18VAC15-40-32, every applicant for a home inspector license shall meet the requirements provided in this section.
- B. The applicant shall be at least 18 years old.
- C. The applicant shall provide a mailing address, which shall serve as the address of record. A post office box is only acceptable as the address of record when a physical address is also provided.
- D. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information:

1. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within five years of the date of the application; and
2. All felony convictions during his lifetime.

Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The record of conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with [§ 54.1-204](#) of the Code of Virginia.

- E. The applicant for licensure shall be in compliance with the standards of conduct and practice set forth in Part V (18VAC15-40-140 et seq.) of this chapter at the time of application, while the application is under review by the board, and at all times when the license is in effect.
- F. The applicant shall report any suspension, revocation, or surrender of a license, certification, or registration in connection with a disciplinary action or a license, certification, or registration that has been the subject of discipline in any jurisdiction prior to applying for licensure. The board, in its discretion, may deny licensure to any applicant based on prior suspensions, revocations, or surrender of licenses based on disciplinary action by any jurisdiction. The applicant has the right to request further review of any such action by the board under the Administrative Process Act ([§ 2.2-4000](#) et seq. of the Code of Virginia.)
- G. The applicant for licensure shall submit evidence of having obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business liability insurance policy or a commercial general liability insurance policy with minimum limits of \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an additional insured. If for any reason the board cannot reasonably ensure that the applicant is sufficiently covered in accordance with this subsection, the board may require that requisite coverage be obtained in the name of the applicant. Proof of such insurance policy must be submitted in order to obtain the license.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 20, eff. August 1, 2015; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-32. Qualifications for licensure.

- A. An applicant for licensure as a home inspector shall furnish documentation acceptable to the board that one of the qualifications for licensure in Table 1 has been met:

TABLE 1			
	Board-approved prelicense education course contact hours	Experience	Passed the board-approved examination
1.	35	Completion of 100 home inspections prior to July 1, 2017	Yes
2.	35	Completion of 50 home inspections under the direct supervision of a home inspector	Yes
3.	70	Completion of 50 home inspections prior to July 1, 2017	Yes
4.	70	Completion of 25 home inspections under the direct supervision of a home inspector	Yes
5.	None	Verification of 10 years' experience as a home inspector prior to July 1, 2017, with a minimum of 250 home inspections completed during such time period	Yes

- B. Prelicense education courses must be approved by the board pursuant to Part VI (18VAC15-40-120 et seq.) of this chapter. No more than half of the required hours may be completed using distance or online education technology.
- C. Verification of home inspections completed under the direct supervision of a home inspector must be provided by an individual who was properly licensed or certified by the board during the applicable time period.
- D. The National Home Inspector Examination provided by the Examination Board of Professional Home Inspectors is the board-approved examination pursuant to [§ 54.1-517.2 A 2 c](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-33. Examination conduct.

Procedures and appropriate conduct established by the board or examination organization administering the examination approved by the board, or both, shall be followed by the applicant. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the

date of the examination. Failure to comply with all procedures established by the board or the examination organization with regard to conduct at the examination shall be grounds for denial of the application.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-34. Individuals certified or licensed in another jurisdiction; equivalency to Virginia home inspector requirements.

- A. The board may waive the requirements of 18VAC15-40-32 for an applicant who holds an active, current license or certificate as a home inspector in another state, the District of Columbia, or any other territory or possession of the United States provided the requirements and standards under which the license or certificate was issued are substantially equivalent to those established in this chapter.
- B. In considering qualifications pursuant to 18VAC15-40-32, the board may consider experience gained under a licensed (however denominated) home inspector in another state provided the requirements and standards under which the home inspector was licensed are substantially equivalent to those established in this chapter.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-35. Qualifications for the new residential structure specialty.

To obtain the NRS specialty, the applicant shall submit the appropriate application form and fee pursuant to 18 VAC 15-40-50 and meet the following qualifications:

- 1. Hold a current and valid home inspector license. An applicant who does not hold a current and valid home inspector license shall apply for such licensure and meet the requirements contained in 18 VAC 15-40-30 and 18VAC 15-40-32.
- 2. Submit proof of successful completion of an NRS training module approved by the board pursuant to Part VI (18VAC15-40-120 et seq.) of this chapter and completed no more than two years prior to the date of application.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-40. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-45. Application denial.

The board may refuse initial licensure due to an applicant's failure to comply with entry requirements or for any of the reasons it may discipline a licensee. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ [2.2.-4000](#) et seq. of the Code of Virginia).

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-48. General fee requirements.

All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011.

18VAC15-40-50. Fees.

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application
Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Home inspector renewal	\$25
Home inspector with NRS specialty renewal	\$50

For reinstatement applications received after March 1, 2018, and on or before February 29, 2020, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees shall be as follows:

Home inspector renewal	\$40
Home inspector with NRS specialty renewal	\$80

For reinstatement applications received after March 1, 2020, and on or before February 28, 2022, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$120
Home inspector with NRS specialty reinstatement	\$160

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 20, eff. August 1, 2015; Volume 33, Issue 14, eff. April 17, 2017; Volume 34, Issue 8, eff. February 1, 2018; Volume 36, Issue 9, eff. February 1, 2020.

18VAC15-40-52. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; amended, Virginia Register Volume 31, Issue 20, eff. August 1, 2015; repealed, Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

PART III.

RENEWAL AND REINSTATEMENT OF LICENSE

18VAC15-40-60. Renewal required.

Licenses issued under this chapter shall expire two years from the last day of the month in which they were issued.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-70. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011.

18VAC15-40-72. Continuing professional education required for home inspector licensure.

- A. Each licensee shall have completed 16 contact hours of continuing professional education (CPE) during each license renewal cycle. CPE can be met through classroom instruction, distance learning, or online education technology.
- B. Notwithstanding the provisions of 18VAC15-40-75, the subject matter addressed during CPE contact hours shall be limited to the content areas covered by the board's approved examination.
- C. The licensee shall not receive CPE credit for the same training course more than once during a single license renewal cycle.
- D. A licensee who completes the initial training module required by 18VAC15-40-35 in order to obtain an NRS specialty may count completion of the module towards the required 16 hours of CPE credit for that renewal cycle.

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-75. Board-approved new residential structure update continuing professional education course required to maintain new residential structure specialty.

In addition to the CPE requirements of 18VAC15-40-72, to maintain the NRS specialty, the licensee shall submit proof of completion of a four-hour, board-approved NRS CPE course, which can be applied toward the 16 contact hours of CPE required for the license renewal.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-76. Continuing professional education for instructors.

A licensee may receive CPE credit for teaching a course that otherwise meets the requirements of this chapter; however, additional credit shall not be given for subsequent offerings of a course or activity with the same content within the same licensing cycle. In addition, a licensee may receive two hours of CPE no more than once during a single licensing cycle for the initial development or substantial updating of a CPE course.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-78. Maintenance of continuing professional education records.

A. Each licensee shall maintain evidence of the satisfactory completion of CPE for at least three years following the end of the license renewal cycle for which the CPE was taken. Such documentation shall be provided to the board or its duly authorized agents upon request. The following shall be maintained by the licensee to document completion of the hours of CPE specified in 18VAC15-40-72:

1. Evidence of completion that shall contain the name, address, and telephone number of the training provider;
2. The dates the applicant participated in the training;
3. Descriptive material of the subject matter presented documenting that it covers the content areas covered by the board's examination; and
4. A statement from the provider verifying the number of CPE contact hours completed.

B. The board may conduct an audit of its licensees to ensure compliance with the applicable CPE requirements. Licensees who are selected for audit shall provide the necessary documentation stipulated in this section.

C. The licensee may request additional time to meet the CPE requirement; however, CPE hours earned during a license renewal cycle to satisfy the CPE requirement of the preceding license renewal cycle shall be valid only for that preceding license renewal cycle.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-80. Procedures for renewal.

A. Prior to the expiration date shown on the license, the board shall mail a renewal notice to the licensee's address of record.

- B. Prior to the expiration date shown on the license, the licensee desiring to renew his license shall return to the board the renewal notice, proof of insurance required by 18VAC15-40-30, and the appropriate fee specified in 18VAC15-40-50.
- C. Prior to the expiration date shown on the license, a licensee with the NRS specialty must submit proof of completion of four hours of board-approved NRS CPE, in accordance with 18VAC15-40-75, along with the renewal notice and the appropriate fee specified in 18VAC15-40-50.
- D. Failure to receive the renewal notice does not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee and any other required documentation as an application for renewal. The date on which the renewal application is received by the department or its agent will determine whether the renewal application was received on time.
- E. By submitting the renewal application the licensee is affirming that the CPE requirements of 18VAC15-40-72 have been met, and he is in continued compliance with this chapter.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-85. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-90. Reinstatement.

- A. If the requirements for renewal of a license, as provided in 18 VAC15-40-80, are not completed by the licensee within 30 days after the expiration date on the license, reinstatement of the license shall be required.
- B. All applicants for reinstatement shall meet all requirements set forth in 18VAC15-40-30, 18VAC15-40-72, and 18VAC15-40-75, as applicable.
- C. A license may be reinstated for up to two years following the expiration date upon submittal of the reinstatement application consisting of (i) payment of the reinstatement fee, (ii) proof of insurance required by 18VAC15-40-30, (iii) proof of CPE in accordance with 18VAC15-40-72, and (iv) proof of CPE to maintain the NRS specialty, if applicable. After two years, the license shall not be reinstated under any circumstances and the individual shall apply as a new applicant, and meet entry requirements current at the time of submittal of the new application.
- D. By submitting the reinstatement application, the individual is affirming that he is in continued compliance with this chapter.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 15, eff. May 1, 2015; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-100. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011.

18VAC15-40-105. Status of licensee during the period prior to reinstatement.

- A. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption and shall remain under the disciplinary authority of the board during this entire period and shall be held accountable for his activities during this period.
- B. Any regulated activity conducted subsequent to the license expiration date may constitute unlicensed activity and be subject to prosecution under Chapter 1 ([§ 54.1-100](#) et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-107. Board discretion to deny renewal or reinstatement.

The board may deny renewal or reinstatement of a license for the same reasons as the board may refuse initial licensure or discipline a licensee. The licensee has the right to request further review of any such action by the board under the Administrative Process Act ([§ 2.2-4000](#) et seq. of the Code of Virginia).

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-108. License renewal or reinstatement after July 1, 2017.

A license eligible for renewal or reinstatement on or after July 1, 2017, shall be required to meet the requirements of this part as amended effective July 1, 2017, upon submittal of the renewal or reinstatement application, as applicable.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-110. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011.

PART IV.

MINIMUM STANDARDS FOR CONDUCTING HOME INSPECTIONS

18VAC15-40-120. Home inspection contract.

- A. For the protection of both the client and the licensee, both parties shall sign a legible, written contract clearly specifying the terms, conditions, and limitations and exclusions of the work to be performed.
- B. At a minimum, the written contract shall include:
1. Name, business name (if applicable), business address, and telephone number of the home inspector.
 2. License number of the home inspector, and notation of NRS specialty, if applicable.
 3. Name of the clients.
 4. Physical address of the residential property to be inspected.
 5. Cost of the home inspection.
 6. A listing of all areas and systems to be inspected, including those inspections that are either partial or limited in scope.
 7. A statement in the contract that the home inspection does not include a review for compliance with regulatory requirements (Virginia Uniform Statewide Building Code or other codes, regulations, laws, ordinances, etc.).
 8. To the extent that any of the following categories are not covered by the home inspection, they shall be noted as exclusions in the inspection contract:
 - a. The condition of systems or components that are not readily accessible.
 - b. The remaining life of any system or component.
 - c. The strength, adequacy, effectiveness, or efficiency of any system or component.
 - d. The causes of any condition or deficiency.
 - e. The methods, materials, or costs of corrections.
 - f. Future conditions including failure of systems and components.
 - g. The suitability of the property for any specialized use.

- h. The market value of the property or its marketability.
- i. The advisability of the purchase of the property.
- j. The presence of diseases harmful to humans or potentially hazardous plants or animals including wood destroying organisms and mold.
- k. The presence of any environmental hazards including toxins, carcinogens, noise, asbestos, lead-based paint, mold, radon, and contaminants in soil, water, and air.
- l. The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.
- m. The operating costs of systems or components.
- n. The acoustical properties of any system or component.
- o. The presence of components involved in manufacturer's recalls.
- p. The inspection of outbuildings.

To the extent any other items are not specifically included in the home inspection by agreement of the parties, they shall also be noted as exclusions in the home inspection contract.

9. Estimated delivery date to the client of the home inspection report.
10. Dated signatures of both the home inspector and the client or the client's authorized representative.
- C. The home inspection contract shall make written disclosure that the home inspection report is based upon visual observation of existing conditions of the inspected property at the time of the inspection and is not intended to be, or to be construed as, a guarantee, warranty, or any form of insurance. This provision does not prevent a home inspector from offering a separate guarantee, warranty, or any form of insurance if he so chooses.
- D. If the home inspector recommends a person to the client for repairs or modifications to the inspected property, the home inspector shall disclose to the client all financial interests that the home inspector has with the recommended person. The disclosure shall be written within the home inspection contract.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-130. Home inspection report.

A. Home inspection reports shall contain:

1. Information pertaining to the licensee, including:

- a. Licensee's name;
- b. Business address;
- c. Telephone number; and
- d. License number and expiration date, to be followed by "NRS" if so designated and performing a home inspection on a new residential structure;

2. The name, address, and telephone number of the client or the client's authorized representative, if available at the time of the inspection;

3. The physical address of the residential property inspected; and

4. The date, time (to include both start and finish times of the home inspection), and weather conditions at the time of the home inspection.

B. In conducting a home inspection and reporting its findings, the home inspector, at a minimum, shall inspect the condition of and shall describe in writing the composition or characteristics of the following readily accessible components and readily observable defects, except as may be limited in the home inspection contract agreement:

1. Structural system.

- a. Foundation.
- b. Framing.
- c. Stairs.
- d. Crawl space, the method of inspecting the crawl space shall be noted and explained in the home inspection report. If the crawl space cannot be inspected, the licensee shall explain in the home inspection report why this component was not inspected.
- e. Crawl space ventilation and vapor barriers.
- f. Slab floor, when present.
- g. Floors, ceilings, and walls.

2. Roof structure, attic, and insulation.

- a. Roof covering. The method of inspecting the roof covering shall be noted and explained in the home inspection report. If the roof covering cannot be inspected, the licensee shall explain in the home inspection report why this component was not inspected.
- b. Roof ventilation.
- c. Roof drainage system, to include gutters and downspouts.
- d. Roof flashings, if readily visible.
- e. Skylights, chimneys, and roof penetrations, but not antennae or other roof attachments.
- f. Roof framing and sheathing.
- g. Attic, unless area is not readily accessible.
- h. Attic insulation.

3. Exterior of residential building or NRS.

- a. Wall covering, flashing, and trim.
- b. Readily accessible doors and windows, but not the operation of associated security locks, devices, or systems.
- c. Decks, balconies, stoops, steps, porches, attached garages, carports, and any associated railings that are adjacent to the residential building or NRS and on the same property but not associated screening, shutters, awnings, storm windows, detached garages, or storm doors.
- d. Eaves, soffits, and fascias where readily accessible from ground level.
- e. Walkways, grade steps, patios, and driveways, but not fences or privacy walls.
- f. Vegetation, trees, grading, drainage, and any retaining walls adjacent to the residential building or NRS.
- g. Visible exterior portions of chimneys.

