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SENATE BILL NO. 1375

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 2, 2011)

(Patron Prior to Substitute—Senator Wagner)

A *BILL to amend and reenact § 54.1-1102 of the Code of Virginia and 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 analysts.*

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-1102 of the Code of Virginia is amended and reenacted and 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:

§ 54.1-1102. Board for Contractors membership; offices; meetings; seal; record.

A. The Board for Contractors shall be composed of ~~15~~ 16 members as follows: one member shall be a licensed Class A general contractor; the larger part of the business of one member shall be the construction of utilities; the larger part of the business of one member shall be the construction of commercial and industrial buildings; the larger part of the business of one member shall be the construction of single-family residences; the larger part of the business of one member shall be the construction of home improvements; one member shall be a subcontractor as generally regarded in the construction industry; one member shall be in the business of sales of construction materials and supplies; one member shall be a local building official; one member shall be a licensed plumbing contractor; one member shall be a licensed electrical contractor; one member shall be a licensed heating, ventilation and air conditioning contractor; one member shall be a certified elevator mechanic or a licensed elevator contractor; one member shall be a certified water well systems provider; *one member shall be a licensed residential building analyst*; and two members shall be citizen members. The terms of the Board members shall be four years.

The Board shall meet at least four times each year, once in January, April, July and October, and at such other times as may be deemed necessary. Annually, the Board shall elect from its membership a chairman and a vice-chairman to serve for a one-year term. ~~Eight~~ Nine members of the Board shall constitute a quorum.

The Board shall promulgate regulations not inconsistent with statute necessary for the licensure of contractors and tradesmen and the certification of backflow prevention device workers, and for the relicensure of contractors and tradesmen and for the recertification of backflow prevention device workers, after license or certificate suspension or revocation. The Board shall include in its regulations a requirement that as a condition for initial licensure as a contractor, the designated employee or a member of the responsible management personnel of the contractor shall have successfully completed a Board-approved basic business course, which shall not exceed eight hours of classroom instruction.

The Board may adopt regulations requiring all Class A, B, and C residential contractors, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to use legible written contracts including the following terms and conditions:

1. General description of the work to be performed;
2. Fixed price or an estimate of the total cost of the work, the amounts and schedule of progress payments, a listing of specific materials requested by the consumer and the amount of down payment;
3. Estimates of time of commencement and completion of the work; and
4. Contractor's name, address, office telephone number and license or certification number and class.

In transactions involving door-to-door solicitations, the Board may require that a statement of protections be provided by the contractor to the homeowner, consumer or buyer, as the case may be.

The Board shall adopt a seal with the words "Board for Contractors, Commonwealth of Virginia."

The Director shall have charge, care and custody of the seal.

B. The Director shall maintain a record of the proceedings of the Board.

Article 5.

Residential Building Analysts.

§ 54.1-1144. *Definitions.*

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

"Accredited residential building 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 analysis report, and provide recommendations for improvements with return on investment or third-party

60 verification for nationally accredited energy efficiency programs.

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

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

70 § 54.1-1145. License required.

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

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

75 1. Completed an accredited residential building analyst training program;

76 2. Completed at least five residential building analyses under the supervision of a licensed residential
77 building analyst;

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

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

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

84 C. Individuals applying for a license as a residential building analyst between July 1, 2011, and July
85 1, 2012, who submit satisfactory evidence to the Board of having been actively and continuously
86 engaged in residential building analysis for the immediately preceding three years shall be licensed by
87 the Board, unless an applicant is found by the Board to have engaged in any act that would constitute
88 grounds for disciplinary action.

89 § 54.1-1146. Additional powers of the Board.

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

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

97 **3. That the residential building analyst appointed to the Board for Contractors pursuant to**
98 **§ 54.1-1102 of this act shall have practiced as a residential building analyst for at least three**
99 **consecutive years immediately prior to appointment.**