

State Licensing Board for General Contractors

**Transmittal Sheet for
Notice of Intended Action**

Control: 230

Department or Agency: **State Licensing Board for General Contractors**

Rule No.: **230-X-1-.36**
Rule Title: **Qualifying Party**
Intended Action: **Amendment**

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

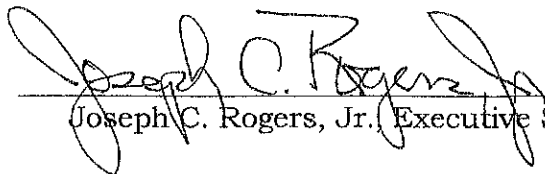
Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer: _____


Joseph C. Rogers, Jr., Executive Secretary

Date: November 16, 2017

State Licensing Board for General Contractors

Notice of Intended Action

Rule No. & Title: 230-X-1-.36
Qualifying Party

Intended Action: Amendment

Substance of Proposed Action:

An owner can be a qualifying party in multiple entities if majority owner.

Time, Place, and Manner of Presenting Views:

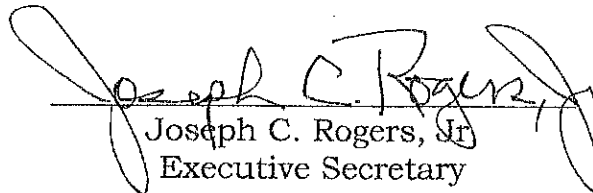
All interested parties may submit data, views, or arguments in writing to Joseph C. Rogers, Jr., Executive Secretary to the Board, 2525 Fairlane Drive, Montgomery, Alabama 36116 or in person between the hours of 8:00 AM or 5:00PM, Monday through Friday until and including January 10, 2018. Persons wishing to submit data, views, or arguments orally should contact the board's office by telephone at (334) 272-5030 during this period to arrange for an appointment.

Contact Person at Agency:

Persons wishing a copy of the proposed amendment may contact Joseph C. Rogers Jr., State Licensing Board for General Contractors, 2525 Fairlane Drive, Montgomery, Alabama 36116.

Final Date for Comment: 5:00PM, January 10, 2018.

Done this 16th Day of November, 2017.


Joseph C. Rogers, Jr.
Executive Secretary

Qualifying Party.1. Ownership Of License.

A license for which a person becomes the qualifying party belongs to the entity of the licensee, as: a corporate license belongs to the corporation, a partnership license belongs to the partnership and an individual license belongs to the individual regardless of the status of the qualifying party of the entity. However, a qualifying party may qualify for multiple entities if he/she is majority owner (50% or more) in each entity.

2. Authorized To Take Examination.

The qualifying party(s) authorized to take the examination are is: any individual contractor, co-partner, or any corporate officer, member, or full-time employee of 90 days with limited written power of attorney. Each qualifying party shall execute an affidavit furnished by the board at the time he registers for the examination stating his association and giving his social security number. If requested, he shall be prepared to show evidence of his eligibility. The qualifying party shall list all prior affiliations with a licensed contractor(s) and shall disclose whether or not any sanctions have been levied against such contractor(s). The qualifying party shall also state his and/or the contractor's involvement in such sanction.

3. Disassociation of a Qualifying Party:

- a. When the qualifying party terminates employment with the licensee, the State Licensing Board for General Contractors must be notified in writing, by the licensee, within 30 days of the disassociation and another party must qualify within 60 days of the disassociation or the licensee will be subject to citation, suspension or revocation of license
- b. Failure to notify the board of the disassociation of a qualifying party constitutes a violation.

Author: Licensing Board for General Contractors

Statutory Authority: Code of Ala. 1975, §§34-8-2, 34-8-3.

History: New Rule: Filed April 28, 2005; effective June 2, 2005.