HOME BUILDERS LICENSURE BOARD
ADMINISTRATIVE CODE

CHAPTER 465-X-3
LICENSING

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465-X-3-.01 Requirement For Licensing.

All residential home builders shall have and maintain a current license issued by the Board. A license is current only during the calendar year in which it is issued. Unless timely renewed, a license automatically shall expire at the end of the calendar year for which it was issued subject to the provisions of Code of Ala. 1975, §41-22-19.

Author: David R. Boyd, Dorman Walker, Lois Woodward, Jamie A. Durham, J. Seth Gowan

Statutory Authority: Code of Ala. 1975, §§34-14A-5, 34-14A-11.

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History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Amended:** Filed August 27, 2018, effective October 11, 2018.

465-X-3-.02 Filing.

License applications, annual license renewal applications, and all other applications required by these rules shall be deemed filed as of the date it is postmarked. All other submissions or documents required by these rules shall be deemed filed when received by the Executive Director. Completed applications filed at least 30 days before the next regularly scheduled Board meeting shall be considered before or at the time of that meeting; consideration of completed applications filed less than 30 days before such meeting may be delayed until the time of the next subsequent meeting of the Board. The Executive Director may reject an application that is inaccurate, incomplete, not notarized, or for which all fees due have not been paid at the time the application is filed.
Author: David R. Boyd, Dorman Walker, Lois Woodward
Statutory Authority: Code of Ala. 1975, §§34-14A-5, 34-14A-7, 34-14A-11.
History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Amended:** Filed August 25, 2011; effective September 29, 2011.

465-X-3-.03 Exemptions.

The licensing requirements of the Act shall not apply to:

(1) Any employee of a licensee who engages in the residential home building business solely as the employee of that licensee and personally does not hold himself or herself out for hire or engage in the business of residential home building, including residential roofing;

(2) An authorized employee of the United States, the state of Alabama, or any municipality, county, or other political subdivision if the employee personally does not hold himself or herself out for hire or otherwise engage in the business of residential home building, including residential roofing, except in accordance with his or her employment; 3-2

(3) General contractors who, on January 1, 1992, held a valid general contractors license issued under Chapter 8 of this title, and who continue to maintain that license in good standing;

(4) Real estate licensees, licensed engineers, and licensed architects operating within the scope of their respective licenses on behalf of clients;

(5) Owners of property acting as their own residential home builder including residential roofer and providing all material supervision themselves in the building or improvement of one-family or two-family residences on their own property for their own occupancy or use, which residences are not offered for sale to the public. For the purpose of the Act and these rules:

(a) Owners of property shall be deemed to have acted as their own residential home builder if they do not hire or compensate anyone to engage in the business of residential home building, including residential roofing, on their residence; and

(b) The exemption for owners of property applies only to the owner. Residential home builders, including residential roofers, contracting directly with the owner are not exempt from holding any license required pursuant to the Act; and

(c) Proof of the sale or offering for sale of such structure by the owner claiming the owner exemption within one year after completion of same is presumptive evidence that the construction was undertaken for the purpose of sale; and

(d) The exemption for owners of property is a nontransferable privilege. Attempts to transfer this exemption by agency, power of attorney, or other legal means is presumptive evidence that the claim of owner exemption is not valid.

(6) Mobile homes, or any structure that is installed, inspected, or regulated by the Alabama Manufactured Housing Commission, or the repair, improvement, or reimprovement of any such structure, and shall not in any way change or interfere with the duties, responsibilities and operations of the Alabama Manufactured Housing Commission as defined in Code of Ala. 1975, §§24-4A-1, 24-6-4; 3-3

(7) Agricultural buildings, as defined in Ala. Admin. Code r. 465-X-1-.01(3), except for any residence contained therein.

Author: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan
Statutory Authority: Code of Ala. 1975, §§34-14A-6, 34-14A-11.
History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed August 27, 2018, effective October 11, 2018.

465-X-3-.04 Licensing.

(1) **Form of License.** Licenses shall be issued only to individuals, partnerships, corporations, limited liability companies, and not-for-profit organizations:

(a) An individual applying for a license personally must satisfy all the licensure requirements.

(b) A partnership, corporation, limited liability company, and not-for-profit organization applying for a license must satisfy all licensure requirements.

