

DEFINITIONS.

18 VAC 50-22-10. General definitions.

18 VAC 50-22-20. Definitions of license/certificate classifications.

18 VAC 50-22-30. Definitions of specialty services.

18 VAC 50-22-10. General definitions.

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:

"Affidavit" means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.

~~**"Business entity"** means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.~~

~~**"Certificate holder"** means a firm holding a Class C contractor certificate issued by the Board for Contractors to act as a contractor as defined in § 54.1-1100 of the Code of Virginia.~~

~~**"Controlling financial interest"** means the direct or indirect ownership or control of more than 50% or more of the applicable indicia of ownership of a firm.~~

~~**"Firm"** means any sole proprietorship, partnership, association, limited liability company, or corporation, business entity recognized under the laws of the Commonwealth of Virginia which is required by § 54.1-1100 of the Code of Virginia to obtain a license/certificate.~~

~~**"Full-time employee"** means an employee who spends a minimum of thirty hours a week carrying out~~

"Licensee" means a firm holding a license issued by the Board for Contractors to act as a contractor, as defined in § 54.1-1100 of the Code of Virginia.

"Net ~~Worth~~-worth" means assets minus liabilities. For purposes of this chapter, assets shall not include any property owned as tenants by the entirety.

"Reciprocity" means an arrangement by which the licensees of two states are allowed to practice within each other's boundaries by mutual agreement.

"Reinstatement" means having a license ~~or certificate~~ restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license ~~or certificate~~ for another period of time.

"Responsible management" means the following individuals:

1. the sole proprietor of a sole proprietorship
2. the partners of a general partnership
3. the managing partners of a limited partnership
4. the officers of a corporation
5. the managers of a limited liability company
6. the officers or directors of an association or both; and
7. individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of § 59.1-69 through 59.1-76 of the Code of Virginia.

"Tenants by the Entirety entirety" means a tenancy which is created between a husband and wife

and by which together they hold title to the whole with right of survivorship so that, upon death of either, the other takes whole to exclusion of ~~the deceased~~ deceased's remaining heirs.

18 VAC 50-22-20. Definitions of license/certificate 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:

"Building contractors" (Abbr: BLD) means those individuals whose contracts include construction on real property owned, controlled or leased by another person of commercial, industrial, institutional, governmental, residential (single-family, two-family or multi-family) and accessory use buildings or structures. This classification also provides for remodeling, repair, improvement or demolition of these buildings and structures. A holder of this license/certificate can do general contracting. ~~but his scope of work cannot include any work covered under the following trade or specialty licenses:~~

alarm security	fire alarm
asbestos	fire sprinkler
billboard/sign	fire suppression
blasting	gas fitting
electrical	HVAC
electronic communication	irrigation
elevator/escalator	passive energy
environmental systems	plumbing

~~If the BLD contractor performs specialty services, all required specialty designations shall be obtained.~~

The building classification ~~does include~~ includes but is not limited to the functions carried out by the

following specialties:

billboard/sign contracting	landscape services-service contracting
commercial improvement contracting	miscellaneous
farm improvement contracting	marine facility contracting
home improvement contracting	modular/mobile manufactured building contracting
recreational facilities facility contracting	

The above specialties are not inclusive of all of the functions covered by the building classification.

"Electrical Contractors contractors" (Abbr: ELE) means those individuals whose contracts include the construction, repair, maintenance, alteration or removal of electrical systems under the National Electrical Code. This classification provides for all work covered by the National Electrical Code including electrical work covered by ~~ALS, ESC, and FAS classifications~~ ~~the alarm/security systems contracting (ALS), electronic/communication service contracting (ESC) and fire alarm systems contracting (FAS) specialties.~~ A firm holding an electrical license is responsible for meeting all applicable tradesman certification licensing standards adopted by each locality.

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

bridges	rail roads
dams	roads
drainage systems	runways
foundations	streets
parking lots	structural signs & lights

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

building demolition	non-water well drilling
clearing	paving
concrete work	pile driving
excavating	road marking
grading	

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 customer's meter;
2. Pumping stations and treatment plants;
3. Telephone, telegraph or signal systems for public utilities;
4. Water, gas and sewer ~~lines up to five feet from any building or structure. 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 upon passage of an installation competency and training program approved by the board.~~

"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 tradesman ~~certification licensure standards adopted by each locality.~~ ~~This classification~~

may also install backflow prevention devices incidental to work in this classification upon passage of an installation competency and training program approved by the board.

"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 | public/private water supply systems within or |
| boilers | adjacent to any building, structure or conveyance |
| domestic limited area sprinklers | sanitary or storm drainage facilities |
| (as defined by BOCA) | |
| hot water baseboard heating systems | steam heating system |
| hot water heaters | storage tanks incidental to the installation of |
| hydronic heating systems | related systems |
| process piping | venting systems <u>related to plumbing</u> |

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

- | | |
|----------------------|----------------------|
| liquid waste systems | storm water systems |
| sewerage systems | water supply systems |

This classification does not provide for gas piping or the function of fire sprinkler contracting as noted above. A firm holding a plumbing license is responsible for meeting all applicable tradesman ~~certification licensure~~ standards adopted by each locality.

