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

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| Agency name | Board for Contractors |
| Virginia Administrative Code (VAC) citation | 18VAC50-30 |
| Regulation title | Board for Contractors Individual License and Certification Regulations |
| Action title | General Review |
| Date this document prepared | May 16, 2008 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Board for Contractors (the Board) seeks to conduct a review of its current "Individual License and Certification Regulations" including, but not limited to, the definitions, entry requirements, renewal and reinstatement requirements, standards of practice and conduct, and vocational training and continuing education providers. The proposed amendments will respond to changes in the industry and to address concerns brought to the Board by its regulants and the public. With the exception of a fee increase, the regulations have not been amended or reviewed since August 1, 2005.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 54.1-1102 of the Code of Virginia provides the authority for the Board for Contractors to promulgate regulations for the licensure of tradesman, liquefied petroleum gas fitter, natural gas fitter provider, and certifications for backflow prevention device workers, elevator mechanics, and water well systems providers in accordance with the Administrative Process Act in the Commonwealth. The content

of the regulations is pursuant to the Board's discretion, but shall not be in conflict with the purposes of the statutory authority.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

Recent statutory changes, as well as changes in the industry, warrant review and promulgation of regulations to ensure that they accurately reflect current requirements and standards that are consistent and clear. Ensuring that the regulations are as clear as possible will facilitate the regulations' compliance with the statutes and Board's requirements, which will better protect the health, safety, and welfare of the public.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

General clarifying changes to the regulations. The Board will review the renewal and reinstatement requirements to address issues involving continuing education for individual licenses and certifications. In addition, the following are to be reviewed:

18 VAC 50-30-10 (Definitions): The Board will add a definition for "water well system provider," and determine if changes in the industry warrant the addition, deletion, or modification of definitions.

18 VAC 50-30-20, 18 VAC 50-30-30, 18 VAC 50-30-40, 18 VAC 50-30-50, and 18 VAC 50-30-70: The Board will explore the possibility of amending the eligibility criteria for tradesman, liquefied petroleum gas fitter, natural gas fitter provider, and certifications for backflow prevention device workers, elevator mechanics, and water well systems providers to determine if changes in the industry warrant modification of the current vocational training and practical experience to demonstrate a minimum level of competency in the applicable trade.

18 VAC 50-30-120 and 18 VAC 50-30-130: The Board will review the continuing education requirements to determine if any changes to these provisions would be appropriate.

Any other changes which may be necessary may also be considered.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

No other alternatives exist for amending the regulations in order to bring them into compliance with regulations or programs already in existence that are referenced in the "Individual License and Certification Regulations." At this time, no alternative has been established for amending current definitions or the establishment of continuing education requirements. However, based on comment already received or brought to the attention of the Board, it is likely that many alternatives will be presented during the public comment periods. The Board will consider any and all comments received during the comment periods as to any proposed alternatives.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives, and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Eric Olson, c/o Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233; email: contractor@dpor.virginia.gov; fax (804) 527-4401. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public hearing will not be held.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Board is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage

economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

No family impact has been identified.