

# BOARD FOR CONTRACTORS REGULATORY REVIEW WORKGROUP AGENDA

9960 Mayland Drive  
Board Room 4, 2nd Floor 12:00P.M.  
Monday, August 18, 2025

**Our mission** is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses and enforcing standards of professional conduct for professions and occupations as designated by statute.

## I. CALL TO ORDER

- a. Emergency Evacuation Procedures

## II. ADMINISTRATIVE MATTERS

- a. Approval of Agenda

## III. PUBLIC COMMENT PERIOD **\*FIVE MINUTE PUBLIC COMMENT, PER PERSON\***

## IV. NEW BUSINESS

- a. Guidance Document #2959
- b. Guidance Document #6759

## V. COMPLETE CONFLICT OF INTEREST FORM AND TRAVEL VOUCHER.

## VI. ADJOURNMENT

- ❖ Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.
- ❖ Five minute public comment, per person, with the exception of any open disciplinary or application file.
- ❖ Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation.
- ❖ The Department fully complies with the Americans with Disabilities Act.

~~In accordance with § 2.2-4002.1 of the Code of Virginia, this proposed guidance document conforms to the definition of a guidance document in § 2.2-4101.~~



## Board for Contractors

**AMENDED** Guidance Document Revisions Effective  
12/24/2020

### INTERPRETATIONS AND POLICIES:

\*The date in parentheses is the date the interpretation/policy was adopted

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#### **§ 54.1-1100. Definitions.**

##### **Contractor**

(12/14)

~~A licensed contractor may not bid on work where the primary scope of the contract is outside the definition of the specialties/classifications permitted for his the contractor's license, even if there is incidental work contained within the bid or contract that is within the scope of his the contractor's license. A licensed contractor may bid on work, or enter into a contract for work, which is outside the scope of his the contractor's license classification(s) or specialty services provided that he the contractor subcontracts that work to properly licensed contractors, and the work of the subcontractors is incidental to the contract. A contractor may not bid on work where the primary scope of the contract is outside the definition of the specialties/classifications permitted for his license, even if there is incidental work contained within the bid or contract that is within the scope of his license. For purposes of this guidance, "primary scope of the contract" means the main activities and deliverables expected from a contract. Any contracted work that is ancillary to accomplish the primary scope of the contract, but is outside the scope of the contractor's license, is considered to be incidental.~~

#### **§ 54.1-1101 Exemptions**

(09/20)

"For own use" means that the person performing or supervising the construction of a residential building must live in the residential building upon completion, unless they can be exempted based on the familial relationship as outlined in § 54.1-1101.8, and the person performing or supervising repair of or improvements to a commercial building must first occupy all or part of the building and operate their business from that occupancy. The Board stated that there should be no misunderstanding that a person who performs or supervises the construction of or improvements to any building with the intent to sell it must have a contractor's license.

#### **§ 54.1-1141 Certification required; exemption.**

~~(09/07) Temporary construction elevators and hoists do not meet 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.~~

**Commented [CP1]:** This is being removed from this section as it is contained in a different section below.

**18 VAC 50-22-10. Definitions** **General Definitions of Undefined Terms**

**New Construction**

(07/97) Any construction activity that occurs outside the original building perimeter is considered "NEW" construction.

**Commented [CP2]:** Tagline changed for clarification as these terms are not defined 18VAC50-22-10.

"General Definitions" section relocated here from below.

**Practical Experience in a Trade**

(03/05) Activity regulated by the USBC and applicable referenced model code.

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**Supervision of Helpers and Laborers**

(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 not required to be on the job site at all times, but that the helpers and laborers should 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.~~

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**Change Orders**

(03/06) The term "change order," as used in 18VAC50-22-260 B.31, means 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.

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**Routine Maintenance**

(10/15) The ~~definition of term~~ "routine maintenance," as used in 18VAC50-22-260 B.8 of the Board for Contractors Regulations means: ~~Recurring~~ recurring, preventative, and on-going activity necessary to delay or prevent the failure of a building, equipment, machinery, plant, or system, against normal wear and tear and is generally set by the manufacturer, the USBC, or by generally accepted practices within the industry."

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

**Commercial Building (CBC) and Residential Building (RBC)**

(12/14) A contractor with the Commercial Building (CBC) or Residential Building (RBC) classification may perform foundation work.

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(12/14) Pilings are included as foundation work that may be performed by contractors with the Commercial Building (CBC) or Residential Building (RBC) classifications.

