

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4508**

BY DELEGATE LOVE

[Introduced February 12, 2018; Referred  
to the Committee on Industry and Labor then 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 contractors to provide for the safety of the public during construction projects.

*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~~

6 (1) Either furnish satisfactory proof to the inspector or authority that such person is duly  
7 licensed under the provisions of this article to carry out or superintend the same, or file a written  
8 affidavit that such person is not subject to licensure as a contractor or subcontractor as defined  
9 in this article; and

10 (2) Provide written documentation acceptable to the issuing authority that provides for the  
11 safety of the public during the construction.

12 The inspector or authority may not issue a building permit to any person who does not  
13 possess a valid contractor's license when required by this article or who has not provided the  
14 documentation necessary for the public's safety.

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

19 (c) On or before June 1, 2002, the board shall file a procedural rule setting forth a standard  
20 contract form which meets the minimum requirements of this subsection for use by licensees. The  
21 board shall post the contract form on its website and shall assist licensees in the correct

22 completion of the form. On or before August 1, 2002, the board shall mail a written notice of the  
23 requirements imposed by the rule to each licensed contractor at the address provided to the board  
24 by the contractor on his or her last application for licensure or renewal.

NOTE: The purpose of this bill is to require contractors to provide for the safety of the public during construction projects.

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