1. A general partnership, limited partnership, corporation, limited liability company, or not-for-profit organization applying for a license must designate as its qualifying representative an individual who is either a general partner (in the case of any partnership) or an officer (in the case of a corporation) or a member (in the case of a member- managed limited liability company) or a manager (in the case of a manager-managed limited liability company) and who either holds a license individually or meets the experience and ability requirements for licensure. The entity seeking the license may rely upon the designated qualifying representative's experience, ability, and successful completion of any examination (testing experience and ability, conducted either by the Board or a third party under contract with the Board), but must present evidence to the Board that it satisfies all other licensing requirements. The name of the partnership, corporation, or limited liability company, along with that of its designated qualifying representative, shall appear on the face of that entity's license. 3-4

2. If the designated qualifying representative of a partnership, corporation, or limited liability company ceases for reasons other than provided for in section 1(b)3, to be a partner or officer or member (in the case of a member-managed limited liability company) or manager (in the case of a manager-managed limited liability company) of that entity, the designated qualifying representative and the partnership, corporation, or limited liability company immediately shall so notify the Board. Unless another partner, officer, or member (in the case of a member-managed limited liability company) or manager (in the case of a manager-managed limited liability company) as the case may be, who either individually maintains a current and valid license or meets the experience and ability requirements for

licensure is designated as that entity's new qualifying representative within 45 days after the previous designated qualifying representative ceases to hold that position, the license for that partnership, corporation, or limited liability company automatically shall be revoked subject to a show cause hearing before the Board.

3. ln comp1iance with the Code of Ala. 1975, Section 41-9A-3, if the designated qualifying representative of a partnership, corporation, or limited liability company ceases by death, menta1 or physical incapacitation to be a partner or officer or member (in the case of a member-managed limited liability company) or manager {in the case of a manager-managed limited liability company) of that entity, the partnership, corporation) or limited liability company may claim a waiver of hardship for reasonable time to allow a person meeting the experience and ability requirements to become the new designated qualifying representative of the entity.

(i) The partnership, corporation, or limited liability company shall so notify the Board and shall submit the prescribed hardship waiver within 45 days of the designated qualifying representative's death, mental incapacitation, or physical incapacitation.

(ii) The submitted waiver shall include an attached copy of an obituary or death certificate in the instance of the death of the designated qualifying representative. The submitted waiver request shall include hut not limited to attached documentation from a diagnosing physician in the instance of menta1 or physical incapacitation to include but not limited to diagnosis date. 3-5

(iii) Any hardship waiver submitted to the Board after 45 days from the death or incapacitation of the designated qualifying representative may be denied subject to a show cause hearing before the Board.

(iv) A granted hardship waiver shall be valid for no more than a maximum of 135 days after the date of death or incapacitation of the designated qualifying representative.

(v) The waiver may not be extended, and the license may be revoked subject to a show cause hearing before the Board.

(vi) A fee equal to one-half of the renewal fee for the license held by the entity may be assessed before issuance of hardship waiver.

(vii) If another partner, officer, or member (in the case of a member-managed limited-1iability company) or manager (in the case of a manager-managed limited liability company) as the case may be, who either individually maintains a current and valid license or meets the experience and ability requirements for licensure is designated as that entity's new qualifying representative within 45 days after the previous designated qualifying representative ceases to hold that position because of death, mental incapacity, or physical incapacity, then entity may submit the proper change of qualifier form instead of the hardship waiver.

(c) The extent to which a residential home builder, including residential roofers, may engage in the residential home building business depends upon the form of license held:

1. A residential home builder, including residential roofers, who is not licensed individually may engage in the residential home building business only through a licensed partnership, corporation, or limited liability company, of which the builder is an employee, partner, officer, or member.

2. A residential home builder, including residential roofers, who is the designated qualifying representative of an entity may engage in the residential home building business only through that entity; if such builder wishes to engage in the residential home building business either individually or through another entity that is not otherwise licensed, that 3-6 builder must obtain a license, either individually or on behalf of the other entity, of which the builder may be the designated qualifying representative. A residential home builder who is the qualifying representative of an entity shall be deemed to have satisfied the experience and ability requirements for licensure, but must satisfy all other licensing requirements, including without limitation, the financial responsibility requirements, before qualifying for a license either individually or on behalf of another entity.

3. A residential home builder, including residential roofers, licensed individually may engage in the residential home building business either individually or through a licensed entity of which the individual licensee is an employee, partner, officer, or member.

