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HOUSE BILL NO. 1749

Offered January 8, 2003

Prefiled January 6, 2003

A BILL to amend and reenact §§ 54.1-1106, 54.1-1108, 54.1-1108.1, 54.1-1108.2, and 54.1-1130 of the Code of Virginia, relating to the Board for Contractors; application affidavits.

Patron—Suit

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-1106, 54.1-1108, 54.1-1108.1, 54.1-1108.2, and 54.1-1130 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-1106. Application for Class A license; fees; examination; issuance.

A. Any person desiring to be licensed as a Class A contractor shall file with the Department a written application on a form prescribed by the Board. The application shall be accompanied by a fee set by the Board pursuant to § 54.1-201. The application shall contain the name, place of employment, and business address of the proposed designated employee; *and information on the knowledge, skills, abilities, and financial position of the applicant; and an affidavit stating that the information on the application is correct.* The Board shall determine whether the past performance record of the applicant, including his reputation for paying material bills and carrying out other contractual obligations, satisfies the purposes and intent of this chapter. The Board shall also determine whether the applicant has complied with the laws of the Commonwealth pertaining to the domestication of foreign corporations and all other laws affecting those engaged in the practice of contracting as set forth in this chapter. If the Board determines that sufficient questions or ambiguities exist in an individual applicant's presentation of his financial information, the Board may require the applicant to provide a balance sheet reviewed by a certified public accountant licensed in accordance with § 54.1-4409. In addition, if the applicant is a sole proprietor, he shall furnish to the Board his name and address. If the applicant is a member of a partnership, he shall furnish to the Board the names and addresses of all of the general partners of the partnership. If the applicant is a member of an association, he shall furnish to the Board the names and addresses of all of the members of the association. If the applicant is a corporation, it shall furnish to the Board the names and addresses of all officers of the corporation. If the applicant is a joint venture, it shall furnish to the Board the names and addresses of (i) each member of the joint venture and (ii) any sole proprietor, general partner of any partnership, member of any association, or officer of any corporation who is a member of the joint venture. The applicant shall thereafter keep the Board advised of any changes in the above information.

B. If the application is satisfactory to the Board, the proposed designated employee shall be required by Board regulations to take an oral or written examination to determine his general knowledge of contracting, including the statutory and regulatory requirements governing contractors in the Commonwealth. If the proposed designated employee successfully completes the examination and the applicant meets or exceeds the other entry criteria established by Board regulations, a Class A contractor license shall be issued to the applicant. The license shall permit the applicant to engage in contracting only so long as the designated employee is in the full-time employment of the contractor. No examination shall be required where the licensed Class A contractor changes his form of business entity provided he is in good standing with the Board. In the event the designated employee leaves the full-time employ of the licensed contractor, no additional examination shall be required of such designated employee, except in accordance with § 54.1-1110.1, and the contractor shall within ninety days of that departure provide to the Board the name of the new designated employee.

C. The Board may grant a Class A license in any of the following classifications: (i) building contractor, (ii) highway/heavy contractor, (iii) electrical contractor, (iv) plumbing contractor, (v) heating, ventilation, and air conditioning contractor, and (vi) specialty contractor.

§ 54.1-1108. Application for Class B license; fees; examination; issuance.

A. Any person desiring to be licensed as a Class B contractor shall file with the Department a written application on a form prescribed by the Board. The application shall be accompanied by a fee set by the Board pursuant to § 54.1-201. The application shall contain the name, place of employment, and business address of the proposed designated employee; information on the knowledge, skills, abilities, and financial position of the applicant; *and evidence of holding a current local license pursuant to local ordinances adopted pursuant to § 54.1-1117; and an affidavit stating that the information on the application is correct.* The Board shall determine whether the past performance record of the applicant,

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59 including his reputation for paying material bills and carrying out other contractual obligations, satisfies
60 the purpose and intent of this chapter. The Board shall also determine whether the applicant has
61 complied with the laws of the Commonwealth pertaining to the domestication of foreign corporations
62 and all other laws affecting those engaged in the practice of contracting as set forth in this chapter. In
63 addition, if the applicant is a sole proprietor, he shall furnish to the Board his name and address. If the
64 applicant is a member of a partnership, he shall furnish to the Board the names and addresses of all of
65 the general partners of that partnership. If the applicant is a member of an association, he shall furnish
66 to the Board the names and addresses of all of the members of the association. If the applicant is a
67 corporation, it shall furnish to the Board the name and address of all officers of the corporation. If the
68 applicant is a joint venture, it shall furnish to the Board the names and addresses of (i) each member of
69 the joint venture and (ii) any sole proprietor, general partner of any partnership, member of any
70 association, or officer of any corporation who is a member of the joint venture. The applicant shall
71 thereafter keep the Board advised of any changes in the above information.

