

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4487**

BY DELEGATES MALLOW, MANDT, HAYNES, REED,  
FORSHT, CONLEY, HONAKER, MILLER, BARNHART, AND

NESTOR

[Introduced February 1, 2022; 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  
11 of 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  
18 is to be performed. The contract shall contain the name of the license holder, address and  
19 telephone number, or other contact information, together with the license date of issue and  
20 expiration, and whether the contractor is bonded. If requested by the owner or lessee of the

21 residential property, the contractor shall furnish names of previous persons for whom the  
22 contractor has performed 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  
25 the contract form on its website and shall assist licensees in the correct completion of the form.  
26 The 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.