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

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:

"Alarm/security systems contracting" (Abbr: ALS) means that service which provides for the installation, repair, improvement or removal of alarm systems or security systems annexed to real property. This classification covers only burglar and security alarm installations. A firm holding an ALS license/certificate is responsible for meeting all applicable tradesman certification standards rules and regulations adopted by each locality. The electrical ELE classification also provides for this function.

~~"Alternative energy system contracting"~~ (Abbr: AES) means that service which 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. 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 that service which 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"~~ (Appr: PAV) means that service which provides for the installation of asphalt paving and/or sealcoating 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 that service which provides for the installation, repair, improvement or dismantling of any billboard or structural sign permanently annexed to real property. H/H and BLD is are the only other classification classifications that can perform this work except that a contractor in this specialty may connect or disconnect signs to existing electrical circuits. ~~A building contractor may install signs incidental to work covered under their classification. No trade related plumbing, electrical or HVAC work is included in this classification function.~~

"Blast/explosive contracting" (Abbr: BEC) means that service which 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 that service which provides for additions, repairs ~~repair~~ or improvements ~~improvement~~ to nonresidential property and multifamily property as defined in the Virginia Uniform Statewide Building Code. The BLD classification also ~~covers this work provides for this function.~~ The CIC classification does not provide for the construction of new buildings, accessory buildings, electrical plumbing, HVAC or gas work.

~~**"Concrete contracting"** (Abbr: CEM) means that service which 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 but is not limited to finishing, coloring, curing, repairing, testing, sawing, grinding, grouting, placing of film barriers, sealing and waterproofing. Construction and assembling of forms, molds, slipforms, pans, centering, and the use of rebar is also included. The BLD and H/H classifications also provide for this function.~~

"Electronic/communication service contracting" (Abbr: ESC) means that service which 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/certificate is responsible for meeting all applicable tradesman certification licensure standards adopted by each locality. The electrical-ELE classification also provides for this function.

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

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

~~**"Environmental specialties contracting"** (Abbr: ENV) means that service which 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 that service which provides for the installation or removal of equipment or machinery ~~such as including but not limited to~~ conveyors or heavy machinery. ~~It This specialty does not provide for any electrical, plumbing, process piping or HVAC functions.~~

"Farm improvement contracting" (Abbr: FIC) means that service which provides for the installation, repair or improvement of a nonresidential farm building or structure, or nonresidential farm

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accessory-use structure, or additions thereto. The BLD classification also provides for this function.

The FIC specialty does not provide for any electrical, plumbing, HVAC or gas fitting functions.

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

"Fire sprinkler contracting" (Abbr: SPR) means that service which 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 limited area sprinklers as defined by BOCA. This specialty may engage in the installation of backflow prevention devices in the fire sprinkler supply main and sprinkler system, upon passage of an installation competency and training program approved by the board.~~

"Fire suppression contracting" (Abbr: FSP) means that service which provides for the installation, repair, improvement or removal of fire suppression systems including but not limited to 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.

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

"Home improvement contracting" (Abbr: HIC) means that service which provides for repairs or improvements to one-and two-family residential buildings or structures annexed to real property. The BLD classification also provides for this function. The HIC specialty does not provide for electrical, plumbing, HVAC or gas fitting functions. It does not include high rise buildings, buildings with more than two dwelling units or new construction functions ~~beyond the existing building structure other than decks, patios, driveways and utility out buildings.~~

"Landscape irrigation contracting" (Abbr: ISC) means that service which 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. ~~However, only the PLB classification provides for the installation of backflow devices. This specialty may install backflow prevention devices incidental to work in this specialty upon passage of an installation competency and training program approved by the board.~~

"Landscape service contracting" (Abbr: LSC) means that service which 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. ~~The BLD classification also provides for this function.~~

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

~~**"Liquefied petroleum gas contracting"** (Abbr: LPG) means that service which 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 which require a HVA or PLB license. No other classification or specialty service provides for this function. A firm holding a LPG license is responsible for meeting all applicable tradesman licensure standards.~~

"Marine facility contracting" (Abbr: MCC) means that service which 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 BLD and H/H classification classifications also provides provide~~ for this function. The MCC specialty does not provide for ~~the construction of accessory structures or~~ electrical, HVAC or plumbing functions.

