

Board for Contractors Policies
effective 3/29/06

Occasionally, the staff at DPOR receives comments and/or questions regarding regulations for which the Department is responsible. Policies are often established by the various Boards in order to clarify the intent of those regulations. These selected policies should provide code administrators a better understanding of how the Board for Contractors interprets and applies its regulations. The policy dates are listed in parenthesis. The italicized portions are not part of the Board's policy.

§ 54.1-1100 Definitions

Contractor – A licensed contractor can bid on a contract which contains work outside his license classification(s) as long as he subcontracts those items for which he is not qualified to licensed contractors with the appropriate license classifications and the work of the second party is incidental to the contract. (4/91) *Consider the construction of a single-family dwelling. A BLD contractor can bid on the entire job but must subcontract the electrical, plumbing and hvac to properly licensed firms. The building can be constructed without any or all of those systems, making them incidental to the project.*

§ 54.1-1101 Exemptions

Franchise operations of multi-state corporations need to be individually licensed if the local firm makes the contract and receives the profits. (7/93)

“For own use” means that the person building or supervising the construction of a residential building must live in the residential building, and the person building or supervising the construction of a commercial building must operate their business in that building to be exempted, unless they can be exempted based on the familial relationship as outlined in § 54.1-1001.8. The Board stated that there should be no misunderstanding that a person who builds or supervises the building of a residential or commercial building with the intent to sell it must have a contractor's license. (8/00)

18 VAC 50-22-20 Definitions of license classifications.

Building Contractors (BLD) - A contractor holding the Building classification (BLD) may complete paving work which is “incidental” to building (i.e., sidewalks, walkways, and driveways). (10/92)

Highway/Heavy Contractors (H/H) – Highway/Heavy contractors, when in the course of running water/sewer lines from the street (or other service points), may complete the plumbing connection to a residential, commercial, or industrial site. (7/97)

18 V AC 50-22-30. Definitions of specialty services.

Billboard/Sign Contracting (BSC) - Contractors who erect billboards for their own use on another's property are exempt from licensing requirements. (4/98) Note: This was based on Lamar Signs' contention that they lease land and erect billboards on the leased land, "for their own use," and should thus be exempt from having to hold a license.

Equipment/Machinery Contracting (EMC) - Contractors who perform work on boilers that come under the authority and certification of the Department of Labor and Industry (DOLI), will be issued licenses with the EMC specialty. These boilers are specifically exempted from the regular building code, but are installed, certified and inspected under the authority of DOLI. Residential and small commercial boilers will continue to require either the PLB or HVA classifications. (1/03)

Home Improvement Contracting (HIC)

- Any additional construction requires the BLD classification and existing construction is covered by the HIC specialty. (3/00)
- HIC contractors may pour footings for decks only and foundations for small out buildings. (7/05)
- HIC contractors are not permitted to do framing work that is outside the footprint (horizontal and vertical) and boundaries of the original structure. They may not add roofing to decks, patios, or other portions of a structure that does not already have an existing roof. (7/05)
- Utility out building is defined as a building less than 150 square feet. (7/05)

Landscape Service Contracting (LSC) - A contractor's license is not required when the activity undertaken involves the placement of plant material consisting of trees, shrubs and flowers. If the activity includes changing the grade (topography) of the land, a license would then be required. (10/90)

Modular/Manufactured Building Contracting (MBC) - The cost of the mobile home must be included in the contract when determining what Class of license is required by the contractor, unless the contractor separately delineates the cost of the mobile home and the cost of the installation, in which case the Class of license of the contractor can be based solely on the cost of installation. (1 99)

General Policies

A licensed plumber is authorized to pull wire necessary to install a water well/pump but cannot make the connection to the electrical panel under the exemption in the definition of "Water Well/Pump Contracting". (8/00)

Framing contractors must hold the BLD classification. (1/05)

Contractors who install emergency generators must hold a license with the Electrical Contractor (ELE) license classification. (3/05)

The business name of a licensed contractor cannot reflect work that the contractor is not qualified to perform. (9/05)

A Home Improvement Contracting (HIC) specialty license is needed to install an unvented gas prefabricated fireplace. An HV AC contracting or tradesman license is needed to install or modify a venting system. A contractor licensed to perform masonry work is authorized to install brick, concrete, block, stone, marble, slate or other types of masonry chimneys. (3/06)

Building Code Complaints - All building code violations must be exhausted through the building official's office prior to being sent to the Board. (4/97)

Warranty Period Complaints - A complaint concerning warranty items will not be investigated during the warranty period. If, after the warranty period has expired, the consumer has gotten no satisfaction from the contractor, then a "misconduct" complaint will be filed.

Definitions

"Own Use" - The person building or supervising the building of a residential construction project must live in the residential building, and the person building or supervising the building of a commercial construction project must operate his business in that building. (10-00) *This phrase is used in § 54.1-1101 exemptions 7 and 9.*

"Practical Experience in a Trade" - Activity regulated by the USBC and applicable referenced model code. (3/05) *This phrase is used in 18 VAC 50-30-40.*

"Routine Maintenance" - Work which does not require a city or county permit. (4/98) *This phrase is used in 18 VAC 50-22-206 B.8.*