



Final Regulation Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) citation	18 VAC 50-22
Regulation title	Board for Contractors Regulations
Action title	Amend
Document preparation date	October 18, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Board for Contractors (the Board) seeks to amend its current regulations to reflect and respond to statutory changes, clarify previous regulations and respond to changes in the industry. With the exception of fee increases in January 2003 and August 2005, there have been no changes to the regulations since November 2001.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On September 20, 2005, the Board for Contractors voted to adopt these amendment to 18 VAC 50-22-10 et seq. as final.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 54.1-1102 of the Code of Virginia provides the authority for the Board for Contractors to promulgate regulations for the licensure of contractors in the Commonwealth. The content of the regulations is determined at the discretion of the Board, but shall not be in conflict with the purposes of the statutory authority.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The purpose of amending these regulations is to 1) remove the definition of the alarm/security systems contracting specialty that has been specifically exempted, by statute, of the requirement to hold a contractor license; 2) amend the definition of highway/heavy contractor to include the function of steel erection, in response to changes in the industry; 3) amend the definition of equipment/machinery contracting to include boilers regulated by the Department of Labor and Industry that would not come under the expertise of contractors holding a license with the HVAC specialty; 4) remove “bricks” from the list of activities that do not have their own specialty, as the masonry specialty was added to the regulations with the 1999 amendments; 5) correct the definitions of liquefied petroleum gas contracting and natural gas fitting provider contracting that were promulgated in 2001 that, as currently written, has led to confusion at numerous localities to the scope of practice permitted licensees holding the gas fitting contractor specialty; 6) add the definitions of helper/laborer, supervisor and supervision to the definitions in conjunction with the addition of a provision that requires that a licensed contractor ensure that he provide for a licensed tradesman to be responsible for trade-related work being performed; and, 7) increase the reinstatement period in order to conform with the Tradesman licensing requirements;

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

The primary substantive changes to the definitions of the permitted scope of practice defined in 18 VAC 50-22-20 involve amending the definition of the Liquid Petroleum Gas (LPG) and

Natural Gas Fitting (NGF) specialties in order to clarify that a contractor holding the Gas-Fitter (GFC) specialty is also permitted to perform that work and to remove the Alarm/Security systems specialty classification from the regulations as that practice is now statutorily exempt from licensure.

Other changes to the scope of practice descriptions were made as a result of changes in the industry involving boilers regulated by the Department of Labor & Industry and the licensing of firms involved in steel erection.

As a result of public comment received during the NOIRA comment period a substantive change is being proposed jointly to the definitions and the prohibited acts. This change adds the definition of helpers/laborers, supervision and supervisor and, in conjunction with the proposed change to the prohibited acts, provides for the supervision of trade-related work on a project by a licensed tradesman.

Additional changes involve extension of the license reinstatement period from six months to one year, and the removal of an administrative fee charged by the Department of Professional and Occupational Regulation.

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 there are no disadvantages to the public or the Commonwealth, please indicate.*

1) In amending these regulations, the Board for Contractors is continuing to provide necessary public protection tasked to them through existing statutes. These proposed amendments will, without compromising that protection, clarify existing requirements, essentially providing an advantage to certain contractors by allowing them to complete work they are qualified to complete and trained to perform, without the added burden of obtaining additional licenses or interpretations from the Board. Further protection will be afforded the public by ensuring that trade-related work, completed by non-licensed tradesman, be periodically inspected by licensed tradesman to ensure that the work is performed properly and to the standards required by the trade and other applicable statutes, regulations and standards. Additionally, the extension of the reinstatement period from six months to one year will decrease the burden (both financial and administrative) of those contractors subject to that section of the regulations. There are no disadvantages to the public or the Commonwealth anticipated by the promulgation of these regulations.

