



Proposed Regulation Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) citation	18 VAC 50-30
Regulation title	Board for Contractors Individual License and Certification Regulations
Action title	Regulatory Review
Date this document prepared	April 19, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

The Board seeks to amend its current regulations to eliminate continuing education as a prerequisite for renewal for tradesman licenses and to extend the reinstatement period from one to two years.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

There are no technical terms or acronyms in this document that are not defined in the regulations.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if

applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Section 54.1-1102 of the Code of Virginia provides the authority for the Board to promulgate regulations for the licensure of contractors 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.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The Board for Contractors, along with other regulatory boards, was tasked by the Governor to review its regulations to determine if any provisions could be identified as obsolete, unnecessary, or overly burdensome and subsequently eliminated. The Board identified two current provisions of the regulations that can be identified as a financial burden to its licensees with no measurable level of protection to the health, safety and welfare of the general public.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)

Section 18 VAC 50-30-10 of the regulations defines terms used in the regulations. The proposed amendments will remove the definition of "inactive tradesman" as the term will be obsolete upon the elimination of the continuing education requirement for renewal of tradesman licenses.

Section 18 VAC 50-30-73 of the regulations provides that tradesman may place their license in an inactive status. The amendments will repeal this section as the inactivation of a license will no longer be required upon the elimination of the continuing education requirement for renewal of tradesman licenses.

Section 18 VAC 50-30-75 of the regulations provides the requirements for activation of a license that has been in an inactive status. The amendments will repeal this section as the activation of a license that was previously inactive, will no longer be required upon the elimination of the continuing education requirement for renewal of tradesman licenses.

Section 18 VAC 50-30-120 B of the regulations provides that a licensed tradesman must complete continuing education in order to meet the eligibility requirements to renew or reinstate a license. The proposed amendments will eliminate this requirement.

Section 18 VAC 50-30-130 E of the regulations currently prohibits the reinstatement of a license once more than one year has passed since the expiration date. The proposed amendments will extend the reinstatement period from one year to two years after expiration.

Section 18 VAC 50-30-220 A of the regulations provided the requirements for continuing education courses. The proposed amendments will remove references to those courses that would be offered to

tradesman as they will no longer be required upon the elimination of the continuing education requirement for renewal of tradesman licenses.

Issues

Please identify the issues associated with the proposed regulatory action, including:
1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
2) the primary advantages and disadvantages to the agency or the Commonwealth; and
3) other pertinent matters of interest to the regulated community, government officials, and the public.

If the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.

1) The proposed amendment would remove the requirement of continuing education completion for renewal of a tradesman license. Currently, existing tradesmen are required to complete three hours of continuing education per specialty, per licensing cycle. The cost of completing classes ranges from approximately \$50 - \$450, depending on the number of specialties, the method of instructions, the availability of courses, and cost of any textbooks or required supplies. This does not include any travel that may be required or productivity lost as a result of being away from work. The elimination of this requirement will result in an immediate reduction in the cost of maintaining a license for the licensee. In those instances where an employer pays for the licensing expenses of an employee, there will also be an immediate reduction in the cost associated with those employers.

2) In addition to the less burdensome renewal criteria for the licensees, these amendments would allow the licensing staff of the Board for Contractors to have more resources available for the processing of new applications. The licensing staff has one staff member currently spending approximately 1500 hours per year processing education rosters and school submissions. Additionally, call center staff spends approximately 2000 hours per year answering telephone calls from licensees involving continuing education issues.

3) There are no other pertinent matters of interest to the regulated community, government officials, and the public

Requirements more restrictive than federal

Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements in the proposed regulations that would be more restrictive than those currently required in Federal Law.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No localities will be particularly affected.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

The agency is seeking comments on this regulatory action, including but not limited to 1) ideas to be considered in the development of this 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) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or 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 (866) 430-1033. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action.

The agency is using the participatory approach in the development of the proposal. Pursuant to the Public Participation Guidelines, 18 VAC 50-11-10 *et seq.*, a panel will not be used.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements creates the anticipated economic impact.

Board for Contractors

Fiscal Impact of Proposed Regulation

Summary:

The current Tradesmen Individual License and Certification Regulations of the Board for Contractors are being updated. The continuing education (CE) requirement for tradesmen is being eliminated from the regulations. The reinstatement time period for tradesmen set in the regulations will be extended from one year to two years. No financial or economic impact to the board is expected as a result of these changes. Costs to licensees will be reduced as they will no longer be required to take continuing education courses.

