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SENATE BILL NO. 871

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 14, 2013)

(Patron Prior to Substitute—Senator Ebbin)

A BILL to amend and reenact § 54.1-516.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 54.1-515.1 and 54.1-516.2, relating to the Virginia Board for Asbestos, Lead, and Home Inspectors; asbestos contractors; notice to asbestos workers.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-516.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 54.1-515.1 and 54.1-516.2 as follows:

§ 54.1-515.1. *Employer to provide written notice; model notice.*

A. An employer shall provide each licensed asbestos worker who will be dispatched to a location to perform the removal or encapsulation of asbestos with a written notice containing the following information: (i) a statement that the worker has the right to work in a safe environment, (ii) a summary of basic safety rules for handling asbestos, and (iii) information on how to file a complaint with the Board, including pertinent telephone contact numbers. Each notice shall be signed and dated by the worker upon receipt, and the employer shall retain a copy of all notices distributed.

B. The Board shall develop a model notice in English and Spanish that may be used by employers to comply with the requirements of this section.

§ 54.1-516.1. *Summary suspension of licenses or approvals; allegations to be in writing.*

The Board may suspend the license or the approval of any (i) accredited training program, (ii) asbestos contractor, (iii) training manager, or ~~(iii)~~ (iv) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, asbestos contractor, training manager, or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § 54.1-307.1.

§ 54.1-516.2. *Asbestos contractor; substantial identity of interest; grounds for disciplinary action.*

A. The Board may suspend, revoke, or deny renewal of an existing license, or refuse to issue a license or certificate, to any asbestos contractor who is shown to have a substantial identity of interest with an asbestos contractor whose license has been revoked or not renewed by the Board. A substantial identity of interest includes (i) a controlling financial interest by the individual or corporate principals of the asbestos contractor whose license has been revoked or not renewed or (ii) substantially identical principals or officers.

B. Any person whose asbestos contractor's license is suspended or revoked by the Board shall not be eligible for an asbestos license under any circumstances or under any name, except as provided by regulations of the Board.