~~**"Miscellaneous contracting"** (Abbr: MSC) means that service which may fall under another classification or specialty service but is more limited than the functions provided by the other classification.~~

~~**"Masonry contracting"** (Abbr: BRK) means that service which 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 BLD classification and HIC and CIC specialties also provide for this function.~~

~~**"Modular/mobile/manufactured building contracting"** (Abbr: MBC) means that service which provides for the installation or removal of a modular; ~~mobile~~ or manufactured building ~~manufactured~~ under ANSI STANDARDS. This classification does not cover foundation work; ~~however, it does~~ allow installation of piers covered under HUD regulations. ~~it~~ It does allow a licensee/certificate holder to~~

do internal tie ins of plumbing, gas and electrical or HVAC equipment. It does not allow for installing additional plumbing, electrical or HVAC work such as installing the service meter, or installing the outside compressor for the HVAC system. The H/H and BLD classifications also provide for this function.

~~"Passive energy systems contracting" (Abbr: PES) means that service which provides for the installation, repair or improvement, from the customer's meter, of passive energy generation systems or passive supplemental energy systems annexed to real property. No other classification or specialty service provides this function. This specialty does not provide for electrical, plumbing, gas fitting or HVAC functions.~~

~~"Natural gas fitting provider contracting" (Abbr: NGE) means that service which 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 which requires a HVA or PLB license. No other classification or specialty service provides for this function. A firm holding a NGE license is responsible for meeting all applicable tradesman licensure standards.~~

~~"Painting and wallcovering contracting" (Abbr: PTC) means that service which 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 BLD classification and the HIC and CIC specialties also provide for this function.~~

"Radon mitigation contracting" (Abbr: RMC) means that service which provides for additions,

repairs or improvements to buildings or structures, for the purpose of mitigating or preventing the effects of radon gas. This function can only be performed by a firm holding the BLD classification or CIC (for other than one-and two-family dwellings), FIC (for nonresidential farm buildings) or HIC (for one-and two-family dwellings) specialty services. No electrical, plumbing, gas fitting or HVAC functions are provided by this specialty.

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

"Refrigeration contracting" (Abbr: REF) means that service which 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. ~~This function is also provided by the HVAC classification. The HVAC classification also provides for this function.~~

"Roofing contracting" (Abbr: ROC) ~~means that service which 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 BLD classification and the HIC and CIC specialties also provide for this function.~~

"Sewage Disposal Systems Contracting ~~disposal systems contracting~~" (Abbr: SDS) means that

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

"Vessel construction contracting" (Abbr: VCC) means that service which 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 service function.

"Waterwell/pump contracting" (Abbr: WWP) means that service which provides for the installation of a water well system, which includes construction of a water well to reach ground water, 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 the point of connection 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 PLB, ELE or HVAC from installation of pumps and tanks.

Note: Specialty contractors engaging in construction which involves the following activities or items or similar activities or items may fall under the specialty service of commercial improvement, home improvement and/or farm improvement CIC, HIC and/or FIC specialty services, or they may fall under the building BLD classification.

Appliances

Flooring

Shutters

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Awnings	Floors	Siding
Blinds	Glass	Skylights
Bricks	Glazing	Special coatings
Bulkheads	Grouting	Stone
Cabinetry	Grubbing	Storage Bins & Lockers
Carpentry	Guttering	Stucco
Carpeting	Insulation	Temperature Controls
Casework	Interior Decorating	Terrazzo
Caulking	Lubrication	Tile
Ceilings	Marble	Vaults
Chimneys	Masonry	Vinyl Flooring
Chutes	Metal Work	Wall Coverings
Concrete	Millwrighting	Wall Panels
Conduit Rodding	Mirrors	Wall Tile
Curtains	Miscellaneous Iron	Waterproofing
Curtain Walls	Ornamental Iron	Weatherstripping
Decks	Painting	Welding
Doors	Partitions	Windows
Drapes	Plastic Wall Coverings	Wood Floors
Drywall	Protective Coatings	
Epoxy	Railings	
Exterior Decoration	Riggings	

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Facings

Roofing

Fences

Rubber Linings

Fiberglass

Sandblasting

Fireplaces

Scaffolding

Fireproofing

Screens

Fixtures

Sheet Metal

Floor Coverings

Shingles

PART II.

ENTRY.

18 VAC 50-22-40. Requirements for a Class C ~~certificate~~ license.

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

18 VAC 50-22-60. ~~Additional requirements~~ Requirements for a Class A license.

18 VAC 50-22-70. Qualifications for licensure by reciprocity.

18 VAC 50-22-80. Examinations.

18 VAC 50-22-100. Fees.

18 VAC 50-22-40. Requirements for a Class C ~~certificate~~ license.

- A. ~~Every~~ A firm applying for a Class C ~~certificate~~ license must meet the requirements of this section.
- B. For every classification or specialty in which the firm seeks to be ~~certified~~ 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 ~~these regulations~~ this chapter or is a member of the responsible management of the firm; ~~and~~
 4. Where appropriate, has passed the trade-related examination ~~or has completed an education and training program~~ approved by the board and required for the specialties listed below:
 - a. ~~electrical~~ blast/explosive contracting;
 - b. ~~gas fitting~~ radon mitigation; ~~and~~
 - c. HVAC water well drilling;
plumbing fire sprinkler
 5. ~~Has obtained, pursuant to the tradesman regulations, a master tradesman license~~

as required for those classifications and specialties listed in 18 VAC 50-22-20

and 18 VAC 50-22-30;

