STATE OF ALABAMA LICENSING BOARD FOR GENERAL CONTRACTORS ADMINISTRATIVE CODE

CHAPTER 230-X-1 OPERATIONS OF THE BOARD

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230-X-1-.01 Renewal Procedures.

(1) The license to engage in the business of general contracting in the State of Alabama expires during the month designated as each licensee's renewal month and shall become invalid on the last day of that month. All renewal applications for prime contractors and subcontractors are due thirty days prior to expiration.

(2) A license may be renewed by completing the board's License Renewal form. All license renewals must be accompanied by the applicant's financial information. Correct submission of the renewal form, financial information along with the required renewal fee to the board's office on or before the last day of the licensee's designated renewal month will renew a general contractor's license for the next year.

(3) The board will grant an extension to Contractors unable to provide the requested financial information by the last day of their designated renewal month. Submission of the license renewal form, together with the payment of the renewal fee, received by the board at least thirty days prior to expiration of the license shall serve to extend the license for ninety days. Applicant receiving the extension must submit the financial information during that ninety-day period. Any applicant failing to do so shall be assessed a $50 late penalty for license renewal after the ninety-day period.

(4) Renewal applications along with the required application fee and applicable late fee can be filed up to one year after the expiration of the license. All licensees not holding a current license for more than one year must file a new application for license.
Author: Kathleen A. Brown, Joseph C. Rogers, Jr.
Statutory Authority: Code of Ala. 1975, §34-8-22, as amended by Act No. 91-197, Alabama Acts 1996, No. 96-640, Sec. 1(Reg. Sess. 1991).

History: Filed July 2, 1992. **Repealed:** Filed January 6, 1995; effective February 10, 1995. **New Rule:** Filed August 22, 1996; effective September 26, 1996. **Amended:** Filed December 16, 1997; effective January 20, 1998. **Amended:** Filed April 28, 2005; effective June 2, 2005. **Amended:** Filed May 20, 2005; effective June 24, 2005. **Repealed and New Rule:** Filed August 26, 2005; effective September 30, 2005. **Amended:** Filed May 13, 2008; effective June 17, 2008. **Amended:** Filed July 17, 2009; effective August 21, 2009. **Amended:** Filed January 26, 2018; effective March 12, 2018.

Ed. Note: Previous Rule 230-X-1-.01 Failure to Renew filed September 16, 1982. **Repealed:** Filed July 2, 1992.

230-X-1-.02 Requirements For Bid Limits.

(1) Minimum Net Worth/Working Capital. All applicants must have a net worth and working capital of at least $10,000 as shown by the applicant's most recent financial statement (less than one year old) in order to qualify for the lowest bid limit classification. Except for licenses qualifying as "unlimited", an applicant's maximum bid limits shall be set by the formula of not more than ten times either the net worth or working capital, whichever is the lesser amount.

(2) Line of Credit to Increase Working Capital. Verification of a line of credit, from a state or federal chartered bank or savings association, to the general contractor to increase working capital, must be submitted to the board in the format provided by the board. Lines of credit meeting board requirements will be added to the working capital shown in the contractor's financial statement.

(3) Personal Financial Statements to Increase Net Worth or Working Capital. Contractors must meet the minimum requirements of 230-X-1-.02(a), Requirements for Bid Limits, may submit a personal financial statement to increase their net worth or working capital. Any personal financial statement or parent company financial statement submitted for the purpose of increasing the bid limit of a license shall not include the value of the ownership which will not be considered. A personal financial statement with completed guarantee agreement as provided by the board may be used to increase the working capital or net worth of a contractor to increase a bid limit by one step. All personal financial statements must be signed by both husband and wife and notarized. The following applies according to the entity holding the general contractors license:

(a) Sole Proprietor: A notarized guarantee agreement (signed by both husband and wife) with a personal financial statement prepared by a CPA will be considered to increase a bid limit

by one step. Note: A sole Proprietor may submit a personal financial statement only when personal items (home, furnishings, etc.) are not included on the applicant's business statement.

(b) Partnerships: A notarized guarantee agreement (signed by both husband and wife) and personal financial statement prepared by a CPA and submitted by any partner(s) will be considered to increase the bid limit of the partnership by one step.

(c) Corporations: A parent company's financial statement or a personal financial statement prepared by a CPA for a majority stockholder(s) of the corporation may be submitted to increase the bid limit of the corporation by one step. All personal financial statements must be submitted with a notarized guarantee agreement (signed by both husband and wife). The guarantee agreement submitted with a parent company's financial statement must be signed by a majority stockholder of the parent company and notarized.

Author: Cherie E. Colquett
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed July 2, 1992. **Amended:** Filed August 22, 1996; effective September 26, 1996. **Amended:** Filed December 16, 1997; effective January 20, 1998. **Amended:** Filed January 26, 2018; effective March 12, 2018.

Ed. Note: Previous Rule 230-X-1-.02 Positive Net Worth filed September 16, 1982. **Repealed:** Filed July 2, 1992.

230-X-1-.03 Company Continuing In Business After Death Of Sole Proprietor.

If a company is licensed as a sole proprietorship and the sole proprietor dies, the company can continue to operate long enough to finish work on hand. Before any new work commences, a new license must be obtained.

Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982.

230-X-1-.04 Change In Form Of Operation.

If a licensee changes its method of operation, i.e. individual, partnership, LLC or corporation, the licensee must file for a new license; however, upon request and subject to the discretion of the board, the licensee may keep its original license number.

Author: Arden Pathak
Statutory Authority: Code of Ala. 1975, §34-8-22.