EXAMPLES:

(i) ABC Builders, Inc. has three officers, each of whom meets the experience and ability requirements

for licensure. Adams is the qualifying representative of the corporation. Brown individually meets all the licensing requirements, including without limitation the financial responsibility requirement, and obtains an individual license. Carter is not licensed, either individually or as the qualifying representative of the corporation. Adams and Carter may engage in the residential home building only through ABC Builders, Inc., but Brown may do so either individually or through ABC Builders, Inc.

(ii) Five years after ABC Builders, Inc. was issued a license, Adams decides to engage in the residential home building business through a newly formed partnership, Adams Builders, of which he is a partner. Adams Builders applies for a license, naming Adams as its qualifying representative. Because he is the qualifying representative of ABC Builders, Inc., Adams is deemed to have satisfied the experience and ability requirements for licensure, but Adams Builders will have to satisfy all other requirements for licensure, including without limitation the financial responsibility requirement.

(iii) Five years after ABC Builders, Inc., was issued a license, Carter decides to engage individually in the residential home building business. Because Carter is neither the qualifying representative of ABC Builders, Inc. nor licensed individually, Carter will have to satisfy all of the 3-7 requirements for licensure, including the experience and ability requirements, which means successful completion of any examination testing experience and ability, conducted either by the Board or a third party under contract with the Board.

(2) **Type of License.**

(a) Licenses may be issued without limitation, with limitation, or with limitation specifying a single trade.

(b) The extent to which a residential home builder, including a residential roofer, may engage in the residential homebuilding business depends upon the type of license held:

1. A residential home builder who holds a current and valid residential home builders license **without limitation** may engage in the business of residential home building, as referred to in Code of Ala. 1975, §34-14A-2(12), regardless of the scope of the construction.

2. A residential home builder who holds a current and valid residential home builders license **with limitation** may only engage in the business of residential home building, as referred to in Code of Ala. 1975, §34-14A-2(12), when the scope of the construction is limited to the repair, improvement, or reimprovement, as such term is defined herein, of a residence or structure, and the residential homebuilder does not meet the definition of residential roofer as defined Code of Ala. 1975, §34-14A-2(13), and the scope of the work does not meet the definition of residential roofing as defined in Ala. Admin. Code r. 465-X-1-.01(10).

3. A residential roofer, as defined in Code of Ala. 1975, §34-14A-2(13), who holds a current and valid residential roofers license may only engage in residential roofing when the scope of the roofing is limited to the installation or repair of the external covering of a residence or structure.

EXAMPLES:

(i) Builder holds a current and valid residential home builder's license **without limitation**. Builder may contract directly with Homeowner to perform any residential construction activity including new residential construction, and repair, improvement or reimprovement to an existing residence. 3-8

(ii) Builder holds a current and valid residential home builder's license **without limitation**. Builder contracts directly with Homeowner to construct a new residence. The cost of the undertaking is $250,000. Builder hires Framer to frame the new construction and pays him $30,000. Framer is **not required to hold a license** issued by the Board because he did not contract directly with the homeowner to perform the construction activity, but instead is working directly for a residential home builder who holds a license without limitation and who contracted directly with the homeowner.

(iii) Framer enters into a contract directly with Homeowner to frame an addition to an existing residence. The cost of the undertaking is $30,000. Though only one trade is being performed (framing), Framer must hold a current and valid residential home builder's license **without limitation** because the cost of the undertaking exceeds $10,000 and the construction activity affects the structural integrity of the residence.

(iv) Foundation contractor enters into a contract directly with Homeowner to construct a foundation for a residence. The cost of the undertaking is $15,000. Though only one trade is being performed (foundation construction), Foundation contractor must hold a current and valid residential home builder's license **without limitation** because the cost of the undertaking exceeds $10,000 and the construction activity affects the structural integrity of the residence.

(v) Best Siding, LLC, enters into a contract directly with Homeowner to install vinyl siding on Homeowner's residence. The cost of the undertaking is $20,000. Best Siding, LLC, must hold a residential home builder's license because the cost of the undertaking exceeds $10,000; however, because the construction activity involves only one trade (siding installation) and it does not affect the structural integrity of the existing residence, Best Siding, LLC, may hold a residential home builders license **with limitation**.

