

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-.42**
Rule Title: **Inactive License**
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

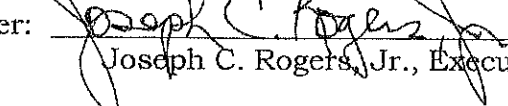
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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-.42

Inactive License
Intended Action: Amendment

Substance of Proposed Action:

Changed number of years to be inactive. Changed financial information to become reactive.

Time, Place, and Manner of Presenting Views:

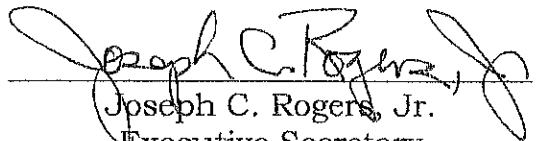
All interested parties may submit data, views, or arguments in writing to Joseph C. Rogers, Jr., Executive Secretary to the Board, 2525 Fairlane Drive, Montgomery, Alabama 36116 or in person between the hours of 8:00 AM or 5:00PM, Monday through Friday until and including January 10, 2018. Persons wishing 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

Inactive License.

1. A Prime General Contractor must notify the Board in writing ~~at least thirty (30) days~~ prior to the expiration of its license that it is transitioning to an Inactive License.
2. A Prime General Contractor may renew its Inactive License annually by its ~~assigned~~ expiration date for renewal for a fee of two hundred dollars (\$200). Failure to renew by the assigned date will require ~~that the applicant reapply to the Board for a new active license, as there will be no extensions to renew the license as active.~~ There is no requirement to file a ~~Confidential Financial Statement~~ current financial information, a copy of liability insurance or any information from the Secretary of State upon timely renewal of, or transition to, an Inactive License.
3. Within ~~four~~ ten (4 10) years from the transition to an Inactive License, a Prime General Contractor may reactivate its license to active status administratively by timely filing with the Board all of the documentation required for the renewal of active licenses and any applicable fees. Reinstatement of an active license after more than ~~four~~ ten (4 10) years from the transition to an Inactive License may requires Board review of the application for reactivation ~~during a regularly scheduled Board meeting.~~
4. The Inactive License allows the licensee to keep its current number; however, a letter or letters before the number shall denote inactive status.
5. The holder of an Inactive License shall not engage in any improvement to the real property of another where the cost of the undertaking is fifty thousand dollars \$50,000 or more.
6. A Prime General Contractor with an Inactive License may bid on private projects; however, ~~a Confidential Financial Statement Booklet~~ current financial information would have to be filed before the bid to establish a bid limit. An active license must be obtained prior to beginning work on the project. An inactive license cannot be used to bid on projects which are subject to Title 39 of the Alabama Code.
7. The Board will provide a transitional period for former licensees that maintained a prime general contractors license until sometime between August 1, 2009 and March 31, 2012 to obtain an Inactive License.

Author: Joseph C. Rogers, Jr., Arden Reed Pathak

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

History: New Rule: Filed July 22, 2011; effective August 26, 2011.

Amended: Filed November 18, 2011; effective December 23, 2011