All costs incurred in support of board activities and regulatory operations are paid by the department and funded through fees paid by applicants and licensees. All boards within the Department of Professional and Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of agency operating costs. The department allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies. The Board has no other source of income.

Fiscal Impact:

	FY 2013	FY 2014	FY2015	FY2016
Fund	NGF (0900)	NGF (0900)	NGF (0900)	NGF (0900)
Program/Service Area	560 46	560 46	560 46	560 46

Impact of Regulatory Changes:				
One-Time Costs	\$0	\$0	\$0	\$0
Ongoing Costs	\$0	\$0	\$0	\$0
Total Fiscal Impact	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Description of Costs:

One-Time: No one-time costs are expected as a result of this regulatory change.

Ongoing: No ongoing costs are expected as a result of this regulatory change.

Cost to Localities: No change anticipated.

Description of Individuals, Businesses, or Other Entities Impacted: This regulation change will affect all licensed tradesmen.

Estimated Number of Regulators: As of April 1, 2013, the Board regulates 27,780 tradesmen.

Projected Cost to Regulators: Costs to individual regulators will be lower as they will no longer need to pay for continuing education courses. Course fees vary by providers and the course topic, within an approximate range of \$50 to \$450.

**Board for Contractors
Financial Status and Projections
Current Regulations**

<u>Biennium</u>	<u>Beginning Cash Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Cash Balance</u>	<u>Callahan Act %</u>
2010-12	964,975	20,458,901	15,819,582	5,604,294	35.4%
2012-14	5,604,294	20,108,701	18,789,229	6,923,766	36.8%
2014-16	6,923,766	20,184,048	19,547,379	7,560,435	38.7%
2016-18	7,560,435	20,184,048	20,383,232	7,361,251	36.1%

Number of Regulants

64,783 Contractors as of April 1, 2013
 30,434 Individuals as of April 1, 2013, including 27,780 Tradesmen

Fee History \$

<u>Major Fee Type</u>	<u>2005</u>	<u>2010</u>
Individual Application Fee	90	130
Class A Contractor Application Fee	200	360
Individual Renewal Fee	40	90
Class A Contractor Renewal Fee	165	240

Alternatives

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

In reviewing the regulations, the Board considered whether there was a less burdensome alternative. The Board weighed those alternatives against the burden to its own regulant population, especially small businesses. Alternatives that failed to meet this consideration were rejected.

The Board will consider all comments received during the public comment period as to proposed alternatives.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

- 1) These proposed regulations establish compliance or reporting requirements equal to or less stringent than those already in place.
- 2) There are no deadlines or reporting requirements required by these proposed regulations.
- 3) These proposed regulations eliminate reporting requirements currently in place.
- 4) There are no performance standards proposed by these regulations.
- 5) The overwhelming majority of businesses licensed as contractors by the Board for Contractors are small businesses, and the majority of those individuals licensed as tradesman are employed by small businesses, subsequently, every regulatory action undertaken by the Board affects small businesses. The Board for Contractors must promulgate regulations that provide an adequate level of protection to the public while, simultaneously ensuring that individuals and businesses are not given unnecessary burdens to licensure. The amendment is intended to further strengthen that protection and, while these amendments may raise some concerns within the regulated community, and thus become a matter of interest, they will not likely be looked at as being overly burdensome to most of the regulant population or the industry. The Board believes that these amendments are the least stringent that can be promulgated that will still deliver that protection.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
Laurie Crigler, Plumbing & Mechanical Professionals of Virginia	Concern the elimination of continuing education does not apply to all individual licenses and certifications. Emphasizes the need for code based continuing education in order that licensed tradesman remain current on portions of the building code applicable to their trade. Suggest Continuing education directly affects competence. Predicts elimination of the requirement will	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.

	increase complaints and not save money.	
David Maupin W. E. Brown, Inc.	Opposes the elimination of continuing education for some but not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence. Predicts complaints will increase.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Francis McGonegal United Air Temp	Opposes the elimination of continuing education for some but not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence. Predicts complaints will increase.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Guy Moffat Albemarle Heating & Air, Inc	Opposes the elimination of continuing education for some but not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence. Predicts complaints will increase.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
John Proffitt Jr Mr. Rooter of Richmond	Opposes the elimination of continuing education for some but not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence. Predicts complaints will increase.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Jean-Marie Cabaniss Comet Plumbing Supply	Opposes the elimination of continuing education for some but not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to