History: Filed September 16, 1982. **Amended:** Filed April 29, 2010; effective June 3, 2010.

Ed. Note: A new LLC is required to file for a new license.

230-X-1-.05 Contractor/Lessee Must Have License.

A contractor may not be exempt from having a license just because he is building his own store in a shopping center, as this is leased property and he does not own the land.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982.

230-X-1-.06 Joint Venture.

In cases of joint venture, all parties to the joint venture must be licensed at the time the bid is submitted and each must have the proper classification for the project. Bid limits can be added together.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982. **Amended:** Filed January 30, 2009; effective March 6, 2009.

230-X-1-.07 Owner/Builder.

A person, firm or corporation which undertakes to construct a building or other improvements on his/her own real property (Exception – is long term* lease with option to extend/or purchase as in an Industrial Development Board situation) is not required to be licensed as a general contractor if the person, firm or corporation's own forces (non-contractual) are used. An owner/ builder may only let and/or award contracts for work in the amount of $50,000 ($5,000 for swimming pools) or greater to a properly licensed prime contractor.

*Long term is 20 years or greater.
Author: Ralph E. Compagno
Statutory Authority: Code of Ala. 1975, §§34-8-1, 34-8-2, 34-8-7.
History: Filed July 2, 1992. **Amended:** Filed December 15, 1992.
Amended: Filed September 15, 1994; effective October 20, 1994.
Amended: Filed December 16, 1997; effective January 20, 1998.
Amended: Filed February 24, 2016; effective April 9, 2016.

Ed. Note: Previous Rule(s) 230-X-1.07 Contractor/Owner; Owner/ Builder filed September 16, 1982. **Repealed:** Filed July 2, 1992 amendment was in conflict with the General Contractors

230-X-1-.08 Subsidiary Using Parent's Financial Statement.

A subsidiary is a separate legal entity from its parent company and cannot use a financial statement of its parent company other than to go one step higher in the bid limit classification. The subsidiary must first reach its bid limit on its own financial statement.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982.

230-X-1-.09 Amount Of A Contract.

In determining the amount of a contract, labor and materials cannot be separated. A contract cannot be divided into separate parts to evade the contractor's law. Any division of a contract into parts less than $50,000 when combined is $50,000 or more, will be treated as one contract totaling the amount of these parts when combined.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982. **Amended:** Filed December 16, 1997; effective January 20, 1998.

230-X-1-.10 Construction Manager.

(1) In order to perform as a construction manager, a person must be licensed as a general contractor in the major classification under which he/she intends to perform as a construction manager and shall hold a sufficient bid limit equal to the value of the project.

(2) An owner must utilize properly licensed prime contractors on any project involving a Construction Manager where the work would have to be performed by a licensed prime contractor in the absence of the Construction Manager.

(3) The duties and responsibilities of the Construction Manager should be defined in the contract between the owner and the Construction Manager; provided however, the contract between the owner and the Construction Manager must require that the Construction Manager supervise the construction of the project.

Author: Kathleen A. Brown, Joseph C. Rogers, Jr.
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: Filed September 16, 1982; October 19, 1992. **Repealed:** October 19, 1992. **Amended:** Filed December 16, 1997; effective January 20, 1998. **Amended:** Filed May 20, 2005; effective June 24, 2005.

230-X-1-.11 Repair And Maintenance.

Repair and Maintenance Requires a license to comply with General Contractors Law as amended during the 1996 Regular Legislative Session.
Author: Cherie E. Colquett
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982. **Repealed and Replaced:** Filed August 22, 1996; effective September 26, 1996.

230-X-1-.12 Assembling Machinery (Repealed 9/5/06).
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982. **Amended:** Filed August 1, 2006; effective September 5, 2006.

230-X-1-.13 Townhouses.

Townhouses are considered a single- family dwelling and are exempt from the contractors' law.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982.

230-X-1-.14 Bidding As Licensed.

All contractors shall bid and perform work in the name which appears on the official records of the State Licensing Board For General Contractors for the current license.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982.

230-X-1-.15 Demolition Work (Repealed 7/2/92).
Author:
Statutory Authority: Code of Ala. 1975, §

History: Filed September 16, 1982. **Repealed:** Filed July 2, 1992.

230-X-1-.16 Steel Buildings.

If the dealer delivers to the site and does no erection, he is considered a vendor. If he erects the building, he is considered a contractor.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982.

230-X-1-.17 Installation Of Machinery And/Or Equipment.

A license is required for the installation of machinery or equipment that becomes affixed to a structure.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982. **Amended:** Filed August 1, 2006; effective September 5, 2006. **Amended:** Filed May 13, 2008; effective June 17, 2008.

230-X-1-.18 Debarred Applicants.

No application will be considered by the Board while the applicant is debarred by the Federal Highway Administration.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982.

230-X-1-.19 Filing Financial Statements By Prime Contractors.

A licensee who renews on or before the first day of their designated renewal month by submitting a renewal application and $200 renewal fee, but does not submit current financial information, may be granted an extension of time for filing same until for a period of ninety days, but no longer. The board considers "current financial information" as being no more than one year old, prepared by a CPA, and submitted as required by the Board. If the required financial information is not received by the end of the ninety-day extension period, the applicant will be required to pay a $50 late penalty prior to renewing the license. All licensees not holding a current license for more than one year must file a new application for license.
Author: Kathleen A. Brown, Joseph C. Rogers, Jr.
Statutory Authority: Code of Ala. 1975, §34-8-33.

