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Final Regulation Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC50-22 18VAC50-30
VAC Chapter title(s)	Board for Contractors Regulations (18VAC50-22) Individual License and Certification Regulations (18VAC50-30)
Action title	Change in Examination Fee Provisions
Date this document prepared	December 12, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board for Contractors (“the Board”) is amending provisions in the Board for Contractors Regulations and Individual License and Certification Regulations related to examination fees that are charged to applicants for licensure or certification.

Currently, these regulations impose caps on the maximum amount that may be charged to an examination candidate. This action increases the fee caps and provides that examination fees are charged to an examination candidate based on a contract entered into by the Board and an outside examination vendor in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia).

This regulatory change increases the price caps that have been in place since 1995.

In addition, the amendment removes an obsolete provision regarding examinations administered by the Board. The Board no longer administers examinations and has not done so in over 15 years.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“DPOR” means Department of Professional and Occupational Regulation.

“NOIRA” means Notice of Intended Regulatory Action.

There are no technical terms used in this form that are not defined in the regulation.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On December 9, 2025, the Board adopted final amendments to the Board for Contractors Regulations and the Individual License and Certification Regulations.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

This action is not the result of a mandate.

In the process of negotiating a contract with its examination vendor to expand examination services to include providing examinations in multiple languages, the Board determined that the existing examination fee caps pose a challenge to implementing this additional service.

The Board currently adheres to the provisions of the Virginia Public Procurement Act and the agency believes that amending the regulations to increase the caps will allow for expanded services. These services include, but are not limited to, additional language services and remote proctoring.

This rulemaking is expected to be noncontroversial. Offering examinations in languages other than English will eliminate barriers for individuals and companies with individuals whose first language is not English. The Home Builders Association and Associated Builders and Contractors trade association have expressed the difficulty their members have faced with the application and examination process.

The Board has also worked with the Latino Advisory Board several times over the last two years in determining benefits and challenges of this regulatory change.

Offering examinations in languages other than English, as well as remote proctoring, supports workforce development, promotes a positive business environment and will promote license mobility.

Following publication of the NOIRA stage, the Board did not receive any public comments. After receiving zero public comments following the publication of the NOIRA, the Board solicited additional public comment by posting a General Notice. The Board requested specific comments regarding the three examination fee cap options: 1) Leave the fee cap as it is currently; 2) Raise the fee cap; and 3) Remove the fee cap from the regulations. The General Notice was posted on November 21, 2022, and the public comment period began December 19, 2022, and closed January 18, 2023. The Board also received zero public comments following publication of the Proposed stage.

In discussing raising the fee cap, the Board indicated the best measure would be to allow the examination fee price to be negotiated within the provisions of the Virginia Public Procurement Act, as price is part of the negotiation. This decision was solidified when the Board received zero public comment from the NOIRA and General Notice.

The Board agreed and voted to increase the examination cap indicating it would allow the Board to negotiate the contract within the provisions of the Virginia Public Procurement Act and expand services, included but not limited to examinations in languages other than English and remote proctoring. Expanding the exam services supports workforce development, promotes a positive business environment, and will promote license mobility.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency is the Board for Contractors. Chapter 11 of Title 54.1 of the Code of Virginia enumerates the legal authority for the Board to administer the licensure and certification programs for contractors, tradesmen, gas fitters, liquefied petroleum gas fitters, natural gas fitter providers, water well systems providers, elevator mechanics, residential building energy analysts, backflow prevention device workers, and automatic fire sprinkler inspectors.

Section 54.1-1102 of the Code of Virginia states, in part:

B. The Board shall promulgate regulations not inconsistent with statute necessary for the licensure of contractors and tradesmen and the certification of backflow prevention device workers, and for the relicensure of contractors and tradesmen and for the recertification of backflow prevention device workers, after license or certificate suspension or revocation.

In addition, § 54.1-201 of the Code of Virginia provides, in part:

A. The powers and duties of regulatory boards shall be as follows:

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the

purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The Board currently adheres to the provisions of the Virginia Public Procurement Act and the agency believes that amending the regulations to increase the caps will allow for expanded services. These services include, but are not limited to, additional language services and remote proctoring.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The Board for Contractors Regulations (18VAC50-22) are amended as follows:

1. Section -80 is revised to provide that the examination cost will not exceed \$200 per element to an examination candidate. The section is revised to provide that examination fees will be charged to a candidate in accordance with the contract negotiated between the Board and an outside examination vendor. Examination fees will be adjusted in accordance with this contract.
2. Sections -80 is further revised to remove obsolete provisions related to the administration of the examination by the Board.

