

16103922D

HOUSE BILL NO. 964

Offered January 13, 2016

Prefiled January 12, 2016

A *BILL to amend and reenact § 54.1-1101 of the Code of Virginia, relating to the Board for Contractors; exemptions from licensure.*

Patron—Davis

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-1101 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.**

A. The provisions of this chapter shall not apply to:

1. Any governmental agency performing work with its own forces;

2. Work bid upon or undertaken for the armed services of the United States under the Armed Services Procurement Act;

3. Work bid upon or undertaken for the United States government on land under the exclusive jurisdiction of the federal government either by statute or deed of cession;

4. Work bid upon or undertaken for the Department of Transportation on the construction, reconstruction, repair or improvement of any highway or bridge;

5. Any other persons who may be specifically excluded by other laws but only to such an extent as such laws provide;

6. Any material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;

7. Any person who performs or supervises the construction, removal, repair or improvement of no more than one primary residence owned by him and for his own use during any 24-month period;

8. Any person who performs or supervises the construction, removal, repair or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law and father-in-law;

9. Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use;

10. Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.);

11. Any owner-developer, provided that any third party purchaser is made a third party beneficiary to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation to perform the contract extends to both the owner-developer and the third party; ~~and~~

12. Work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes; *and*

13. *Any person who performs the construction, removal, repair, or improvement of real property retained by a licensed contractor, provided that (i) such person (a) is authorized to transact business in the Commonwealth pursuant to one of the business entity statutes administered by the State Corporation Commission, (b) possesses a valid business license in accordance with Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1, and (c) carries workers' compensation insurance and other required insurance coverage and (ii) the work performed by such person is under the direct supervision and control of the retaining licensed contractor.*

All other contractors performing work for any government or for any governmental agency are subject to the provisions of this chapter and are required to be licensed as provided herein.

B. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 10, 11, or 12 of subsection A shall obtain a certificate of occupancy for any building constructed, repaired or improved by him prior to conveying such property to a third party purchaser, unless such purchaser has acknowledged in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the property without a certificate of occupancy.

C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9, 10, 11, or 12 of subsection A shall comply with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

D. Any person who violates the provisions of subsections B or C shall be guilty of a Class 1

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59 misdemeanor. The third or any subsequent conviction of violating subsections B or C during a 36-month
60 period shall constitute a Class 6 felony.