

2012 SESSION

LEGISLATION NOT PREPARED BY DLS
ENGROSSED

12104526D

HOUSE BILL NO. 1277

House Amendments in [] — February 13, 2012

A BILL to amend and reenact § 54.1-1117 of the Code of Virginia, relating to licensing of contractors by localities; civil penalty.

Patron Prior to Engrossment—Delegate LeMunyon

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-1117 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-1117. Licensing of certain contractors by localities; qualifications and procedure; registration of certain persons engaged in business of home improvement; civil penalty.

A. Except as to contractors currently licensed under the provisions of § 54.1-1106, the governing body of every city, county or town any locality shall have the power and authority to adopt ordinances, not inconsistent with the provisions of this chapter, requiring every person who engages in, or offers to engage in, the business of home improvement or the business of constructing single-family or multi-family dwellings, in such city, county or town locality, to obtain a license from such city, county or town locality.

B. The governing body of every city, county or town locality adopting ordinances pursuant to this section may require every applicant for such license, other than those currently licensed under the provisions of § 54.1-1106, (i) to furnish evidence of his ability and proficiency; and (ii) to successfully complete an examination to determine his qualifications. The governing body locality may designate or establish an agent or board and establish the procedures for an examination according to the standards set forth in this chapter and in the regulations of the Board for Contractors. Except contractors currently licensed under the provisions of § 54.1-1106, licensure may be refused to any person found not to be qualified. Persons not currently licensed pursuant to § 54.1-1106 may be required to furnish bond in a reasonable penal sum, with reasonable condition, and with surety as the governing body deems necessary. The governing body may provide for the punishment of violations of such ordinances, provided that no such punishment shall exceed that provided for misdemeanors generally.

C. A locality may [include in its ordinance a requirement that every home improvement contractor provide, prior to entering into any contract for service, satisfactory proof that he is duly licensed and has obtained any required bond or insurance. The ordinance adopted by the locality may establish a civil penalty that may be assessed when the contractor (i) fails to provide satisfactory proof of licensure or possession of any required bond or insurance or (ii) falsely represents to the customer that he is licensed, bonded, or insured. by ordinance establish a civil penalty that may be assessed when a person or business falsely represents to a customer or prospective customer that such person or business has a valid contractor's license issued pursuant to the provisions of § 54.1-1106. Such civil penalty shall not exceed \$2,500.]

D. For the purpose of this section the business of home improvement shall mean the contracting for and/or providing labor and material or labor only for repairs, improvements, and additions to residential buildings or structures accessory thereto where any payment of money or other thing of value is required.

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