

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: **New**

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

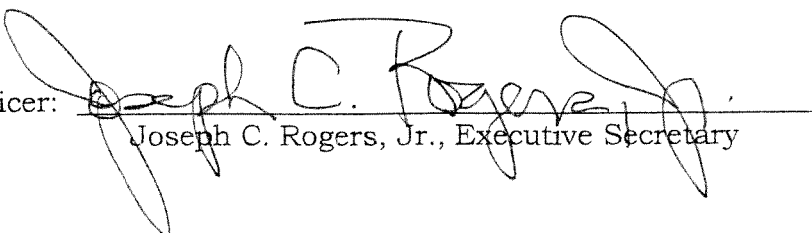
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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: May 20, 2011

State Licensing Board for General Contractors

Notice of Intended Action

Rule No. & Title: 230-X-1-.42,
Inactive license

Intended Action: New

Substance of Proposed Action

Propose guidelines for obtaining and using Inactive License status.

Time, Place, and Manner of Presenting Views:

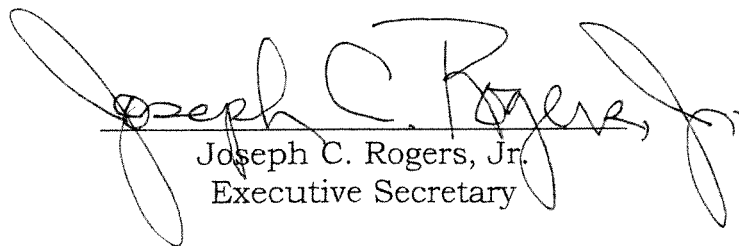
All interested parties may submit data, views, or arguments in writing to Joseph C. Rogers, Jr., Executive Secretary to the Board, 2525 Fairlane Drive, Montgomery, Alabama 36116 or in person between the hours of 8:00AM or 5:00PM, Monday through Friday until and including July 14, 2011. Persons wishing 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, July 14, 2011.

Done this 20th Day of May, 2011.


Joseph C. Rogers, Jr.
Executive Secretary

230-x-1-.42 Inactive License

1. A licensee 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 licensee may renew its Inactive License annually by its assigned 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. There is no requirement to file a Confidential Financial Statement, 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 (4) years from the transition to an Inactive License, a licensee 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. Reinstatement of an active license after more than four (4) years from the transition to an Inactive License 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 licensee with an Inactive License may bid on private projects; however, a Confidential Financial Statement Booklet 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 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: Filed May 20, 2011