72 B. If the application is satisfactory to the Board, the proposed designated employee shall be required
73 by Board regulations to take an oral or written examination to determine his general knowledge of
74 contracting, including the statutory and regulatory requirements governing contractors in the
75 Commonwealth. If the proposed designated employee successfully completes the examination and the
76 applicant meets or exceeds the other entry criteria established by Board regulations, a Class B contractor
77 license shall be issued to the applicant. The license shall permit the applicant to engage in contracting
78 only so long as the designated employee is in the full-time employment of the contractor and only in the
79 counties, cities, and towns where such person has complied with all local licensing requirements and for
80 the type of work to be performed. No examination shall be required where the licensed Class B
81 contractor changes his form of business entity provided he is in good standing with the Board. In the
82 event the designated employee leaves the full-time employ of the licensed contractor, no additional
83 examination shall be required of such designated employee, except in accordance with § 54.1-1110.1,
84 and the contractor shall within ninety days of that departure provide to the Board the name of the new
85 designated employee.

86 C. The Board may grant a Class B license in any of the following classifications: (i) building
87 contractor, (ii) highway/heavy contractor, (iii) electrical contractor, (iv) plumbing contractor, (v) HVAC
88 contractor, and (vi) specialty contractor.

89 § 54.1-1108.1. Waiver of examination; designated employee.

90 Any Class A contractor licensed in the Commonwealth of Virginia prior to January 1, 1991, and in
91 business on December 31, 1990, shall provide to the Board in writing the name of one full-time
92 employee who is at least eighteen years of age and that employee shall be deemed to have fulfilled the
93 requirement for examination in § 54.1-1106, so long as he remains a full-time employee of the
94 contractor. The designated employee shall not be required to take an examination if the Class A
95 contractor changes his form of business entity and is in good standing with the Board. Upon his leaving
96 the employ of the contractor, the contractor shall name another full-time employee in accordance with
97 § 54.1-1106.

98 Any Class B contractor registered in the Commonwealth prior to January 1, 1991, and in business on
99 December 31, 1990, shall, within its current period of registration, provide on a form prescribed by the
100 Board satisfactory information on the financial position, and knowledge, skills and abilities of the
101 registered firm; *and* the name of a full-time employee who is at least ~~eighteen~~ 18 years of age and that
102 employee shall be deemed to have fulfilled the requirement for examination in § 54.1-1108, so long as
103 he remains a full-time employee of the contractor; ~~and an affidavit stating that the information provided~~
104 ~~on the form is correct.~~ The designated employee shall not be required to take an examination if the
105 Class B contractor changes his form of business entity and is in good standing with the Board. If such
106 employee leaves the employ of the contractor, the contractor shall name another full-time employee in
107 accordance with § 54.1-1108.

108 § 54.1-1108.2. Application for Class C license; fees; issuance.

109 A. Any person desiring to be licensed as a Class C contractor shall file with the Department a
110 written application on a form prescribed by the Board. The application shall be accompanied by a fee
111 set by the Board pursuant to § 54.1-201. The application shall contain information concerning the name,
112 location, nature, and operation of the business, ~~as well as~~ *and* information demonstrating that the
113 applicant possesses the character and minimum skills to properly engage in the occupation of
114 contracting; ~~and an affidavit stating that the information on the application is correct.~~

115 B. The Board may grant a Class C license in any of the following classifications: (i) building
116 contractor, (ii) highway/heavy contractor, (iii) electrical contractor, (iv) plumbing contractor, (v) heating,
117 ventilation, and air conditioning contractor, and (vi) specialty contractor.

118 § 54.1-1130. Application for licensure; fees; examinations; issuance.

119 Any individual desiring to be licensed as a tradesman, liquefied petroleum gas fitter, or natural gas
120 fitter provider or certified as a backflow prevention device worker shall file a written application on a

form prescribed by the Board. The application shall be accompanied by a fee set by the Board pursuant to § 54.1-201. The application shall contain, at a minimum, the applicant's name, place of employment, and business address; *and* information on the knowledge, skills, abilities and education or training of the applicant; ~~and an affidavit stating that the information on the application is correct.~~

If the application is satisfactory to the Board, the applicant shall be required by Board regulations to take an oral or written examination to determine his general knowledge of the trade in which he desires licensure or of backflow prevention devices if he desires voluntary certification unless he is exempt pursuant to § 54.1-1131. If the applicant successfully completes the examination, a license as a tradesman, liquefied petroleum gas fitter, or natural gas fitter provider, or a certificate as a backflow prevention device worker, shall be issued.

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