4. Interior of residential building or NRS.

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- a. Interior walls, ceilings, and floors of residential building or NRS and any adjacent garage.
 - b. Steps, stairways, railings, and balconies and associated railings.
 - c. Countertops and installed cabinets, including hardware.
 - d. Doors and windows, but not the operation of associated security locks, devices, or systems.
 - e. Garage doors and permanently mounted and installed garage door operators. The automatic safety reverse function of garage door openers shall be tested, either by physical obstruction as specified by the manufacturer, or by breaking the beam of the electronic photo eye but only when the test can be safely performed and will not risk damage to the door, the opener, any nearby structure, or any stored items.
 - f. Fireplaces, venting systems, hearths, dampers, and fireboxes, but not mantles, fire screens and doors, seals and gaskets.
 - g. Solid fuel burning appliances, if applicable.
5. Plumbing system.
- a. Interior water supply and distribution systems, including water supply lines and all fixtures and faucets, but not water conditioning systems or fire sprinkler systems.
 - b. Water drainage, waste, and vent systems, including all fixtures.
 - c. Drainage sumps, sump pumps, and related piping.
 - d. Water heating equipment, including energy source and related vent systems, flues, and chimneys, but not solar water heating systems.
 - e. Fuel storage and distribution systems for visible leaks.
6. Electrical system.
- a. Service drop.
 - b. Service entrance conductors, cables, and raceways.
 - c. Service equipment and main disconnects.
 - d. Service grounding.
 - e. Interior components of service panels and sub panels, including feeders.

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- f. Conductors.
 - g. Overcurrent protection devices.
 - h. Readily accessible installed lighting fixtures, switches, and receptacles.
 - i. Ground fault circuit interrupters.
 - j. Presence or absence of smoke detectors.
 - k. Presence of solid conductor aluminum branch circuit wiring.
 - l. Arc fault interrupters shall be noted if installed but not tested if equipment is attached to them.
7. Heating system.
- a. Heating equipment, including operating controls, but not heat exchangers, gas logs, built-in gas burning appliances, grills, stoves, space heaters, solar heating devices, or heating system accessories such as humidifiers, air purifiers, motorized dampers, and heat reclaimers.
 - b. Energy source.
 - c. Heating distribution system.
 - d. Vent systems, flues, and chimneys, including dampers.
8. Air conditioning system.
- a. Central and installed wall air conditioning equipment.
 - b. Operating controls, access panels, and covers.
 - c. Energy source.
 - d. Cooling distribution system.
- C. Systems in the home that are turned off, winterized, or otherwise secured so that they do not respond to normal activation using standard operating controls need not be put into operating condition. The home inspector shall state, in writing, the reason these systems or components were not inspected.
- D. In accordance with [§ 54.1-517.2:1](#) of the Code of Virginia, if a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective

May 1, 2008, the home inspector shall include that observation in the report along with the following statement: “Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer’s installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia.”

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017; Volume 33, Issue 26, eff. September 20, 2017.

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Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation of the Official Board of Inspection.
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PART V.

STANDARDS OF CONDUCT AND PRACTICE

18VAC15-40-140. Conflict of interest.

A. The licensee shall not:

1. Design or perform repairs or modifications to a residential building or NRS on which he has performed a home inspection as a result of the findings of the home inspection within 12 months after the date he performed the home inspection, except in cases where the home inspector purchased the residence after he performed the home inspection;
2. Perform a home inspection of a residential building or NRS upon which he has designed or performed repairs or modifications within the preceding 12 months without disclosing to the client in the home inspection contract the specifics of the repairs or modifications he designed or performed;
3. Refer his client to another person to make repairs or modifications to a residential building or NRS on which he has performed a home inspection unless, in accordance with 18VAC15-40-120 D, he provides written documentation to his client that clearly discloses all financial interests that the licensee has or reasonably expects to have with the person who is recommended for the repairs or modifications;
4. Represent the financial interests, either personally or through his employment, of any of the parties to the transfer or sale of a residential building on which he has performed a home inspection; or
5. Perform a home inspection of a residential building or NRS under a contingent agreement whereby any compensation or future referrals are dependent on the reported findings or on the sale of the property.

B. The licensee shall not disclose any information concerning the results of the home inspection without the approval of the client for whom the home inspection was performed. However, the licensee may disclose information in situations where there is an imminent endangerment to life or health.

C. The licensee shall not accept compensation from more than one interested party for the same service on the same property without the consent of all interested parties.

D. The licensee shall not accept nor offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the licensee is responsible. Additionally, the licensee shall not enter into any financial relationship with any party that may compromise the licensee's commitment to the best interest of his client.

- E. The home inspection shall not be used as a pretext by the licensee to solicit or obtain work in another field, except for additional diagnostic inspections or testing.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-145. Competency for assignments.

- A. The licensee shall undertake to perform professional assignments only when qualified by education or experience, or both.
- B. A licensee shall not misrepresent to a prospective or existing client or employer his qualifications and the scope of his responsibility in connection with a home inspection.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-150. Grounds for disciplinary action.

The board has the power to place a licensee on probation, impose a monetary penalty in accordance with [§ 54.1-202 A](#) of the Code of Virginia, or revoke, suspend, or refuse to renew a license when the licensee has been found to have violated or cooperated with others in violating any provision of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia or this chapter.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-152. Notice of adverse action.

- A. A licensee shall notify the board of the following actions against the licensee:
1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including any (i) reprimand; (ii) license or certificate revocation, suspension, or denial; (iii) monetary penalty; (iv) requirement for remedial education; or (v) other corrective action.
 2. Any voluntary surrendering of a related license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.
 3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, in any jurisdiction of the United States of any (i) misdemeanor involving moral turpitude, sexual offense, drug distribution, or physical injury or relating to performing a home inspection or (ii) felony, there being no appeal pending therefrom or the time for appeal having lapsed. Review of convictions shall be subject to the requirements of [§ 54.1-204](#) of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purpose of this section.

- B. The notice must be made to the board in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice. The record of conviction, finding, or case decision shall be considered prima facie evidence of a conviction or finding of guilt.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-155. Prohibited acts.

The following acts are prohibited and any violation may result in disciplinary action by the board:

1. Obtaining or attempting to obtain a license by false or fraudulent representation.
2. Performing improvements or repairs to a residential building as a result of the findings of the home inspection within 12 months before or after performing a home inspection on it, except in cases where the home inspector purchased the residential building after he performed the home inspection.
3. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia or this chapter.
4. A licensee having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC15-40-152. Review of convictions shall be subject to the requirements of [§ 54.1-204](#) of the Code of Virginia.
5. Failing to inform the board in writing within 30 days that the licensee was convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC15-40-152.
6. Failing to act as a licensee in such a manner as to safeguard the interests of the public.
7. Engaging in improper, fraudulent, or dishonest conduct in conducting a home inspection.
8. Having performed a home inspection when not qualified by training or experience to competently perform any part of the home inspection.
9. Failing to maintain, through training, the proficiency to perform Virginia home inspections.
10. Conducting a home inspection on any new residential structure without the NRS specialty issued by the board.
11. Failing to maintain the insurance policy required pursuant to 18VAC15-40-30 G.

12. Failing to report a change pursuant to 18VAC15-40-160.
13. Having cited, stated, or represented that there exists a violation of the Virginia Uniform Statewide Building Code (13VAC5-63) in a home inspection report or other document prepared relative to a home inspection.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-160. Maintenance of licenses, reports, and documentation.

- A. The licensee shall at all times keep the board informed of his current address of record, to include the physical address, as applicable. Changes of address shall be reported to the board in writing within 30 calendar days after such change. A post office box is acceptable as the address of record only when a physical address is also provided. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board of any change of address.
- B. The licensee shall notify the board in writing of a name change within 30 calendar days of any change in the licensee's legal name. Such notification shall be accompanied by a copy of a marriage license, divorce decree, court order, or other documentation that verifies the name change.
- C. The licensee shall retain all records pertaining to home inspections performed to include written reports and supporting documentation for a period of three years from the date of the related home inspection.
- D. The licensee shall report the cancellation, amendment, expiration, or any other change of the insurance policy submitted in accordance with 18VAC15-40-30 G within 30 days of the change.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-170. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-180. Response to inquiry of the board.

- A. A licensee must respond within 10 days to a request by the board or any of its agents regarding any complaint filed with the department.
- B. Unless otherwise specified by the board, a licensee of the board shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any transaction pertaining to a complaint filed in which the licensee was involved, or for which

the licensee is required to maintain records. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

- C. A licensee shall not provide a false, misleading, or incomplete response to the board or any of its agents seeking information in the investigation of a complaint filed with the board.
- D. With the exception of the requirements of subsections A and B of this section, a licensee must respond to an inquiry by the board or its agent within 21 days.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-190. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

PART VI.

APPROVAL OF PRELICENSE EDUCATION COURSES, NEW RESIDENTIAL STRUCTURES TRAINING MODULE, AND NEW RESIDENTIAL STRUCTURES CONTINUING PROFESSIONAL EDUCATION

18VAC15-40-200. Prelicense education courses, new residential structures training modules, and new residential structures continuing professional education courses generally.

All prelicense education courses, NRS training modules, and NRS CPE courses proposed for the purposes of meeting the requirements of this chapter must be approved by the board. Prelicense education courses and training modules may be approved retroactively upon request of the provider with the application; however, no applicant will receive credit until such approval is granted by the board.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-210. Approval of prelicense education courses.

A training provider seeking approval of a prelicense education course shall submit an application for prelicense education course approval on a form provided by the board. In addition to the appropriate fee provided in 18VAC15-40-50, the application shall include:

1. The name of the provider;
2. Provider contact person, address, and telephone number;
3. Course contact hours;
4. Schedule of prelicense education courses if established, including dates, times, and locations;
5. Method of delivery;
6. Instructor information, including name, license number, if applicable, and a list of trade-appropriate designations, as well as a professional resume with a summary of teaching experience and subject matter knowledge and qualifications acceptable to the board;
7. Materials to be provided to students;
8. Fees for prelicense education course and materials; and
9. Training module syllabus.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-220. Prelicense education course requirements.

A prelicense education course must be a minimum of 35 hours. The syllabus for each type of prelicense education course shall encompass the following subject areas and include methods for identification and inspection, safety and maintenance, and standards for material selection and installation procedures, as applicable:

1. Site conditions;
2. Exterior components of the residential building;
3. Structural system elements;
4. Electrical system elements;
5. Heating and cooling systems;
6. Insulation, moisture management systems, and ventilation systems;
7. Plumbing systems;
8. Interior components;
9. Fireplace and chimney systems;
10. Common permanently installed appliances;
11. Inspection report requirements;
12. Responsibilities to the client, including required contract elements; and
13. Overview of the board's regulations.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-230. Approval of new residential structures training modules and new residential structures continuing professional education.

A training provider seeking approval of an NRS training module or NRS CPE course shall submit an application for NRS training module or NRS CPE course approval on a form provided by the board. NRS training modules and NRS CPE can be provided in a classroom environment,

online, or through distance learning. In addition to the appropriate fee provided in 18VAC15-40-50, the application shall include:

1. The name of the provider;
2. Provider contact person, address, and telephone number;
3. Module or CPE course contact hours;
4. Schedule of training module or CPE course if established, including dates, times, and locations;
5. Method of delivery;
6. Instructor information, including name, license number, if applicable, and a list of trade-appropriate designations, as well as a professional resume with a summary of teaching experience and subject matter knowledge and qualifications acceptable to the board;
7. Materials to be provided to students;
8. Fees for NRS training module or NRS CPE course and materials; and
9. Training module syllabus.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-240. New residential structures training module requirements.

- A. In order to qualify as an NRS training module under 18VAC15-40-35, the training module must include a minimum of eight contact hours and the syllabus shall encompass all of the subject areas set forth in subsection B of this section.
- B. The following subject areas as they relate to the Virginia Residential Code shall be included in all NRS training modules. The time allocated to each subject area must be sufficient to ensure adequate coverage of the subject as determined by the board.
 1. Origin of the Virginia Residential Code.
 - a. Overview of Title 36 of the Code of Virginia.
 - b. Roles and responsibilities of the Board of Housing and Community Development and the Department of Housing and Community Development.

- C. Virginia Uniform Statewide Building Code, Part I (13VAC5-63-10 through 13VAC5-63-390) of 13VAC5-63.
2. Scope of the Virginia Residential Code.
- a. Purpose of the Virginia Residential Code.
 - b. Exemptions from the Virginia Residential Code.
 - c. Compliance alternatives.
 - d. Code official discretion in administration and enforcement of the Virginia Residential Code.
 - e. Process for amending the Virginia Residential Code.
 - f. Code violations and enforcement.
 - (1) Statute of limitations.
 - (2) Effect of violations.
 - g. Examples of code and non-code violations.
3. Roles of the building code official and the home inspector, including an overview of [§ 36-105](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-250. New residential structures training modules and new residential structures continuing professional education requirements.

In order to qualify for NRS CPE for the renewal of home inspector licenses with the NRS specialty, the NRS CPE must include a minimum of four contact hours and the syllabus shall encompass all of the topic areas listed in 18VAC15-40-240 for an NRS training module.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-260. Documentation of prelicense education courses, new residential structures training modules, and new residential structures continuing professional education completion requirements.

All prelicense education course, NRS training module, and NRS CPE providers must provide each student who successfully completes the course or training module with a certificate of completion or other documentation that the student may use as proof of course or training

module completion. Such documentation shall contain the contact hours completed, the date of training, and the course identification number assigned by the board.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-270. Maintenance of records.

All providers of approved prelicense education courses, NRS training modules, or NRS CPE courses must establish and maintain a record for each student. The record shall include the student's name and address, the training module or course name and hours attended, the training module or course syllabus or outline, the name or names of the instructors, the date of successful completion, and the board's approved training module or course identification number. Records shall be available for inspection during normal business hours by authorized representatives of the board. Providers must maintain these records for a minimum of five years.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-280. Reporting changes.

Any change in the information provided in 18VAC15-40-210 or 18VAC15-40-230 must be reported to the board within 30 days of the change. Any change in information submitted will be reviewed to ensure compliance with the provisions of this chapter.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-290. Withdrawal of approval.

The board may withdraw approval of a prelicense education course, an NRS training module, or an NRS CPE course for the following reasons:

1. The training module or course being offered no longer meets the standards established by the board.
2. The provider, through an agent or otherwise, advertises its services in a fraudulent or deceptive way.
3. The provider, instructor, or contact person of the provider falsifies any information relating to the application for approval, training module, course information, or student records or fails to produce records required by 18VAC15-40-270.
4. A change in the information provided that results in noncompliance with this part.
5. Failure to comply with 18VAC15-40-280.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-300. Board authority to audit approved education courses and training modules.

The board may conduct an audit of any board-approved prelicense education course, NRS training module, or NRS CPE course provider to ensure continued compliance with this chapter.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

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Included in this document are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Virginia Board for Asbestos, Lead, and Home Inspectors. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2019 session. Any changes made during the 2019 session became effective July 1, 2019, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1, Chapter 5

Article 1 General Provisions

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may

be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § [54.1-1144](#), shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § [54.1-1100](#). As used in this definition,

"compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. [185](#), [911](#); 1996, cc. [76](#), [176](#), [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#), [527](#).

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 14 members as follows: one shall be a representative of a Virginia-licensed asbestos contractor, one shall be a representative of a Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program, one shall be a member of the Board for Contractors, two shall be Virginia-licensed home inspectors, and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [522](#), [803](#), [835](#); 2016, cc. [161](#), [436](#).

§ 54.1-501. Powers and duties of the Board.