The Individual License and Certification Regulations (18VAC50-30) are amended as follows:

1. Section -100 is revised to provide that the examination cost will not exceed (i) \$200 for a journeyman examination; (ii) \$225 for any master examination; or (iii) \$200 for backflow prevention device worker, elevator mechanic, accessibility mechanic, or water well systems provider examinations. The section is revised to provide that examination fees will be charged to a candidate in accordance with the contract negotiated between the Board and an outside examination vendor. Examination fees will be adjusted in accordance with this contract.

Issues

Identify the issues associated with the regulatory change, 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 there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage of this regulatory change is that vendors who might not otherwise bid to contract with the Board to provide examination services because of the current examination fee caps could potentially offer their services. This increase in competition would be beneficial to the citizens of the Commonwealth. Increased competition will allow the Board to negotiate a better contract for services, including the expanded services the Board contemplates offering in the future, and seek out the best

value for these services from multiple providers. Another advantage associated with this change is that the Board will be better able to offer the expanded examination services, which will benefit the regulated community by allowing for more businesses and individuals to take the license examinations needed to obtain licensure.

There are no identifiable disadvantages to the public. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

The primary advantage to the agency is that the agency will be better able to serve its customers, the Commonwealth, and support workforce development and promotion of a positive business climate. No disadvantages to the agency or the Commonwealth have been identified.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

No comments were received following publication of the Proposed stage.

Detail of Changes Made Since the Previous Stage

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
22-100	N/A	<p>The action proposed to revise the section to remove the fixed examination fees for Class A contractors, Class B contractors, and Qualified Individuals.</p> <p>The action also proposed to revise the section to remove the provision that examination fees will be determined by the agency or organization that administers the examination.</p> <p>As a result of the proposed changes to section -80, these provisions were no longer necessary.</p>	<p>This change was made through Stage 10737 of the General Regulatory Reduction Initiative action (Action 6128), which became effective 9/1/2025.</p>	<p>There is no change to section 22-100 through this action as it has already become effective.</p>
22-80 30-100	N/A	<p>The action proposed to revise these sections to increase the maximum allowable fees for examinations for licensure and certification; and provide that examination fees will be charged based on a contract negotiated between the Board and vendor contracted in accordance with the Virginia Public Procurement Act.</p>	N/A	<p>Stylistic changes are made.</p>

Detail of All Changes Proposed in this Regulatory Action

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
22-80	N/A	<p>This section provides for requirements for examination for licensure as a contractor.</p> <p>The section provides that all examinations for licensure will be approved and provided by the Board, or a testing service on behalf of the Board, or another governmental agency or organization.</p> <p>The examination fee will consist of the administration expenses of the DPOR resulting from the Board's examination procedures and contract charges.</p> <p>The section provides that examination service contracts will be established through competitive negotiation in accordance with the Virginia Public Procurement Act.</p> <p>The section provides that the examination cost will not exceed \$100 per element to an examination candidate.</p>	<p>*The section is revised to provide that the examination cost will not exceed \$200 per element to an examination candidate.</p> <p>*The section is revised to provide that examination fees will be charged to a candidate in accordance with the contract negotiated between the Board and an outside examination vendor. Examination fees will be adjusted in accordance with this contract.</p> <p>Amending the regulation to increase the fee cap will allow for expanded services. These services include, but are not limited to, additional language services and remote proctoring.</p> <p>*The section is revised to remove provisions that examinations will be provided by the Board and that the examination fee will consist of administration expenses resulting from the Board's examination procedures and contract charges.</p> <p>The existing provisions in the regulation do not reflect current agency practice and are obsolete.</p>
30-100	N/A	<p>This section provides for requirements for examination fees for individual licenses and certifications.</p> <p>The examination fee will consist of the administration expenses of the DPOR resulting from the Board's examination procedures and contract charges.</p> <p>The section provides that examination service contracts will</p>	<p>*The section is revised to provide that the examination cost will not exceed (i) \$200 for a journeyman examination; (ii) \$225 for any master examination; or (iii) \$200 for backflow prevention device worker, elevator mechanic, accessibility mechanic, or water well systems provider examinations.</p> <p>*The section is revised to provide that examination fees will be charged to a candidate in accordance with the contract negotiated between the Board</p>

		<p>be established through competitive negotiation in accordance with the Virginia Public Procurement Act.</p> <p>The section provides that the examination cost will not exceed \$100 for a journeyman examination, \$125 for any master examination, or \$100 for backflow prevention device worker, elevator mechanic, accessibility mechanic, or water well systems provider examinations.</p>	<p>and an outside examination vendor. Examination fees will be adjusted in accordance with this contract.</p> <p>Amending the regulation to increase the fee caps will allow for expanded services. These services include, but are not limited to, additional language services and remote proctoring.</p>
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