	Predicts complaints will increase.	support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Michael Appleton Appleton Campbell, Inc.	Opposes the elimination of continuing education for some but not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence. Predicts complaints will increase.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Patrick Dennis All-County Heating and A/C	Opposes the elimination of continuing education for some but not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence. Predicts complaints will increase.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Theresa Dagenhart Long's Corporation	Opposes the elimination of continuing education for some but not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence. Predicts complaints will increase.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Jody Hibbs Association Rep	Opposes the elimination of continuing education for some but not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence. Predicts complaints will increase.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Jim Steinle Atomic Plumbing	Opposes the elimination of continuing education for some but	The Board considered all public comments, licensing and enforcement data, and

<p>& Drain Cleaning</p>	<p>not all individual licenses and certifications. Suggests it is a critical training tool that is directly associated to competence. Predicts complaints will increase.</p>	<p>information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Richard D Hibbard Boswell Plumbing & Heating</p>	<p>Concerned as a training provider and licensee the removal of the requirement will no longer compel tradesman to stay abreast with code changes. Predicts public safety will be affected. Recommends expanding the licensure period to three years.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>John D. Fulton E. McLauchlan & Sons, Inc</p>	<p>Concerned complaints will increase with the elimination of the continuing education requirements. Supports retaining requirement for all tradesman.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Randy Pearce City of Emporia Fire Official/Building Official</p>	<p>Concerned if requirement is removed licensees will not keep up with code changes.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>George Allen Brock Lakeside Heating A?C Plumbing and Electrical</p>	<p>Supports maintaining the continuing education requirement.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to</p>

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Captain Ralph White MBA. CPA, Retired Airline Pilot-B-767	Concerned elimination of continuing education will be hazardous for the public.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Bill Groce Master Plumber	Recommends continuing education should be required only after code changes or adopted.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Robert Elox I.T.I.S	Supports maintaining the continuing education requirement.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Michael Stevens Master Plumber & Gas Fitter	Concerned continuing education only benefits the providers. Recommends requirement for tradesman certificate holder to be on the job site.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Martha V. Meiss	Supports retaining continuing education for tradesman.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to

		support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Neil Anderson	Proposes changing requirement from a two to three year cycle.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Lewis M. Turner Franklin County Building Inspections Office	Supports retaining requirement. Recommends continuing education requirement for Building Contractors.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Guy Tomberlin VPMIA-VBCOA	Opposes the elimination of the CE requirement. Recommends changing requirement from a two to three year cycle.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Edwin Ward VA Professional Engineer	Concerned the elimination of continuing education fails to ensure tradesman stay abreast of code revisions. Recommends changing renewal and continuing education requirement to a three year cycle.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Skip Harper County of Louisa	Concerned Virginia's status as a leader for building code	The Board considered all public comments, licensing and enforcement data, and

	<p>enforcement will be compromised. Supports retaining continuing education for all tradesmen. Recommends changing renewal and continuing education requirement to a three year cycle. Proposes the change will reduce mailing frequency and reduce spending.</p>	<p>information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Maurice Grimes Retired/Disabled Veteran/Master Plumber</p>	<p>No comment specifically on the regulatory changes however, requests that the Board for Contractors adopt a 5 to 7 year inactive license status.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Robert Gregory Contractors Institute Inc.</p>	<p>Concerned with possible decrease in code awareness and compliance. Supports retaining continuing education requirement.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Jack Bartell Virginia Air Distributors</p>	<p>Opposes the elimination of continuing education requirement. Concern elimination places the public at greater risk. Requests the Board strengthen the requirements.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Ron Bladen Virginia Plumbing & Mechanical Inspection Association</p>	<p>Opposes the elimination of continuing education requirement. Recommends changing renewal and continuing education requirement to a three year cycle.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to</p>

		adopt proposed regulations eliminating this requirement from the regulations.
Stan K. Massie Town of Wytheville	Supports retaining continuing education for all tradesmen. Recommends changing renewal and continuing education requirement to a three year cycle.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Jerry Pattenaude Leo f. Johns Contractor Inc	Supports retaining continuing education for all tradesmen. Recommends changing reinstatement period from one to two years.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Robert M. Kirby, PE D. E. Kirby, Inc	Concerned the last two code revisions have been minor and requiring continuing education has been too costly to tradesman and contracting firms. Questions the value of the requirement in that Board data shows trade infractions are rare. Supports eliminating the continuing education requirement. Suggests that eliminating continuing education would make it more amenable for other states to consider entering reciprocity agreements with the Virginia Board.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Alan Givens Parrish Services Inc.	Concerned there is a lack of technical proficiency among contractor ranks which serves to justify the need for retaining continuing education. Recommends further review of the programs to determine its effective or ineffectiveness and not dissolution of the continuing education requirement.	The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.
Neville Derflinger	Suggests fewer violations are found during code compliance inspections	The Board considered all public comments, licensing and enforcement data, and

