

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 59

BY SENATOR BEACH

[Introduced January 8, 2020; referred
to the Committee on Government Organization; and then
to the Committee on the Judiciary]

1 A BILL to amend and reenact §21-11-10 of the Code of West Virginia, 1931, as amended, relating
2 to requiring persons building residential structures to inform the county board of education
3 of the number of units to be constructed and the estimated number of occupants of those
4 structures; and requiring this information be provided before a building permit may be
5 issued.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. WEST VIRGINIA CONTRACTOR LICENSING ACT.

§21-11-10. Prerequisites to obtaining building permit; mandatory written contracts.

1 (a) Any person making application to the building inspector or other authority of any
2 incorporated municipality or other political subdivision in this state charged with the duty of issuing
3 building or other permits for the construction of any building, highway, sewer or structure or for
4 any removal of materials or earth, grading or improvement, shall, before issuance of the permit,
5 either furnish satisfactory proof to the inspector or authority that such person is duly licensed
6 under the provisions of this article to carry out or superintend the same, or file a written affidavit
7 that such person is not subject to licensure as a contractor or subcontractor as defined in this
8 article. The inspector or authority may not issue a building permit to any person who does not
9 possess a valid contractor's license when required by this article.

10 (b) Effective October 1, 2002, no person licensed under the provisions of this article may
11 perform contracting work of an aggregate value of \$10,000 or more, including materials and labor,
12 without a written contract, setting forth a description and cost of the work to be performed, signed
13 by the licensee and the person for whom the work is to be performed.

14 (c) Effective July 1, 2020, no person licensed under the provisions of this article may
15 perform contracting work that results in the building of homes, apartment buildings,
16 condominiums, co-ops, town houses or other structure meant for residential living without first
17 notifying the county board of education of the number of residential units to be built and the
18 estimated number of occupants of those units. Verification that this information had been provided

19 to the county board of education is required before the building inspector, or other authority of any
20 incorporated municipality or other political subdivision in this state charged with the duty of issuing
21 building or other permits for the construction, may issue a building permit for the residential
22 structures.

23 ~~(e)~~ (d) On or before June 1, 2002, the board shall file a procedural rule setting forth a
24 standard contract form which meets the minimum requirements of this subsection for use by
25 licensees. The board shall post the contract form on its website and shall assist licensees in the
26 correct completion of the form. On or before August 1, 2002, the board shall mail a written notice
27 of the requirements imposed by the rule to each licensed contractor at the address provided to
28 the board by the contractor on his or her last application for licensure or renewal.

NOTE: The purpose of this bill is to require persons building residential structures to inform the county board of education of the number of units to be constructed and the estimated number of occupants of those structures. The bill requires this information be provided before a building permit may be issued.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.