~~(12/14) A contractor with the Commercial Building (CBC) or Residential Building (RBC) classification may perform foundation work.~~

(12/14) A contractor holding the Commercial Building (CBC) or Residential Building (RBC) classification may complete paving and concrete work which is incidental [to the primary scope of the contract](#) and adjacent to the structure being constructed (i.e., sidewalks, walkways, and driveways).

**Highway/Heavy Contractors (H/H)**

(12/14) Contractors holding the Highway/Heavy classification [are permitted to](#) ~~may~~ install, [maintain, or dismantle water, gas, and sewer connections and](#) remove, or repair water and sewer lines from the street to the structure and may complete the plumbing connection. For sewer lines this would be to the house or building clean-out, ~~and for~~ [For](#) water lines this would be to the stub out or connection point to the structure.

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

**Billboard/Sign Contracting (BSC)**

(12/14) Contractors who erect billboards for their own use on another's property are exempt from licensing requirements.

**Electronic/Communication Service Contracting (ESC)**

(07/93) Attaching telecommunications equipment to existing systems does not fall within the definition of contractor.

**Elevator/Escalator Contracting (EEC)**

(09/07) Temporary construction elevators and hoists do not ~~meeting~~meet 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.

**Commented [CP3]:** Consider revising

**Home Improvement Contracting (HIC)**

(07/05) 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.

(06/18) ~~The term Utility-~~"utility out building," ~~is defined means as a one story, detached building, less than 256 square feet, that does not require a permit to construct (i.e., shed, playhouse, gazebo), that is not attached to the main structure (this includes gazebos).~~

**Commented [CP4]:** The USBC does not define "utility out building," but does make reference to certain structures, under 256 square feet, that are exempt from permitting. The definition of "HIC" in the regs references the USBC, so it does all tie together.

**Landscape Service Contracting (LSC)**

(12/07) A landscape service contractor may install decorative fountains but must sub-contracter 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.

(12/14) General landscape services, such as mowing, trimming, placement of plant material, and tree removal, do not require license issued by the Board for Contractors.

(07/16) A contractor holding the landscape services specialty may install fencing that is not required by statute or regulation (such as swimming pool barrier, fencing around hazardous material storage, etc.)

(06/19) The construction, removal, repair, or improvement of residential retaining walls may be performed by a contractor holding the RBC, HIC, or H/H classifications ~~or the LSC specialty~~. The construction, removal, repair, or improvement of commercial retaining walls may be performed by a contractor holding the CBC, CIC, or H/H specialty.

**Manufactured Home Contracting (MHC)**

(12/14) The cost of the manufactured 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 manufactured 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.

**Onsite Sewage System Contracting (ADS & CDS) - Incorporates Guidance Document #6790**

(10/19) For onsite sewage system work only, the Board will consider the definition of “maintenance” in 18VAC160-40-10 and § 32.1-163 of the Code of Virginia as it pertains to the type of work that would not require a contractor’s license with the ADS or CDS specialty. However, any other regulated work (i.e., contracting, installations and repairs, or operations and maintenance) performed by the individual or contractor must be done in compliance with Chapters 11 and 23 of Title 54.1 of the Code of Virginia as applicable.

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

None

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

**E. Reporting of financial history**

**Commented [CP5]:** Consider lumping all “financial guidance” together rather than repeating - also appears the guidance can be consolidated.

(04/94) 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.

(04/98) 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

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must have been completed within twelve months of the date of application. There may be no jointly owned property or assets for Sole Proprietors.

- (07/16) If the assets of an applicant contain more than 25% undocumented value (accounts receivable, "other," etc.) then the applicant must provide a \$50,000 surety bond, a CPA audited financial statement **or** not count more than 25% of that value when calculating the net worth.
- (06/19) Assets used to determine whether a Class B Contractor Business meets the \$15,000 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.

**Commented [CP6]:** Consider striking as the change in regulation requires supporting documentation so this guidance may not be necessary

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

~~E. Reporting of financial history~~

- ~~(01/94) 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.~~
- ~~(04/98) 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~~

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~~must have been completed within twelve months of the date of application. There may be no jointly owned property or assets for Sole Proprietors.~~

(07/16) If the assets of an applicant contain more than 25% undocumented value (accounts receivable, "other," etc.) then the applicant must provide a \$50,000 surety bond, a CPA audited financial statement ~~or~~ not count more than 25% of that value when calculating the net worth.

**Commented [CP7]:** Relocated above

(07/16) If the assets of an applicant contain more than 25% undocumented value (accounts receivable, "other," etc.) then the applicant must provide an audited financial statement or not count more than 25% of that value when calculating the net worth.