- C. ~~Each~~The firm shall provide information for the past five years prior to application on any outstanding, past-due debts and judgments, outstanding tax obligations, or defaults on bonds, or pending or past bankruptcies. The firm, its qualified individual or individuals 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 § 54.1-1100 et seq. of the Code of Virginia.
- D. The firm, the qualified individual 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, including but not limited to any monetary penalties, fines, suspension, revocation or surrender of a license in connection with a disciplinary action in Virginia or any other jurisdiction within the five years immediately prior to applying for a Virginia contractor certificate. This includes but is not limited to 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, each applicant shall disclose the following information about the firm; ~~any all member~~ members of the responsible management and the qualified individual or individuals for the firm:
1. ~~a conviction~~ all misdemeanor convictions in any jurisdiction of any

2. ~~a conviction all felony convictions in any jurisdiction of any misdemeanor within the three years immediately prior to application. during their lifetime.~~

Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph 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 ~~certification~~ licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

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

- A. Every A firm applying for a Class B license must meet the requirements of this section.
- B. Every 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 ~~these regulations~~ this chapter, or is a member of responsible management as defined in this chapter;
 3. Has passed ~~the General Section and the Virginia Section of the licensing examination~~ 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; and. ~~An applicant who has passed in another jurisdiction a licensing exam found by the board to be substantially equivalent to~~

~~the General Section of the Virginia exam, shall only be required to pass the Virginia Section of the board's licensing examination, 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 ~~these regulations this chapter~~ or is a member of the responsible management of the firm; ~~and~~
4. Where appropriate, has passed the trade-related examination ~~or has completed an education and training program~~ approved by the board and required for the classifications and specialties listed below:

electrical	blast/explosive contracting
gas fitting	radon mitigation
HVAC	water well drilling
plumbing	fire sprinkler

5. ~~Has obtained, pursuant to the tradesman regulations, a master tradesman license~~

- 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, or defaults on bonds ~~or pending or past bankruptcies~~. The firm, its designated employee, qualified individual or individuals 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 § 54.1-1100 ~~et seq.~~ of the Code of Virginia.
- F. The firm, the designated employee, the qualified individual and all members of the responsible management of the firm shall disclose at the time of application any current or previous ~~contractor licenses held~~ substantial identities of interest with any contractor licenses issued in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses, ~~including but not limited to. This includes but is not limited to~~ 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 above have had a substantial identity of interest (as deemed in § 54.1-1110 et seq. of the Code of Virginia) with any firm that has had a license suspended,

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revoked, or ~~voluntarily terminated or surrendered~~ in connection with a disciplinary action,
in Virginia or any other jurisdiction ~~within the five years immediately prior to applying for~~
~~a Virginia contractor license.~~

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

1. ~~a conviction all misdemeanor convictions in any jurisdiction of any felony within three years of the date of application; and~~
2. ~~a conviction all felony convictions in any jurisdiction of any misdemeanor within the three years immediately prior to application. during their lifetime.~~

Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph 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.

18 VAC 50-22-60. ~~Additional requirements~~ Requirements for a Class A license.

- A. Every ~~A~~ firm applying for a Class A license shall meet all of the requirements ~~outlined in~~ subsections E, F, and G of 18 VAC 50-22-50 as well as the additional qualifications of this section.
- B. ~~The designated employee shall meet~~ A firm shall name a designated employee who

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~~meets the following requirements:~~

1. Is at least 18 years old;
 2. Is a full-time employee of the firm as defined in ~~these regulations~~ this chapter or is a member of the responsible management of the firm as defined in this chapter; and
 3. Has passed ~~the Advanced Section of the licensing~~ 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 An applicant who has passed in another jurisdiction a licensing examination found by the board to be substantially equivalent to the General and Advanced Sections of the Virginia exam, shall only be required to pass the Virginia section of the board's licensing examination.~~
 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. ~~The qualified individual for every classification or specialty in which the firm seeks to be licensed shall meet~~ 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

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for which he is the qualifier;

3. Is a full-time employee of the firm as defined in these regulations or is a member of the responsible management of the firm; and
4. Where appropriate, has passed the trade-related examination or has completed an education and training program approved by the board and required for the classifications and specialties listed below:

electrical	blast/explosive contracting
gas fitting	radon mitigation
HVAC	water well drilling
plumbing	fire sprinkler

5. Has obtained, pursuant to the tradesman regulations, a master tradesman license as required for those classifications and specialties listed in 18 VAC 50-22-20 and 18 VAC 50-22-30;

- 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, qualified individual or individuals, and all members of the responsible management of the firm shall submit information on any past-due debts and judgments or defaults on bonds

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directly related to the practice of contracting as defined in § 54.1-1100 et seq. of the
Code of Virginia.