2) The amendment of these regulations will be advantageous to the Agency by decreasing the contact required with the regulant population; giving technical assistance or processing applications for licensure or amendments to existing licenses that would be unnecessary with the

promulgation of the proposed changes. This will increase the amount of time staff can dedicate to application processing, subsequently reducing the current waiting time experienced by all applicants. Currently the Board’s staff spends a considerable amount of time processing applications and providing guidance to both the regulant population and the general public in those areas impacted by these proposed amendments.

3) The amendment of the definitions in these proposed regulations will provide needed clarification to the Building Officials of the various localities throughout the Commonwealth, who are tasked with issuing permits to those contractors who are appropriately licensed. Permitting staff at localities utilize the definitions of the scope of practice to determine if the work being listed on the application for a building permit falls into the classification or specialty shown on the license of the contractor applying for the permit.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
18 VAC 50-22-50 B 2	Remove “or is a member of responsible management of the firm as defined by this chapter” in order to be in compliance with § 54.1-1106(B) of <u>The Code of Virginia</u>	Proposed removal is rescinded and the language is left as is.	Chapter 348 of the 2005 Acts of Assembly amended § 54.1-1106(B) to include the language that was to be removed.
18 VAC 50-22-60 B 2	Remove “or is a member of responsible management of the firm as defined by this chapter” in order to be in compliance with § 54.1-1108(B) of <u>The Code of Virginia</u>	Proposed removal is rescinded and the language is left as is.	Chapter 348 of the 2005 Acts of Assembly amended § 54.1-1108(B) to include the language that was to be removed.

Other changes to the proposed regulations as submitted were the result of the promulgation of regulations subsequent to the adoption of these regulations as final. These include changes to fees and the removal of the “dishonored check fee.”

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Comment	Regulation	Commentor’s	Board Response
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	Number	Name and Affiliation	Recommendation
Opposed to addition of provision requiring a licensed tradesman be on a job site during trade-related installation. This provision would adversely affect small trade-related licensed contractors in the western region of Virginia.	18 VAC 50-22-260.B.32	Brian Reynolds Custom Air, Inc. 554 Railroad Drive Marion, VA 24354 Abingdon Public Hearing	The Board took similar comments into consideration prior to adopting these regulations. These regulations do not require a licensed tradesman to be onsite at all times during trade-related installation, only to periodically observe and evaluate the performance of the task or procedures.
Opposed to addition of provision requiring a licensed tradesman be on a job site during trade-related installation. It is difficult for contractors to find and retain licensed tradesman in the western region of the Commonwealth	18 VAC 50-22-260.B.32	Frank Cregger Cregger’s Heating & Plumbing 1055 St. Clair Creek Road Chilhowie, VA 23419 Abingdon Public Hearing	The Board took similar comments into consideration prior to adopting these regulations. These regulations do not require a licensed tradesman to be onsite at all times during trade-related installation, only to periodically observe and evaluate the performance of the task or procedures.
Supports the addition of provision requiring a licensed tradesman be on a job site during trade-related installation. Concerned that there is going to be a critical shortage of licensed tradesmen in the future as the fewer candidates are taking the tradesman examination, and those who were grandfathered will be retiring. Would like to see the Board make it more difficult for owners to act as their own contractors.	18 VAC 50-22-260.B.32	Shirley Spencer Smyth County Building Inspection Office Marion, VA Abingdon Public Hearing	The Board took similar comments into consideration prior to adopting these regulations.
Opposed to addition of provision requiring a licensed tradesman be on a job site during trade-related installation. It is difficult for contractors to find and retain licensed tradesman in the western region of the Commonwealth	18 VAC 50-22-260.B.32	Betty Blizzard Smyth County Building Inspection Office & Wife of Class A Electrical & Plumbing Contractor Marion, VA Abingdon Public Hearing	The Board took similar comments into consideration prior to adopting these regulations. These regulations do not require a licensed tradesman to be onsite at all times during trade-related installation, only to periodically observe and evaluate the performance of the task or procedures.
Appears to consider provision requiring a licensed tradesman be on a job site during trade-related installation to be a partial solution.	18 VAC 50-22-260.B.32	Frank Rocca frocca@verizon.net Received by E-mail on June 9, 2005.	The Board took similar comments into consideration prior to adopting these regulations.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services	18 VAC 50-22-30. Definitions of Specialty	Billy Weizenfeld Executive Director Association of Energy Conservation	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting”