(vi) Roofer enters into a contract directly with a Homeowner to repair storm damage to at least one roof truss, which will require a framer, and to re-roof a residence. The cost of the undertaking is $11,000. Roofer is required to hold **a residential home builder's license without limitation** because more than one trade is involved, and the work affects the structural integrity of the residence. 3-9

(vii) Roofer enters into a contract directly with Homeowner to install a new roof, including replacing only existing damaged decking and damaged fascia. The cost of the undertaking is $8,000. Roofer must hold a residential home builders license limited to roofing (roofers license) because the cost of the undertaking exceeds $2,500; Because the construction activity involves only one trade (roof installation, including replacing damaged decking and fascia) and it does not affect the structural integrity of the residence, Roofer may hold a residential home builders license **with limitation**, limited to roofing.

(viii) Builder enters into a contract directly with Homeowner to make repairs to a residence, including painting and replacement of sheetrock. The cost of the undertaking is $8,500. Though the construction activity involves more than one trade (painting, and sheetrock replacement), Builder is **not required to hold a license** issued by the Board because the cost of the undertaking does not exceed $10,000. If the

cost of the undertaking had exceeded $10,000, Builder would be required to hold a residential home builder's license **without limitation** because more than one trade is involved.

(3) **Requirements for License Without Limitation**. In order to receive a license **without limitation (unlimited license)**, a residential home builder must successfully complete the following actions:

(a) File an accurate, complete, timely, and notarized application for license with the Board;

(b) Pay the application fee, the Homeowners' Recovery Fund fee, and any other fee required by these rules;

(c) Demonstrate proof of financial responsibility by submitting to the Board, at the applicant's expense:

1. A credit report with business-related credit and financial information in a form satisfactory to the Board (provided directly from a credit reporting agency).

i. The credit report shall include the business-related credit accounts information of the individual or entity to be licensed and a public records search of the individual or entity to be licensed.

ii. In addition, a partnership's credit report shall include a public records search on the partnership and also on each partner. A partnership over a year old has the option of submitting the business- related credit accounts information on the partnership or on each partner individually.

iii. In addition, a partnership, corporation, limited liability company, or other legal entity less than one year old may be required to provide business-related credit accounts information on the partners, corporate officers, or members individually where the partnership, corporation, or limited liability company does not have a credit history sufficient to reasonably satisfy the Board of the applicant's financial responsibility.

iv. An applicant whose application is pending for more than 90 days (owing to a defect in the application for which the applicant is responsible) may be required to file an updated credit report (provided directly from a credit reporting agency).

2. An applicant must not have any outstanding business-related collection account(s), or foreclosure account(s), except that

i. An applicant may have a business-related collection account(s), or foreclosure account(s) if the amount(s) of the business-related collection account(s), or foreclosure account(s) does not exceed $1,000 in the aggregate. (Example: (A) one $1,000 business-related collection account, or foreclosure account and no other business-related collection account, or foreclosure account, or (B) one $500 business-related collection account, one $250 business-related collection account, and one $250 foreclosure account.)

ii. An applicant with a business-related collection account(s), or foreclosure account(s), which exceeds $1,000 in the aggregate must provide documentation to show that the collection account(s), or foreclosure account(s) has been paid, or must show to the Board's reasonable satisfaction that arrangements have been made to pay the account(s), including but not limited to evidence of a payment plan and history of payment, or provide the Board with a written explanation of the circumstances surrounding the business- related collection account(s), or foreclosure account(s) sufficient to reasonably satisfy the Board of the applicant's financial responsibility.

3. An applicant must not have any outstanding judgments, judgment liens, or any perfected liens, except that

ii. An applicant may have an outstanding judgment(s), judgment lien(s), or any perfected lien(s) under dispute in court, with the taxing authority, or on appeal, if the amount(s) of judgment(s), judgment lien(s), or any perfected lien(s) (under dispute in court, with the taxing authority, or on appeal) does not exceed the amount of $1,000 in the aggregate. (Example: (A) one $1,000 outstanding judgment, judgment lien, or any perfected lien under dispute in court, with the taxing authority, or on appeal and no other outstanding judgment(s), judgment lien(s), or any perfected lien(s) under dispute in court, with the taxing authority, or on appeal or (B) one $650 outstanding judgment, judgment lien, or any perfected lien under dispute in court, with the taxing authority, or on appeal and one $350 outstanding judgment, judgment lien, or any perfected lien under dispute in court, with the taxing authority, or on appeal.)

ii. An applicant may have an outstanding judgment(s), judgment lien(s), or any perfected lien(s) if the amount(s) of the judgment(s), judgment lien(s), or any perfected lien(s) does not exceed $1,000 in the aggregate. (Example: (A) one $1,000 outstanding judgment, judgment lien, or any perfected lien and no other outstanding judgment(s), judgment lien(s), or any perfected lien(s) or (B) one $650 outstanding judgment, judgment lien or any perfected lien and one $350 outstanding judgment, judgment lien, or any perfected lien.)