**Commented [CP8]:** Established above.

**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.

**B.9 Contract Elements**

(06/18) A contractor may use electronic documents, electronic signatures, and electronic authorizations (as set forth in the Uniform Electronic Transaction Act - § 59.1-480 et seq. of the Code of Virginia) ~~provided that the intended use of the electronic documents is outlined in the contract.~~

**Commented [CP9]:** Consider striking as this establishes a rule that is not regulation.

The Board may wish to consider additional guidance related to 'written and signed' change orders as this is an issue that arises often as a violated prohibited act.

**Service Contracts**

(04/16) "Work done that is included in a service contract ~~shall~~ does not require an additional contract and will be considered to have met the requirements of the regulations. Work that is not included in the service contract must meet the contract requirements set forth in the regulations. Additionally, repair or replacement work, above the diagnostic service or work done to stabilize an emergency condition, must also meet the contract requirements."

**18 VAC 50-30-10. Definitions.**

**Incidental**

(12/14) Gas fitting is not incidental and must be done by a licensed gas fitter.

**18-VAC-50-30-4018VAC 50-30-39. Evidence of ability and proficiency.**

(10/07) Certified trade-related building inspectors may count a single year of ~~full-time~~full-time inspection experience, and the related training, as fulfilling the ~~240-hour~~240-hour education requirement for licensure set forth in 18VAC50-30-40-39 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.

**Commented [CP10]:** Remove this from guidance and add to Equivalency document.

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

(10/07) ~~Approved instructors~~Instructors of approved continuing education training courses of required education courses may receive credit for courses they teach.

**General Policies**

(03/05) ~~A Master or Journeyman Tradesmen, whose license is past reinstatement, must meet all current entry requirements, including passing the examination.~~

**Commented [CP11]:** Consider removing as this is clearly stated within the regulation.

(03/05) ~~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.~~

**Commented [CP12]:** Consider removing as this is no longer applicable.

(09/05) The business name of a licensed contractor cannot reflect work that the contractor is not licensed to perform.

Tradesmen licenses are good for three years and EAGLES automatically establishes expiration dates based on issuance.

(03/06) ~~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.~~

**Commented [CP13]:** Guidance below may cover this - consider striking.

**Commented [CP14]:** Consider striking as this is established in regulation.

(06/07) General Complaint Processing - In order to more efficiently utilize agency and board resources, any pending or future complaints received ~~on against revoked~~ licensees ~~whose license has been revoked, shall will~~ be closed administratively.

(08/09) The Board will not provide extensions to the due dates of provisions of Final and Consent Orders.

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- (12/09) Tradesman examination approvals are valid for one year. Extensions will not be granted.
- ~~(01/11) All Qualified Individuals of Sewage Disposal System Contractors are required to hold the individual license issued by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.~~
- ~~(01/12) The Board includes pilings as foundation work that may be performed by contractors with the Commercial Building (CBC) or Residential Building (RBC) classifications.~~
- (10/12) Contractors with the Highway/Heavy, HVAC and Plumbing classification may install/drill horizontal geothermal trenches and piping 10 feet below grade that is associated with horizontal loop geothermal system.
- (12/14) Contractors holding the CBC, RBC or HVAC classifications or the HIC or CIC specialties may install factory engineered fireplaces, fireplace inserts, or wood stoves. Venting for any of these or similar appliances must be completed by a contractor holding the HVAC classification.
- ~~(12/14) Contractors holding the HIC, CIC, or BRK specialties may construct, remove, or repair masonry chimneys.~~
- (12/14) Tradesmen are permitted to perform work that is within the scope of the applicable section of the USBC for their trade. Work experience used by applicants for tradesman licenses must be for work that is within the scope of the applicable section of the USBC for their trade.
- ~~(10/15) Effective immediately, or at such time as the EAGLES licensing system can be modified to facilitate the change, all Qualified Individuals that, as part of an application, are required to complete a technical examination, must be approved by the Board for Contractors to sit for that examination. As part of the application process the Qualified Individual candidate will provide documentation of experience in the specialty in which they will serve as the Qualified Individual.~~
- (07/16) In order for an applicant to qualify for an “umbrella” specialty (HIC or CIC) ~~then~~ they must have experience in at least three of the “breakout” specialties. For example, an applicant with experience in flooring, painting, and roofing, would be eligible for the applicable improvement specialty. However, an applicant with only flooring and painting experience, would be required to hold both the PTC and FLR specialties. The “breakout” specialties are: DRY, FIN, FLR, GLZ, INS, BRK, PTC, ROC, TMC, and FRM.
- ~~(04/18) In lieu of having their application reviewed by the Board for Contractors in accordance with the provisions of the APA, an applicant with an adverse financial history, may provide~~

