

Virginia Board for Contractors Guidance Document
Effective Date: 1/24/2012

Board for Contractors Policies & Interpretations

§ 54.1-1100. Definitions.

Contractor

(4/91) A licensed contractor can bid on a contract which contains work outside his license classification(s) as long as he subcontracts those items for which he is not qualified to licensed contractors with the appropriate license classifications, and the work of the second party is incidental to the contract.

§ 54.1-1101 Exemptions

(8/00)(10/10) “For own use” means that the person building or supervising the construction of a residential building must live in the residential building, and the person building or supervising the construction of a commercial building must operate their business in that building to be exempted, unless they can be exempted based on the familial relationship as outlined in § 54.1-1101.8.

The Board stated that there should be no misunderstanding that a person who builds or supervises the building of a residential or commercial building with the intent to sell it must have a contractor’s license. The person building or supervising the building of a residential construction project must live in the residential building, and the person building or supervising the building of a commercial construction project must operate his business in that building.

§ 54.1-1108.1 Waiver of examination; designated employee.

(10/00) The Designated Employee for a Class B contractor who was previously exempted from the requirement to take the examination would be required to take the examination when applying for a Class A contractor license because these are different license classes with different knowledge and experience requirements.

§ 54.1-1110 Grounds for denial or revocation of license or certificate.

(11/00) Substantial Identity – Compliance and Investigations will check the individual record of the Designated Employees and Responsible Managers for the licensed contractor business under investigation to determine if any of these individuals are affiliated with any other contractor license. If so, a substantial identity charge will be added to the Report of Findings and reported to the Board immediately following the decision to revoke or suspend the licensed contractor business. The Board will determine whether an investigation should be opened against the other contractor business license(s) which have the same Designated Employees and Responsible Managers. If the Designated Employees and Responsible Managers are not affiliated with any other contractor business license(s) at the time of the revocation, the Board will direct whether Substantial Identity (SI) Stop Codes should be placed on the individual record of the Designated Employees and Responsible Managers of revoked or non-renewed contractors. In the event that an individual with an SI Stop Code attempts to obtain another contractor business license, a licensing IFF will be required for any future application where this individual applying as the Designated Employee or Responsible Manager.

§ 54.1-1141 Certification required; exemption.

(9/07) Temporary construction elevators and hoists do not meeting the criteria for requiring installation, maintenance and repair work as having to be completed by a licensed elevator contractor with certified elevator mechanics as these are temporary in nature and monitored by OSHA for onsite safety compliance.

18 VAC 50-22-10. Definitions

Supervision

(12/05) The definition of “supervision” states that a licensed tradesman must “periodically” observe and evaluate the performance of helpers and laborers performing trade related tasks. That definition does not mean that a licensed tradesman is required to be on the job site at all times, but that the helpers and laborers be observed and evaluated periodically at a reasonable time frame for the qualifications of the person completing the work and the risk associated with the work being performed.

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

Building Contractors (BLD)

(10/10) A contractor with the Building (BLD) specialty license can perform foundation work. Current regulations also allow contractors with the Highway Heavy (H/H) specialty to perform foundation work.

(10/92) A contractor holding the Building classification (BLD) may complete paving work which is “incidental” to building (i.e., sidewalks, walkways, and driveways).

Highway/Heavy Contractors (H/H)

(7/97) Highway/Heavy contractors, when in the course of running water/sewer lines from the street (or other service points), may complete the plumbing connection to a residential, commercial, or industrial site.

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

Billboard/Sign Contracting (BSC)

(4/98) Contractors who erect billboards for their own use on another’s property are exempt from licensing requirements. Note: This was based on Lamar Signs’ contention that they lease land and erect billboards on the leased land, “for their own use,” and should thus be exempt from having to hold a license.

Electronic/Communication Service Contracting (ESC)

(7/93) Attaching telecommunications equipment to existing systems does not fall within the definition of contractor.

Elevator/Escalator Contracting (EEC)

(9/07) Temporary construction elevators and hoists do not meeting the criteria for requiring installation, maintenance and repair work as having to be completed by a licensed elevator contractor with certified elevator mechanics as these are temporary in nature and monitored by OSHA for onsite safety compliance.

Home Improvement Contracting (HIC)

(7/05) HIC contractors may pour footings for decks only and foundations for utility out buildings.

(7/05) HIC contractors are not permitted to do framing work that is outside the footprint (horizontal and vertical) and boundaries of the original structure. They may not add roofing to decks, patios, or other portions of a structure that does not already have an existing roof.