<p>Contracting” specialty service to the Board for Contractors Regulations. Describes and supports the federal Weatherization Assistance Program and the Virginia Weatherization Program administered by Virginia Dept. of Housing and Community Development. Contends weatherization technology and activities, such as Blower Door Testing, Energy Auditing, Heating System Safety Inspections, Insulation, and Duct System Diagnostics and Repair, are, for the most part, special services that require specialized, sophisticated training, and are not covered by any current contracting specialty service.</p>	<p>Services</p>	<p>Professionals 220 Parkway Lane, 5A Floyd, VA 24019</p>	<p>or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Thuy Lam Deputy Director Rappahannock Area Agency on Aging 171 Warrenton Road Fredericksburg, VA 22407</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Lura R. Sheppard Executive Director Rural Areas Development Association 112 Beech Street Gate City, VA 24251</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend</p>

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Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations.	18 VAC 50-22-30. Definitions of Specialty Services	Ed Ricci Owner Energy Management Services 2734 Radford Road Christiansburg, VA 24073 EdRicciEMS@aol.com	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations.	18 VAC 50-22-30. Definitions of Specialty Services	Bill Kovarik, Ph.D. Professor of Media Studies Radford University Radford, VA 24142 wkovarik@radford.edu	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations.	18 VAC 50-22-30. Definitions of Specialty Services	Michael Ermann Assistant Professor Director, Architectural Acoustics Laboratory Virginia Tech School of Architecture and Design 201 Cowgill Hall Blacksburg, VA 24016 mermann@vt.edu	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home	18 VAC 50-22-30. Definitions of	Wilson Pritchett Campus Energy Manager	The Board recommends that the Board for Contractors Committee study and consider the request to add a

<p>Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Energy conservation has been elevated to a national security issue by the Dept. of Homeland Security.</p>	<p>Specialty Services</p>	<p>Virginia Tech University Pritchett@vt.edu</p>	<p>“Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Richard C. Pennock, P.E. Senior Structural Engineer HSMM, Inc. P.O. Box 13446 Roanoke, VA 24034 dpennock@hsmm.com</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Katie Roberts, Partner/Owner ECO Solution, LLC 8909 Deer Run Drive, Ste. A Copper Hill, VA 24079 riverannr@netzero.net</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Alan A. Kornhauser Associate Professor Mechanical Engineering Virginia Tech Blacksburg, VA 24061-0238 alkorn@vt.edu</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The</p>

			Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Combustion testing performed on combustion heating equipment has saved lives. Supports Virginia Weatherization program.	18 VAC 50-22-30. Definitions of Specialty Services	Fred Gross Weatherization Coordinator People Inc. of SW Virginia 1173 West Main Street Abingdon, VA 24210 fgross@peopleinc.net	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program.	18 VAC 50-22-30. Definitions of Specialty Services	John Bodtmann Weatherization Program Technical Coordinator Central VA Area Agency on Aging 3024 Forest Hills Circle Lynchburg, VA 24501 jbodtmann@cvaaa.com	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations.	18 VAC 50-22-30. Definitions of Specialty Services	Karl E. Bren President GreenVisions Consulting 404 Baldwin Road Richmond, VA 23229 Karl.bren@comcast.net	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend

			and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Has been assisted directly by Virginia Weatherization program.	18 VAC 50-22-30. Definitions of Specialty Services	Virginia R. Cooper, LPC 203 Airport Road, NW Riner, VA 24149	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Board member of and supports local Weatherization program.	18 VAC 50-22-30. Definitions of Specialty Services	Martin Quarles Owner/Project Manager Alexander Nicholson, Inc. P.O. Box 2246 Charlottesville, VA 22902 mquarles@alexandernicholson.com	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Appropriate standards need to be met in light of available technologies and building energy analyses & designs.	18 VAC 50-22-30. Definitions of Specialty Services	Jonathan J. Miles, Ph.D Professor Dept. of Integrated Science & Technology James Madison University MSC 4102, 701 Carrier Drive Harrisonburg, VA 22807 milesjj@jmu.edu	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home	18 VAC 50-22-30. Definitions of	Henry H. Almond, Jr. Territory Manager WaterFurnace	The Board recommends that the Board for Contractors Committee study and consider the request to add a

<p>Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program. Few HVAC contractors have the weatherization equipment, expertise and knowledge to ensure homes are properly weatherized.</p>	<p>Specialty Services</p>	<p>International 1320 Meadowlark Drive Harrisonburg, VA 22802 Hank.almond@verizon.net</p>	<p>“Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Charles Young Rebuild Regional Representative CharlesYoung@aspensys.com</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Weatherization professionals are critical and need to be properly trained.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>John Quale Assistant Professor ecoMOD Project Director University of Virginia School of Architecture Dept. of Architecture and Landscape Architecture Campbell Hall Charlottesville, VA 22904 quale@virginia.edu</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>John Y. Gooch Board Member Community Energy Conservation Program, Inc. 1819 Broadway Street Charlottesville, VA 22902</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The</p>

<p>Weatherization professionals are critical and need to be properly trained.</p>		<p>jyg@gooch-eng.com</p>	<p>Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Weatherization professionals are critical and need to be properly trained.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Laurie Spangler Interim Curator/Director Conservation Coordinator/Registrar Mil Mountain Zoo P.O. Box 123484 Roanoke, VA 24034 LSpangler@mmzoo.org</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program. Weatherization professionals are critical and need to be properly trained.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>William McGuire Owner AUZ-BLOC, LLC Floyd, VA</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Weatherization professionals are critical and need to be properly trained.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Dr. Michael Rush Director of Housing People Incorporated 1173 West main Street Abingdon, VA 24210 mrush@peopleinc.net</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend</p>

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Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program. Weatherization professionals are critical and need to be properly trained.	18 VAC 50-22-30. Definitions of Specialty Services	William C. Craig Field Director Community Energy Conservation Program, Inc. 1819 Broadway Street Charlottesville, VA 22902 WCraig2906@aol.com	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program. Weatherization professionals are critical and need to be properly trained.	18 VAC 50-22-30. Definitions of Specialty Services	Darrell Brubaker Energy Services manager Commission on Economic Opportunity PA Million Solar Roofs Partnership 165 Amber Lane P.O. Box 1127 Wilkes-Barre, PA 18703-1127 dbrubaker@pasolar.org	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program. Weatherization professionals are critical and need to be properly trained.	18 VAC 50-22-30. Definitions of Specialty Services	Bryna Cosgriff Dunn, AICP, LEED Director of Environmental Planning & Research Senior Associate Moseley Architects 601 Southlake Blvd. Richmond, VA 23236 bdunn@moseleyarchitectas.com	The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.
Requests that Board add a “Weatherization Services Contracting,” or “Home	18 VAC 50-22-30. Definitions of	Jane Andrews Associate Director of Rehabilitation &	The Board recommends that the Board for Contractors Committee study and consider the request to add a