E. The firm, the designated employee, the qualified individual, 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 but is not limited to, 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 above 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, each applicant 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 lifetime.

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

18 VAC 50-22-70. Qualifications for licensure by reciprocity.

Firms originally licensed in a state with which the board has a reciprocal agreement may obtain a Virginia contractor's license in accordance with the terms of that agreement.

18 VAC 50-22-80. Examinations.

All examinations required for licensure shall be approved by the board and provided by the board; or a testing service acting on behalf of the board or another governmental agency or organization. The examination fee shall consist of the administration expenses of the Department of Professional and Occupational Regulation ensuing from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$100 per element to the candidate.

18 VAC 50-22-90. Past due recovery fund assessments.

No license shall be issued to an applicant whose previous license or certificate was suspended for nonpayment of a Virginia Contractor Transaction Recovery Fund assessment until all past-due assessments have been paid.

18 VAC 50-22-100. Fees.

Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the

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board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

<u>Fee Type</u>	<u>When Due</u>	<u>Amount</u>
Class C Initial Certificate -License	with certificate license application	\$65
Class B Initial License	with license application	\$85
Class A Initial License	with license application	\$100
Declaration of Designated Employee	with license application	\$25
Qualified Individual Exam Fee	with exam application	\$20
Class B Exam Fee	with exam application (\$20 per section)	\$40
Class A Exam Fee	with exam application (\$20 per section)	\$60
Water Well Exam	with exam application	\$40
Dishonored Check Fee	with replacement check	\$25

Note: A \$25 Recovery Fund assessment is also required with each initial license application. If the applicant does not meet all requirements and does not become licensed, this assessment will be refunded. The ~~fees for examinations~~-~~examination fees~~ approved by the board but administered by another governmental agency or organization shall be determined by that agency or organization.

PART III.
RENEWAL.

- 18 VAC 50-22-110. Renewal required.
- 18 VAC 50-22-120. Procedures for renewal.
- 18 VAC 50-22-130. Qualifications for renewal.
- 18 VAC 50-22-140. Renewal fees.
- 18 VAC 50-22-150. Board discretion to deny renewal.

18 VAC 50-22-110. Renewal required.

Licenses/certificates issued under ~~these regulations~~ this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the license/certificate.

18 VAC 50-22-120. Procedures for renewal.

The Department of Professional and Occupational Regulation will mail a ~~notice of renewal application~~ to the licensee/certificate holder at the last known address of record. Failure to receive this notice shall not

relieve the licensee/~~certificate holder~~ of the obligation to renew. If the licensee/~~certificate holder~~ does not receive the ~~notice of renewal application~~, a copy of the license/~~certificate~~ may be substituted with the required fee.

18 VAC 50-22-130. Qualifications for renewal.

- A. The license holder's completed renewal form and appropriate fees must be received within 30 days of the license expiration date in order to renew the license. Applications and fees received after the 30-day period will be processed in accordance with Part IV of these regulations.
- B. Applicants for renewal of a Class C ~~certificate~~ license shall continue to meet all of the qualifications for ~~certification~~-license set forth in 18 VAC 50-22-40. Applicants for renewal of a Class B license shall continue to meet all of the qualifications for licensure set forth in 18 VAC 50-22-50. Applicants for renewal of a Class A license shall continue to meet all of the qualifications for licensure set forth in 18 VAC 50-22-60.

18 VAC 50-22-140. Renewal fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

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<u>Fee Type</u>	<u>When Due</u>	<u>Amount Due</u>
Class C Renewal	with renewal application	\$ 50
Class B Renewal	with renewal application	\$ 70
Class A Renewal	with renewal application	\$ 90
Dishonored Check Fee	with replacement check	\$ 25

The date on which the renewal fee is received by the ~~department~~ Department of Professional and Occupational Regulation or its agent shall determine whether the licensee/~~certificate holder~~ is eligible for renewal or must apply for reinstatement. ~~If the renewal application and fee are not received within thirty days of the expiration date of the license, the licensee/ certificate holder will be required to reinstate the license/certificate.~~

18 VAC 50-22-150. Board discretion to deny renewal.

- A. The board may deny renewal of a license/~~certificate~~ for the same reasons as it may refuse initial licensure/~~certification~~ or discipline a licensee/~~certificate holder~~. The licensee/~~certificate holder~~ has a right to appeal any such action by the board under the Administrative Process Act (§ 9.6.14:1 et seq. of the Code of Virginia).
- B. Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order ~~shall~~ may result in delaying or withholding services provided by the department such as, but not limited to, renewal, reinstatement, ~~transfer of a license/certificate~~, processing a new application, or exam administration.

PART IV.

REINSTATEMENT.