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;
7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties; and
8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477; 1993, cc. 499, 660; 1994, cc. [185](#), [911](#); 1995, cc. [543](#), [585](#); 1996, cc. [180](#), [846](#); 1997, cc. [649](#), [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#).

§ 54.1-501.1. Applicability.

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

1992, c. 52.

§ 54.1-502. Interdepartmental implementation plan.

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.

§ 54.1-503. Licenses required.

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new

residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.

1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. [185](#), [911](#); 1995, cc. [543](#), [585](#); 1996, cc. [180](#), [846](#); 1997, cc. [560](#), [885](#); 1998, c. [739](#); 2004, c. [133](#); 2009, c. [819](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

§ 54.1-504. Asbestos supervisor's or worker's license required; exception.

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § [54.1-501](#).

1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.

§ 54.1-504.1. Notices for handling asbestos.

The Department of Professional and Occupational Regulation shall include with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors.

2016, c. [252](#).

§ 54.1-505. Qualification for an asbestos contractor's license.

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § [54.1-504](#), ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#).

§ 54.1-506. Repealed.

Repealed by Acts 1993, c. 660 .

§ 54.1-507. Repealed.

Repealed by Acts 1992, c. 477 .

§ 54.1-508. Repealed.

Repealed by Acts 1993, c. 660 .

§ 54.1-510. Repealed.

Repealed by Acts 1988, c. 802.

§ 54.1-511. Repealed.

Repealed by Acts 1993, c. 660 .

§ 54.1-512. Exemptions from licensure.

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ [8.01-195.1](#) et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project or renovation, if all of the asbestos or lead abatement work or renovation is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.

G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.

1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#); 1998, c. [739](#); 2009, c. [819](#).

§ 54.1-513. Repealed.

Repealed by Acts 1998, c. 739.

§ 54.1-514. Award of contracts by state agencies and political subdivisions.

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. [180](#), [846](#).

§ 54.1-515. Employer discrimination; penalty.

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § [54.1-517](#).

1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.

§ 54.1-516. Disciplinary actions.

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, renovation contractor, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual

without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.

1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#).

§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing.

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § [54.1-307.1](#).

2004, c. [222](#).

§ 54.1-517. Penalties for willful violations.

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, renovators, dust sampling technicians, renovation contractors, and accredited asbestos training programs, accredited lead training programs, accredited renovator training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2009, c. [819](#).

Article 2 Home Inspectors

§ 54.1-517.1 Repealed.

Repealed by Acts cc. 161 and 436, cl. 2, effective July 1, 2017.

§ 54.1-517.2. Requirements for licensure.

A. The Board shall issue a license to practice as a home inspector in the Commonwealth to:

1. An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or

2. An applicant who has successfully:

a. Completed the educational requirements as required by the Board;

b. Completed the experience requirements as required by the Board; and

c. Passed the examination approved by the Board.

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.

2001, c. [723](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

§ 54.1-517.2:1. Home inspection; required statement related to the presence of yellow shaded corrugated stainless steel tubing.

A. As used in this section:

"Bonding" means connecting metallic systems to establish electrical continuity and conductivity.

"Corrugated stainless steel tubing" or "CSST" means a flexible stainless steel pipe used to supply natural gas or propane in residential, commercial, and industrial structures.

"Grounding" means connecting to the ground or to a conductive body that extends to ground connection.

B. If a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1, 2008, he shall include that observation in the report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia."

2017, c. [805](#).

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
and are not to be construed as regulation or code of Virginia.
DRAFT AGENDA

COMPARISON OF STATE HOME INSPECTOR LICENSE REQUIREMENTS

State	Tiered Structure		Education/ Training	Exam			Experience	Insurance Requirement		Other
	Y	N		NHIE	State	Other		Y	N	
MT										
NE										
NV			40 hours		X		Observe 25 HI	X		
NH		X	80 hours	X				X		Equivalent exam accepted for grandfathering
NJ		X	180 hours w/ 40 field	X			Training or 250 inspection under HI	X		Under PE/LS board
NM										
NY		X	140 hours		X		100 inspections under HI			
NC		X	120 hours w/ 80 field hours		X			X		
ND		X				X		X		
OH										Pending
OK		X	90 hours	X				X		
OR		X		X						Contractor license w/ HI designation
PA										
RI	X			X			Associate 1 year and 100 inspections			Associate
SD	X		40 hours				100 inspections			Register for 1 year
TN			90 hours	X						
TX	X		Up to 200 hours				Up to 175			3 levels: apprentice, real estate inspector, and professional real estate inspector
UT										
VT		X	80 hours	X						ASHI member
WA		X	120 hours w/ 40 field		X					
WV		X	80 hours		X					

COMPARISON OF STATE HOME INSPECTOR LICENSE REQUIREMENTS

WI					X					
WY										

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position
DRAFT AGENDA

Virginia Administrative Code

Title 18. Professional And Occupational Licensing

Agency 10. Board For Architects, Professional Engineers, Land Surveyors, Certified Interior Designers And Landscape Architects

Chapter 20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations

Part IV. Qualifications for Licensing of Professional Engineers

18VAC10-20-160. Definitions.

The following words, terms, and phrases when used in this part shall have the meanings ascribed to them except where the context clearly indicates or requires different meanings:

"ABET" means the Accreditation Board for Engineering and Technology.

"Approved engineering curriculum" means an undergraduate engineering curriculum of four years or more, or a graduate engineering curriculum, approved by the board. ABET-approved engineering EAC curricula are approved by the board. Curricula that are accredited by ABET not later than two years after an applicant's graduation shall be deemed as ABET-approved.

"Approved engineering technology curriculum" means an undergraduate engineering technology curriculum of four years or more approved by the board. ABET-approved engineering technology TAC curricula of four years or more are approved by the board. Curricula that are accredited by ABET not later than two years after an applicant's graduation shall be deemed as ABET-approved.

"EAC" means Engineering Accreditation Commission.

"Engineer-in-training" or "EIT" means an applicant who has completed any one of several combinations of education, or education and experience, and has passed the Fundamentals of Engineering exam.

"Related science curriculum" includes, but is not limited to, a four-year curriculum in biology, chemistry, geology, geophysics, mathematics, physics, or other curriculum approved by the board. Curricula must have a minimum of six semester hours of mathematics courses beyond algebra and trigonometry and a minimum of six semester hours of science courses in calculus-based physics in order to be considered a related science curriculum.

"Qualifying engineering experience" means a record of progressive experience on engineering work during which the applicant has made a practical utilization of acquired knowledge and has demonstrated progressive improvement, growth, and development through the utilization of that knowledge as revealed in the complexity and technical detail of the applicant's work product or work record. The applicant must show progressive assumption of greater individual responsibility for the work product over the relevant period. The progressive experience on engineering work shall be of a grade and character that indicates to the board that the applicant is minimally competent to practice engineering. Qualifying engineering experience shall be progressive in complexity and based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design.

"TAC" means Technology Accreditation Commission.

Statutory Authority

§§ 54.1-201 and 54.1-404 of the Code of Virginia.

Historical Notes

Derived from VR130-01-2 § 4.1, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016.

18VAC10-20-190. Requirements for the Fundamentals of Engineering (FE) exam.

In order to be approved to sit for the Fundamentals of Engineering (FE) exam, applicants must satisfy one of the subsections (A through E) of this section. Applicants shall:

EDUCATIONAL REQUIREMENTS	NUMBER OF REQUIRED YEARS OF QUALIFYING ENGINEERING EXPERIENCE
<p>A. Student applicants.</p> <ol style="list-style-type: none"> 1. Be enrolled in an ABET-accredited undergraduate EAC or TAC curriculum, have 12 months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or his designee; 2. Be enrolled in an ABET-accredited graduate or doctorate EAC or TAC curriculum, have six months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or his designee; or 3. Be enrolled in a graduate curriculum that is ABET-accredited TAC or EAC at the undergraduate level at the institution at which the graduate degree is being sought, have six months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or his designee. 	0
<p>B. Have graduated from an approved engineering or an approved engineering technology curriculum.</p>	0
<p>C. Dual degree holders.</p> <ol style="list-style-type: none"> 1. Have graduated from a non-ABET-accredited undergraduate engineering curriculum of four years or more; and 2. Have graduated from a graduate or doctorate engineering curriculum that is ABET accredited at the undergraduate level. 	0
<p>D. Have graduated from a nonapproved engineering curriculum or from a related science curriculum of four years or more.</p>	2
<p>E. Have obtained, by documented academic coursework, the equivalent of education that meets the requirements of ABET accreditation for the baccalaureate engineering technology curricula. Whether an education is considered to be equivalent shall be determined by the judgment of the board.</p>	6

Statutory Authority

§§ 54.1-201 and 54.1-404 of the Code of Virginia.

Historical Notes

Derived from VR130-01-2 § 4.4, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016.

18VAC10-20-200. Requirements for engineer-in-training (EIT) designation.

Upon passing the FE exam, an applicant who qualified for the exam under 18VAC10-20-190 A will receive the EIT designation only after he provides verification of his degree to the board. All other applicants will receive the EIT

designation upon passing the FE exam. The EIT designation will remain valid indefinitely.

Statutory Authority

§§ 54.1-201 and 54.1-404 of the Code of Virginia.

Historical Notes

Derived from VR130-01-2 § 4.5, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016.

18VAC10-20-210. Requirements for the Principles and Practice of Engineering (PE) exam.

In order to be approved to sit for the Principles and Practice of Engineering (PE) exam, applicants shall satisfy one of the subsections (A through F) within this section. Applicants shall:

EDUCATIONAL REQUIREMENTS	EIT REQUIRED?	NUMBER OF REQUIRED YEARS OF QUALIFYING ENGINEERING EXPERIENCE
A. Have graduated from an approved engineering curriculum.	YES	4
B. Dual degree holders. 1. Have graduated from an ABET-accredited undergraduate engineering curriculum; and 2. Have graduated from a doctorate engineering curriculum that is ABET accredited at the undergraduate level.	NO	4
C. Have graduated from a nonapproved engineering curriculum of four years or more, a related science curriculum, or an approved engineering technology curriculum.	YES	6
D. Have graduated from a nonapproved engineering technology curriculum of four years or more.	YES	10
E. Have obtained, by documented academic coursework, the equivalent of education that meets that requirements of ABET accreditation for the baccalaureate engineering technology curricula. Whether an education is considered to be equivalent shall be determined by the judgment of the board.	YES	10
F. Have graduated from an engineering, engineering technology, or related science curriculum of four years or more.	NO	20

Statutory Authority

§§ 54.1-201 and 54.1-404 of the Code of Virginia.

Historical Notes

Derived from VR130-01-2 § 4.6, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff.

December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016.

18VAC10-20-215. Requirements for the PE license.

An applicant who has satisfied the requirements of this chapter will receive the professional engineer license upon successful completion of the PE exam.

Statutory Authority

§§ 54.1-201 and 54.1-404 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 16, Issue 3, eff. December 1, 1999; amended, Virginia Register Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016.

18VAC10-20-230. Education.

A. An applicant who is seeking credit for a degree that is not ABET accredited TAC or EAC and was earned from an institution outside the United States, shall have the degree authenticated and evaluated by an educational credential evaluation service. If the evaluation is rigorous and meets appropriate ABET accreditation standards, the board may consider the degree as an approved engineering curriculum or approved engineering technology curriculum. The board reserves the right to reject, for good cause, any evaluation submitted by the applicant.

B. Degrees earned within the United States for any nonapproved engineering curriculum, related science curriculum, or nonapproved engineering technology curriculum of four years or more shall be from an accredited college or university that is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

Statutory Authority

§§ 54.1-201 and 54.1-404 of the Code of Virginia.

Historical Notes

Derived from VR130-01-2 § 4.8, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 23, Issue 1, eff. February 1, 2007; Volume 23, Issue 21, eff. September 10, 2007; Volume 32, Issue 6, eff. January 1, 2016.

18VAC10-20-240. Experience.

A. Each applicant shall complete the board's Professional Engineer and Engineer-in-Training Experience Verification Form, documenting all of his engineering experience. The information provided on the form shall clearly describe the engineering work or research that he personally performed; delineate his role in any group engineering activity; provide an overall description of the nature and scope of his work; and include a detailed description of the engineering work personally performed by him.

B. In general, the required experience shall be applied as follows:

Type of Experience	Qualifying	Nonqualifying
1. Construction experience.	A demonstrated use of engineering computation and problem-solving skills.	The mere execution as a contractor of work designed by others, the supervision of construction, and similar nonengineering tasks.
2. Military experience.	Engineering of a character substantially equivalent to that required in the civilian sector for similar work.	Nonengineering military training and supervision.

3. Sales experience.	A demonstrated use of engineering computational and problem-solving skills.	The mere selection of data or equipment from a company catalogue, similar publication, or database.
4. Industrial experience.	Work directed toward the identification and solution of practice problems in the applicant's area of engineering specialization including engineering analysis of existing systems or the design of new ones.	The mere performance of maintenance of existing systems, replacement of parts or components, and other nonengineering tasks.
5. Graduate or doctorate's degree.	The successful completion of a graduate or doctorate degree in an engineering curriculum may be accepted as one year of equivalent engineering experience credit.	Research conducted as part of a graduate or doctorate degree shall not count as additional experience if credit for the degree is granted pursuant to 18VAC10-20-190 or 18VAC10-20-210.
6. Teaching.	For teaching experience to be considered qualifying by the board, the applicant shall have taught in an engineering curriculum approved by the board and shall have been employed in the grade of instructor or higher.	
7. Co-op program.	Engineering experience gained during a board-approved co-op program may be deemed qualifying engineering experience to a maximum of one year of credit.	
8. General.		Experience in claims consulting, drafting, estimating, and field surveying.

C. The board, in its sole discretion, may permit partial credit for approved qualifying engineering experience obtained prior to graduation from an engineering curriculum. Partial credit shall not exceed one-half of that required for any method of initial licensure.

Statutory Authority

§§ 54.1-201 and 54.1-404 of the Code of Virginia.

Historical Notes

Derived from VR130-01-2 § 4.9, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 50. Board For Contractors
Chapter 22. Board for Contractors Regulations

Part I. Definitions

18VAC50-22-20. Definitions of license classifications.

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:

"Commercial building contractors" (Abbr: CBC) means those individuals whose contracts include construction, remodeling, repair, improvement, removal, or demolition on real property owned, controlled, or leased by another person of commercial, industrial, institutional, governmental, and accessory use buildings or structures. The CBC classification does not provide for electrical, plumbing, HVAC, or gas fitting services and does not allow construction, repair, or improvement, of dwellings and townhouses as defined in the USBC.

If the CBC performs specialty services other than those listed in this definition, all required specialty designations shall be obtained. The CBC may act as a prime contractor and contract with subcontractors to perform work not permitted by the CBC license. The commercial building classification includes but is not limited to the functions carried out by the following specialties for contracts of commercial, institutional, governmental, and accessory use buildings or structures, including multi-family housing:

Billboard/sign contracting

Commercial improvement contracting

Concrete contracting

Farm improvement contracting

Industrialized building contracting

Landscape service contracting

Marine facility contracting

Masonry contracting

Painting and wallcovering contracting

Recreational facility contracting

Roofing contracting

Swimming pool contracting

"Electrical contractors" (Abbr: ELE) means those individuals whose contracts include the construction, repair, maintenance, alteration, or removal of electrical systems. This classification provides for all work covered by the electrical provisions of the USBC including electronic/communication service contracting (ESC) and fire alarm systems contracting (FAS) specialties. A firm holding an ELE license is responsible for meeting all applicable individual license and certification regulations.