History: Filed September 16, 1982. **Amended:** Filed August 22, 1996; effective September 26, 1996. **Amended (Title only):** Filed December 16, 1997; effective January 20, 1998. **Amended:** Filed April 28, 2005; effective June 2, 2005. **Amended:** Filed May 20, 2005; effective June 24, 2005. **Repealed and New Rule:** Filed August 25, 2005; effective September 30, 2005.

230-X-1-.20 Application For License By Subsidiary.

Any application for a license by a subsidiary shall be considered as a new application and subject to all laws, rules and regulations governing same.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982.

230-X-1-.21 Bankruptcy.

It shall be the responsibility of any contractor who, voluntarily or involuntarily, is subjected to any provision of the laws of bankruptcy, to notify this Board immediately and to make available to this Board any and all information pertinent thereto.
Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982.

230-X-1-.22 Probation, Debarment, Etc.

Any contractor and/or any licensee, responsible managing employee of a licensee, officers of a licensee, or members of the executive staff of a licensee who is ordered by a competent court to pay fines, is sentenced to jail, placed on probation, is debarred and/or suspended by any state or by the Federal Highway Administration or other similar punishment in relation to illegal activities of contracting shall notify this Board immediately and make available any and all information pertinent thereto.
Author: Kathleen A. Brown
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982. **Amended:** Filed: May 20, 2005; effective June 24, 2005.

230-X-1-.23 Reroofing.

Reroofing requires a license to comply with General Contractors Law as amended during the 1996 Regular Legislative Session.

Author: Cherie E. Colquett
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982. **Repealed:** Filed July 2, 1992.
New Rule: Filed August 22, 1996; effective September 26, 1996.

230-X-1-.24 Carpet Installation.

Carpet installation requires a license to comply with General Contractors Law as amended during the 1996 Regular Legislative Session.
Author: Cherie E. Colquett
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982. **Repealed:** Filed July 2, 1992.
New Rule: Filed August 22, 1996; effective September 26, 1996.

230-X-1-.25 Preparation Of Financial Statements (Repealed 1/20/98).

Author:
Statutory Authority: Code of Ala. 1975, §34-8-22.
History: Filed September 16, 1982. **Repealed:** Filed December 16, 1997; effective January 20, 1998.

230-X-1-.26 Fifty-One Percent Regulation.

(1) Any project in the State of Alabama for construction, erection, modification, alteration, or addition of or to any building, highway, sewer, grading or any improvement or structure where the cost of the undertaking is $50,000 or more ($5,000.00 or more in the case of swimming pools) must be constructed by a contractor licensed by the Board. A general contractor may undertake to construct or superintend the construction of any project if 51% or more of the work as measured by the cost (labor, materials, tools, construction equipment cost and installed equipment) falls within the major classification, subclassification or specific subclassification in which the contractor is licensed. On any project where no major classification, subclassification or specific subclassification constitutes 51% or more of the work as measured by the cost (labor, materials, tools, construction equipment cost and installed equipment), the contractor may undertake to construct or superintend the construction of such project if the contractor is licensed in the major classification, subclassification or specific subclassification which constitutes the greatest part of the work on the project as measured by the cost (labor, materials, tools, construction equipment cost and installed equipment).

(2) Notwithstanding the foregoing subsection, contractors holding licenses with Building Construction (BC) appearing thereon may undertake to construct or superintend the construction of any project even if 51% or more of the work as measured by the cost (labor, materials, tools, construction equipment cost and installed equipment) falls outside the major classification of Building Construction (BC) so long as such work is required to make the building usable for its intended purpose.
Author: Ralph E. Compagno
Statutory Authority: Code of Ala. 1975, §34-8-2 (i.e. the construction of a building); West Alabama Remodeling, Inc. v. Ireland, 412 So. 2d 766 (Ala. 1982).
History: Filed July 2, 1992. **Amended:** Filed March 5, 1993. **Amended:** Filed September 15, 1994; effective October 20, 1994. **Amended:** Filed December 16, 1997; effective January 20, 1998.

Ed. Note: Previous Rule 230-X-1-.26, Fifty-One Percent of the Job; filed September 16, 1982. **Repealed:** Filed July 2, 1992; October 19, 1992. **Amended:** Filed March 5, 1993. **Amended:** Filed August 1, 2006; effective September 5, 2006.

230-X-1-.27 Major Classifications.

(1) All applicants must request classification(s) of their licenses within the following MAJOR CLASSIFICATIONS. (Applicants must provide a minimum of three projects completed for each sub-classification listed in order to qualify for that Major Classification. Applicants not qualifying for a Major Classification should request specific Sub-Classification(s) and/or Specialty Classifications for which their work experience will meet the minimum experience requirement.)

(a) Building Construction: Shall include the construction of building structures, including modifications thereof or additions thereto, intended for use for shelter, protection, comfort or convenience. Building construction shall include the excavation and foundations for buildings and work incidental thereto.

(b) Building Construction under Four Stories (BCU4): Shall include the construction of building structures, including modifications thereof, that do not exceed three stories in height, and any roof structure or component of such structure does not exceed fifty feet in height, which are intended for use for shelter, protection, comfort or convenience. BCU4 shall include the excavation and foundations for buildings and work incidental thereto for buildings less than three stories in height. BCU4 shall include interior nonstructural alterations and repairs to existing buildings exceeding three stories in height. In addition to the above BCU4 shall include the construction of building structures, including

modifications thereof exceeding three stories in height on projects but only under the direction and supervision of a General contractor or Construction Manager licensed under Building Construction.

