

2025 SESSION

INTRODUCED

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HOUSE BILL NO. 1857

Offered January 13, 2025

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A BILL to amend and reenact §§ 54.1-500.1, 54.1-1500.1, 54.1-2012, 54.1-2301, and 54.1-2313 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; boards; appointment requirements; years of experience.

Patron—Arnold

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-500.1, 54.1-1500.1, 54.1-2012, 54.1-2301, and 54.1-2313 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 12 members as follows: (i) one shall be a representative of a Virginia-licensed asbestos contractor, (ii) one shall be a representative of a Virginia-licensed lead contractor, (iii) one shall be either a Virginia-licensed asbestos inspector or project monitor, (iv) one shall be a Virginia-licensed lead risk assessor, (v) one shall be a representative of a Virginia-licensed asbestos analytical laboratory, (vi) one shall be a representative of an asbestos or lead training program, (vii) one shall be a member of the Board for Contractors, (viii) three shall be Virginia-licensed home inspectors, and (ix) two shall be citizen members. After the initial staggering of terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The home inspector members appointed to the Board shall have practiced as a home inspector for at least *five three* consecutive years immediately prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. Seven members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

§ 54.1-1500.1. Board for Hearing Aid Specialists and Opticians; qualifications and terms of members; officers.

A. The Board for Hearing Aid Specialists and Opticians shall consist of 15 members, as follows: four licensed hearing aid specialists, of which at least one shall be licensed as an audiologist by the Board of Audiology and Speech-Language Pathology, six licensed opticians, one otolaryngologist, one ophthalmologist, and three citizen members.

B. One of the citizen members shall be a hearing aid user or a person who has a family member who is or has been a hearing aid user. Each hearing aid specialist and the otolaryngologist shall have at least *five three* years of experience in their respective fields immediately prior to appointment. Each of the opticians shall have at least *five three* years of experience prior to appointment and the ophthalmologist shall have practiced ophthalmology for at least *five three* years prior to appointment.

C. The terms of Board members shall be four years.

D. The Board shall elect a chairman and vice-chairman from its membership.

§ 54.1-2012. Real Estate Appraiser Board; membership; chairman; meetings; seal.

A. The Real Estate Appraiser Board shall be composed of 10 members as follows: (i) six members shall be licensed as real estate appraisers, provided that, at all times, at least two of the appraiser members on the Board shall be certified general real estate appraisers and one shall be a certified residential real estate appraiser, and provided further, that all six appraiser members have been licensed for a period of at least *five three* years prior to their appointment; (ii) one member shall be an officer or employee familiar with mortgage lending of a financial institution as defined in § 6.2-100 or an affiliate or subsidiary thereof; (iii) one member shall be an officer or employee of an appraisal management company; and (iv) two members shall be citizen members. The terms of Board members shall be four years.

The appointment of appraiser members may be made from lists of at least three names each, submitted by Virginia affiliates of professional appraisal organizations that are members of the Appraisal Foundation. The appointment of the bank or savings institution member may be made from lists of at least three names each, submitted by the Virginia Bankers Association and the Virginia Association of Community Banks. The appointment of the appraisal management company member may be made from lists of at least three names each, submitted by the Virginia Bankers Association. Nominations for appointments to regular terms shall be

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59 submitted to the Governor on or before June 1 of each year. The Governor may notify the above
60 organizations of any vacancy other than by expiration and like nominations may be made for the filling of the
61 vacancy. In no case shall the Governor be bound to make any appointment from among the nominees.

62 Notwithstanding § 54.1-200, all members of the Board, including the citizen members, shall be eligible to
63 participate in all matters, including decisions regarding the examination of applicants for licensure and
64 decisions regarding the professional competence of licensees.

65 The Board shall elect a chairman and a vice-chairman from its membership, provided that the chairman
66 shall be an appraiser member.

67 The Board shall meet at least once each year, and additional meetings may be called by the chairman or, if
68 the chairman is incapacitated, by the vice-chairman, as deemed necessary.

69 The Board shall adopt a seal by which it shall authenticate its proceedings.

70 B. As soon as practicable, the Board shall determine the anticipated availability of licensed and certified
71 appraisers to perform appraisals in Virginia. If, at any time, the Board determines that there is, or will be, a
72 scarcity of certified general real estate appraisers, certified residential real estate appraisers, or licensed
73 residential real estate appraisers to perform appraisals in connection with federally related transactions in any
74 part of Virginia that leads, or will lead, to significant delays in the performance of such appraisals, the Board,
75 subject to federal approval, shall extend the effective date of the licensing requirements of this chapter to the
76 extent permitted under any temporary waiver granted under the Financial Institutions Reform, Recovery and
77 Enforcement Act of 1989, as amended (12 U.S.C. § 3301 et seq.).

