

VIRGINIA ACTS OF ASSEMBLY -- 2011 RECONVENED SESSION

CHAPTER 865

An Act to amend the Code of Virginia by adding in Chapter 11 of Title 54.1 an article numbered 5, consisting of sections numbered 54.1-1144, 54.1-1145, and 54.1-1146, relating to the Board for Contractors; licensing of residential building energy analysts.

[S 1375]

Approved April 6, 2011

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 11 of Title 54.1 an article numbered 5, consisting of sections numbered 54.1-1144, 54.1-1145, and 54.1-1146, as follows:

Article 5.

Residential Building Energy Analysts.

§ 54.1-1144. Definitions.

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

"Accredited residential building energy analyst training program" means a training program that has been approved by the Board to provide training for individuals to engage in blower door, duct blaster, or similar testing to measure energy efficiency, conduct energy modeling, prepare a residential building energy analysis report, and provide recommendations for improvements with return on investment or third-party verification for nationally accredited energy efficiency programs.

"Licensed residential building energy analyst" means an individual who has successfully completed an accredited residential building energy analyst training program or meets the criteria of experience required by this article and regulations of the Board and who has been licensed by the Board.

"Residential building energy analysis" means (i) an inspection, investigation, or survey of a dwelling or other structure to evaluate, measure, or quantify its energy consumption and efficiency, including lighting, HVAC, electronics, appliances, water heaters, insulation, and water conservation, and (ii) recommendations to reduce energy consumption and improve efficiency of a dwelling or other structure, including lighting, HVAC, electronics, appliances, water heaters, insulation, and water conservation for compensation conducted or made by a licensed residential building energy analyst.

§ 54.1-1145. License required.

A. No person shall engage in, or offer to engage in, work as a residential building energy analyst in the Commonwealth unless he has been licensed under the provisions of this article.

B. The Board may issue a license to perform residential building energy analysis in the Commonwealth to any applicant who has submitted satisfactory evidence that he has successfully:

1. Completed an accredited residential building energy analyst training program;
2. Completed at least five residential building energy analyses under the supervision of a licensed residential building energy analyst;

3. Remains in good standing with any certifying organization approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants;

4. Maintains the necessary insurance coverage as determined by the Board; and

5. Demonstrates the financial capability, as determined by the Board, to perform residential building energy analysis.

C. Individuals applying for a license as a residential building energy analyst between July 1, 2011, and July 1, 2012, who submit satisfactory evidence to the Board of having been actively and continuously engaged in residential building energy analysis for the immediately preceding three years shall be licensed by the Board, unless an applicant is found by the Board to have engaged in any act that would constitute grounds for disciplinary action.

§ 54.1-1146. Additional powers of the Board.

The Board shall adopt regulations necessary to establish procedures and requirements for the (i) approval of accredited residential building energy analyst training programs, (ii) licensing of individuals and firms to engage in residential building energy analysis, and (iii) establishment of standards for performing residential building energy analysis consistent with the U.S. Environmental Protection Agency guidelines and recognized by the Energy Star Program.

2. That the Board for Contractors shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That notwithstanding any other provision of law to the contrary, the regulations promulgated pursuant to the second enactment of this act shall remain in full force and effect until replaced by final regulations adopted by the Board for Contractors.

4. That the Board for Professional and Occupational Regulation shall evaluate the regulation of

residential building energy analysts required by this act and shall submit a report on or before November 1, 2013, to the Governor and the chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws, as to whether a different degree of regulation should be imposed pursuant to § 54.1-311 of the Code of Virginia.