(c) Highways and Streets: Shall include the construction of roads, streets, guardrails, fences, parkways, parking areas, bridges, grading, drainage and all other types incidental thereto.

(d) Municipal and Utility: Shall include clearing, grubbing, paving, curbs, gutters, walks, alleys, driveways, sewer projects, water projects, gas projects, electric projects, telephone projects and work incidental thereto.

(e) Heavy and Railroad Construction: Shall include the construction of railroads, bridges, foundations, pile driving, cofferdams, tunnels, drainage projects, irrigation projects, hydro-electric development, transmission lines, pipe lines, marine construction, runways and any other work incidental to the above types.

(f) Specialty Construction: Is defined as any work in connection with construction, erection, alteration, modifications or additions requiring special skills and/or trades or crafts for any particular part of the work, and work incidental thereto.

(2) **(BC) Building Construction:** Shall include the construction of building structures, including modifications thereof or additions thereto, intended for use for shelter, protection, comfort or convenience. Building construction shall include the excavation and foundations for buildings and work incidental thereto.

(a) **(BC-S) Specialty Construction:** Any of the following special skills and/or trades or crafts may be requested in lieu of the major classification of Building Construction.

1. **SITEWORK**
   Earthwork
   Fencing
   Other

2. **CONCRETE**
   Foundations
   Structural Concrete Erection
   Reinforcing Steel
   Precast and Prestressed Concrete Installation
   Other

3. **MASONRY**
   Restoration
   Other

4. **METAL**
   Structural and Miscellaneous Steel Erection
   Ornamental and Miscellaneous Metal
   Metal Studs
   Other

5. **CARPENTRY**
   Framing
   Millwork and Finish Carpentry
   Other

6. **MOISTURE PROTECTON**
   Roofing and Sheet Metal
   Sheet Metal and Metal Siding
   Metal Building Erection
   Insulation
   Exterior Insulation and Finish Systems
   Sprayed on Fire Proofing
   Joint Sealers
   Other

7. **DOORS, WINDOWS AND GLASS**
   Glass Windows and Doors
   Specialty Door and Hardware
   Glazed Curtain Wall
   Other

8. **FINISHES**
   Painting and Wall Coverings
   Special Coatings and Waterproofing
   Sandblasting
   Terrazzo
   Hard Tile and Stone
   Carpet and Resilient Tile
   Lath and Plaster
   Drywall and Metal Studs
   Acoustical Treatments and Insulation
   Other

9. **SPECIALTY**
   Building Accessories
   Other

10. **EQUIPMENT**
    Kitchen Equipment
    Theater and Stage
    Millwright
    Other

11. **FURNISHINGS**
    Furniture Installation
    Millwork and Casework
    Window Treatments

Auditorium and Theater Seating
Bleachers
Other

12. **SPECIAL CONSTRUCTION**
Pre-engineered Metal Buildings
Conveying
Elevators and Escalators
Handicap Lifts
Other

13. **OTHER**
Building Maintenance Repair
Remodeling and Alteration

(3) **(BCU4) Building Construction under Four Stories:** Shall include the construction of building structures, including modifications thereof that do not exceed three stores in height, and any roof structure or component of such structure that does not exceed fifty feet in height, which are intended for use for shelter, protection, comfort or convenience. BCU4 shall include the excavation and foundations for buildings and work incidental thereto for buildings less than three stories in height. BCU4 shall include interior nonstructural alterations and repairs to existing buildings exceeding three stories in height. In addition to the above BCU4 shall include the construction of building structures, including modifications thereof exceeding three stories in height on projects but only under the direction and supervision of a General contractor or Construction Manager licensed under Building Construction.

(4) **(HS) Highways and Streets:** Shall include the construction of roads, streets, guardrails, fences, parkways, parking areas, bridges, grading, drainage and all other types incidental thereto.

(a) **(HS-S) Specialty Construction:** Any of the following specialties may be requested in lieu of the major classification of Highways and Streets:

1. Guardrails

2. Fencing

3. Bridges

4. Earthwork

5. Drainage and Culvert

6. Hot and Cold Asphalt Plant Mix Paving

7. Asphalt Surface Treatment

8. Concrete Pavement

9. Base and Soil Stabilization

10. Erosion Control/Mowing

11. Grassing

12. Grinding, Grooving or Milling

13. Traffic Control and Safety

14. Painting, Sandblasting, and Bridge Repair

15. Steel (all classes)

16. Other

(5) **(MU) Municipal and Utility:** Shall include clearing, grubbing, grading, paving, curbs, gutters, walks, alleys, driveways, sewer projects, water projects, gas projects, electric projects, telephone projects, and work incidental thereto.

(a) **MU-(S) Specialty Construction:** Any of the following specialties may be requested in lieu of the major classification of Municipal and Utility:

1. Sewer Projects

2. Water Projects

3. Gas and Oil Projects

4. Power Projects and Plants

5. Telecommunication Projects

6. Clearing and Grubbing

7. Site Work Grading

8. Drainage and Culvert

9. Paving and Asphalt

10. Concrete

11. Pipelines

12. Gunite

13. Facilities

14. Other

(6) **(H/RR) Heavy/Railroad:** Shall include the construction of railroads, bridges, foundations, pile driving, cofferdams, tunnels, drainage projects, irrigation projects, hydro-electric developments, transmission lines, pipe lines, marine construction and runways.

