

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 871

By Senator Rucker

[Introduced March 21, 2025; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §30-42-3 of the Code of West Virginia, 1931, as amended, relating to
 2 professions and occupations; and providing that the definition of "contractor" in the
 3 Contractor Licensing Act does not include persons who perform drywall services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 42. WEST VIRGINIA CONTRACTOR LICENSING ACT.

§30-42-3. Definitions.

1 (a) "Basic universal design" means the design of products and environments to be useable
 2 by all people, to the greatest extent possible, without the need for adaptation or specialization.

3 (b) "Board" means the West Virginia Contractor Licensing Board.

4 (c) "Cease and desist order" means an order issued by the board pursuant to the
 5 provisions of this article.

6 (d) "Contractor" means a person who in any capacity for compensation, other than as an
 7 employee of another, undertakes, offers to undertake, purports to have the capacity to undertake,
 8 or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck, or
 9 demolish any building, highway, road, railroad, structure, or excavation associated with a project,
 10 development, or improvement, or to do any part thereof, including the erection of scaffolding or
 11 other structures or works in connection therewith, where the cost of the undertaking is \$5,000 or
 12 more for residential work or \$25,000 or more for commercial work.

13 Contractor includes a construction manager who performs management and counseling
 14 services for a construction project for a professional fee.

15 Contractor does not include:

16 (1) One who merely furnishes materials or supplies without fabricating or consuming them
 17 in the construction project;

18 (2) A person who personally performs construction work on the site of real property which
 19 the person owns or leases whether for commercial or residential purposes;

20 (3) A person who is licensed or registered as a professional and who functions under the

21 control of any other licensing or regulatory board, whose primary business is real estate sales,
22 appraisal, development, management, and maintenance, who acting in his or her respective
23 professional capacity and any employee of the professional, acting in the course of his or her
24 employment, performs any work which may be considered to be performing contracting work;

25 (4) A pest control operator licensed under the provisions of §19-16A-7 of this code to
26 engage in the application of pesticides for hire, unless the operator also performs structural repairs
27 exceeding \$1,000 on property treated for insect pests;

28 (5) A corporation, partnership, or sole proprietorship whose primary purpose is to prepare
29 construction plans and specifications used by the contractors defined in this subsection and who
30 employs full-time a registered architect licensed to practice in this state or a registered
31 professional engineer licensed to practice in this state. Employees of the corporation, partnership
32 or sole proprietorship shall also be exempt from the requirements of this article; or

33 (6) A person who performs landscaping, drywall installation and related services, or
34 painting services for commercial or residential customers.

35 ~~(e)~~ "Electrical contractor" means a person who engages in the business of contracting to
36 install, erect, repair, or alter electrical equipment for the generation, transmission, or utilization of
37 electrical energy.

38 ~~(f)~~ "General building contractor" means a person whose principal business is in connection
39 with any structures built, being built, or to be built for the support, shelter, and enclosure of
40 persons, animals, chattels, or movable property of any kind, requiring in the construction the use of
41 more than two contractor classifications, or a person who supervises the whole, or any part, of the
42 construction.

43 ~~(g)~~ "General engineering contractor" means a person whose principal business is in
44 connection with public or private works projects, including, but not limited to, one or more of the
45 following: Irrigation, drainage, and water supply projects; electrical generation projects; swimming
46 pools; flood control; harbors; railroads; highways; tunnels; airports and airways; sewers and

47 sewage disposal systems; bridges; inland waterways; pipelines for transmission of petroleum and
48 other liquid or gaseous substances; refineries; chemical plants and other industrial plants
49 requiring a specialized engineering knowledge and skill; piers and foundations; and structures or
50 work incidental thereto.

51 (h) "Heating, ventilating and cooling contractor" means a person who engages in the
52 business of contracting to install, erect, repair, service, or alter heating, ventilating and air
53 conditioning equipment or systems to heat, cool, or ventilate residential and commercial
54 structures.

55 (i) "License" means a license to engage in business in this state as a contractor in one of
56 the classifications set out in this article.

57 (j) "Multifamily contractor" means a person who is engaged in construction, repair, or
58 improvement of a multifamily residential structure.

59 (k) "Person" includes an individual, firm, sole proprietorship, partnership, corporation,
60 association, or other entity engaged in the undertaking of construction projects or any combination
61 thereof.

62 (l) "Piping contractor" means a person whose principal business is the installation of
63 process, power plant, air, oil, gasoline, chemical, or other kinds of piping; and boilers and pressure
64 vessels using joining methods of thread, weld, solvent weld, or mechanical methods.

65 (m) "Plumbing contractor" means a person whose principal business is the installation,
66 maintenance, extension, and alteration of piping, plumbing fixtures, plumbing appliances and
67 plumbing appurtenances, venting systems and public or private water supply systems within or
68 adjacent to any building or structure; included in this definition is installation of gas piping, chilled
69 water piping in connection with refrigeration processes and comfort cooling, hot water piping in
70 connection with building heating and piping for stand pipes.

71 (n) "Residential contractor" means a person whose principal business is in connection with
72 construction, repair, or improvement of real property used as, or intended to be used for,

73 residential occupancy.

74 ~~(e)~~ "Specialty contractor" means a person who engages in specialty contracting services
75 which do not substantially fall within the scope of any contractor classification as set out herein.

76 ~~(p)~~ "Residential occupancy" means occupancy of a structure for residential purposes for
77 periods greater than 30 consecutive calendar days.

78 ~~(q)~~ "Residential structure" means a building or structure used or intended to be used for
79 residential occupancy, together with related facilities appurtenant to the premises as an adjunct of
80 residential occupancy, which contains not more than three distinct floors which are above grade in
81 any structural unit regardless of whether the building or structure is designed and constructed for
82 one or more living units. Dormitories, hotels, motels, or other transient lodging units are not
83 residential structures.

84 ~~(r)~~ "Subcontractor" means a person who performs a portion of a project undertaken by a
85 principal or general contractor or another subcontractor.

NOTE: The purpose of this bill is to provide that the definition of "contractor" in the Contractor Licensing Act does not include persons who perform drywall services.

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