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**HOUSE BILL NO. 1558**

Offered January 11, 2023

Prefiled January 6, 2023

A *BILL to amend and reenact § 54.1-2347 of the Code of Virginia, relating to common interest communities; residents providing certain services presumed to be independent contractors.*

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 Patron—Watts
 

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 Referred to Committee on General Laws
 

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**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-2347 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2347. Exceptions and exemptions generally.**

A. The provisions of this article shall not be construed to prevent or prohibit:

1. An employee of a duly licensed common interest community manager from providing management services within the scope of the employee's employment by the duly licensed common interest community manager;

2. An employee of an association from providing management services for that association's common interest community;

3. A resident of a common interest community acting without compensation from providing management services for that common interest community;

4. A resident of a common interest community from providing bookkeeping, billing, or recordkeeping services for that common interest community for compensation, provided *that such resident shall be presumed to be an independent contractor and that* the blanket fidelity bond or employee dishonesty insurance policy maintained by the association insures the association against losses resulting from theft or dishonesty committed by such person;

5. A member of the governing board of an association acting without compensation from providing management services for that association's common interest community;

6. A person acting as a receiver or trustee in bankruptcy in the performance of his duties as such or any person acting under order of any court from providing management services for a common interest community;

7. A duly licensed attorney-at-law from representing an association or a common interest community manager in any business that constitutes the practice of law;

8. A duly licensed certified public accountant from providing bookkeeping or accounting services to an association or a common interest community manager;

9. A duly licensed real estate broker or agent from selling, leasing, renting, or managing lots within a common interest community; or

10. An association, exchange agent, exchange company, managing agent, or managing entity of a time-share project registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.) from providing management services for such time-share project.

B. A licensee of the Board shall comply with the Board's regulations, notwithstanding the fact that the licensee would be otherwise exempt from licensure under subsection A. Nothing in this subsection shall be construed to require a person to be licensed in accordance with this article if he would be otherwise exempt from such licensure.

*Nothing in this section shall be construed as contradicting the provisions of Chapter 19 (§ 58.1-1900 et seq.) of Title 58.1.*

INTRODUCED

HB1558