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SENATE BILL NO. 1090

Offered January 12, 2005

Prefiled January 12, 2005

A *BILL to amend and reenact §§ 54.1-1100 and 54.1-1103 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Board for Contractors; Class B contractor license.*

Patrons—Puckett; Delegate: Stump

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-1100 and 54.1-1103 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-1100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Contractors.

"Class A contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is ~~\$70,000~~150,000 or more, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any ~~twelve~~ 12-month period is ~~\$500,000~~ 750,000 or more.

"Class B contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is \$7,500 or more, but less than ~~\$70,000~~150,000, or (ii) the total value of all such construction, removal, repair or improvements undertaken by such person within any ~~twelve~~ 12-month period is \$150,000 or more, but less than ~~\$500,000~~750,000.

"Class C contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is over \$1,000 but less than \$7,500, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any ~~twelve~~ 12-month period is less than \$150,000. The Board shall require a master tradesmen license as a condition of licensure for electrical, plumbing and heating, ventilation and air conditioning contractors.

"Contractor" means any person, that for a fixed price, commission, fee, or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing, managing, or superintending in whole or in part, the construction, removal, repair or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by him or another person or any other improvements to such real property.

"Department" means the Department of Professional and Occupational Regulation.

"Designated employee" means the contractor's full-time employee who is at least eighteen years of age and who has successfully completed the oral or written examination required by the Board on behalf of the contractor.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Person" means any individual, firm, corporation, association, partnership, joint venture, or other legal entity.

"Value" means fair market value. When improvements are performed or supervised by a contractor, the contract price shall be prima facie evidence of value.

§ 54.1-1103. Necessity for license; requirements for water well drillers and landscape irrigation contractors; exemption.

A. No person shall engage in, or offer to engage in, contracting work in the Commonwealth unless he has been licensed under the provisions of this chapter. The Board may waive any provision of this chapter for Habitat for Humanity, its local affiliates or subsidiaries, and any other nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code (26 U.S.C. § 501 (c) (3)) for the purpose of constructing single-family dwellings that will be given to or sold below the appraised value to low-income persons. Prior to a joint venture engaging in, or offering to engage in, contracting work in the Commonwealth, (i) each contracting party of the joint venture shall be licensed under the provisions of this chapter or (ii) a license shall be obtained in the name of the joint venture under the provisions of this chapter.

B. Except as provided in § 54.1-1117, the issuance of a license under the provisions of this chapter shall not entitle the holder to engage in any activity for which a special license is required by law.

C. When the contracting work is for the purpose of landscape irrigation or the construction of a water well as defined in § 62.1-255, the contractor shall be licensed, regardless of the contract amount, as follows:

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59 1. A Class C license is required when the total value referred to in a single contract or project is no
60 more than \$7,500, or the total value of all such water well or landscape irrigation contracts undertaken
61 within any 12-month period is no more than \$150,000;

62 2. A Class B license is required when the total value referred to in a single contract is \$7,500 or
63 more, but less than ~~\$70,000~~150,000, or the total value of all such water well or landscape irrigation
64 contracts undertaken within any 12-month period is \$150,000 or more, but less than ~~\$500,000~~750,000;
65 and

66 3. A Class A license is required when the total value referred to in a single contract or project is
67 ~~\$70,000~~150,000 or more, or when the total value of all such water well or landscape irrigation contracts
68 undertaken within any 12-month period is ~~\$500,000~~750,000 or more.

69 D. Notwithstanding the other provisions of this section, an architect or professional engineer who is
70 licensed pursuant to Chapter 4 (§ 54.1-400 et seq.) of this title shall not be required to be licensed or
71 certified to engage in, or offer to engage in, contracting work or operate as an owner-developer in the
72 Commonwealth in accordance with this chapter when bidding upon or negotiating design-build contracts
73 or performing services other than construction services under a design-build contract. However, the
74 construction services offered or rendered in connection with such contracts shall only be rendered by a
75 contractor licensed or certified in accordance with this chapter.

76 E. Notwithstanding the other provisions of this section, any person licensed under the provisions of
77 Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 as a private security services business shall not be
78 required to be licensed or certified to engage in, or offer to engage in, contracting work in the
79 Commonwealth in accordance with this chapter when bidding upon or performing services to install,
80 service, maintain, design or consult in the design of any electronic security equipment as defined in
81 § 9.1-138 including but not limited to, low voltage cabling, network cabling and computer or systems
82 integration.