

PROPOSED BOARD FOR CONTRACTORS EMERGENCY REGULATIONS
Adopted May 23, 2006

PART II.

ENTRY.

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

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

- B. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:
 - 1. Is at least 18 years old;
 - 2. Has a minimum of two years experience in the classification or specialty for which he is the qualifier;
 - 3. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm;
 - 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:

Blast/explosive contracting

HVAC

Electrical

Plumbing

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Fire Sprinkler

Radon mitigation

Gas fitting

Water well drilling

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

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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 deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

- E. A member of Responsible Management shall have successfully completed a board approved basic business course.

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

- A. A firm applying for a Class B license must meet the requirements of this section.
- B. A firm shall name a designated employee who meets the following requirements:
 1. Is at least 18 years old;
 2. Is a full time employee of the firm as defined in this chapter, or is a member of

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responsible management as defined in this chapter;

3. Has passed a board-approved examination as required by § 54.1-1108 of the Code of Virginia or has been exempted from the exam requirement in accordance with § 54.1-1108.1 of the Code of Virginia; and
4. Has followed all rules established by the board or by the testing service acting on behalf of the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any oral or written instructions given at the site on the date of the exam.

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

1. Is at least 18 years old;
2. Has a minimum of three years experience in the classification or specialty for which he is the qualifier;
3. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm;
4. 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:

Blast/explosive contracting

HVAC

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Electrical	Plumbing
Fire Sprinkler	Radon mitigation
Gas fitting	Water well drilling

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 \$15,000 or more.
- E. Each firm shall provide information for the five years prior to application on any outstanding, past-due debts and judgments; outstanding tax obligations; defaults on bonds; or pending or past bankruptcies. The firm, its designated employee, 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 Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 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 substantial identities of interest with any contractor licenses issued in Virginia or

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in other jurisdictions and any disciplinary actions taken on these licenses. 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 of the Code of Virginia) with any firm that has had a license suspended, revoked, voluntarily terminated or surrendered in connection with a disciplinary action in Virginia or any other jurisdiction.

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

1. All misdemeanor convictions within three years of the date of application;
and
2. All felony convictions during their 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 deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

H. The Designated Employee or a member of Responsible Management shall have successfully completed a board approved basic business course.

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

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

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

- C. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:
 - 1. Is at least 18 years old;
 - 2. Has a minimum of five years of experience in the classification or specialty for

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which he is the qualifier;

3. Is a full-time employee of the firm as defined in this chapter or is a member of the firm as defined in this chapter or is a member of the responsible management of the firm;
4. 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:

Blast/explosive contracting	HVAC
Electrical	Plumbing
Fire Sprinkler	Radon mitigation
Gas fitting	Water well drilling

and

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;

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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 Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 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 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

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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 deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

- H. The Designated Employee or a member of Reponsible Management shall have sucessfully completed a board approved basic business course.

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PART VI

PRE-LICENSE EDUCATION

18 VAC 50-22-300. Pre-license education courses.

All courses offered by pre-license education providers must be approved by the board, prior to the initial offering of the course, and shall cover business principles related to the standards of conduct found in 18 VAC 50-22-260 B and other applicable requirements of continued licensure set forth in this chapter. Courses must be eight hours in length. Correspondence and other distance learning courses must include appropriate testing procedures to verify completion of the course.

18 VAC 50-22-310. Requirements for pre-license education providers.

- A. Each provider of a pre-license education course shall submit an application for course approval on a form provided by the Board. The application shall include but is not limited to:
1. the name of the provider;
 2. provider contact person, address and telephone number;
 3. course contact hours;
 4. schedule of courses, if established, including dates, time and locations;
 5. instructor information, including name, license number(s) if applicable, and a

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list of other appropriate trade designations;

6. course and material fees;

7. course syllabus

- B. All providers must establish and maintain a record for each student. The record shall include: the student's name and address; social security number or DMV control number; the course name and clock hours attended; the course syllabus or outline; the name or names of the instructor; the date of successful completion and the board's course code. Records shall be available for inspection during normal business hours by authorized representatives of the board. Providers must maintain class records for a minimum of five years.

18 VAC 50-22-320. Reporting of course completion.

All pre-license education providers shall electronically transmit course completion data, to the board, in an approved format, within 7 days of the completion of each individual course. The transmittal will include: each student's name; social security number or DMV control number; the date of successful completion of the course and the board's course code.

18 VAC 50-22-330. Posting pre-license education course certificates of approval.

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Copies of pre-license education course certificates of approval must be available at the location a course is taught.

18 VAC 50-30-340. Reporting of changes.

Any change in the information provided in 18 VAC 50-22-310 A must be reported to the board within 30 days of the change with the exception of changes in the schedule of courses, which must be reported within 10 days of the change. Failure to report the changes as required may result in the withdrawal of approval of a pre-license education provider by the board.

18 VAC 50-30-350. Denial or withdrawal of approval.

The board may deny or withdraw approval of any pre-license education provider for the following reasons:

1. The courses being offered no longer meet the standards established by the board.
2. The provider, through an agent or otherwise, advertises its services in a fraudulent, or deceptive way.
3. The provider, instructor, or designee of the provider falsify any information relating

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to the application for approval, course information, student records or fail to produce records required by 18 VAC 50-30-210 C.