(7/05) Utility out building is defined as a building less than 200 square feet, that is not attached to the main structure.

Landscape Service Contracting (LSC)

(10/90) A contractor’s license is not required when the activity undertaken involves the placement of plant material consisting of trees, shrubs and flowers. If the activity

includes changing the grade (topography) of the land, a license would then be required.

- (12/07) A landscape service contractor may install decorative fountains but must subcontract trade-related work to an appropriately licensed contractor. They may also construct steps that are part of a landscape project but not those that serve as ingress or egress to a structure.

Modular/Manufactured Building Contracting (MBC)

- (1/99) The cost of the mobile home must be included in the contract when determining what Class of license is required by the contractor, unless the contractor separately delineates the cost of the mobile home and the cost of the installation, in which case the Class of license of the contractor can be based solely on the cost of installation.

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

C. Reporting of financial history

- (7/97) If the Qualified Individual (QI) for the Contractor Business is not a member of the firm's Responsible Management, but is merely an employee of the firm, the Board may, at its discretion, not consider the financial history of the Qualified Individual.

E. Reporting of criminal history

- (1/92) Applications for licensure of those individuals that were previously licensed as a contractor in Virginia, who provide their criminal history records and demonstrate no additional felony convictions, or misdemeanor convictions involving lying, cheating or stealing, from the time their previous license/registration was issued, shall be licensed administratively.
- (4/10) Contractors whose criminal history has been previously reviewed and approved by the Board must still submit a CCRE that is no older than 90 days when submitting a subsequent application.

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

E. Reporting of financial history

- (4/94) The value of land used in the determination of net assets may be done with either the assessed tax value or the appraised value from a certified appraiser, and, in either case, the applicant must furnish documents to establish the chosen value.
- (7/97) If the Qualified Individual (QI) for the Contractor Business is not a member of the firm's Responsible Management, but is merely an employee of the firm, the

Board may, at its discretion, not consider the financial history of the Qualified Individual.

G. Reporting of criminal history

- (1/92) Applications for licensure of those individuals that were previously licensed as a contractor in Virginia, who provide their criminal history records and demonstrate no additional felony convictions, or misdemeanor convictions involving lying, cheating or stealing, from the time their previous license/registration was issued, shall be licensed administratively.
- (4/10) Contractors whose criminal history has been previously reviewed and approved by the Board must still submit a CCRE that is no older than 90 days when submitting a subsequent application.

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

E. Reporting of financial history

- (4/94) The value of land used in the determination of net assets may be done with either the assessed tax value or the appraised value from a certified appraiser, and, in either case, the applicant must furnish documents to establish the chosen value.
- (7/97) If the Qualified Individual (QI) for the Contractor Business is not a member of the firm's Responsible Management, but is merely an employee of the firm, the Board may, at its discretion, not consider the financial history of the Qualified Individual.
- (4/98) Assets used to determine whether a Class A Contractor Business meets the \$45,000.00 net worth requirement must be in the name of the business entity applying for the license. If a CPA reviewed balance sheet is used to document the business' net worth, it must have been completed within twelve months of the date of application. There may be no jointly owned property or assets for Sole Proprietors.

G. Reporting of criminal history

- (1/92) Applications for licensure of those individuals that were previously licensed as a contractor in Virginia, who provide their criminal history records and demonstrate no additional felony convictions, or misdemeanor convictions involving lying, cheating or stealing, from the time their previous license/registration was issued, shall be licensed administratively.

- (4/10) Contractors whose criminal history has been previously reviewed and approved by the Board must still submit a CCRE that is no older than 90 days when submitting a subsequent application.

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

B. 8 Failure to use residential contract

- (12/07) In situations involving houses built on speculation. If the house is purchased or if a contract to purchase the home is made prior to the issuance of the final certificate of occupancy, then the contractor must use a contract that contains all of the provisions set forth in 18 VAC 50-22-260 B 9 of the regulations. If the house is purchased after a final certificate of occupancy is issued, then it becomes a real estate transaction and no residential construction contract is required.

18 VAC 50-30-30. General qualifications for licensure or certification.

- (4/10) Applicants for individual licenses and certifications whose criminal history has been previously reviewed and approved by the Board may submit an affidavit stating that there have been no subsequent criminal convictions, provided that it has been less than five years since the last Board review and approval. Applications that meet this policy may be processed administratively.