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

Bridges

Dams

Drainage systems

Foundations

Parking lots

Public transit systems

Railroads

Roads

Runways

Streets

Structural signs and lights

Tanks

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

Building demolition

Cleaning

Concrete work

Excavating

Grading

Nonwater well drilling

Paving

Pile driving

Road marking

Steel erection

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

1. Power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter;
2. Pumping stations and treatment plants;
3. Telephone, telegraph, or signal systems for public utilities; and
4. Water, gas, and sewer connections to residential, commercial, and industrial sites, subject to local ordinances.

This classification may also install backflow prevention devices incidental to work in this classification when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"HVAC contractors" (Abbr: HVA) means those individuals whose work includes the installation, alteration, repair, or maintenance of heating systems, ventilating systems, cooling systems, steam and hot water heaters, heating systems, boilers, process piping, and mechanical refrigeration systems, including tanks incidental to the system. This classification does not provide for fire suppression installations, sprinkler system installations, or gas piping. A firm

holding a HVAC license is responsible for meeting all applicable individual license and certification regulations. This classification may install backflow prevention devices incidental to work in this classification.

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

Backflow prevention devices

Boilers

Hot water baseboard heating systems

Hot water heaters

Hydronic systems

Process piping

Public/private water supply systems within or adjacent to any building, structure, or conveyance

Sanitary or storm drainage facilities

Steam heating systems

Storage tanks incidental to the installation of related systems

Venting systems related to plumbing

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

Liquid waste systems

Sewerage systems

Storm water systems

Water supply systems

This classification does not provide for (i) gas piping or (ii) the function of fire sprinkler contracting except for sprinklers that are tied into the domestic water supply. A firm holding a PLB license is responsible for meeting all applicable individual license and certification regulations. The classification may install sprinkler systems permitted to be designed in accordance with the plumbing provisions of the USBC when the installer has received formal vocational training approved by the board that included instruction of installation of sprinkler systems.

"Residential building contractors" (Abbr: RBC) means those individuals whose contracts include construction, remodeling, repair, improvement, removal, or demolition on real property owned, controlled, or leased by another person of dwellings and townhouses, as defined in the USBC, including accessory buildings or structures on such property. The RBC classification does not provide for electrical, plumbing, HVAC, or gas fitting services and does not allow construction, removal, repair, or improvement to commercial, industrial, institutional, or governmental use structures outside of dwellings and townhouses, as defined by the USBC.

The residential building classification includes but is not limited to the functions carried out by the following specialties for contracts of dwellings and townhouses, as defined by the USBC, and related accessory use buildings or structures:

Concrete contracting

Home improvement contracting

Industrialized building contracting

Landscape service contracting

Masonry contracting

Painting and wallcovering contracting

Roofing contracting

Swimming pool contracting

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

Statutory Authority

§§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Historical Notes

Derived from VR220-01-2:1 § 1.2, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006; Volume 29, Issue 3, eff. December 1, 2012; Volume 32, Issue 3, eff. January 1, 2016.

18VAC50-22-30. Definitions of specialty services.

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:

"Accessibility services contracting" (Abbr: ASC) means the service that provides for all work in connection with the constructing, installing, altering, servicing, repairing, testing, or maintenance of wheelchair lifts, incline chairlifts, dumbwaiters with a capacity limit of 300 pounds, and private residence elevators in accordance with the Virginia Uniform Statewide Building Code (13VAC5-63). The EEC specialty may also perform this work. This specialty does not include work on limited use-limited application (LULA) elevators.

"Accessibility services contracting - LULA" (Abbr: ASL) means the service that provides for all work in connection with the constructing, installing, altering, servicing, repairing, testing, or maintenance of wheelchair lifts, incline chairlifts, dumbwaiters with a capacity limit of 300 pounds, private residence elevators, and limited use-limited application (LULA) elevators in accordance with the Virginia Uniform Statewide Building Code (13VAC5-63). The EEC specialty may also perform this work.

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

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

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

"Billboard/sign contracting" (Abbr: BSC) means the service that provides for the installation, repair, improvement, or dismantling of any billboard or structural sign permanently annexed to real property. H/H and CBC are the classifications that can perform this work except that a contractor in this specialty may connect or disconnect signs to existing electrical circuits. No trade related plumbing, electrical, or HVAC work is included in this function.

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

"Commercial improvement contracting" (Abbr: CIC) means the service that provides for repair or improvement to structures not defined as dwellings and townhouses in the USBC. The CBC classification also provides for this function. The CIC specialty does not provide for the construction of new buildings, accessory buildings, electrical, plumbing, HVAC, or gas work.

"Concrete contracting" (Abbr: CEM) means the service that provides for all work in connection with the processing, proportioning, batching, mixing, conveying, and placing of concrete composed of materials common to the concrete industry. This includes finishing, coloring, curing, repairing, testing, sawing, grinding, grouting, placing of film barriers, sealing, and waterproofing. Construction and assembling of forms, molds, slipforms, and pans, centering, and the use of rebar are also included. The CBC, RBC, and H/H classifications also provide for this function.

"Drug lab remediation contracting" (Abbr: DLR) means the service that provides for the cleanup, treatment, containment, or removal of hazardous substances at or in a property formerly used to manufacture methamphetamine or other drugs and may include demolition or disposal of structures or other property. No other classification or specialty provides for this function.

"Drywall contracting" (Abbr: DRY) means the service that provides for the installation, taping, and finishing of drywall, panels and assemblies of gypsum wallboard, sheathing, and cementitious board, and the installation of studs made of sheet metal for the framing of ceilings and nonstructural partitioning. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Electronic/communication service contracting" (Abbr: ESC) means the service that provides for the installation, repair, improvement, or removal of electronic or communications systems annexed to real property including telephone wiring, computer cabling, sound systems, data links, data and network installation, television and cable TV wiring, antenna wiring, and fiber optics installation, all of which operate at 50 volts or less. A firm holding an ESC license is responsible for meeting all applicable tradesman licensure standards. The ELE classification also provides for this function.

"Elevator/escalator contracting" (Abbr: EEC) means the service that provides for the installation, repair, improvement, or removal of elevators or escalators permanently annexed to real property. A firm holding an EEC license is responsible for meeting all applicable individual license and certification regulations. No other classification or specialty service provides for this function.

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

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

"Equipment/machinery contracting" (Abbr: EMC) means the service that provides for the installation or removal of equipment or machinery including conveyors or heavy machinery. Boilers exempted by the Virginia Uniform Statewide Building Code (13VAC5-63) but regulated by the Department of Labor and Industry are also included in this specialty. This specialty does not provide for any electrical, plumbing, process piping, or HVAC functions.

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

"Finish carpentry contracting" (Abbr: FIN) means the service that provides for the installation, repair, and finishing of cabinets, sash casing, door casing, wooden flooring, baseboards, countertops, and other millwork. Finish carpentry does not include the installation of ceramic tile, marble, and artificial or cultured stone. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Fire alarm systems contracting" (Abbr: FAS) means the service that provides for the installation, repair, or improvement of fire alarm systems that operate at 50 volts or less. The ELE classification also provides for this function. A firm with an FAS license is responsible for meeting all applicable tradesman licensure standards.

"Fire sprinkler contracting" (Abbr: SPR) means the service that provides for the installation, repair, alteration, addition, testing, maintenance, inspection, improvement, or removal of sprinkler systems using water as a means of fire suppression when annexed to real property. This specialty does not provide for the installation, repair, or maintenance of other types of fire suppression systems. The PLB classification allows for the installation of systems permitted to be designed in accordance with the plumbing provisions of the USBC. This specialty may engage in the installation of backflow prevention devices in the fire sprinkler supply main and incidental to the sprinkler system installation when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

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

"Flooring and floor covering contracting" (Abbr: FLR) means the service that provides for the installation, repair, improvement, or removal of materials that are common in the flooring industry. This includes wood and wood composite flooring, tack strips or other products used to secure carpet, vinyl and linoleum, ceramic, marble, stone, and all other types of tile, and includes the installation or replacement of subflooring, leveling products, or other materials necessary to facilitate the installation of the flooring or floor covering. This does not include the installation, repair, or removal of floor joists or other structural components of the flooring system. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Framing subcontractor" (Abbr: FRM) means the service which, while serving in the role of a subcontractor to a licensed prime contractor, provides for the construction, removal, repair, or improvement to any framing or rough carpentry necessary for the construction of framed structures, including the installation and repair of individual components of framing systems. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

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

"Glass and glazing contracting" (Abbr: GLZ) means the service that provides for the installation, assembly, repair, improvement, or removal of all makes and kinds of glass, glass work, mirrored glass, and glass substitute for glazing; executes the fabrication and glazing of frames, panels, sashes and doors; or installs these items in any structure. This specialty includes the installation of standard methods of weatherproofing, caulking, glazing, sealants, and adhesives. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Home improvement contracting" (Abbr: HIC) means the service that provides for repairs or improvements to dwellings and townhouses as defined in the USBC or structures annexed to those dwellings or townhouses as defined in the USBC. The RBC classification also provides for this function. The HIC specialty does not provide for electrical, plumbing, HVAC, or gas fitting functions. It does not include new construction functions beyond the existing building structure other than decks, patios, driveways, and utility out buildings that do not require a permit per the USBC.

"Industrialized building contracting" (Abbr: IBC) means the service that provides for the installation or removal of an industrialized building as defined in the Virginia Industrialized Building Safety Regulations (13VAC5-91). This classification covers foundation work in accordance with the provisions of the Virginia Uniform Statewide Building Code (13VAC5-63) and allows the licensee to complete internal tie-ins of plumbing, gas, electrical, and HVAC systems. It does not allow for installing additional plumbing, gas, electrical, or HVAC work such as installing the service meter, or installing the outside compressor for the HVAC system. The CBC and RBC classifications also provide for this function.

"Insulation and weather stripping contracting" (Abbr: INS) means the service that provides for the installation, repair, improvement, or removal of materials classified as insulating media used for the sole purpose of temperature control or sound control of residential and commercial buildings. It does not include the insulation of mechanical equipment and ancillary lines and piping. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Landscape irrigation contracting" (Abbr: ISC) means the service that provides for the installation, repair, improvement, or removal of irrigation sprinkler systems or outdoor sprinkler systems. The PLB and H/H classifications also provide for this function. This specialty may install backflow prevention devices incidental to work in this specialty when the

installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"Landscape service contracting" (Abbr: LSC) means the service that provides for the alteration or improvement of a land area not related to any other classification or service activity by means of excavation, clearing, grading, construction of retaining walls for landscaping purposes, or placement of landscaping timbers. This specialty may remove stumps and roots below grade. The CBC, RBC, and H/H classifications also provide for this function.

"Lead abatement contracting" (Abbr: LAC) means the service that provides for the removal or encapsulation of lead-containing materials annexed to real property. No other classification or specialty service provides for this function, except that the PLB and HVA classifications may provide this service incidental to work in those classifications.

"Liquefied petroleum gas contracting" (Abbr: LPG) means the service that includes the installation, maintenance, extension, alteration, or removal of all piping, fixtures, appliances, and appurtenances used in transporting, storing, or utilizing liquefied petroleum gas. This excludes hot water heaters, boilers, and central heating systems that require an HVA or PLB license. The GFC specialty also provides for this function. A firm holding an LPG license is responsible for meeting all applicable individual license and certification regulations.

"Manufactured home contracting" (Abbr: MHC) means the service that provides for the installation or removal of a manufactured home as defined in the Virginia Manufactured Home Safety Regulations (13VAC5-95). This classification does not cover foundation work; however, it does allow installation of piers covered under HUD regulations. It does allow a licensee to do internal tie-ins of plumbing, gas, electrical, or HVAC equipment. It does not allow for installing additional plumbing, gas, electrical, or HVAC work such as installing the service meter or installing the outside compressor for the HVAC system. No other specialty provides for this function.

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

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

"Miscellaneous contracting" (Abbr: MSC) means the service that may fall under another classification or specialty service but is more limited than the functions provided by the other classification or specialty. This specialty is limited to a single activity and will be restricted to that specialty only. This specialty may not be used for work that would fall under the ELE, HVA, PLB, GFC, LPG, NGF, EEC, WWP, ASC, LAC, or ASB classification or specialty. Contractors applying for the MSC specialty will have their applications reviewed by the Board for Contractors.

"Natural gas fitting provider contracting" (Abbr: NGF) means the service that provides for the incidental repair, testing, or removal of natural gas piping or fitting annexed to real property. This does not include new installation of gas piping for hot water heaters, boilers, central heating systems, or other natural gas equipment that requires an HVA or PLB license. The GFC specialty also provides for this function. A firm holding an NGF license is responsible for meeting all applicable individual license and certification regulations.

"Painting and wallcovering contracting" (Abbr: PTC) means the service that provides for the application of materials common to the painting and decorating industry for protective or decorative purposes, the installation of surface coverings such as vinyls, wall papers, and cloth fabrics. This includes surface preparation, caulking, sanding, and cleaning preparatory to painting or coverings and includes both interior and exterior surfaces. The CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Radon mitigation contracting" (Abbr: RMC) means the service that provides for additions, repairs or improvements to buildings or structures, for the purpose of mitigating or preventing the effects of radon gas. No electrical, plumbing, gas fitting, or HVAC functions are provided by this specialty.

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

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

"Roofing contracting" (Abbr: ROC) means the service that provides for the installation, repair, removal, or improvement of materials common to the industry that form a watertight, weather resistant surface for roofs and decks. This includes roofing system components when installed in conjunction with a roofing project, application of dampproofing or waterproofing, and installation of roof insulation panels and other roof insulation systems above roof deck. The CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Sewage disposal systems contracting" (Abbr: SDS) means the service that provides for the installation, repair, improvement, or removal of septic tanks, septic systems, and other onsite sewage disposal systems annexed to real property.

"Steel erection contracting" (Abbr: STL) means the service that provides for the fabrication and erection of structural steel shapes and plates, regardless of shape or size, to be used as structural members, or tanks, including any related riveting, welding, and rigging. This specialty includes the fabrication, placement and tying of steel reinforcing bars (rods), and post-tensioning to reinforce concrete buildings and structures. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

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

"Tile, marble, ceramic, and terrazzo contracting" (Abbr: TMC) means the service that provides for the preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, terrazzo, encaustic, faience, quarry, semi-vitreous, cementitious board, and other tile, excluding hollow or structural partition tile. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.

"Underground utility and excavating contracting" (Abbr: UUC) means the service that provides for the construction, repair, improvement, or removal of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line, or residential or single-occupancy commercial properties, or on multi-occupancy properties at manhole or wye lateral extend to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. This specialty may install empty underground conduits in rights-of way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings if each conduit system does not include installation of any conductor wiring or connection to an energized electrical system. The H/H classification also provides for this function.

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

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

Note: Specialty contractors engaging in construction that involves the following activities or items or similar activities or items may fall under the CIC, HIC, and FIC specialty services, or they may fall under the CBC or RBC classification.

