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## HOUSE BILL NO. 928

Offered January 26, 1998

*A BILL to amend and reenact §§ 54.1-1100, 54.1-1101 and 54.1-1108.2 of the Code of Virginia, relating to the Board for Contractors.*

\_\_\_\_\_  
Patron—Nixon

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Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-1100, 54.1-1101 and 54.1-1108.2 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 or more, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any twelve-month period is \$500,000 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, or (ii) the total value of all such construction, removal, repair or improvements undertaken by such person within any twelve-month period is \$150,000 or more, but less than \$500,000.

"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 ~~no more~~ less than \$7,500, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any twelve-month period is ~~no more~~ 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 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.

"Owner-developer" means any person who performs or supervises the construction, removal, repair or improvements of any building or structure permanently annexed to real property owned, controlled or leased by him or any other improvements to such property when either (i) the total value of all such improvements to or upon any single parcel of land is \$70,000 or more or (ii) the total value of all such improvements to or upon all real property undertaken by him within any twelve-month period is \$500,000 or more, but shall not include a person who performs or supervises the construction, removal, repair or improvement of (i) not more than one building upon his own real property and for his own use during any twenty-four-month period; (ii) 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 at least twenty-four months; (iii) industrial or manufacturing facilities for his own use; or (iv) any person who contracts with a duly licensed Class A contractor classified as a building contractor to perform such construction, removal, repair or improvements.

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.

"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.

§ 54.1-1101. Exemptions.

The provisions of this chapter shall not apply to:

INTRODUCED

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- 60 1. Any governmental agency performing work with its own forces;  
61 2. Work bid upon or undertaken for the armed services of the United States under the Armed  
62 Services Procurement Act;  
63 3. Work bid upon or undertaken for the United States government on land under the exclusive  
64 jurisdiction of the federal government either by statute or deed of cession;  
65 4. Work bid upon or undertaken for the Department of Transportation on the construction,  
66 reconstruction, repair or improvement of any highway or bridge;  
67 5. Any other persons who may be specifically excluded by other laws but only to such an extent as  
68 such laws provide; ~~and~~  
69 6. Any material supplier who renders advice concerning use of products sold and who does not  
70 provide construction or installation services;;  
71 7. *Any person who performs or supervises the construction, removal, repair or improvement of not*  
72 *more than one building upon his own real property and for his own use during any twenty-four-month*  
73 *period;*  
74 8. *Any person who performs or supervises the construction, removal, repair or improvement of a*  
75 *house upon his own real property as a bona fide gift to a member of his immediate family provided*  
76 *such member lives in the house for at least twenty-four months. For purposes of this section, "immediate*  
77 *family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent,*  
78 *mother-in-law and father-in-law; and*  
79 9. *Any person who performs or supervises the construction, removal, repair or improvement of*  
80 *industrial or manufacturing facilities for his own use.*  
81 All other contractors performing work for any government or for any governmental agency are  
82 subject to the provisions of this chapter and are required to be licensed as provided herein.  
83 § 54.1-1108.2. Application for Class C license; fees; issuance.  
84 A. Any person desiring to be licensed as a Class C contractor shall file with the Department a  
85 written application on a form prescribed by the Board. The application shall be accompanied by a fee  
86 set by the Board pursuant to § 54.1-201. The application shall contain information concerning the name,  
87 location, nature, and operation of the business, as well as information demonstrating that the applicant  
88 possesses the character and minimum skills to properly engage in the occupation of contracting, and an  
89 affidavit stating that the information on the application is correct.  
90 B. The Board may grant a Class C license in any of the following classifications: (i) building  
91 contractor, (ii) highway/heavy contractor, ~~and~~ (iii) *electrical contractor*, (iv) *plumbing contractor*, (v)  
92 *HVAC contractor*, and (vi) specialty contractor.