<p>D & P Rentals</p>	<p>for tradesman who take continuing education. Recommends fees should be raised to offset cost. Proposes renewal cycle should coincide with the three year code change cycle.</p>	<p>information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Kris Bridges Virginia Building and Code Officials Association</p>	<p>Concerned the elimination of continuing education is a step backwards for tradesman. Opposes the elimination of the requirement. Recommends the Board explores other options to improve the continuing education requirement such as changing the renewal and continuing education requirement to a 3 year cycle.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Dana Smith Academy at Virginia Randolph</p>	<p>Supports retaining the continuing education requirement.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Lynn Underwood City of Norfolk</p>	<p>Concerned elimination of continuing education requirement will send the wrong message. Suggests continuing education is a direct correlation to improved tradesman work quality.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to adopt proposed regulations eliminating this requirement from the regulations.</p>
<p>Roy L Smith</p>	<p>Supports the proposed regulatory change or extending license renewals to a three year cycle.</p>	<p>The Board considered all public comments, licensing and enforcement data, and information provided by staff regarding regulations in other states and determined that the burden placed on licensees, including both financial and time related, was insufficient to support the results attained after the implementation of the continuing education requirements for tradesman as a prerequisite for renewal. For this reason the Board voted to</p>

	adopt proposed regulations eliminating this requirement from the regulations.
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Family impact

Please assess the 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.

These amendments will have no impact on the institution of the family or family stability.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the pre-emergency regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulation(s), use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
18 VAC 50-30-10		Definitions	Removes the definition of “inactive tradesman.” The primary scope of this proposed regulatory package is to remove the requirements that a contractor complete continuing education as a prerequisite for renewal of a license. The creation of an inactive status was in response to individuals who did not have the resources to complete the continuing education requirements or were retired and wanted to keep the title afforded the license, but not uses it. A licensee was still required to pay the renewal fees, but was not required to complete continuing education. These individuals are still a licensee but, they are not permitted to

<p>18 VAC 50-30-73</p>		<p>Provides for the licensing of inactive tradesman.</p>	<p>perform work that would require an active license.</p> <p>The elimination of the continuing education requirement will also eliminate the need for an inactive license status.</p> <p>The primary scope of this proposed regulatory package is to remove the requirements that a contractor complete continuing education as a prerequisite for renewal of a license. The creation of an inactive status was in response to individuals who did not have the resources to complete the continuing education requirements or were retired and wanted to keep the title afforded the license, but not uses it. A licensee was still required to pay the renewal fees, but was not required to complete continuing education. These individuals are still a licensee but, they are not permitted to perform work that would require an active license.</p>
<p>18 VAC 50-30-75</p>		<p>Provides for the activation of an inactive license.</p>	<p>The elimination of the continuing education requirement will also eliminate the need for an inactive license status.</p>
<p>18 VAC 50-30-120 B</p>		<p>Requires that tradesmen complete three hours of continuing education (1 hour for gas-fitters) as a prerequisite for renewal of a license.</p>	<p>The elimination of the continuing education requirement will also eliminate the need for an inactive license status and also the activation process.</p> <p>This proposed amendment will remove the requirement of continuing education for tradesman wanting to renew their license.</p> <p>The Board has had the authority to require continuing education since the inception of the tradesman program in 1995, but did not choose to do so until 2008, based largely on public comment. The requirement for continuing education for tradesman started on January 1, 2008, since continuing education for tradesman as a prerequisite for renewal is in the regulations; it is within the scope of the Board's authority to remove it.</p> <p>This proposal only affects tradesman licenses as the other individual certifications issued by the Board for Contractors (Water Well System Providers, Elevator Mechanics, and Accessibility Mechanics) have continuing</p>