18 VAC 50-22-160. Reinstatement required.

18 VAC 50-22-170. Reinstatement fees.

18 VAC 50-22-180. Status of license/~~certificate holder~~ during the period prior to reinstatement.

18 VAC 50-22-160. Reinstatement required.

Should the Department of Professional and Occupational Regulation fail to receive a licensee's/~~certificate~~ license holder's renewal ~~application or form and appropriate~~ fees within 30 days of the license/~~certificate~~ expiration date, the licensee/~~certificate holder~~ shall be required to reinstate the license/~~certificate~~. Applicants for reinstatement ~~of a Class C license shall meet the requirements of 18 VAC 50-22-130. Applicants for reinstatement of a Class B license shall continue to meet the qualifications for licensure set forth in 18 VAC 50-22-50. Applicants for reinstatement of a Class A license shall continue to meet all the qualifications for licensure set forth in 18 VAC 50-22-60.~~

18 VAC 50-22-170. Reinstatement fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the

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applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

<u>Fee type</u>	<u>When Due</u>	<u>Amount Due</u>
Class C Reinstatement	with reinstatement application	\$ 90 * <u>\$140</u> *
Class B Reinstatement	with reinstatement application	\$ 100 * <u>\$170</u> *
Class A Reinstatement	with reinstatement application	\$ 100 * <u>\$190</u> *
Dishonored Check Fee	with replacement check	\$ 25

* ~~in addition to renewal fee listed in 18 VAC 22-140 of these regulations.~~ *Includes renewal fee listed in 18 VAC 50-22-140 of this chapter.

The date on which the reinstatement fee is received by the ~~department~~ Department of Professional and Occupational Regulation or its agent shall determine whether the licensee is eligible for reinstatement or must apply for a new license/~~certificate~~ and meet the entry requirements in place at the time of that application. In order to ensure that licensees/~~certificate holders~~ are qualified to practice as contractors, no reinstatement will be permitted once six months from the expiration date of the license/~~certificate~~ has passed.

18 VAC 50-22-180. Status of licensee/~~certificate holder~~ during the period prior to reinstatement.

- A. When a license/~~certificate~~ is reinstated, the licensee/~~certificate~~ shall continue to have the same license/~~certificate~~ number and shall be assigned an expiration date two years from the previous expiration date of the license/~~certificate~~.

B. A contractor who reinstates his license/~~certificate~~ shall be regarded as having been continuously licensed/~~certified~~ without interruption. Therefore:

1. The contractor shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period.
2. A consumer who contracts with a contractor during the period between the expiration of the license/~~certificate~~ and the reinstatement of the license/~~certificate~~ shall not be prohibited from making a claim on the Virginia Contractor Transaction Recovery Fund.

A contractor who fails to reinstate his license shall be regarded as unlicensed/~~uncertified~~ from the expiration date of the license/~~certificate~~ forward.

Nothing in this chapter shall divest the board of its authority to discipline a contractor for a violation of the law or regulations during the period of time for which the contractor was licensed/~~certified~~.

18 VAC 50-22-190. Board discretion to deny reinstatement.

- A. The board may deny reinstatement of a license/~~certificate~~ for the same reasons as it may refuse initial licensure/~~certification~~ or discipline a licensee/~~certificate holder~~. The licensee/~~certificate holder~~ has a right to appeal any such action by the board under the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).
- B. Failure to timely pay any monetary penalty, reimbursement ~~or~~ of cost or other fee assessed by consent order or final order shall result in delaying or withholding services

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provided by the department, such as, but not limited to, renewal, reinstatement, transfer
of a license, certificate, processing of a new application, or exam administration.

PART V.

STANDARDS OF PRACTICE AND CONDUCT.

~~ARTICLE 1. REVOCATION, SUSPENSION, AND FINES 18~~

~~VAC 50-22-220~~

~~ARTICLE 1.~~

~~REVOCATION, SUSPENSION, AND FINES.~~

~~18 VAC 50-22-200. Revocation or suspension; fines.~~

~~18 VAC 50-22-210. Change of business entity requires a new license.~~

~~18 VAC 50-22-220. Change of responsible management, designated employee, or qualified individual.~~

~~18 VAC 50-22-230. Change of name or address.~~

~~18 VAC 50-22-240. Deletion or addition of a classification or specialty.~~

~~18 VAC 50-22-250. Fees.~~

~~18 VAC 50-22-260. Filing of charges; prohibited acts.~~

~~18 VAC 50-22-270. Accountability of licensee/certificate holder.~~

18 VAC 50-22-200. Revocation or suspension; fines.

The board may revoke or suspend a license/certificate or fine a licensee/certificate holder when a licensee/certificate holder has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

~~ARTICLE 2.~~

~~MAINTENANCE OF LICENSE/CERTIFICATE.~~

~~18 VAC 50-22-210. Transfer of license/certificate prohibited.~~

~~18 VAC 50-22-220. Change of responsible management, designated employee, or qualified individual.~~