<p>Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program. Weatherization professionals are critical and need to be properly trained.</p>	<p>Specialty Services</p>	<p>Emergency Repair Albemarle Housing Improvement Program, INC. 2127 Berkmar Drive Charlottesville, VA 22901 jandrews@AHIPVA.org</p>	<p>“Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program. Weatherization professionals are critical and need to be properly trained. Weatherization work far exceeds current HVAC class in diagnostically testing units for efficiency, health and safety codes.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Chris Heslep Director of Field Operations, Energy Services Community Housing Partners 990 Cambria Street Christiansburg, VA 24073 CHeslep@chpc2.org</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Requests that Board add a “Weatherization Services Contracting,” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations. Supports Virginia Weatherization program. Weatherization professionals are critical and need to be properly trained.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>Robert L. Rogers President Architectural Alternatives, Inc. 200 Professional Park Drive, #6 Blacksburg, VA 24060 rrogers@archalt.com</p>	<p>The Board recommends that the Board for Contractors Committee study and consider the request to add a “Weatherization Services Contracting” or “Home Performance Energy Services Contracting” specialty service to the Board for Contractors Regulations at its November 16, 2005, meeting. The Committee will then report its findings to the Board at a subsequent Board meeting. Advocates of adding a “Weatherization Services Contracting” specialty service will be invited to attend and participate in the November 16, 2005, Committee meeting.</p>
<p>Supports the Board adding a “Building Performance” specialty service to the Board for Contractors Regulations.</p>	<p>18 VAC 50-22-30. Definitions of Specialty Services</p>	<p>William J. Parlapiano, III, CIAQ CEO Building Performance Institute, Inc. 10 Hermes Road, Suite 200</p>	<p>The Board will take this request into consideration.</p>

	Malta, NY 12020	
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All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
18 VAC 50-22-10		<p>a) “Helper” & “laborer” not defined</p> <p>b) “Supervision” not defined.</p> <p>c) “Supervisor” not defined.</p>	<p>a) Adds the definition of “helper” & “laborer” to the regulations in order to help clarify the responsibility of “supervision” also added.</p> <p>b) Adds the definition of “supervision” to the regulations in order to provide the basis for the determination of whether or not trade-related work completed by an individual, who is not licensed as a tradesman, has been adequately reviewed by someone who is appropriately licensed and trained. This adds a level of protection to work that is currently not provided in the regulations, but was the intent of the Tradesman Program from it’s inception (see the definition of supervisor in 18 VAC 50-30-10).</p> <p>c) Adds the definition of “supervisor” to the regulations in order to provide the basis for the determination of who can provide “supervision” as defined in these proposed regulations.</p>
18 VAC 50-22-20		<p>“Steel Erection” falls under the definition of “Building.”</p>	<p>Add “Steel Erection” to the list of functions performed by Highway/heavy contractors. While not unknown in the residential construction arena, steel erection is, by far, used in commercial construction. Many firms that perform this work are not qualified, nor do they desire, to build houses, they only want to do steel erection. During the building boom of the last decade, a number of these firms wanted to be licensed in order to do steel frame work for commercial and industrial projects in the Commonwealth of Virginia. In order to get a license with the “Building” classification the “Designated Employee” of the firm was required to sit for an examination that, in part, consisted of a technical construction section, that addressed all aspects of the Virginia Uniform Statewide Building Code as it pertained to the construction of buildings, with an emphasis on residential construction. The scope of the work performed by steel erector firms is so limited that it was extremely combursome to find an individual with the knowledge to successfully complete the examination. The Board, sensitive to this, issued a policy that would allow for those firms that complete steel erection work, be permitted to</p>