			<p>education requirements in the statutes, which are outside the authority of the Board to amend.</p> <p>In the five years prior to the implementation of the continuing education (CE) requirement, the Board for Contractors adjudicated 46 cases against licensed tradesmen, nine of those were directly related to issues involving the USBC that could have been addressed in a CE class.</p> <p>Even without data supporting the value of CE, the Board, after receiving requests from various regional chapters of the Virginia Building and Code Officials Association and other trade associations, stating a need for tradesmen, who are educated in updates to the Virginia Uniform Statewide Building Code.</p> <p>In the five years since the implementation of the CE requirement, the Board has adjudicated 39 cases against licensed tradesmen; six of those cases were directly related to issues involving the USBC that could have been addressed in a CE class. A decrease of three cases. During that same time period there has been an 18.59% drop in the number of tradesman licensed by the Board for Contractors. The largest drop has been in the plumbing and gas fitting specialties, with both experiencing a more than 25% drop in licensees.</p> <p>While the downturn in the construction industry certainly has had a negative impact on the Board's regulant population, it is unlikely that a decrease this large was due to entirely to the economy. During this same timeframe the number of contractors licensed by the Board has decreased 8.33%, a much smaller decrease than that experienced on the tradesman population. Additionally, during the ten years prior to the implementation of the CE requirement, the licensed tradesman population grew 7.7%, with nearly all segments showing steady annual increases.</p> <p>Even though there was no data collected to record why tradesman didn't renew their licenses, anecdotal evidence collected from telephone calls, emails, and other correspondence, showed that the fiscal burden of maintaining a license during times</p>
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			<p>of economic stress can be overwhelming and result in hard choices by the licensee. Whether to pay for continuing education and a renewal fee or pay for food or transportation, were choices presented to staff by individuals asking staff for a waiver of the CE requirements. The cost to the licensee is more than just direct expenses. With more than 25,000 tradesmen, more than half having multiple specialties, required to complete six or more hours of education, the industry loses more than 150,000 hours of productivity, not including work that is missed while traveling to a classroom site, if online courses are unavailable to the licensee.</p> <p>In addition to the direct costs that must be borne by the licensees, the costs to the Board in lost application processing cannot be overlooked. When the CE requirement was put into place the Board did not receive an FTE, but utilized existing staff to maintain the program. Currently, the Board has one full-time position that is dedicated to the processing of education courses, including the uploading of rosters, the review of provider applications and the manual upload of CE onto licensing records, when necessary. The position currently dedicates an estimated 1500 hours per year to the management of continuing education, with the remaining hours used to manage the contractor pre-license requirement and the continuing education requirements for the other certification programs.</p> <p>From January-April of 2013, more than 600 incoming calls to the Board's call center were monitored. Of those calls, 206 involved questions regarding CE for tradesmen (34.33%). The average call to the call center is 3.67 minutes in duration. Using past averages of total calls to the call center and the percentage of this sample, call center licensing specialists dedicate more than 2000 hours per year to telephone calls involving the management of the CE requirements. Additionally, due to the volume of telephone calls received by the call center, management has been tasked with staffing the call center during peak hours, averaging around 180 hours of staffing time per year.</p> <p>The staff of the Board for Contractors currently spends approximately 3700 hours</p>
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			<p>annually on the administration of the CE requirements for tradesman. The elimination of the CE requirements will free these hours up to be used on the processing of applications for new licenses or maintenance on existing licenses. Speeding up the process to get new companies or individuals licensed (and working) will be a benefit to both the licensees and the Commonwealth.</p> <p>In summary, the Board for Contractors reviewed the benefits of requiring continuing education against the burden being placed on the licensees. While the Board agrees that education is an important aspect of maintaining a license, keeping up to date on the provisions of the building code, new technology, and other aspects of one's trade, is simply good business sense, and the majority of businesses and individuals will do that on their own, or they will not be able to remain in business. With no measurable benefit to the level of protection afforded the public, but an economic burden on its licensees, the Board determined that the elimination of the requirement would be prudent.</p>
<p>18 VAC 50-30-130 E</p>		<p>Requires all individual license and certification holders to apply for a new license or certification if past the one year reinstatement period.</p>	<p>This proposed amendment will extend the reinstatement period for all individual license and certification holders (Tradesman, Water Well System Providers, Elevator Mechanics and Accessibility Mechanics) from one year to two years. The requirement for making the applicant apply for a new license and meet current requirements after reinstatement period ends will remain the same. This change will give these individuals that let their license lapse an additional year to pay the reinstatement fee to get their license back. This will reduce the expense to those individuals that must pay to re-take the exam and the time to wait for a new application to be reviewed.</p>
<p>18 VAC 50-30-220 A</p>		<p>Provides the approved content for continuing education courses.</p>	<p>All requirements for tradesman continuing education courses would be removed from this section, while leaving the requirements for Water Well System Providers, Elevator Mechanics and Accessibility Mechanics alone. Their continuing education requirements are in the statutes, which are outside the authority of the Board to amend.</p>

If a new regulation is being promulgated, use this chart:

No new regulations are being promulgated.

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements

Enter any other statement here