Appliances	Fences	Railings
Awnings	Fiberglass	Rigging
Blinds	Fireplaces	Rubber linings
Bulkheads	Fireproofing	Sandblasting
Carpeting	Fixtures	Scaffolding
Ceilings	Grouting	Screens
Chimneys	Guttering	Shutters
Chutes	Interior decorating	Siding
Curtains	Lubrication	Skylights
Curtain walls	Metal work	Storage bins and lockers
Decks	Millwrighting	Stucco
Doors	Mirrors	Vaults
Drapes	Miscellaneous iron	Wall panels
Epoxy	Ornamental iron	Waterproofing
Exterior decoration	Partitions	Windows
Facings	Protective coatings	

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from VR220-01-2:1 § 1.3, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006; Volume 29, Issue 3, eff. December 1, 2012; Volume 30, Issue 6, eff. January 1, 2014; Volume 32, Issue 3, eff. January 1, 2016; Volume 32, Issue 11, eff. March 1, 2016; Volume 34, Issue 6, eff. January 1, 2018; Volume 35, Issue 21, eff. August 1, 2019.

Part II. Entry**18VAC50-22-40. Requirements for a Class C license.**

- A. A firm applying for a Class C license must meet the requirements of this section.
- B. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:
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. a. Has obtained the appropriate certification for the following specialties:
 - (1) Blast/explosive contracting (Department of Fire Programs explosive use certification);
 - (2) Fire sprinkler (NICET Sprinkler III certification); and
 - (3) Radon mitigation (EPA or DEQ accepted radon certification).
 - b. Has obtained, pursuant to the Individual Licensing and Certification Regulations, a master license for Plumbing, HVAC, Electrical, Gas Fitting, Natural Gas Fitting Provider, and Liquefied Petroleum Gas Contracting.
 - c. Has completed, for the drug lab remediation specialty, a remediation course approved by the board and a board-approved examination.
 - d. Has obtained, pursuant to the Individual Licensing and Certification Regulations, certification as an Elevator Mechanic for Elevator Escalator Contracting and certification as a Water Well Systems Provider for Water Well/Pump Contracting.

e. Has been approved by the Board for Contractors for the miscellaneous specialty (MSC).

f. Has completed a board-approved examination for all other classifications and specialties that do not require other certification or licensure.

C. The firm shall provide information for the past five years prior to application on any outstanding, past-due debts and judgments; outstanding tax obligations; defaults on bonds; or pending or past bankruptcies. The firm and all members of the responsible management of the firm shall submit information on any past-due debts and judgments or defaults on bonds directly related to the practice of contracting as defined in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia.

D. The firm and all members of the responsible management of the firm shall disclose at the time of application any current or previous contractor licenses held in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses. This includes any monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license in Virginia or in any other jurisdiction.

E. In accordance with § 54.1-204 of the Code of Virginia, all applicants shall disclose the following information about the firm, all members of the responsible management, and the qualified individual or individuals for the firm:

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

2. All felony convictions during their lifetimes.

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

F. A member of responsible management shall have successfully completed a board-approved basic business course.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from VR220-01-2:1 § 2.1, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 25, Issue 3, eff. December 1, 2008; Volume 29, Issue 3, eff. December 1, 2012; Volume 32, Issue 3, eff. January 1, 2016; Volume 34, Issue 6, eff. January 1, 2018; Volume 35, Issue 21, eff. August 1, 2019.

18VAC50-22-50. Requirements for a Class B license.

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

B. A firm shall name a designated employee who meets the following requirements:

1. Is at least 18 years old;

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

3. Has passed a board-approved examination as required by § 54.1-1108 of the Code of Virginia or has been exempted from the exam requirement in accordance with § 54.1-1108.1 of the Code of Virginia; and

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

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

1. Is at least 18 years old;

2. Has a minimum of three 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;

4. a. Has obtained the appropriate certification for the following specialties:

(1) Blast/explosive contracting (Department of Fire Programs explosive use certification);

(2) Fire sprinkler (NICET Sprinkler III certification); and

(3) Radon mitigation (EPA or DEQ accepted radon certification).

b. Has obtained, pursuant to the Individual Licensing and Certification Regulations, a master license for Plumbing, HVAC, Electrical, Gas Fitting, Natural Gas Fitting Provider, and Liquefied Petroleum Gas Contracting.

c. Has completed, for the drug lab remediation specialty, a remediation course approved by the board and a board-approved examination.

d. Has obtained, pursuant to the Individual Licensing and Certification Regulations, certification as an Elevator Mechanic for Elevator Escalator Contracting and certification as a Water Well Systems Provider for Water Well/Pump Contracting.

e. Has been approved by the Board for Contractors for the miscellaneous specialty (MSC).

f. Has completed a board-approved examination for all other classifications and specialties that do not require other certification or licensure.

D. Each firm shall submit information on its financial position. Excluding any property owned as tenants by the entirety, the firm shall state a net worth or equity of \$15,000 or more.

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

F. The firm, the designated employee, and all members of the responsible management of the firm shall disclose at the time of application any current or previous substantial identities of interest with any contractor licenses issued in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses. This includes any monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action. The board, in its discretion, may deny licensure to any applicant when any of the parties listed in this subsection have had a substantial identity of interest (as deemed in § 54.1-1110 of the Code of Virginia) with any firm that has had a license suspended, revoked, voluntarily terminated or surrendered in connection with a disciplinary action in Virginia or any other jurisdiction.

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

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

2. All felony convictions during their lifetimes.

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

H. The designated employee or a member of responsible management shall have successfully completed a board-approved basic business course.

Statutory Authority

§ 54.1-201 and of the Code of Virginia.

Historical Notes

Derived from VR220-01-2:1 § 2.2, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006; Volume 25, Issue 3, eff. December 1, 2008; Volume 29, Issue 3, eff. December 1, 2012; Volume 32, Issue 3, eff. January 1, 2016; Volume 34, Issue 6, eff. January 1, 2018; Volume 35, Issue 21, eff. August 1, 2019.

18VAC50-22-60. Requirements for a Class A license.

A. A firm applying for a Class A license shall meet all of the requirements of this section.

B. A firm shall name a designated employee who meets the following requirements:

1. Is at least 18 years old;
2. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm as defined in this chapter;
3. Has passed a board-approved examination as required by § 54.1-1106 of the Code of Virginia or has been exempted from the exam requirement in accordance with § 54.1-1108.1 of the Code of Virginia; and
4. Has followed all rules established by the board or by the testing service acting on behalf of the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any oral or written instructions given at the site on the day of the exam.

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

1. Is at least 18 years old;
2. Has a minimum of five years of 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 firm as defined in this chapter or is a member of the responsible management of the firm;
4. a. Has obtained the appropriate certification for the following specialties:
 - (1) Blast/explosive contracting (DHCD explosive use certification);
 - (2) Fire sprinkler (NICET Sprinkler III certification); and
 - (3) Radon mitigation (EPA or DEQ accepted radon certification).
- b. Has obtained, pursuant to the Individual Licensing and Certification Regulations, a master license for Plumbing, HVAC, Electrical, Gas Fitting, Natural Gas Fitting Provider, and Liquefied Petroleum Gas Contracting.
- c. Has completed, for the drug lab remediation specialty, a remediation course approved by the board and a board-approved examination.
- d. Has obtained, pursuant to the Individual Licensing and Certification Regulations, certification as an Elevator Mechanic for Elevator Escalator Contracting and certification as a Water Well Systems Provider for Water Well/Pump Contracting.
- e. Has been approved by the Board for Contractors for the miscellaneous specialty (MSC).
- f. Has completed a board-approved examination for all other classifications and specialties that do not require other certification or licensure.

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

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

F. The firm, the designated employee, and all members of the responsible management of the firm shall disclose at the time of application any current or previous substantial identities of interest with any contractor licenses issued in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses. This includes any monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action. The board, in its discretion, may deny licensure to any applicant when any of the parties listed in this subsection have had a substantial identity of interest (as deemed in § 54.1-1110 of the Code of Virginia) with any firm that has had a license suspended, revoked, voluntarily terminated, or surrendered in connection with a disciplinary action in Virginia or in any other jurisdiction.

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

1. All misdemeanor convictions within three years of the date of application; and
2. All felony convictions during their lifetimes.

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

H. The designated employee or a member of responsible management shall have successfully completed a board-approved basic business course.

Statutory Authority

§ 54.1-201 of the Code of Virginia.

Historical Notes

Derived from VR220-01-2:1 § 2.3, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006; Volume 25, Issue 3, eff. December 1, 2008; Volume 29, Issue 3, eff. December 1, 2012; Volume 32, Issue 3, eff. January 1, 2016; Volume 34, Issue 6, eff. January 1, 2018; Volume 35, Issue 21, eff. August 1, 2019.

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Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 50. Board For Contractors
Chapter 30. Individual License and Certification Regulations

Part II. Entry

18VAC50-30-30. General qualifications for licensure or certification.

Every applicant to the Board for Contractors for licensure or certification shall meet the requirements and have the qualifications provided in this section.

1. The applicant shall be at least 18 years old.
2. Unless otherwise exempted, the applicant shall meet the current educational requirements by passing all required courses prior to the time the applicant sits for the examination and applies for licensure or certification.
3. Unless exempted, the applicant shall have passed the applicable examination provided by the board or by a testing organization acting on behalf of the board.
4. The applicant shall meet the experience requirements as set forth in 18VAC50-30-40.
5. In those instances where the applicant is required to take the license or certification examination, the applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing organization with regard to conduct at the examination shall be grounds for denial of application.
6. The applicant shall disclose his physical home address; a post office box alone is not acceptable.
7. Each nonresident applicant for a license or certification card shall file and maintain with the department an irrevocable consent for the department to serve as service agent for all actions filed in any court in this Commonwealth. In those instances where service is required, the director of the department will mail the court document to the individual at the address of record.
8. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 of the Code of Virginia and this chapter.
9. The board may make further inquiries and investigations with respect to the qualifications of the applicant or require a personal interview with the applicant.
10. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of nolo contendere shall be considered a conviction for the purpose of this subdivision. The record of conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.
11. The applicant shall report any suspensions, revocations, or surrendering of a certificate or license in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure or certification in Virginia. The board, at its discretion, may deny licensure or certification to any applicant based on prior suspensions, revocations, or surrender of certifications or licenses based on disciplinary action by any jurisdiction.

Statutory Authority

§§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 18, eff. July 1, 1997; amended, Virginia Register Volume 15, Issue 19, eff. July 9, 1999; Volume 23, Issue 12, eff. April 1, 2007.

18VAC50-30-40. Evidence of ability and proficiency.

A. Applicants for examination to be licensed as a journeyman shall furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in the trade and 240 hours of formal vocational training in the trade. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours;
2. Four years of practical experience and 80 hours of vocational training for liquefied petroleum gas fitters and natural gas fitter providers except that no substitute experience will be allowed for liquefied petroleum gas and natural gas workers;
3. An associate degree or a certificate of completion from at least a two-year program in a tradesman-related field from an accredited community college or technical school as evidenced by a transcript from the educational institution and two years of practical experience in the trade for which licensure is desired;
4. A bachelor's degree received from an accredited college or university in an engineering curriculum related to the trade and one year of practical experience in the trade for which licensure is desired; or
5. An applicant with 10 years of practical experience in the trade as verified by reference letters of experience from any of the following: building officials, building inspectors, current or former employers, contractors, engineers, architects or current or past clients attesting to the applicant's work in the trade, may be granted permission to sit for the journeyman's level examination without having to meet the educational requirements.

B. Applicants for examination to be licensed as a master shall furnish evidence that one of the following experience standards has been attained:

1. Evidence that they have one year of experience as a licensed journeyman; or
2. An applicant with 10 years of practical experience in the trade, as verified by reference letters of experience from any of the following: building officials, building inspectors, current or former employers, contractors, engineers, architects or current or past clients, attesting to the applicant's work in the trade, may be granted permission to sit for the master's level examination without having to meet the educational requirements.

C. Individuals who have successfully passed the Class A contractors trade examination prior to January 1, 1991, administered by the Virginia Board for Contractors in a certified trade shall be deemed qualified as a master in that trade in accordance with this chapter.

D. Applicants for examination to be certified as a backflow prevention device worker shall furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in water distribution systems and 40 hours of formal vocational training in a school approved by the board; or
2. Applicants with seven or more years of experience may qualify with 16 hours of formal vocational training in a school approved by the board.

The board accepts the American Society of Sanitary Engineers' (ASSE) standards for testing procedures. Other programs could be approved after board review. The board requires all backflow training to include instruction in a wet lab.

E. An applicant for certification as an elevator mechanic shall:

1. Have three years of practical experience in the construction, maintenance and service/repair of elevators, escalators, or related conveyances; 144 hours of formal vocational training; and satisfactorily complete a written examination administered by the board. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 40 hours of formal training, but not to exceed 120 hours;

2. Have three years of practical experience in the construction, maintenance, and service/repair of elevators, escalators, or related conveyances and a certificate of completion of the elevator mechanic examination of a training program determined to be equivalent to the requirements established by the board; or

3. Successfully complete an elevator mechanic apprenticeship program that is approved by the Virginia Apprenticeship Council or registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, as evidenced by providing a certificate of completion or other official document, and satisfactorily complete a written examination administered by the board.

F. Pursuant to § 54.1-1129.1 A of the Code of Virginia, an applicant for examination as a certified water well systems provider shall provide satisfactory proof to the board of at least:

1. One year of full-time practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider or other equivalent experience as approved by the board to qualify for examination as a trainee water well systems provider;

2. Three years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider or other equivalent experience as approved by the board and 24 hours of formal vocational training in the trade to qualify for examination as a journeyman water well systems provider; or

3. Six years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider or other equivalent experience as approved by the board and 48 hours of formal vocational training in the trade to qualify for examination as a master water well systems provider.

G. An applicant for certification as an accessibility mechanic shall:

1. Have three years of practical experience in the construction, installation, maintenance, service, repair, and testing of wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, or related conveyances; 80 hours of formal vocational training; and satisfactorily complete a written examination administered by the board. Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 20 hours of formal training, but not to exceed 60 hours;

2. Have three years of practical experience in the construction, installation, maintenance, service, repair, and testing of wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, or related conveyances and a certificate of completion of an accessibility mechanic examination of a training program determined to be equivalent to the requirements established by the board; or

3. Successfully complete an accessibility mechanic apprenticeship program that is approved by the Virginia Apprenticeship Council or registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, as evidenced by providing a certificate of completion or other official document, and satisfactorily complete a written examination administered by the board.

H. An applicant for a limited use/limited application (LULA) endorsement shall:

1. Hold a current certification as an accessibility mechanic issued by the board.

2. Have one year of practical experience in the construction, installation, maintenance, service, repair, and testing of limited use/limited application elevators and complete a vocational education program approved by the board; and satisfactorily complete a written examination administered by the board; or complete a limited use/limited application elevator training program determined to be equivalent to the requirements established by the board.

I. Pursuant to § 54.1-1145 B of the Code of Virginia, an applicant for licensure as a residential building energy analyst shall provide satisfactory proof to the board of:

1. The completion of a residential building energy analyst training program approved by the board;

2. The completion of a minimum of five residential building energy analyses under the supervision of a licensed residential building energy analyst;

3. Current membership in good standing with a certifying organization approved by the board; and
4. Maintaining a minimum of \$100,000 of general liability insurance from a company authorized to provide such insurance in the Commonwealth of Virginia unless the individual is employed by a company that holds a valid residential building energy analyst firm license issued by the board.

The applicant shall provide information for the past five years prior to application on any outstanding past-due debts, outstanding judgments, outstanding tax obligations, defaults on bonds, or pending or past bankruptcies.

J. Individuals applying for initial licensure as residential building energy analysts who meet the criteria of § 54.1-1145 C of the Code of Virginia are not required to meet the eligibility standards for licensure found in subsection I of this section.