~~18 VAC 50-22-230. Change of name or address.~~

~~18 VAC 50-22-240. Deletion or addition of a classification or specialty.~~

~~18 VAC 50-22-250. Fees.~~

~~18 VAC 50-22-260. Filing of charges, prohibited acts.~~

~~18 VAC 50-22-270. Accountability of licensee/certificate holder.~~

18 VAC 50-22-210. ~~Transfer of license/certificate prohibited.~~ Change of business entity requires a new license.

Licenses/certificates are issued to firms as defined in ~~these regulations~~ this chapter and are not transferable. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, ~~a new license is required~~ the firm shall apply for a new license, on a form provided by the Board, within 30 days of the change in the business entity. Such changes include but are not limited to:

1. Death of a sole proprietor,
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership,
3. ~~Dissolution~~ Formation or dissolution of a corporation, a limited liability company or an association ~~or any other business entity recognized under the laws of the Commonwealth of Virginia.~~

18 VAC 50-22-220. Change of responsible management, designated employee, or qualified individual.

- A. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 90 days of the change.
- B. Any change of designated employee shall be reported on a form provided by the board within ~~45~~ 90 days of the change. The new designated employee for a Class B licensee shall meet the requirements of 18 VAC 50-22-50 B. The new designated employee for a Class A licensee shall meet the requirements of 18 VAC 50-22-60 :B.
- C. Any change of qualified individual shall be reported on a form provided by the board within 45 days of the change. The new qualified individual for a Class C certificate holder shall meet the requirements of 18 VAC 50-22-40 B. The new qualified individual for a Class B licensee shall meet the requirements of 18 VAC 50-22-50 C. The new qualified individual for a Class A licensee shall meet the requirements of 18 VAC 50-22-60 C.

18 VAC 50-22-230. Change of name or address.

- A. A licensee/~~certificate holder~~ must operate under the name in which the license/~~certificate~~ is issued. Any name change shall be reported in writing to the board within 30 days of the change. The board shall not be responsible for the licensee's/~~certificate holder's~~ failure to receive notices or correspondence due to the licensee's/~~certificate holder's~~ not

- B. Any change of address shall be reported in writing to the board within 30 days of the change. The board shall not be responsible for the licensee's/~~certificate holder's~~ failure to ~~received~~ ~~receive~~ notices or correspondence due to the licensee's/~~certificate holder's~~ not having reported a change of address.

18 VAC 50-22-240. Deletion or addition of a classification or specialty.

- A. A licensee/~~certificate holder~~ wishing to delete a classification or specialty from its license shall notify the board in writing. If a licensee has only one classification or specialty, deletion of that classification or specialty will result in termination of the license/~~certificate~~.
- B. A licensee/~~certificate holder~~ wishing to add a classification or specialty to its license/~~certificate~~ shall complete a form provided by the board. A Class C ~~certificate holder~~ licensee seeking an additional classification or specialty shall meet the requirements of 18 VAC 50-22-40 B for the new classification or specialty. A Class B licensee seeking an additional classification or specialty shall meet the requirements of 18 VAC 50-22-50 C for the new classification or specialty. A Class A licensee seeking an additional classification or specialty shall meet the requirements of 18 VAC 50-22-60 C for the new classification or specialty.

18 VAC 50-22-250. Fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by

the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below.

<u>Fee Type</u>	<u>When Due</u>	<u>Amount Due</u>
Change of Designated Employee	with change form	\$25
Change of Qualified Individual	with change form	\$25
Addition of Classification or Specialty	with addition application	\$25
Certification of Licensure/Certification	with written request	\$25
Dishonored Dishonored Check Fee	with replacement check	\$25

18 VAC 50-22-260. Filing of charges; prohibited acts.

- A. All complaints against contractors may be filed with the Department of Professional and Occupational Regulation at any time during business hours, pursuant to § 54.1-1114 of the Code of Virginia.
- B. The following are prohibited acts:
 - 1. Failure in any material way to comply with provisions of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board.
 - 2. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license/certificate.

3. ~~Where Failure of~~ the responsible management, designated employee or qualified individual ~~have failed~~ to report to the board, in writing, the suspension or revocation of a contractor license by another state or ~~his~~ conviction in a court of competent jurisdiction of a building code violation.
4. Publishing or causing to be published any advertisement relating to contracting which contains an assertion, representation, or statement of fact that is false, deceptive, or misleading.
5. ~~Gross negligence~~ Negligence and/or incompetence in the practice of contracting.
6. Misconduct in the practice of contracting.
7. A finding of improper or dishonest conduct in the practice of ~~his profession~~ contracting by a court of competent jurisdiction.
8. Failure of all those who engage in residential contracting, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed. For the purposes of these regulations, residential contracting means construction, removal, repair, or improvements to single-family or multiple-family residential buildings, including accessory-use structures as defined in § 54.1-1100. Prior to commencement of work or acceptance of payments, the contract shall be signed by both the consumer and the licensee/~~certificate holder~~ or his agent. ~~At a minimum the contract shall specify or disclose the following:~~

9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:

- a. When work is to begin and the estimated completion date;
- b. A statement of the total cost of the contract and the amounts and schedule for progress payments including a specific statement on the amount of the down payment;
- c. A listing of specified materials and work to be performed, which is specifically requested by the consumer;
- d. A "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance;
- e. A statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning;
- f. Disclosure of the cancellation rights of the parties;
- g. For contracts resulting from a door to door solicitation, a signed acknowledgment by the consumer that he has been provided with and read the Department of Professional and Occupational Regulation statement of protection available to him through the Board for Contractors;
- h. Contractor's name, address, license/~~certificate~~ number, expiration date,

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class of license/certificate, and classification or specialty services;

- i. Statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.
- ~~9-10.~~ Failure to make prompt delivery to the consumer before commencement of work of a fully executed copy of the contract as described in ~~subdivision subdivisions 8 and 9~~ of this section for construction or contracting work.
- ~~10 11.~~ Failure of the contractor to maintain for a period of ~~three~~ five years from the date of contract a complete and legible copy of all documents relating to that contract, including, but not limited to, the contract and any addenda or change orders.
- ~~11 12.~~ Refusing or failing, upon request ~~or demand~~, to produce to the board, or any of its agents, any document, book, record or copy of it in the licensee's/certificate holder's possession concerning a transaction covered by this chapter or for which the licensee/certificate holder is required to maintain records, ~~or failing.~~
- ~~13.~~ ~~Failing to respond to an investigator or providing false, misleading or incomplete information to an investigator~~ seeking information in the investigation of a complaint filed with the board against the contractor.
- ~~12 14.~~ Abandonment, ~~or the intentional and unjustified failure to complete work contracted for, or the retention or misapplication of funds paid, for which work is either not performed or performed only in part. (Unjustified defined as the unjustified~~ cessation of work under the contract for a period of 30 days or more

15. ~~The intentional and unjustified failure to complete work contracted for and/or to comply with the terms in the contract.~~
16. ~~The retention or misapplication of funds paid, for which work is either not performed or performed only in part.~~
- 13: 17. Making any misrepresentation or making a false promise ~~of a character likely to that might~~ influence, persuade, or induce.
- 14:18. Assisting an ~~unlicensed/uncertified contractor another~~ to violate any provision of Chapter 1 or Chapter 11 of Title 54.1 of the Code of Virginia, or this chapter; or combining or conspiring with or acting as agent, partner, or associate for an ~~unlicensed/uncertified contractor another.~~
- 15:19. Allowing a firm's license/~~certificate~~ to be used by an ~~unlicensed/uncertified contractor another.~~
- 16:20. Acting as or being an ostensible licensee/~~certificate holder~~ for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's/~~certificate holder's~~ business.
- 17:21. ~~Where~~ Action by the firm, responsible management as defined in these regulations, designated employee or qualified individual ~~have to offered offer,~~ ~~given give~~ or ~~promised promise~~ anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry.

- ~~18.22.~~ Where the firm, responsible management as defined in these regulations, designated employee or qualified individual have been convicted or found guilty, after initial licensure/certification, regardless of adjudication, in any jurisdiction, of any felony or of any misdemeanor, there being no appeal pending therefrom or the time of appeal having elapsed. Any plea of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt.
- ~~19.23.~~ ~~Having failed~~ Failure to inform the board in writing, within 30 days, that the firm, a member of responsible management as defined in this chapter, its designated employee, or its qualified individual has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or of a Class 1 misdemeanor or any misdemeanor conviction for activities carried out while engaged in the practice of contracting.
- ~~20.24.~~ Having been disciplined by any county, city, town, or any state or federal governing body including action by the Virginia Department of Health, which action shall be reviewed by the board before it takes any disciplinary action of its own.
- ~~21.25.~~ Failure to ~~comply with~~ abate a violation of the Virginia Uniform Statewide Building Code, as amended.
- ~~22.26.~~ Failure of a contractor to comply with the notification requirements of the Virginia Underground Utility Prevention Act, Chapter 10.3 (§ 56-266.14 et

- ~~23.27.~~ Practicing in a classification or specialty service for which the contractor is not licensed/certified.
- ~~24.~~ ~~After January 1, 1996, failure to include the contractor's license/certificate number and class on all business cards and flyers and in all classified and display advertisements in newspapers and in telephone directories and in written contracts:~~
- ~~28.~~ ~~Failure to satisfy any judgments.~~
- ~~29.~~ ~~Contracting with an unlicensed or improperly licensed contractor or subcontractor in the delivery of contracting services.~~
- ~~30.~~ ~~Failure to honor the terms and conditions of a warranty.~~
- ~~31.~~ ~~Failure to obtain written change orders, which are signed by both the consumer and the licensee or his agent, to an already existing contract.~~

18 VAC 50-22-270. Accountability of licensee/certificate holder.

Whenever a licensee/certificate holder offers or performs any services in Virginia related to his profession, regardless of the necessity to hold a license/certificate to perform that service, he shall be subject to the provisions of this chapter.