18 VAC 50-30-40. Evidence of ability and proficiency.

- (10/07) Certified trade-related building inspectors may count a single year of full time inspection experience, and the related training, as fulfilling the 240 hour education requirement for licensure set forth in 18VAC50-30-40 of the regulations, but that inspection experience does not meet the definition of practical experience in that same section.
- (3/09) Individuals licensed as elevator mechanics in Florida and Georgia other than by reciprocity may qualify by substantial equivalency to take the Virginia's Elevator Mechanics examination.
- (8/09) Applicants who have completed the Electrician Maintenance Apprenticeship with DOT Code 829.261-018 may qualify to take the journeyman electrical tradesman examination.

18 VAC 50-30-120. Renewal. (individual licenses/certifications)

10/07 Approved instructors of required education courses may receive credit for courses they teach.

General Policies

- (1/92) Examination candidates are allowed to use a language glossary for word-to-word translations during the examination.
- (10/94) Contractor businesses that install factory built fireplaces and chimneys are required to hold either the BLD or HVAC classifications or the HIC or CIC specialties.
- (7/00) Foreign language interpreters are not allowed at examination sites.
- (5/01) Tradesman and Contractor License applicants have a one-year time limit to pass all portions of an examination required for licensure. The one-year time limit begins on the date the license applicant failed a portion of the examination.
- (6/02) **Reference materials brought to examination sites (Individual license/certifications)**
No restrictions will be placed on reference materials brought to examination sites, provided they meet the exam site criteria (i.e. no tabbing, marked pages, loose-leaf sheets, etc.)
- (1/05) Framing contractors must hold the BLD classification.
- (3/05) Contractors who install emergency generators must hold a license with the Electrical Contractor (ELE) license classification.
- (3/05) The license expiration date for a Master Tradesman who upgrades from a Journeyman Tradesman license in the same trade, and who is only licensed in that one trade, shall occur on the last day of the month two years after the date the Master Tradesman license is issued by the Board.
- (3/05) Master or Journeyman Tradesmen, whose license is past reinstatement, must meet all current entry requirements, including passing the examination.

- (9/05) The business name of a licensed contractor cannot reflect work that the contractor is not licensed to perform.
- (3/06) A Home Improvement Contracting (HIC) specialty license is needed to install an unvented gas prefabricated fireplace. An HVAC contracting or tradesman license is needed to install or modify a venting system. A contractor licensed to perform masonry work is authorized to install brick, concrete, block, stone, marble, slate or other types of masonry chimneys.
- (9/06) The Board has four categories of approved education courses: 1) Contractor Prelicense Education; 2) Contractor Remedial Education; 3) Tradesman Prelicense (Formal Vocational Training) Education; and 4) Tradesman Continuing Education. Particular course names are within the jurisdiction of the education provider.
- (9/06) The Board recognizes as practical experience in the electrical trade any work that is governed by the National Electrical Code.
- (12/09) Tradesman examination approvals are valid for one year. Extensions will not be granted.
- (6/07) **General Complaint Processing**
In order to more efficiently utilize agency and board resources, any pending or future complaints received on licensees whose license has been revoked, shall be closed administratively.
- (8/09) The Board will not provide extensions to the due dates of provisions of Final and Consent Orders.
- (10/10) Once an individual license or certificate candidate completes the regulatory portion of the examination, it does not have to be retaken if the candidate decides to upgrade an existing license. This new policy matches the one that has been in place for contractor Designated Employee candidates since 1995.
- (6/11) A contractor's license is not required when the activity undertaken involves the placement of plant material consisting of trees, shrubs and flowers. If the activity includes changing the grade (topography) of the land, a license would then be required.

Tradesman Continuing Education

- (12/09) Beginning 2010 the Board relaxed its policy that required continuing education course content to be a comprehensive code update and tasked the Committee to determine whether or not proposed course content meet regulatory requirements.

(12/09) Beginning with January 31, 2010 license expirations, regulants will only be given a 30 day grace period to complete continuing education. The Board will not provide extensions.

General Definitions

“Change Order” (3/06)

Any modification in the original contract including, but not limited to: 1) Time to complete the job; 2) Change in materials; 3) Change in cost; or, 4) Change in the scope of work. The Change Order must be signed by all contracting parties.

“New Construction” (7/97)

Any construction activity that occurs outside the original building perimeter shall be designated as “NEW” construction.

“Practical Experience in a Trade” (3/05)

Activity regulated by the USBC and applicable referenced model code.

“Routine Maintenance” (4/98)

Work which does not require a city or county permit.