Statutory Authority

§§ 54.1-201, 54.1-1102, and 54.1-1146 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 18, eff. July 1, 1997; amended, Virginia Register Volume 15, Issue 19, eff. July 9, 1999; Volume 17, Issue 26, eff. November 1, 2001; Volume 23, Issue 12, eff. April 1, 2007; Volume 24, Issue 3, eff. November 15, 2007; Volume 29, Issue 5, eff. January 1, 2013; Volume 30, Issue 6, eff. January 1, 2014; Volume 32, Issue 1, eff. November 1, 2015.

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Virginia Administrative Code
Title 13. Housing
Agency 5. Department Of Housing And Community Development
Chapter 21. Virginia Certification Standards

13VAC5-21-10. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Applicant" means a person seeking a certificate.

"BCAAC" means the Building Code Academy Advisory Committee appointed pursuant to subdivision 7 of § 36-137 of the Code of Virginia.

"BHCD" means the Virginia Board of Housing and Community Development.

"Certificate" means a certificate of competence issued pursuant to subdivision 6 of § 36-137 of the Code of Virginia concerning the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the BHCD and issued to present or prospective personnel of local governments and to any other persons seeking to become qualified to perform inspections pursuant to Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia, Chapter 9 (§ 27-94 et seq.) of Title 27 of the Code of Virginia, and any regulations adopted thereunder, who have completed training programs or in other ways demonstrated adequate knowledge.

"Certificate holder" means a person to whom a certificate has been issued.

"Code academy" means the Virginia Building Code Academy established under subdivision 14 of § 36-139 of the Code of Virginia or individual or regional training academies accredited by the department pursuant to subdivision 7 of § 36-137 of the Code of Virginia.

"Department" means the Virginia Department of Housing and Community Development.

"Nongovernmental employee" means any person not employed by a locality collecting and transmitting the fee levy to the department in accordance with subdivision 7 of § 36-137 of the Code of Virginia.

"SFPC" means the Virginia Statewide Fire Prevention Code (13VAC5-51).

"State Review Board" means the Virginia State Building Code Technical Review Board established under § 36-108 of the Code of Virginia.

"USBC" means the Virginia Uniform Statewide Building Code (13VAC5-63).

"VADR" means the Virginia Amusement Device Regulations (13VAC5-31).

B. Words and terms used in this chapter that are defined in the USBC, VADR, or SFPC and that are not defined in this chapter shall have the meaning ascribed to them in those regulations unless the context clearly indicates otherwise.

Statutory Authority

§ 36-137 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 12, eff. April 15, 1997; amended, Virginia Register Volume 16, Issue 20, eff. September 15, 2000; Volume 19, Issue 25, eff. October 1, 2003; Volume 22, Issue 3, eff. November 16, 2005; Volume 24, Issue 14, eff. May 1, 2008; Volume 30, Issue 25, eff. September 10, 2014.

13VAC5-21-20. Purpose.

The purpose of this chapter is to establish standards for applicants for a certificate and standards to be used by the department in the evaluation and determination of a person's eligibility for the issuance of certificates.

Statutory Authority

§ 36-137 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 12, eff. April 15, 1997; amended, Virginia Register Volume 16, Issue 20, eff. September 15, 2000; Volume 19, Issue 25, eff. October 1, 2003; Volume 22, Issue 3, eff. November 16, 2005; Volume 24, Issue 14, eff. May 1, 2008.

13VAC5-21-30. (Repealed.)**Historical Notes**

Derived from Virginia Register Volume 13, Issue 12, eff. April 15, 1997; repealed, Virginia Register Volume 16, Issue 20, eff. September 15, 2000.

Statutory Authority**Historical Notes****13VAC5-21-31. Qualification and examination requirements.**

A. An applicant for a certificate in categories associated with the USBC or the SFPC shall provide a written or electronic endorsement from the code official or the code official's supervisor in the locality in which they are employed certifying that the applicant complies with the qualification section in the USBC or the SFPC for each type of certificate sought.

When the applicant for a certificate in categories associated with the USBC or the SFPC is a nongovernmental employee, the applicant shall provide written or electronic documentation that the applicant complies with the qualification section in the USBC or the SFPC as it would relate to the applicant's job responsibilities for each type of certificate sought.

B. An applicant for a certificate in categories associated with the VADR shall provide a written endorsement from the applicant's supervisor or a person having a similar relationship to the applicant certifying that the applicant is generally qualified to conduct activities related to the VADR.

C. Applicants for all certificates shall provide proof of successful completion of approved examinations for each certificate sought based on current certification examination requirements. Applications submitted with passing grades on approved examinations older than six years from the date of passing will be denied except where the applicant can demonstrate the maintenance of a current certification issued by the approved testing agency. The department may consider related certifications maintained by the certifying entity. The department shall maintain a list of approved testing agencies and examinations that meet nationally accepted standards for each certificate offered. For information on approved testing agencies and examinations contact the department's Training and Certification Office, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 371-7180.

Statutory Authority

§ 36-137 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 16, Issue 20, eff. September 15, 2000; amended, Virginia Register Volume 19, Issue 25, eff. October 1, 2003; Volume 22, Issue 3, eff. November 16, 2005; Volume 24, Issue 14, eff. May 1, 2008; Volume 30, Issue 25, eff. September 10, 2014.

13VAC5-21-40. (Repealed.)**Historical Notes**

Derived from Virginia Register Volume 13, Issue 12, eff. April 15, 1997; repealed, Virginia Register Volume 16, Issue 20, eff. September 15, 2000.

Statutory Authority**Historical Notes****13VAC5-21-41. Certification categories and training requirements.**

A. The department maintains a list of all certificates offered and the list sets out the required training necessary to attend and complete to obtain a certificate. Alternatives to the training requirements set out in 13VAC5-21-45 shall be considered for all certificates offered except that no alternative shall be accepted for the code academy core module.

B. Applicants for certificates shall attend and complete the code academy core module. After the completion of the core module, applicants are required to attend and complete the code academy training as set out in a list maintained by the department, except as provided for in 13VAC5-21-45. All required training must be completed within no more than six years prior to the date the application is submitted and the requirements for training are based on those in effect at the time of application.

Statutory Authority

§ 36-137 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 16, Issue 20, eff. September 15, 2000; amended, Virginia Register Volume 19, Issue 25, eff. October 1, 2003; Volume 22, Issue 3, eff. November 16, 2005; Volume 24, Issue 14, eff. May 1, 2008; Volume 30, Issue 25, eff. September 10, 2014.

13VAC5-21-45. Alternatives to training requirements.

Upon written request, alternative training or a combination of training, education or experience to satisfy the training requirements of 13VAC5-21-41 may be approved, provided that such alternatives or combinations are determined to be equivalent to that required. However, as provided in 13VAC5-21-41, no substitutions shall be approved for the code academy core module. The types of combinations of education and experience may include military training, college classes, technical schools or long-term work experiences, except that long-term work experiences shall not be approved as the sole substitute to satisfy the training requirements. BCAAC may be consulted with in any such consideration.

Statutory Authority

§ 36-137 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 3, eff. November 16, 2005; amended, Virginia Register Volume 24, Issue 14, eff. May 1, 2008; Volume 30, Issue 25, eff. September 10, 2014.

13VAC5-21-50. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 12, eff. April 15, 1997; repealed, Virginia Register Volume 16, Issue 20, eff. September 15, 2000.

Statutory Authority

Historical Notes

13VAC5-21-51. Issuance and maintenance of certificates.

A. Certificates will be issued when an applicant has complied with the current applicable requirements of this chapter. Certificate holders will be classified as active, inactive, or lapsed. An active certificate holder is a person who is certified and who has attended all periodic training courses designated by the department and complied with all continuing education requirements subsequent to becoming certified. An inactive certificate holder is a person who is certified and has either attended the periodic training courses designated by the department or met the continuing education requirements, but not both. An inactive certificate holder may request reinstatement as an active certificate holder after completing makeup training courses authorized by the department. A lapsed certificate holder is a person who is certified but has not attended all periodic training courses designated by the department and who has not complied with all continuing education requirements. A lapsed certificate holder may request reinstatement as an active certificate holder after completing makeup training courses or examinations, or both, as authorized by the department. Provisional certificates may also be issued in accordance with subsection C of this section. Requirements for periodic training courses and continuing education requirements are set out in subsection D of this section.

B. All certificates issued since June 1978 are considered to be valid unless revoked or suspended, except that provisional certificates shall remain valid as set out under subsection C of this section.

C. A provisional certificate may be issued to (i) a person who has been directed by the department to obtain a certificate; (ii) an applicant requesting a certificate under the alternative training provisions of 13VAC5-21-45; (iii) an applicant when the required training has not been provided or offered; (iv) an inactive or lapsed certificate holder when the issuance of a provisional certificate is determined to be warranted by the department; or (v) a person who, due to extenuating and warranting circumstances either on behalf of the code academy or beyond the person's control, has not fully complied with the eligibility requirements of training and competency established herein.

Such a provisional certificate may be issued when the applicant or person has (i) provided the written endorsement or documentation required by 13VAC5-21-31, (ii) satisfactorily completed the code academy core module, and (iii) completed any training through the code academy or through other providers determined to warrant the issuance of the provisional certificate.

The provisional certificate is valid for a period of one year after the date of issuance and shall only be issued once to any individual, except that a provisional certificate shall remain valid when the required training has not been provided or offered.

D. All certificate holders shall attend periodic maintenance training as designated by the department and shall attend 16 hours of continuing education every two years as approved by the department. If a certificate holder possesses more than one certificate, the 16 hours shall satisfy the continuing education requirement for all certificates.

Statutory Authority

§ 36-137 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 16, Issue 20, eff. September 15, 2000; amended, Virginia Register Volume 19, Issue 25, eff. October 1, 2003; Volume 22, Issue 3, eff. November 16, 2005; Volume 24, Issue 14, eff. May 1, 2008; Volume 30, Issue 25, eff. September 10, 2014.

13VAC5-21-60. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 12, eff. April 15, 1997; repealed, Virginia Register Volume 16, Issue 20, eff. September 15, 2000.

Statutory Authority

Historical Notes

13VAC5-21-61. Sanctions.

When the BHCD determines a certificate holder has failed to (i) comply with an order issued by the State Review Board, (ii) meet the required training or testing requirements, or (iii) attend periodic maintenance training or continuing education, or both, a warning letter may be issued to the certificate holder or a certificate may be revoked or suspended by the BHCD. In such cases, a noncompliance notice shall be issued to the certificate holder and notification shall be provided to the locality or company employing the certificate holder. Exceptions to the issuance of a noncompliance notice for failing to comply with the continuing education requirements may be considered where there is a separation from employment by medical or military leave for 12 consecutive months or more during the continuing education period. A record of any action taken pursuant to this section shall be permanently retained in the training record of the certificate holder.

Statutory Authority

§ 36-137 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 16, Issue 20, eff. September 15, 2000; amended, Virginia Register Volume 19, Issue 25, eff. October 1, 2003; Volume 22, Issue 3, eff. November 16, 2005; Errata, 22:5 VA.R. 734 November 14, 2005; amended, Virginia Register Volume 24, Issue 14, eff. May 1, 2008; Volume 30, Issue 25, eff. September 10, 2014.

13VAC5-21-70. Appeal.

Decisions of the BHCD regarding an applicant for a certificate or a certificate holder shall be final unless appealed.

Actions under this regulation are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and are subject to judicial review in accordance with that law.

Statutory Authority

§ 36-137 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 16, Issue 20, eff. September 15, 2000; amended, Virginia Register Volume 19, Issue 25, eff. October 1, 2003; Volume 22, Issue 3, eff. November 16, 2005.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

1 **Project 6496 - NOIRA**

2 **Virginia Board For Asbestos, Lead, And Home Inspectors**

3 **2020-2021 General Review of Home Inspector Licensing Regulations**

4 Chapter 40

5 Home Inspector Licensing Regulations

6 **18VAC15-40-10. Definitions.**

7 Part I

8 General

9 A. Section 54.1-500 of the Code of Virginia provides definitions of the following terms and
10 phrases as used in this chapter:

11 "Board"

12 "Home inspection"

13 "Home inspector"

14 "Person"

15 "Residential building"

16 B. Section 54.1-517.2:1 of the Code of Virginia provides definitions of the following terms and
17 phrases as used in 18VAC15-40-130:

18 "Bonding"

19 "Corrugated stainless steel tubing"

20 "Grounding"

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

23 "Address of record" means the mailing address designated by the licensee to receive notices
24 and correspondence from the board.

25 "Adjacent" means adjoining or within three feet of the residential building and that may affect
26 the residential building.

27 "Applicant" means an individual who has submitted an application for licensure.

28 "Application" means a completed, board-prescribed form submitted with the appropriate fee
29 and other required documentation.

30 "Client" means a person who engages the services of a home inspector for a home inspection.

31 "Compensation" means the receipt of monetary payment or other valuable consideration for
32 services rendered.

33 "~~Component~~" means a part of a system.

34 "Contact hour" means 50 minutes of participation in a structured training activity.

35 "CPE" means continuing professional education.

36 "Department" means the Department of Professional and Occupational Regulation.

37 "Describe" means to report a system or component by its type or other observed significant
38 characteristics to distinguish it from other systems or components.

39 "Direct supervision" means a licensed home inspector being physically present on the
40 premises at all times and such licensed home inspector is at all times responsible for compliance
41 with this chapter.

42 "Financial interest" means financial benefit accruing to an individual or to a member of his
43 immediate family. Such interest shall exist by reason of (i) ownership in a business if the

Commented [VP1]: Not necessary – this is the common-usage definition.

Commented [VP2]: Derived from Board's guidance document effective November 9, 2017.

Commented [VP3]: Derived from Board's guidance document effective April 16, 2020.

44 ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds
45 or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property
46 or a business; (iii) salary, other compensation, fringe benefits, forgiveness of debt, or benefits
47 from the use of property, or any combination of it, paid or provided by a business that exceeds or
48 may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or personal
49 property if the interest exceeds \$1,000 in value and excluding ownership in business, income,
50 salary, other compensation, fringe benefits, or benefits from the use of property; (v) personal
51 liability incurred or assumed on behalf of a business if the liability exceeds 3.0% of the asset value
52 of the business; or (vi) an option for ownership of a business, real property, or personal property
53 if the ownership interest will consist of clause (i) or (iv) of this definition.

54 "Fireplace" means an interior fire-resistant masonry permanent or prefabricated fixture that
55 can be used to burn fuel and is either vented or unvented assembly consisting of a hearth and
56 fire chamber of noncombustible material provided with a chimney, for use with solid fuel.

Commented [VP4]: From 2015 Virginia Residential Code.

57 "Foundation" means the element of a structure that connects to the ground and transfers loads
58 from the structure to the ground. Foundations may be shallow or deep.

59 "Licensee" means a home inspector as defined in Chapter 5 (§ 54.1-500 et seq.) of Title 54.1
60 of the Code of Virginia.

61 "Licensure" means a method of regulation whereby the Commonwealth, through the issuance
62 of a license, authorizes a person possessing the character and minimum skills to engage in the
63 practice of a profession or occupation that is unlawful to practice without such license.

64 "New residential structure" or "NRS" means a residential structure for which the first
65 conveyance of record title to a purchaser has not occurred or the purchaser has not taken
66 possession, whichever occurs later.

67 "NRS specialty" means a designation granted by the board to a home inspector that
68 authorizes such individual licensee to conduct a home inspections inspection on any a new
69 residential structure.

70 "Outbuilding" means any structure on the property that is more than three feet from the
71 residential building and that may affect the residential building.

