

JANUARY 10, 2024 WEST VIRGINIA

LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4377

By Delegate Mallow

[Introduced January 10, 2024; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §30-42-10 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring a written contract between a licensed contractor and owner or lessee of
 3 residential property and information to be contained in the written contract.

Be it enacted by the Legislature of West Virginia:

ARTICLE 42. WEST VIRGINIA CONTRACTOR LICENSING ACT.

§30-42-10. 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 the person is duly licensed under
 6 the provisions of this article to carry out or superintend the construction, or file a written affidavit
 7 that the person is not subject to licensure as a contractor or subcontractor as defined in this article.
 8 The inspector or authority may not issue a building permit to any person who does not possess a
 9 valid contractor’s license when required by this article.

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

14 (c) Notwithstanding any provision of this article to the contrary, no person licensed under
 15 the provisions of this article may perform contracting work for an owner or lessee of residential
 16 property, regardless of the aggregate value, without a written contract, setting forth a description
 17 and cost of the work to be performed, signed by the licensee and the person for whom the work is
 18 to be performed. The contract shall contain the name of the license holder, address and telephone
 19 number, or other contact information, together with the license date of issue and expiration, and
 20 whether the contractor is bonded. If requested by the owner or lessee of the residential property,

21 the contractor shall furnish names of previous persons for whom the contractor has performed
22 similar work.

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

NOTE: The purpose of this bill is to require a written contract between a licensed contractor and owner or lessee of residential property and information to be contained in the written contract.

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