(a) **(H/RR-S) Specialty Construction:** Any of the following specialties may be requested in lieu of the major classification of Heavy/Railroad:

1. Foundations, Piling, and Cofferdams

2. Retaining Walls

3. Tunnels

4. Drainage, Irrigation, and Flood Control Projects and Dams

5. Marine Construction

6. Industrial Projects

7. Oil and Gas Field Projects

8. Dredging

9. Gunite

10. Slurry Walls

11. Membrane Liners

12. Runways

13. Other

(7) **Specialty Construction:**

(a) **(SP) Swimming Pools.** Construction, repair or renovate and work incidental thereto.

(b) **(M) Mechanical.** Applicants may request a specialty of Mechanical or may request specific sub classifications such as:

1. Heating, Ventilating and Air Conditioning

2. Plumbing

3. Refrigeration

4. Fire Protection Systems

5. Pollution Control

6. Industrial Pipe Work and Insulation

7. Boiler and Refractory Construction Maintenance and Repair

8. Other

(c) **(E) Electrical.** Applicants may request a specialty of Electrical or may request specific sub classifications such as:

1. High Voltage (120 and up)

2. Low Voltage

3. Substations

4. Other

(d) **(D) Demolition**

(e) **(EV) Environmental.** Applicants may request a specialty of Environmental or may request specific sub classifications such as:

1. Environmental Remediation

2. Abatement

3. Reclamation

4. POL Dispensing System

5. Landfills

(f) **(SC) Other Specialties:**

1. Golf Course

2. Tennis Courts

3. Running Tracks

4. Landscaping

5. Fencing

6. Sprinkler Systems

7. Outdoor Advertising Signs

8. Cell Towers

9. House Moving

10. Others

Author: Board 2005, Kathleen A. Brown, Joseph C. Rogers, Jr.
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: Filed July 2, 1992. **Repealed and Replaced:** Filed November 16, 1993; effective December 21, 1993. **Amended:** Filed May 20, 2005; effective June 24, 2005.

Ed. Note: Prime Contractors may be assigned classifications from the list of Major Classifications and/or Specialty Construction Classifications. Subcontractors will receive classification(s) from the Specialty Construction List.

230-X-1-.28 Classification Of Licenses (Repealed 12/21/93).
Author: Ralph E. Compagno
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: Filed July 2, 1992. **Amended:** Filed December 15, 1992.
Repealed: Filed November 16, 1993; effective December 21, 1993.

230-X-1-.29 Reidentification Of Contractors.

The Board will require any contractor presently licensed (but not in accordance with the foregoing classification of licenses) to reidentify the type or types of contracts on which he/she wishes to continue to perform, and the Board shall classify contractors according to the type or types of contract on which they may perform, in accordance with the provisions of these regulations. Contractors who wish to perform or continue to perform various types of work will not be licensed or renewed to perform that work unless they properly complete the reidentification form to be supplied by the Board and unless they meet all other requirements for licensure or renewal to perform the type of work for which they seek licensure or renewal.
Author: Ralph E. Compagno
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: Filed July 2, 1992.

230-X-1-.30 Written Examination (Repealed 12/21/93).
Author: Ralph E. Compagno
Statutory Authority: Code of Ala. 1975, §§34-8-2, 34-8-3.
History: Filed July 2, 1992. **Repealed:** Filed November 16, 1993; effective December 21, 1993.

230-X-1-.31 Audit/Review/Compilation Of Financial Statements Submitted By Prime Contractors.

The Board does not require an audited financial statement. Applicants must employ a CPA or Licensed Public Accountant who is neither directly or indirectly connected with the Contractors business. Financial statements will be accepted if they are audited, reviewed or compiled by CPA or PA approved by the Board.
Author: Ralph E. Compagno
Statutory Authority: Code of Ala. 1975, §34-8-1.
History: Filed July 2, 1992. **Repealed:** Filed November 16, 1993; effective December 21, 1993. **Amended (Title Only):** Filed December 16, 1997; effective January 20, 1998.

230-X-1-.32 Certificate Of Insurance (Repealed 6/2/05).
Author: Kathleen A. Brown, Joseph C. Rogers, Jr.
Statutory Authority: Code of Ala. 1975, §34-8-1.
History: Filed July 2, 1992. **Repealed:** Filed April 28, 2005; effective June 2, 2005.

230-X-1-.33 Applicant's Burden To Supply All Information; Noncompliant Application.

It is the burden of each applicant to supply all information to the Board which is necessary for the Board to consider the application. In the case of references whose names are furnished by the applicant, it is the burden of the applicant to see that its references respond in a timely fashion directly to the Board. Any application pending for a year or more without being completed will be considered noncompliant. An applicant whose application is noncompliant will be so notified by the Board. When an application becomes noncompliant, the applicant must complete a new application and submit the same together with another application fee in order to be considered for licensure by the Board.
Author: Ralph E. Compagno
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: Filed July 2, 1992. **Amended:** Filed July 22, 2011; effective August 26, 2011.

230-X-1-.34 License And Examination.

(1) Beginning with applicants for licensure whose applications are received after March 24, 2003, an examination(s) must be successfully completed before a license will be issued.

(2) If the application is satisfactory to the board, then the applicant is entitled to an examination to determine the applicant's qualifications. This examination may be written. Each applicant may be charged an examination fee for each written examination.

(3) Employees registering as the qualifying party for an applicant must be in full-time employment for 90 consecutive days immediately preceding the examination. Said employee shall be prepared to execute an affidavit furnished by the Board at the time he/she takes the examination giving length of employment, social security number, and evidence of his/her eligibility by furnishing cancelled payroll checks representing three preceding months.