72 ~~"Prelicense education course" means an instruction program approved by the board and is~~
73 ~~one of the requirements for licensure effective July 1, 2017.~~

Commented [VP5]: Definition is redundant and unnecessary.

74 "Qualifying experience" means the experience used by a home inspector applicant to qualify
75 for licensure.

Commented [VP6]: New term used for qualifications for licensure.

76 "Readily accessible" means available for access without requiring moving or removing of any
77 obstacles.

78 "Reinstatement" means the process and requirements through which an expired license can
79 be made valid without the licensee having to apply as a new applicant.

80 "Renewal" means the process and requirements for periodically approving the continuance of
81 a license.

82 "Residential structure" means a structure consisting of no more than two dwelling units or a
83 townhouse.

84 ~~"Solid fuel burning appliances" means a hearth and fire chamber or similarly prepared place~~
85 ~~in which a fire may be built and that is built in conjunction with a chimney, or a listed assembly of~~
86 ~~a fire chamber, its chimney and related factory made parts designed for unit assembly without~~
87 ~~requiring field construction chimney-connected devices that burn solid fuel for purposes of~~
88 ~~heating, cooking, or both. Such appliances include wood stoves, fireplace wood burning inserts,~~
89 ~~wood pellet burning appliances or similar solid fuel burning devices.~~

DRAFT AGENCY Materials contained in this agenda are proposed topics for discussion and are not to be construed as requirements for official Board position.

90 "System" means a combination of interacting or interdependent components, assembled to
91 carry out one or more functions.

Commented [VP7]: Not necessary. This is a dictionary definition.

92 "Virginia Residential Code" means the provisions of the Virginia Construction Code (Part I
93 (13VAC5-63-10 et seq.) of 13VAC5-63) applicable to R-5 residential structures and that includes
94 provisions of the International Residential Code as amended by the Board of Housing and
95 Community Development.

96 **18VAC15-40-20. Necessity for licensure.**

97 A. It shall be unlawful for any individual who does not possess a license as a home inspector
98 issued by the board to perform a home inspection ~~for compensation on a residential building.~~

Commented [VP8]: "for compensation" and "residential building" are both included in the definition of home inspection.

99 B. A home inspection on a new residential structure shall only be conducted by a home
100 inspector with the NRS specialty ~~and who has completed a training module on the Virginia~~
101 ~~Residential Code.~~

102 C. An individual who does not hold a license as a home inspector and who is only conducting
103 inspections of a component or system of a residential building is not considered to be performing
104 a home inspection.

Commented [VP9]: Derived from Board's guidance document effective July 11, 2019.

105 Part II
106 Entry

107 **18VAC15-40-25. Application procedures.**

108 A. All applicants seeking licensure shall must submit an application with the appropriate fee
109 specified in 18VAC15-40-50. Application shall will be made on forms provided by the board or its
110 agent.

111 1. By submitting the application to the department, the applicant certifies that the applicant
112 has read and understands the applicable statutes and the board's regulations.

113 2. The receipt of an application and the deposit of fees by the board do not indicate
114 approval of the application by the board.

115 B. The board may make further inquiries and investigations with respect to the applicant's
116 qualifications to confirm or amplify information supplied. All applications shall must be completed
117 in accordance with the instructions contained in this section and on the application. Applications
118 will not be considered complete until all required documents are received by the board.

119 C. The applicant will be notified within 30 days of the board's receipt of an initial application if
120 the application is incomplete. An individual who fails to complete the application process within
121 12 months of receipt of the application in the board's office must submit a new application.

122 D. The applicant shall must immediately report all changes in information supplied with the
123 application, if applicable, prior to issuance of the license or expiration of the application.

124 **18VAC15-40-30. General requirements for licensure.**

125 A. In addition to the provisions of 18VAC15-40-32, every applicant for a home inspector
126 license shall must meet the requirements provided in this section.

127 B. The applicant shall must be at least 18 years old.

128 C. The applicant shall must provide a mailing address, which shall will serve as the address
129 of record. A post office box is only acceptable as the address of record when a physical address
130 is also provided.

131 D. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose
132 the following information:

133 1. All misdemeanor convictions involving ~~moral turpitude, sexual offense, drug distribution,~~
134 ~~or physical injury~~ within ~~five~~ three years of the date of the application; and

135 2. All felony convictions ~~during his lifetime.~~

136 Any plea of nolo contendere shall will be considered a conviction for the purposes of this
137 section. The record of conviction received from a court shall will be accepted as prima facie
138 evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any
139 applicant in accordance with § 54.1-204 of the Code of Virginia.

Commented [VP10]: Discuss whether this language is appropriate or should be changed.

140 E. The applicant for licensure shall must be in compliance with the standards of conduct and
141 practice set forth in Part V (18VAC15-40-140 et seq.) of this chapter at the time of application,
142 while the application is under review by the board, and at all times when the license is in effect.

143 F. The applicant shall must report any ~~suspension, revocation, or surrender of a license,~~
144 ~~certification, or registration in connection with a disciplinary action or a license, certification, or~~
145 ~~registration that has been the subject of discipline in any jurisdiction prior to applying for licensure~~
146 action taken by any board or administrative body in any jurisdiction against a professional or
147 occupational license, certification, or registration issued to the applicant, to include any
148 suspension, revocation, or surrender of a license, certification, or registration, imposition of a
149 monetary penalty, or requirement to take remedial education or other corrective action. The board,
150 in its discretion, may deny licensure to any applicant ~~based on prior suspensions, revocations, or~~
151 ~~surrender of licenses based on disciplinary action by any jurisdiction~~ for any prior action taken by
152 any board or administrative body in any jurisdiction. The applicant has the right to request further
153 review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq.
154 of the Code of Virginia).

155 G. The applicant for licensure shall must submit evidence satisfactory to the board of having
156 obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business
157 liability insurance policy or a commercial general liability insurance policy with minimum limits of
158 \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an
159 additional insured. If for any reason the board cannot reasonably ensure that the applicant is
160 sufficiently covered in accordance with this subsection, the board may require that requisite

161 coverage be obtained in the name of the applicant. Proof of such insurance policy must be
 162 submitted in order to obtain the license.

163 **OPTION 1:**

164 **18VAC15-40-32. Qualifications for licensure.**

165 A. An applicant for licensure as a home inspector shall must furnish documentation acceptable
 166 to the board that one of the qualifications for licensure in Table 1 has been met.

TABLE 1			
	Board-approved prelicense education course contact hours	Experience	Passed the board- approved examination
1.	35	Completion of 100 home inspections prior to July 1, 2017	Yes
2. 1.	35	Completion of 50 home inspections under the direct supervision of a home inspector <u>or without supervision if lawfully conducted</u>	Yes
3.	70	Completion of 50 home inspections prior to July 1, 2017	Yes
4. 2.	70	Completion of 25 home inspections under the direct supervision of a home inspector <u>or without supervision if lawfully conducted</u>	Yes
5. 3.	None	Verification of 10 years' experience as a home inspector prior to July 1, 2017, with a minimum of 250 100 home inspections <u>lawfully</u> completed during such time period	Yes

167 B. Prelicense education courses must be approved by the board pursuant to Part VI
 168 (18VAC15-40-120 et seq.) of this chapter. No more than half of the required hours may be
 169 completed using distance or online education technology.

Commented [VP11]: These options on qualifications for licensure were developed based upon the current regulations, feedback from the Committee, and research from other states. These options are just drafts to facilitate discussion - the final result may be an amendment of one of these options, a combination of options, or something else entirely.

Option #1: Modifies current requirements. Applicants may qualify by (i) passing license examination and (ii) with a combination of board-approved pre-license education and experience in conducting home inspections. However, applicants who possess certain professional credentials have reduced experience requirements.

Option #2: Applicants may qualify by (i) passing license examination and (ii) with a combination of board-approved pre-license education or other post-secondary education, and experience in conducting home inspections. Applicants may have reduced experience requirements if they hold certain professional credentials.

Option #3: Applicants may qualify by (i) passing license examination; and (ii) meeting a points-based requirement for a combination of education, which includes board-approved pre-license education or other post-secondary education, and experience.

Commented [VP12]: Discuss whether to revise or remove this provision.

170 C. ~~Verification of home inspections completed under the direct supervision of a home~~
171 ~~inspector must be provided by an individual who was properly licensed or certified by the board~~
172 ~~during the applicable time period. Qualifying experience must meet the provisions of 18VAC15-~~
173 ~~40-32.2.~~

174 D. The National Home Inspector Examination provided by the Examination Board of
175 Professional Home Inspectors is the board-approved examination pursuant to § 54.1-517.2 A 2 c
176 of the Code of Virginia.

177 **18VAC15-40-32.1. Reduced experience for applicants with certain prerequisites.**

178 An applicant who holds one of the following prerequisites at the time of application may qualify
179 for licensure by meeting the requirements in Table 2 provided all other provisions of this chapter
180 are met:

181 1. The qualified individual of a contractor license issued pursuant to Chapter 11 of Title
182 54.1 of the Code of Virginia for one or more of the following classifications or specialty
183 services:

184 a. Residential Building Contractors (RBC)

185 b. Home Improvement Contracting (HIC)

186 c. Commercial Building Contractors (CBC)

187 d. Commercial Improvement Contracting (CIC)

188 2. Professional engineer licensed pursuant to Chapter 4 of Title 54.1 of the Code of
189 Virginia.

190 3. Building code official certified pursuant to the Department of Housing and Community
191 Development Virginia Certification Standards (13VAC5-21-10 et seq. of the Virginia
192 Administrative Code).

TABLE 2			
	<u>Board-approved prelicense education course contact hours</u>	<u>Experience</u>	<u>Passed the board-approved examination</u>
1.	35	<u>Completion of 25 home inspections under the direct supervision of a home inspector or without supervision if lawfully conducted</u>	<u>Yes</u>
2.	70	<u>Completion of 15 home inspections under the direct supervision of a home inspector or without supervision if lawfully conducted</u>	<u>Yes</u>

193

194 **18VAC15-40-32.2. Qualifying experience.**

195 In order to be acceptable, qualifying experience must meet all of the following.

196 1. Experience must be verified by one or more of the following: licensed home inspector;
 197 licensed real estate professionals; clients; or qualified individual or responsible manager
 198 of a licensed contractor.

199 2. An applicant's experience must have been gained under a home inspector's direct
 200 supervision; or through the performance of home inspections as authorized under the laws
 201 of the applicable jurisdiction.

202 **OPTION 2:**

203 **18VAC15-40-32. Qualifications for licensure.**

204 A. An applicant for licensure as a home inspector must furnish documentation acceptable to
 205 the board that one of the qualifications for licensure in Table 1 has been met.

TABLE 1

-	<u>Prerequisites</u>	<u>Board-approved prelicense education course contact hours</u>	<u>Education</u>	<u>Experience</u>	<u>Passed the board-approved examination</u>
1.	No	?	Acceptable master's or bachelor's degree	Six months of full-time qualifying experience including completing or assisting with the completion of five home inspections	Yes
2.	No	?	Acceptable associate's degree	One year of full-time qualifying experience including completing or assisting with the completion of five home inspections	Yes
3.	No	35	No	Three years of full-time qualifying experience including completing or assisting with the completion of 25 home inspections	Yes
4.	No	70	No	Two years of full-time qualifying experience including completing or assisting with the completion of 15 home inspections	Yes
5.	Licensed or certified pursuant to 18VAC15-40-32.B	35	No	Three years of full-time qualifying experience including completing or assisting with the completion of 25 home inspections	Yes
6.	Licensed or certified pursuant to 18VAC15-40-32.B	70	No	Two years of full-time qualifying experience including completing or assisting with the completion of 15 home inspections	Yes

206 B. An applicant who holds one of the following prerequisites at the time of application may
207 qualify for licensure by meeting the requirements in lines 5 and 6 of Table 1 provided all other
208 provisions of this chapter are met.

209 1. The qualified individual of a contractor license issued pursuant Chapter 11 of Title 54.1
210 of the Code of Virginia for one or more of the following classifications or specialty services:

211 a. Residential Building Contractors (RBC)

212 b. Home Improvement Contracting (HIC)

213 c. Commercial Building Contractors (CBC)

214 d. Commercial Improvement Contracting (CIC)

215 2. Professional engineer licensed pursuant to Chapter 4 of Title 54.1 of the Code of
216 Virginia.

217 3. Building code official certified pursuant to the Department of Housing and
218 Community Development Virginia Certification Standards (13VAC5-21-10 et seq. of the
219 Virginia Administrative Code).

220 C. Prelicensure education courses must be approved by the board pursuant to Part VI
221 (18VAC15-40-120 et seq.) of this chapter.

222 D. Qualifying experience must meet the provisions of 18VAC15-40-32.1.

223 E. The National Home Inspector Examination provided by the Examination Board of
224 Professional Home Inspectors is the board-approved examination pursuant to § 54.1-517.2 A 2 c
225 of the Code of Virginia.

226 **18VAC15-40-32.1. Qualifying experience.**

227 In order to be acceptable, qualifying experience must meet all of the following.

228 1. Experience must be verified by one or more of the following: licensed home inspector;
229 licensed real estate professionals; clients; or qualified individual or responsible manager
230 of a licensed contractor.

231 2. An applicant's experience must have been gained by assisting a properly licensed or
232 certified home inspector, as applicable, and under such home inspector's direct
233 supervision; or through the performance of home inspections as authorized under the laws
234 of the applicable jurisdiction.

235 3. For the purposes of this part, experience requirements are expressed in terms of
236 calendar periods of full-time employment.

237 a. A year of full-time qualifying experience is a minimum of 1,760 hours during a 12-
238 month period or a minimum of 220 workdays in a 12-month period. More than 1,760
239 hours or 220 workdays during a 12-month period will not be considered as more than
240 one year of full-time employment.

241 b. Partial credit may be given for actual hours of qualifying experience if the applicant's
242 experience was gained working less than full time.

243 **18VAC15-40-32.2. Acceptable degree programs and verification procedures.**

244 A. An applicant seeking to qualify for licensure based on completion of an associate's,
245 bachelor's, or master's degree must submit an official transcript from the school where the
246 applicable degree was obtained. Only a degree from an accredited college or university that is
247 approved or accredited by the Commission on Colleges of the Southern Association of Colleges
248 and Schools, a regional or national accreditation association, or by an accrediting agency that is
249 recognized by the U.S. Secretary of Education will be considered. The following degrees will be
250 considered to qualify in accordance with 18VAC15-40-32:

251 1. Building technology, engineering, architecture, real estate.....

Commented [VP13]: Discuss (i) whether there are other applicable disciplines that are acceptable for qualification; (ii) should there be any distinctions for different types of degrees (e.g. master vs. bachelor) within disciplines; (iii) should combination of credits be accepted (e.g. asbestos and lead regulants are permitted to use a "related" degree if they have a combination of 40 hours in STEM subjects).

252 B. Any applicant who has earned a degree from an institution outside of the United States
 253 must have the degree authenticated and evaluated by an education credential evaluation service.
 254 The board reserves the right to reject any evaluation submitted by the applicant.

255 **OPTION 3:**

256 **18VAC15-40-32. Qualifications for licensure.**

257 An applicant for licensure as a home inspector must furnish documentation acceptable to the
 258 board of the following:

259 1. The applicant has passed a board-approved examination. The National Home Inspector
 260 Examination provided by the Examination Board of Professional Home Inspectors is the
 261 board-approved examination pursuant to § 54.1-517.2 A 2 c of the Code of Virginia.