**Commented [CP15]:** Consider removing as this requirement has been incorporated into amended regulation.

**Commented [CP16]:** This is included above under definitions for license classifications.

**Commented [CP17]:** Consider striking as this is established in regulation.

**Commented [CP18]:** Relocated below under “examination policies.”

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~~a \$50,000 surety bond with the Board, using the bonding form and procedures that are currently in use as outlined in § 54.1-1106 and § 54.1-1108 of the Code of Virginia.~~

**Commented [CP19]:** Consider striking as this is a requirement included in regulation.

~~(06/19) Examination candidates are allowed to use a language glossary for word-to-word translations during the examination however, foreign language interpreters are not allowed at examination sites.~~

(06/19) Contractors that install residential emergency generators must hold a license with the Electrical Contractor (ELE) license classification. The installation of commercial generators may be completed by contractors holding a license with the CBC license classification or CIC license specialty, with the exception that all trade-related work must be completed by a properly licensed contractor with the applicable trade-related classification or specialty.

(09/20) The replacement of dryer vent covers does not ~~meet-fall within~~ the definition of "contractor" and no license is required to perform this task. This is restricted to the replacement ~~only~~ of existing dryer vent covers ~~only~~.

**Tradesman Apprentice Exam Exemption**

~~(06/13) The Board added clarification to the journeyman exam exemption in 18 VAC 50-30-50 B 1 for applicants that successfully complete an apprenticeship program which is approved by the Virginia Apprenticeship Council. The exemption is limited to being used twice, once upon initial application, and once again the first time an individual allowed his license to lapse. After the second use, the individual would be required to complete the examination requirements.~~

**Commented [CP20]:** Consider eliminating guidance as this may conflict with statutory exemption.

**Subsequent Examination Requests Examination Policies**

(07/15) Individuals are prohibited from registering for or taking an examination that they have already successfully completed, when there is no requirement for the individual to complete the examination a subsequent time.

~~(10/15) All Qualified Individuals that, as part of an application, are required to complete a technical examination, must be approved by the Board for Contractors to sit for that examination. As part of the application process the Qualified Individual candidate will provide documentation of experience in the specialty in which they will serve as the Qualified Individual.~~

**Commented [CP21]:** Consider removing as this is a requirement incorporated into regulation.

~~(06/19) Examination candidates are allowed to use a language glossary for word-to-word translations during the examination however, foreign language interpreters are not allowed at examination sites.~~

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General Definitions

~~{03/06} — “Change Order” 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.~~

~~{07/97} — “New Construction” Any construction activity that occurs outside the original building perimeter shall be designated as “NEW” construction.~~

~~{03/05} — “Practical Experience in a Trade” Activity regulated by the USBC and applicable referenced model code.~~

Retaining Walls

Contractors holding the LSC specialty service are permitted under 18VAC50-22-30 are permitted to construct retaining walls for landscaping purposes. Such contractors may only construct retaining walls with less than 3’ of unbalanced fill.

Contractors holding an RBC or H/H classification may construct, remove, repair, or improve engineered residential retaining walls.

Contractors holding a CBC or H/H classification may construct, remove, repair, or improve engineered commercial retaining walls.

Construction Elevators

Elevating devices used during construction are classified and regulated based on their intended use.

- Elevators installed inside structures for temporary use during construction are governed by the ASME A17.1, Section 5.10<sup>i</sup>. These are fully regulated elevator systems that must comply with the installation, inspection, testing, and operational requirements set forth in the ASME Safety Code for Elevators and Escalators.
- In contrast, personnel hoists and employee elevators installed on the exterior of buildings or structures on construction and demolition sites do not require installation, maintenance, or repair work to be performed by a licensed elevator contractor with certified elevator mechanics as they do not fall under ASME. These systems are distinct from temporary construction elevators and are governed by ANSI/ASSP A10.4<sup>ii</sup>

Financial Responsibility for Class A and Class B Contractors

A contractor applicant may not count more than 25% of assets of undocumented value (e.g. accounts receivable, “other,” etc.) when establishing net worth in a financial statement. Such applicant may provide either (i) a financial statement reviewed by a certified public accountant (CPA); (ii) a CPA audit; or (iii) a \$50,000 surety bond.

**Commented [CP22]:** Section relocated to beginning of document under “General Definitions of Undefined Terms.”

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<sup>i</sup> American Society of Mechanical Engineers: This code includes requirements for elevators, escalators, dumbwaiters, moving walks, material lifts, and dumbwaiters with automatic transfer devices.

<sup>ii</sup> American National Standards Institute/American Society of Safety Professionals: Personnel Hoists and Employee Elevators on Construction Sites.