			complete such work with the “Highway/Heavy” classification on their licenses. This proposed change will bring this policy into the regulations.
18 VAC 50-22-30		<p>a) provides for the ALS specialty</p> <p>b) amends the definition of “equipment/machinery” contracting</p> <p>c) amends the definition of “lead abatement contracting”</p> <p>d) amends the definition of “liquefied petroleum gas contracting”</p> <p>e) amends the definition of “natural gas fitting provider contracting”</p> <p>f) removes the word “brick” from work that has no specialty definition</p>	<p>a) Delete the definition of “alarm/security systems contractors” as required by the specific exemption of this work in § 54.1-1103(E) of the Code of Virginia.</p> <p>b) Clarify the definition of “equipment/machinery contracting” to include boilers regulated by the Department of Labor and Industry. These boilers are exempt from the provisions of the Building Code and are not generally installed, maintained or repaired by plumbers or HVA tradesmen.</p> <p>c) Amend the definition of “lead abatement contracting” to allow contractors holding the HVA classification to perform this work when incidental to work in that classification. This provision is already in place for those contractors holding the plumbing classification.</p> <p>d) Amend the definition of “liquefied petroleum gas contracting” to provide that contractors holding the GFC specialty may also perform this work. This provision was inadvertently left out of this definition when promulgated in 2001.</p> <p>e) Amend the definition of “natural gas fitting provider contracting” to provide that contractors holding the GFC specialty may also perform this work. This provision was inadvertently left out of this definition when promulgated in 2001.</p> <p>f) Remove “bricks” from the definition of work that does not have a specialty, but may fall under HIC, CIC, FIC or BLD. The implementation of the “masonry contracting” specialty negates the need for this provision.</p>
18 VAC 50-22-170		Reinstatement must be made within six months of expiration of licensure	<p>Reinstatement period amended to one year from date of expiration. This change was made to bring the Contractor and Tradesman Regulations into compliance. The reinstatement period provides a method to bring a license into compliance after the expiration period, while providing an increased level of protection to citizens.</p> <p>The Board has determined that, under normal circumstances, a contractor would not lose his competency to adequately perform work or knowledge of his specialty within a year after the expiration of a license. The vast majority of licenses that are currently reinstated by the Board, fell into the category of reinstatement for clerical reasons (i.e., address change of the business, bookkeeping errors, failure to keep-up with multiple licenses/permits) and not for reasons that are related to the ability to perform work that is done safely and to the satisfaction of the applicable building codes.</p> <p>The regulations, in 18 VAC 50-22-180, provides that a</p>

			contractor who reinstates shall be regarded as having been continuously licensed without interruption. This is of tantamount importance to consumers who seek the protection of the Contractor Transaction Recovery Fund. Additionally, the continuity of licensure without interruption, ensures that the Board has disciplinary authority over the licensee, another aspect of public protection that must be considered.
18 VAC 50-22-260 (B) (9)(h)		The expiration date of the contractor’s license is required to be on the contract.	Amended to remove the requirement that the expiration date be included on the contract. A number of contractors purchase contracts already printed with the majority of the information that is required by regulation to be included. For small contractors, it can be expensive to be required to have the contracts reprinted every two years. This information, along with other pertinent licensing data, including extensive complaint information, is already available from the DPOR website or through telephone confirmation with the licensing staff. Subsequently, the Board believes that by removing this requirement there will be a decrease in the burden placed on the current regulant population with no decrease in the protection provided the citizens.
18 VAC 50-22-260 (B)	18 VAC 50-22-260 (B)(32)		<p>This amendment to the prohibited act would give the Board the authority to discipline contractors who perform plumbing, electrical, or HVAC related work with employees that are not licensed as tradesman, without ensuring that someone who is licensed, and thus has demonstrated a level of competence in the appropriate trades, is supervising these employees as defined in 18 VAC 50-22-10.</p> <p>All contractors licenses with trade-related classifications are required by the regulations (18 VAC 50-22-40, 18 VAC 50-22-50 & 18 VAC 50-22-60) to have a Qualified Individual who holds a valid master license in the appropriate classification. There is no prohibition in place that prevents a licensee from having more than one licensed tradesman and there is a large number of licensees that employ more than one master or journeyman tradesman.</p> <p>Under the current regulations there is no specific provision that puts the responsibility of adequate supervision on the contractor. This amendment would specifically ensure that trade-related work is performed under the supervision of a licensed tradesman. This will provide a level of protection that is not currently in place by ensuring that trade-related work, completed by non-licensed tradesman, be periodically inspected by licensed tradesman to ensure that the work is performed properly and to the standards required by the trade and other applicable statutes, regulations and standards.</p>

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

These proposed amendments are not anticipated to have any significant impact on Virginia's families.