262 2. A minimum of 20 qualifying points from a combination of the following education and
 263 experience, with a minimum of five (5) points from each category in Tables 1 and 2. An
 264 applicant cannot be assigned points from multiple areas in each table for the same activity
 265 for which credit is being sought.

<u>TABLE 1</u>	
<u>Qualifying Points Table: Education Category</u>	
<u>Points Assigned</u>	<u>Education Description</u>
<u>5</u>	<u>Successfully completed, 3-credit hour minimum class with a passing grade in home inspection from an accredited college or university pursuant to 18VAC15-40-32.2</u>
<u>1</u>	<u>Successfully completed 3-hour minimum class with a passing grade in construction, remodeling, engineering, architecture, building design, building technology, or real estate from an accredited college or university pursuant to 18VAC15-40-32.2</u>
<u>4</u>	<u>Successfully completed a minimum 35-hour pre-license education course approved by the Board in accordance with Part VI (18VAC15-40-120 et seq.) of this chapter</u>
<u>8</u>	<u>Successfully completed a minimum 70-hour pre-license education course approved by the Board in accordance with Part VI (18VAC15-40-120 et seq.) of this chapter</u>

TABLE 2
Qualifying Points Table: Experience Category

<u>Points Assigned</u>	<u>Experience Description</u>
<u>5</u>	<u>One year of full-time qualifying experience pursuant to 18VAC15-40-32.1</u>
<u>2</u>	<u>One year teaching at an accredited college or university, trade school, or private business for monetary compensation in construction, remodeling, engineering, architecture, building design, building technology, real estate, or home inspections</u>
<u>2</u>	<u>The qualified individual of a contractor license issued pursuant to Chapter 11 of Title 54.1 of the Code of Virginia for one or more of the following classifications or specialty services:</u> <ol style="list-style-type: none"> <u>1. Residential Building Contractors (RBC)</u> <u>2. Home Improvement Contracting (HIC)</u> <u>3. Commercial Building Contractors (CBC)</u> <u>4. Commercial Improvement Contracting (CIC)</u>
<u>2</u>	<u>Professional engineer licensed pursuant to Chapter 4 of Title 54.1 of the Code of Virginia</u>
<u>2</u>	<u>Building code official certified pursuant to the Department of Housing and Community Development Virginia Certification Standards (13VAC5-21-10 et seq. of the Virginia Administrative Code)</u>

266 **18VAC15-40-32.1. Qualifying experience.**

267 In order to be acceptable, qualifying experience must meet all of the following:

268 1. Experience must be verified by one or more of the following: licensed home inspector;
 269 minimum of three licensed real estate professionals; minimum of three clients; or qualified
 270 individual or responsible manager of a licensed contractor.

271 2. An applicant's experience must have been gained by assisting a properly licensed or
 272 certified home inspector, as applicable, and under such home inspector's direct
 273 supervision; or through the performance of home inspections as authorized under the laws
 274 of the applicable jurisdiction.

275 3. For the purposes of this part, experience requirements are expressed in terms of
 276 calendar periods of full-time employment.

277 a. A year of full-time qualifying experience is a minimum of 1,760 hours during a 12-
278 month period or a minimum of 220 workdays in a 12-month period. More than 1,760
279 hours or 220 workdays during a 12-month period will not be considered as more than
280 one year of full-time employment.

281 b. Partial credit may be given for actual hours of qualifying experience if the applicant's
282 experience was gained working less than full time.

283 **18VAC15-40-32.2. Accredited colleges or universities and verification procedures.**

284 A. An applicant seeking to qualify for licensure based on completion of a class from an
285 accredited college or university must submit an official transcript from the school where the
286 applicable class was completed. Only classes from an accredited college or university that is
287 approved or accredited by the Commission on Colleges of the Southern Association of Colleges
288 and Schools, a regional or national accreditation association, or by an accrediting agency that is
289 recognized by the U.S. Secretary of Education will be considered.

290 B. An applicant seeking to qualify for licensure based on working or teaching at an accredited
291 college or university must submit evidence satisfactory to the board of employment by the college
292 or university. Only employment with an accredited college or university that is approved or
293 accredited by the Commission on Colleges of the Southern Association of Colleges and Schools,
294 a regional or national accreditation association, or by an accrediting agency that is recognized by
295 the U.S. Secretary of Education will be considered.

296 **18VAC15-40-33. Examination conduct.**

297 Procedures and appropriate conduct established by the board or examination organization
298 administering the examination approved by the board, or both, shall must be followed by the
299 applicant. Such procedures shall include written instructions communicated prior to the
300 examination date and instructions communicated at the site, either written or oral, on the date of

301 the examination. Failure to comply with all procedures established by the board or the
302 examination organization with regard to conduct at the examination shall will be grounds for denial
303 of the application.

304 **18VAC15-40-34. Individuals certified or licensed in another jurisdiction; equivalency to**
305 **Virginia home inspector requirements.**

306 A. The board may waive the requirements of 18VAC15-40-32 for an applicant who holds an
307 active, current license or certificate as a home inspector in another state, the District of Columbia,
308 or any other territory or possession of the United States provided the requirements and standards
309 under which the license or certificate was issued are substantially equivalent to those established
310 in this chapter.

311 B. In considering qualifications pursuant to 18VAC15-40-32, the board may consider
312 experience gained under a licensed (however denominated) home inspector in another state
313 provided the requirements and standards under which the home inspector was licensed are
314 substantially equivalent to those established in this chapter.

315 **18VAC15-40-35. Qualifications for the new residential structure specialty.**

316 To obtain the NRS specialty, the applicant shall must submit the appropriate application form
317 and fee pursuant to 18VAC15-40-50 and meet the following qualifications:

318 1. Hold a current and valid home inspector license. An applicant who does not hold a
319 current and valid home inspector license shall must apply for such licensure and meet the
320 requirements contained in 18VAC15-40-30 and 18VAC15-40-32.

321 2. Submit proof of successful completion of an NRS training module approved by the board
322 pursuant to Part VI (18VAC15-40-120 et seq.) of this chapter and completed no more than
323 two years prior to the date of application.

324 **18VAC15-40-45. Application denial.**

325 The board may refuse initial licensure due to an applicant's failure to comply with entry
326 requirements or for any of the reasons it may discipline a licensee. The applicant has the right to
327 request further review of any such action by the board under the Administrative Process Act (§
328 2.2.-4000 et seq. of the Code of Virginia).

329 **18VAC15-40-48. General fee requirements.**

330 All fees are nonrefundable and shall ~~will~~ not be prorated. The date on which the fee is received
331 by the department or its agent will determine whether the fee is on time. Checks or money orders
332 shall ~~must~~ be made payable to the Treasurer of Virginia.

333 **18VAC15-40-50. Fees.**

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application
Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

334 For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees
335 shall be as follows:

Home inspector renewal	\$25
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Home inspector with NRS specialty renewal \$50

336 For reinstatement applications received after March 1, 2018, and on or before February 29,
337 2020, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

338 For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees
339 shall be as follows:

Home inspector renewal	\$40
Home inspector with NRS specialty renewal	\$80

340 For reinstatement applications received after March 1, 2020, and on or before February 28,
341 2022, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$120
Home inspector with NRS specialty reinstatement	\$160

342 Part III

343 Renewal and Reinstatement of License

344 **18VAC15-40-60. Renewal required.**

345 Licenses issued under this chapter shall ~~will~~ expire two years from the last day of the month
346 in which they were issued.

347 **18VAC15-40-72. Continuing professional education required for home inspector licensure.**

348 A. Each licensee shall ~~have completed~~ must complete 16 contact hours of continuing
349 professional education (CPE) during each license renewal cycle. CPE can be met through
350 classroom instruction, distance learning, or online education technology.

351 B. Notwithstanding the provisions of 18VAC15-40-75, the subject matter addressed during
352 CPE contact hours shall be is limited to the content areas covered by the board's approved
353 examination.

354 C. The licensee shall will not receive CPE credit for the same training course more than once
355 during a single license renewal cycle.

356 D. A licensee who completes the initial training module required by 18VAC15-40-35 to obtain
357 an NRS specialty may count completion of the module towards the required 16 hours of CPE
358 credit for that renewal cycle.

359 **18VAC15-40-75. Board-approved new residential structure update continuing professional**
360 **education course required to maintain new residential structure specialty.**

361 A. In addition to the CPE requirements of 18VAC15-40-72, to maintain the NRS specialty, the
362 licensee shall must submit proof of completion of a four-hour, board-approved NRS CPE course,
363 which can be applied toward the 16 contact hours of CPE required for the license renewal.

364 B. A licensee who has taken the initial NRS training module pursuant to subdivision 2 of
365 18VAC15-40-35 no more than one year before the expiration date on the license will not be
366 required to submit proof of the NRS CPE course for that renewal. All other requirements for
367 renewal must be met in order to renew the license and the home inspector is still required to have
368 completed all other CPE requirements pursuant to this chapter.

369 **18VAC15-40-76. Continuing professional education for instructors.**

370 A licensee may receive CPE credit for teaching a course that otherwise meets the
371 requirements of this chapter; however, additional credit shall will not be given for subsequent
372 offerings of a course or activity with the same content within the same licensing cycle. In addition,
373 a licensee may receive two hours of CPE no more than once during a single licensing cycle for
374 the initial development or substantial updating of a CPE course.

Commented [VP14]: Derived from Board's guidance document effective October 17, 2019.

375 **18VAC15-40-78. Maintenance of continuing professional education records.**

376 A. Each licensee shall must maintain evidence of the satisfactory completion of CPE for at
377 least three years following the end of the license renewal cycle for which the CPE was taken.
378 Such documentation shall must be provided to the board or its duly authorized agents upon
379 request. The following shall will be maintained by the licensee to document completion of the
380 hours of CPE specified in 18VAC15-40-72:

- 381 1. Evidence of completion that ~~shall contain~~ that contains the name, address, and
382 telephone number of the training provider;
- 383 2. The dates the applicant participated in the training;
- 384 3. Descriptive material of the subject matter presented documenting that it covers the
385 content areas covered by the board's examination; and
- 386 4. A statement from the provider verifying the number of CPE contact hours completed.

387 B. The board may conduct an audit of its licensees to ensure compliance with the applicable
388 CPE requirements. Licensees who are selected for audit shall must provide the necessary
389 documentation stipulated in this section.

390 C. The licensee may request additional time to meet the CPE requirement; however, CPE
391 hours earned during a license renewal cycle to satisfy the CPE requirement of the preceding
392 license renewal cycle shall will be valid only for that preceding license renewal cycle.

393 **18VAC15-40-80. Procedures for renewal.**

394 A. Prior to the expiration date shown on the license, the board shall will mail a renewal notice
395 to the licensee's address of record.

396 ~~B. Prior to the expiration date shown on the license, the a licensee desiring to renew his~~
397 ~~license shall must return to the board the renewal notice (i) a completed renewal application, (ii)~~

398 ~~proof of insurance required by 18VAC15-40-30, (iii) proof of completion of CPE, in accordance~~
399 ~~with 18VAC15-40-72, and (iv) the appropriate fee specified in 18VAC15-40-50.~~

400 C. ~~Prior to the expiration date shown on the license~~ In addition to the requirements of
401 subsection B of this section, a licensee with the NRS specialty must submit proof of completion
402 of four hours of board-approved NRS CPE, in accordance with 18VAC15-40-75, ~~along with the~~
403 ~~renewal notice and the appropriate fee specified in 18VAC15-40-50.~~

404 D. Failure to receive the renewal notice does not relieve the licensee of the obligation to
405 renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted
406 with the required fee and any other required documentation as an application for renewal. The
407 date on which the renewal application is received by the department or its agent will determine
408 whether the renewal application was received on time.

409 E. By submitting the renewal application, the licensee is affirming that the CPE requirements
410 of 18VAC15-40-72 have been met, and he is in continued compliance with this chapter.

411 **18VAC15-40-90. Reinstatement.**

412 A. If the requirements for renewal of a license, as provided in 18VAC15-40-80, are not
413 completed by the licensee within 30 days after the expiration date on the license, reinstatement
414 of the license shall will be required.

415 B. All applicants for reinstatement shall must meet all requirements set forth in 18VAC15-40-
416 30, 18VAC15-40-72, and 18VAC15-40-75, as applicable.

417 C. A license may be reinstated for up to two years following the expiration date upon submittal
418 of the reinstatement application consisting of (i) payment of the reinstatement fee, (ii) proof of
419 insurance required by 18VAC15-40-30, (iii) proof of CPE in accordance with 18VAC15-40-72, and
420 (iv) proof of CPE to maintain the NRS specialty, if applicable. After two years, the license shall

Commented [VP15]: Change to renewal procedure to require submission of completed application and proof of CPE for all license types.

421 will not be reinstated under any circumstances, and the individual ~~shall~~ must apply as a new
422 applicant and meet entry requirements current at the time of submittal of the new application.

423 D. By submitting the reinstatement application, the individual is affirming that he is in continued
424 compliance with this chapter.

425 **18VAC15-40-105. Status of licensee during the period prior to reinstatement.**

426 A. A licensee who reinstates his license ~~shall~~ will be regarded as having been continuously
427 licensed without interruption; ~~and shall~~ will remain under the disciplinary authority of the board
428 during this entire period; and ~~shall~~ will be held accountable for his activities during this period.

429 B. Any regulated activity conducted subsequent to the license expiration date may constitute
430 unlicensed activity and be subject to prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title
431 54.1 of the Code of Virginia.

432 **18VAC15-40-107. Board discretion to deny renewal or reinstatement.**

433 The board may deny renewal or reinstatement of a license for the same reasons as the board
434 may refuse initial licensure or discipline a licensee. The licensee has the right to request further
435 review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq.
436 of the Code of Virginia).

437 **18VAC15-40-108. License renewal or reinstatement after July 1, 2017. (Repealed.)**

438 ~~A licensee eligible for renewal or reinstatement on or after July 1, 2017, shall be required to~~
439 ~~meet the requirements of this part as amended effective July 1, 2017, upon submittal of the~~
440 ~~renewal or reinstatement application, as applicable.~~

BEGIN DISCUSSION AND
REVIEW OF MINIMUM
STANDARDS FOR
CONDUCTING HOME
INSPECTIONS AND
STANDARDS OF CONDUCT
AND PRACTICE

DRAFT AGENDA
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DRAFT AGENDA

2020/2021 HOME INSPECTOR LICENSING REGULATORY REVIEW TIMELINE

ALHI Board Meeting
Board forms Committee and authorizes filing of NOIRA
(08/20/2020)

Regulatory Review Committee Meeting
Overview of Regulatory Review Process and Regulation
Writing Do's and Don'ts; Review Timeline; Planning
(11/10/2020)

Regulatory Review Committee Meeting
Review General (Definitions), Entry, Renewal and
Reinstatement
(2/3/2021)

ALHI Board Meeting
(2/4/2021)

Regulatory Review Committee Meeting
Review Standards for Conducting Home Inspections,
Standards of Conduct and Practice, and Training/CPE
Requirements
(3/24/2021)

Regulatory Review Committee Meeting
If Necessary
Final Review and Adopt Recommendation
(April 2021)

ALHI Board Meeting
Conduct final review and adopt proposed regulations
(05/13/2021)

Regulatory Review Process

NOIRA Filed
11/13/2020



**Currently Under
Review by Secretary
of Commerce and
Trade**



**NEXT STEPS:
Governor's Review
and the Publication
with 30-day Public
Comment Period**

FUTURE MEETING DATE

a. March 24, 2021

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OTHER BUSINESS

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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ADJOURN

Please return your document folders to Tanya Pettus.

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