(4) Each qualifying party shall provide all prior affiliations with a licensed contractor(s) and shall disclose whether or not he/she has been involved in sanctions levied against such contractor(s).

(5) The following persons must obtain a successful score on the examination to obtain a certificate authorizing the applicant to operate as a contractor.

(a) for a sole proprietorship - the individual owner or full-time employee with a limited written power of attorney who is in responsible supervision of the business management and construction practices;

(b) for any partnership – a general partner or a full-time employee with limited written power of attorney who is in responsible supervision of the business management and construction practice;

(c) for any corporation – a major stockholder or a full-time employee with a limited written power of attorney who is in responsible supervision of the business management and construction practice;

(d) for any limited liability company – the person who is in responsible supervision of the business management and construction practice and is either manager or full-time employee with a limited written power of attorney.

(e) in the event that the qualifying agent in (a), (b), (c) or (d) above leaves the employment of the business, or his or her employment status changes, written notice must be given within (30) days to the Board.

(f) if anyone other than an individual with an ownership interest acts as qualifying agent, then an officer with an ownership interest or power of attorney must also appear along with the qualifying agent for interview before the Board.

(6) If the results of the examination of any applicant are satisfactory to the board, then it may issue to the applicant a certificate authorizing the applicant to operate as a contractor in this state if all other licensing requirements have been met. The board shall state the classifications in which the applicant is qualified to engage in as a contractor and shall list the monetary limitations thereon as determined by the statues.

(7) Whenever any applicant is advised to appear before the board for an interview and fails to appear at the scheduled time and place without notifying the board at least three (3) days in advance and fails to appear for interview on three (3) separate occasions, a new application and fee are required.

(8) Upon request, the Board will provide general information concerning the examination to any person who intends to be examined for licensure.

(9) EXEMPTIONS FROM EXAMINATIONS

(a) Except as provided for in these regulations, all licensees who are properly licensed before January 1, 2003 and who renew their 2003 licenses by December 31, 2003, shall not be required to take an examination in order to maintain their licenses. Licensees with more than one year since last licensed will not be deemed current and will not be exempt.

(b) A contractor who is a subsidiary of a currently licensed contractor and who is making application for a license in the same classification(s) as that of the currently licensed contractor shall not be required to take an examination, provided that the majority stock holder(s) of the subsidiary applicant and the currently licensed company are the same. It is the responsibility of the currently licensed contractor to provide verification that there is no change in the employment status of the qualifying party for the original license.

(c) A licensed firm making application for a subsidiary license for the same classification(s) as those in which the licensed firm has qualified may be exempt from examination, provided that the qualifying party on record with the Board for the licensed firm making application for a subsidiary license is the same as that of the parent company. It is further provided that any subsidiaries qualifying under the terms of this section shall not be permitted to assume the position of a parent company or firm for the purpose of forming additional subsidiaries.

(d) A qualifying party making application for a license as an individual, stockholder, or principal owner may be exempt from taking another examination for which he/she has previously taken and passed, subject to the approval of the Board.

(e) In the event that the principals in a partnership, firm or corporation should separate or dissolve, each individual or the remaining entity may apply to the Board for license in the new name(s) without having to pass an examination so long as all requirements for licensure are otherwise met.

(f) An applicant requesting license in a specific sub-classification where there is no technical written examination shall be examined by the Board from three or more written references from contractors, engineers, architects, or qualified persons determined by the Board.

(10) RECIPROCITY

(a) Other States: Any applicant applying for a license or license amendment who desires that the trade examination portion of these rules and regulations be waived shall cause the state licensing board for general contractors of the state in which he is licensed in good standing to certify in writing that such board will grant the same waiver of such laws of that state to general contractors licensed by this Board. In addition, each board shall identify the qualifying party or parties that successfully completed the examination.

(b) Other Boards in Alabama: If an applicant for license as a contractor is licensed by another regulatory board in this state in the same classification, sub classification or specialty classification as that for which the applicant seeks license from this Board, the Board may waive examination requirement if it is determined in its discretion that the examination given by the other board meets the requirements which would be tested by this Board's examination.

(11) Any applicant caught cheating or assisting another to cheat on the license examination shall be prohibited from completing the exam or if the exam is completed the results will not be accepted by the Board. Only after a period of six months will the applicant be allowed to reapply and sit for the examination again. If an applicant is caught cheating and or assisting another to cheat more than once he/she will be required to appear before the Board before further applications will be considered.

Author: Cherie E. Colquett
Statutory Authority: Code of Ala. 1975, §34-8-2; 34-8-3.
History: **New Rule:** Filed April 28, 2005; effective June 2, 2005. **Amended:** Filed May 20, 2005; effective June 24, 2005. **Repealed and New Rule:** Filed August 25, 2005; effective September 30, 2005. **Amended:** Filed August 1, 2006; effective September 5, 2006. **Amended:** Filed May 13, 2008; effective June 17, 2008. **Amended:** Filed July 22, 2011; effective August 26, 2011. **Amended:** Filed January 26, 2018; effective March 12, 2018.

230-X-1-.35 Testing Requirements.

(1) An application for license must be filed with the board prior to exam registration. Applicants meeting prequalification are referred to the testing vendor.

(2) Candidates must schedule their trade exams upon approval of their application by the Board. The candidate's application must be approved by the Board and passing scores on any required exams or required reference letters must be completed within a year from the original application date.

(3) Score information will be related to candidates as Pass or Fail.

(4) Candidates will be required to provide proof of identity as required by the testing vendor.