78 **§ 54.1-2301. Board for Waterworks and Wastewater Works Operators and Onsite Sewage System
79 Professionals; membership; terms; duties.**

80 A. The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
81 shall consist of 11 members as follows: the Director of the Office of Water Programs of the State Department
82 of Health, or his designee, the Executive Director of the State Water Control Board, or his designee, a
83 currently employed waterworks operator having a valid license of the highest classification issued by the
84 Board, a currently employed wastewater works operator having a valid license of the highest classification
85 issued by the Board, a local or regional representative of the Department of Health, a representative of an
86 owner of a waterworks, a representative of an owner of a wastewater works, a licensed alternative onsite
87 sewage system operator, a licensed alternative onsite sewage system installer, a licensed onsite soil evaluator,
88 and one nonlegislative citizen member. The alternative onsite sewage system operator, alternative onsite
89 sewage system installer, and onsite soil evaluator shall have practiced for at least ~~five~~ three consecutive years
90 immediately prior to appointment. No owner shall be represented on the Board by more than one
91 representative or employee operator. The term of Board members shall be four years.

92 B. 1. The Board shall examine waterworks and wastewater works operators and issue licenses. The
93 licenses may be issued in specific operator classifications to attest to the competency of an operator to
94 supervise and operate waterworks and wastewater works while protecting the public health, welfare, and
95 property and conserving and protecting the water resources of the Commonwealth.

96 2. The Board shall, upon application by an individual, and without examination pursuant to subdivision 1,
97 recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure in the
98 Commonwealth if the following conditions are met:

99 a. The individual holds a current and valid professional or occupational license or government
100 certification in another state in a profession or occupation with a similar scope of practice, as determined by
101 the Board;

102 b. The individual has held the professional or occupational license or government certification in the other
103 state for at least three years;

104 c. The other state or state of original licensure required the individual to pass an examination and to meet
105 certain standards related to education, training, or experience;

106 d. There are no pending investigations or unresolved complaints against the individual, and the other state
107 holds the individual in good standing;

108 e. The individual does not have a disqualifying criminal record as determined by the Board in accordance
109 with § 54.1-204;

110 f. No other state has imposed discipline on the licensee, except for discipline involving only a financial
111 penalty and no harm to the health or economic well-being of the public; and

112 g. The individual pays all applicable fees.

113 3. For the purposes of this subsection, "other state" or "another state" means any state, territory,
114 possession, or jurisdiction of the United States.

115 C. The Board shall establish a program for licensing individuals as onsite soil evaluators, onsite sewage
116 system installers, and onsite sewage system operators.

117 D. The Board, in consultation with the Board of Health, shall adopt regulations for the licensure of (i)
118 onsite soil evaluators; (ii) installers of alternative onsite sewage systems, as defined in § 32.1-163; and (iii)
119 operators of alternative onsite sewage systems, as defined in § 32.1-163. Such regulations shall include

120 requirements for (a) minimum education and training, including approved training courses; (b) relevant work
 121 experience; (c) demonstrated knowledge and skill; (d) application fees to cover the costs of the program,
 122 renewal fees, and schedules; (e) the division of onsite soil evaluators into classes, one of which shall be
 123 restricted to the design of conventional onsite sewage systems; and (f) other criteria the Board deems
 124 necessary.

125 E. The Board shall permit any wastewater works operator to sit for the conventional onsite sewage system
 126 operator examination.

127 **§ 54.1-2313. Cemetery Board; appointment; terms; vacancies; meetings; quorum; other powers;
 128 regulations.**

129 A. The Cemetery Board shall consist of seven members to be appointed by the Governor as follows: four
 130 cemetery operators who have operated a cemetery in the Commonwealth for at least ~~five~~ *three* consecutive
 131 years immediately prior to appointment, no more than two of whom shall be affiliated with a cemetery
 132 company incorporated in the Commonwealth which is owned, operated or affiliated, directly or indirectly,
 133 with a foreign corporation; one representative of local government, and two citizen members. Appointments
 134 to the Board shall generally represent the geographical areas of the Commonwealth.

135 B. All appointments shall be for terms of four years, except that appointment to fill vacancies shall be for
 136 the unexpired terms. No person shall be eligible to serve for more than two successive four-year terms.

137 C. The Board shall annually elect a chairman and a vice-chairman from among its members. The Board
 138 shall meet at least once each year and may meet as often as its duties require. Four members shall constitute a
 139 quorum.

140 D. In addition to the general powers and duties conferred in this subtitle, the Board shall have the power
 141 and duty to (i) regulate preneed burial contracts and perpetual care trust fund accounts as prescribed by this
 142 chapter, including, but not limited to, the authority to prescribe preneed contract forms, disclosure
 143 requirements and disclosure forms and to require reasonable bonds to insure performance of preneed
 144 contracts, (ii) regulate and register sales personnel employed by a cemetery company, and (iii) regulate and
 145 establish qualifications and standards of conduct for compliance agents employed by a cemetery company to
 146 assure compliance of the cemetery with the provisions of this chapter.

147 E. In addition to such other regulations the Board deems appropriate, the Board shall adopt regulations
 148 which provide:

149 1. A method for executing, at-need, a preneed burial contract, including the petitioning a court of
 150 competent jurisdiction for the appointment of a receiver, where a licensee who is a party to such preneed
 151 burial contract has had his license to operate a cemetery revoked or suspended for violation of this chapter or
 152 Board regulations; and

153 2. Consumer protections which are consistent with those provisions of the Federal Trade Commission
 154 Funeral Rules which the Board finds may be appropriately applied to cemetery companies.