(5) Candidate photos taken by the testing vendor at the beginning of the testing session will appear on the score reports provided to the board.

(6) Candidates shall be allowed to use reference material as indicated in the Candidate Information Bulletin provided by the testing vendor.

(7) All exams will be given on computer, except for those where ADA dictates the use of a paper-based test.
Author: Joseph C. Rogers, Jr., Arden Reed Pathak
Statutory Authority: Code of Ala. 1975, §§34-8-2, 34-8-3.
History: New Rule: Filed April 28, 2005; effective June 2, 2005.
Amended: Filed July 22, 2011; effective August 26, 2011.
Amended: Filed November 18, 2011; effective December 23, 2011.
Amended: Filed January 26, 2018; effective March 12, 2018.

230-X-1-.36 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 authorized to take the examination is: any individual contractor,

co-partner, 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.
Amended: Filed January 26, 2018; effective March 12, 2018.

230-X-1-.38 Rules To Implement Staggered License Renewal Schedule For Prime Contractors.

(1) In order to implement a staggered license renewal schedule during calendar year 2004 each licensee (Prime Contractors) licensed during the 2003 calendar year shall renew their license by submitting their renewal application and prorated fee as setout below by December 31, 2003 or their license will expire.

(2) Companies beginning with I, J, K or L shall pay $50.00 by December 31, 2003 for the renewal of their license until March 2004 and will thereafter renew in March of each year.

(3) Companies beginning with M or N shall pay $67.00 by December 31, 2003 for the renewal of their license until April 2004 and will thereafter renew in April of each year.

(4) Companies beginning with O, P, Q or R shall pay $83.00 by December 31, 2003 for the renewal of their license until May 2004 and will thereafter renew in May of each year.

(5) Companies beginning with S shall pay $100.00 by December 31, 2003 for the renewal of their license until June 2004 and will thereafter renew in June of each year.

(6) Companies beginning with T, U, V, W, X, Y or Z shall pay $117.00 by December 31, 2003 for the renewal of their license until July 2004 and will thereafter renew in July of each year.

(7) Companies beginning with G or H shall pay $133.00 by December 31, 2003 for the renewal of their license until August 2004 and will thereafter renew in August of each year.

(8) Companies beginning with D, E or F shall pay $150.00 by December 31, 2003 for the renewal of their license until September 2004 and will thereafter renew in September of each year.

(9) Companies beginning with C shall pay $167.00 by December 31, 2003 for the renewal of their license until October 2004 and will thereafter renew in October of each year.

(10) Companies beginning with B shall pay $183.00 by December 31, 2003 for the renewal of their license until November 2004 and will thereafter renew in November of each year.

(11) Companies beginning with A shall pay $200.00 by December 31, 2003 for the renewal of their license until December 2004 and will thereafter renew in December of each year.

(12) Beginning calendar year 2004 and each year thereafter, during each licensee's designated renewal month each licensee shall submit to the Board their renewal form, renewal application fee ($200.00) and a current financial booklet. The financial booklet cannot be based on information accumulated more than one year prior to the date of renewal.
Author: Licensing Board for General Contractors
Statutory Authority: Code of Ala. 1975, §34-8-2 as amended by Acts 1992, No.97-197; Acts 1996, No. 96-640; and Acts 2003.
History: New Rule: Filed April 28, 2005; effective June 2, 2005.

230-X-1-.39 Rules To Implement Staggered License Renewal Schedule For Sub-Contractors.

(1) In order to implement a staggered license renewal schedule during calendar year 2004 each licensee (Subcontractors) licensed during the 2003 calendar year shall renew their license by submitting their renewal application and prorated fee as setout below by December 31, 2003 or their license will expire.

(2) Companies beginning with I, J, K or L shall pay $25.00 by December 31, 2003 for the renewal of their license until March 2004 and will thereafter renew in March of each year.

(3) Companies beginning with M or N shall pay $33.00 by December 31, 2003 for the renewal of their license until April 2004 and will thereafter renew in April of each year.

(4) Companies beginning with O, P, Q or R shall pay $42.00 by December 31, 2003 for the renewal of their license until May 2004 and will thereafter renew in May of each year.

(5) Companies beginning with S shall pay $50.00 by December 31, 2003 for the renewal of their license until June 2004 and will thereafter renew in June of each year.

(6) Companies beginning with T, U, V, W, X, Y or Z shall pay $58.00 by December 31, 2003 for the renewal of their license until July 2004 and will thereafter renew in July of each year.

(7) Companies beginning with G or H shall pay $67.00 by December 31, 2003 for the renewal of their license until August 2004 and will thereafter renew in August of each year.

(8) Companies beginning with D, E or F shall pay $75.00 by December 31, 2003 for the renewal of their license until September 2004 and will thereafter renew in September of each year.

(9) Companies beginning with C shall pay $83.00 by December 31, 2003 for the renewal of their license until October 2004 and will thereafter renew in October of each year.

(10) Companies beginning with B shall pay $92.00 by December 31, 2003 for the renewal of their license until November 2004 and will thereafter renew in November of each year.

(11) Companies beginning with A shall pay $100.00 by December 31, 2003 for the renewal of their license until December 2004 and will thereafter renew in December of each year.

(12) Beginning calendar year 2004 and each year thereafter, during each licensee's designated renewal month each licensee shall submit to the Board their renewal form, and renewal application fee ($100.00).

Author: Kathleen A. Brown, Joseph C. Rogers, Jr.
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: **New Rule:** Filed April 28, 2005; effective June 2, 2005.
Amended: Filed November 18, 2011; effective December 23, 2011.
Amended: Published May 28, 2021; effective July 12, 2021.

230-X-1-.40 Reciprocity For License.

A license may be issued based on reciprocity to any applicant holding a current license in another state recognized by this Board as a reciprocity state, who has had a license for a one year period from the current application date, is free of official disciplinary actions taken against them during the one year period of licensure, and is requesting a comparable classification from this Board as is held in the reciprocity state. If a license is

issued based on reciprocity the applicant may have the trade portion of the examination waived upon written certification from that state in which the applicant is licensed. The proposed qualified individual for the applicant shall be the same individual who is duly qualified for the license currently issued to the applicant by the reciprocal state licensing board. Applicants for license based on reciprocity must comply with all other Alabama licensing requirements including the passing of the business law portion of the examination however, for good cause, the Board may waive any other licensing requirements.
Author: Kathleen A. Brown, Joseph C. Rogers, Jr.
Statutory Authority: Code of Ala. 1975, §34-8-2 as Amended by Acts 1992, No 91-197; Acts 1996, No. 96-640; and Acts 2003.
History: New Rule: Filed April 28, 2005; effective June 2, 2005. **Amended:** Filed May 20, 2005; effective June 24, 2005. **Repealed and New Rule:** Filed August 25, 2005; effective September 30, 2005. **Amended:** Filed February 24, 2016; effective April 9, 2016. **Amended:** Published May 28, 2021; effective July 12, 2021.

230-X-1-.41 Method Of Payment For Fees.

All payments for new license fees, renewal fees, violation fees, or any other fee to the Contractor's Board shall be cashier's check or money order. They all shall be made payable to the Alabama Licensing Board for General Contractors. Cash shall be used for payment but only if brought to the Board's office. Personal or company checks shall not be received for payment and shall be returned to sender.
Author: Licensing Board for General Contractors
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: New Rule: Filed April 28, 2005; effective June 2, 2005. **Amended:** Filed January 26, 2018; effective March 12, 2018.

230-X-1-.42 Inactive License.

(1) A Prime General Contractor must notify the Board in writing 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 expiration date for renewal for a fee of two hundred dollars ($200). Failure to renew by the assigned date will require the applicant to renew the license as active. There is no requirement to file 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 ten (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 ten (10) years from the transition to an Inactive License may require Board review of the application for reactivation.

(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, 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. **Amended:** Filed January 26, 2018; effective March 12, 2018.

230-X-1-.43 Fees For Services.

The fees for the administrative services are as follows:

1. Request for a Bid Limit Increase – Fifty Dollars ($50)

2. Verification for Out of State License – Fifty Dollars ($50)

3. To change and add classifications of type of work to license, the first change will be seventy-five dollars ($75) and each change in classification thereafter will be fifty dollars ($50) per amendment request.

Author: Joseph C. Rogers, Jr.
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: New Rule: Filed November 18, 2011; effective December 23, 2011.

230-X-1-.44 Financial Information In Contractor's File.

The State Licensing Board for General Contractors Confidential Financial Statement booklet, along with other financial information required to establish bid limits in a contractor's file shall be considered confidential. The foregoing information shall only be released upon court order specifically requiring the release of such information.
Author: Ardent R. Pathak, Joseph C. Rogers, Jr.
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: New Rule: Filed January 22, 2014; effective February 26, 2014.

230-X-1-.45 Military Family Jobs Opportunity Act Applicants.

(1) Pursuant to the statutory requirements found in Act 2018-540, as codified at Code of Ala. 1975, §31-1-6, any applicant for licensure as a general contractor or subcontractor who is considered an "eligible individual" under Code of Ala. 1975, §31-1-6(c) shall be issued a certificate under the following conditions:

(a) he or she must possess a valid license or certificate issued by another state, district, or territory of the United States, or from any branch of the United States Armed Forces, including the National Guard; and

(b) the licensing or certification requirements of the issuing body must be greater than or substantially similar to the certification requirements of this board, as determined by the executive director's review; and

(c) the applicant must submit a completed application which documents compliance with the board's certification requirements. Upon satisfaction of these conditions, the application will be submitted to the executive director for review. Approval will result in the issuance of the appropriate certificate to the eligible individual allowing him or her to continue working at the same certification level for one (1) year. All approvals will be reported to the board at its next regularly scheduled meeting.

(2) In the event the applicant's certifying jurisdiction did not promulgate certification requirements greater than or substantially similar to the certification requirements of this board, as determined by the executive director's review, the applicant will be notified of the specific requirements which must be met prior to receiving certification from the State of Alabama.

In accordance with Code of Ala. 1975, §3l-1-6(b)(2), the eligible individual concurrently will be granted a temporary license to continue working in the same field and at the same certification level for one hundred eighty (180) days while he or she completes the specific requirements necessary to obtain a certificate from this board. Subject to the approval of the executive director, such temporary certification period may be extended as necessary to promote the intent of the Military Family Jobs Opportunity Act. All temporary certifications will be reported to the board at its next regularly scheduled meeting.

(3) Any applicant for licensure as a general contractor or subcontractor who is considered an "eligible individual" under Code of Ala. 1975, §31-1-6(c) and who properly submits a request for waiver of the initial license fee shall receive the same within thirty (30) days of the board's receipt of the required documentation for waiver.

(4) A completed application submitted pursuant to this section will be administratively expedited.
Author: Tiffany Loveless
Statutory Authority: Code of Ala. 1975, §34-8-2.
History: New Rule: Published May 28, 2021; effective July 12, 2021.