4. Disclosure of Social Security Number. All licensure applications, including new and renewal licensure applications, have a space for the disclosure of an individual's social security number.

(i) The disclosure of an individual's social security number under the Alabama Child Support Act of 1997, Act 97-447, 3-12 §30-3-194 (1997 Cum. Supp.) is **MANDATORY**. The Board requires the disclosure of the social security number to be used for the purposes under said act described therein.

(ii) The disclosure of an individual's social security number for the purpose of obtaining business-related financial and credit information and public records search is **VOLUNTARY**. The Board requests the disclosure of the social security number, pursuant to Code of Ala. 1975, §34-14A-7(a)(4), to obtain business-related financial and credit information and a public records search in order to examine an applicant's business-related financial condition. The Board may provide, or the individual may provide, the social security numbers to the credit reporting agency for the purpose of obtaining this information. An individual who does not wish to disclose his or her social security number may provide the business-related financial and credit information and public records search in an alternate format. The alternate format shall be: provide five (5) notarized business-related credit letters from financial institutions, building suppliers, or other creditors outlining specific payment history, and a certified public records search.

(d) Satisfy the Board that the applicant possesses such experience and ability as to be entitled to a license as a residential home builder by successfully completing the examination (testing experience and ability, conducted by the Board, a third party under contract with the Board, any other nationally recognized examination as approved by the Board, or any combination thereof) required by the Board;

(e) Satisfy the Board that the applicant possesses such good character and willingness to serve the public and conserve the public health and safety as to be entitled to a license as a residential home builder; and

(f) File any additional pertinent information required by the Board on a case-by-case basis to determine whether the applicant is qualified to receive a license.

(g) If the applicant is a corporation, satisfy the Board that the applicant is in good standing with the Alabama Department

of Revenue and is either duly organized in the State of Alabama or qualified as a foreign corporation to do business in Alabama.

(h) If the applicant is a limited partnership or limited liability company, satisfy the Board that the applicant 3-13 is either duly organized in the State of Alabama or qualified as a foreign limited partnership or limited liability company to do business in Alabama.

(4) **Requirements for License With Limitation**. In order to receive a license **with limitation (limited license),** a residential home builder must successfully complete the requirements for licensure as required under Rule §465-X-3-.04(3) with the exception of subsection (d) and must satisfy the experience and ability requirements as set forth herein.

(a) Any person acting as a residential home builder within the State of Alabama applying for a license **with limitation (limited license)** shall be deemed to have satisfied the experience and ability requirements for licensure if such person submits an application to the Board establishing:

1. That the applicant possesses sufficient building qualifications and experience to receive a license, as demonstrated by satisfactory evidence presented to the Board. Proof that an applicant currently holds or held on or before one (1) year prior to the date the application is received by the Board, a business or occupational license, issued by a governmental instrumentality of this state, as a contractor, roofer, or other related construction trade, shall provide sufficient evidence of the applicant's building qualifications and experience. The Board may also require.

2. That the applicant is recommended for licensure by a licensed builder holding a current and valid unlimited home builders license issued by Alabama or any other state. The recommendation must be in writing and signed by the licensed home builder; **or**

3. That the applicant is recommended for licensure by a building official in Alabama or any other state.

(5) **Requirements for License With Limitation, Limited to Roofing (Roofers License)**. In order to receive **a roofer's license**, a residential roofer must successfully complete the requirements for licensure as required under Rule 465-X-3-.04(3) with the exception of subsections (c) and (d) and must satisfy the financial responsibility and experience and ability requirements as set forth herein. 3-14

(a) Demonstrate proof of financial responsibility by submitting to the Board, at the applicant's expense, a bond issued by a licensed bonding or surety company. The bond:

1. must be in an amount not less than $10,000;

2. must name the Home Builders Licensure Board as the obligee of the bond;

3. must be valid for coverage from the date of issuance to December 31 of the current licensure year; and,

4. must include a legal instrument sufficient to authorize the Board to exercise the bond.

(b) Any person acting as a residential home builder within the State of Alabama applying for a license **with limitation, limited to roofing (roofers license)** shall be deemed to have satisfied the experience and ability requirements for licensure if such person submits an application to the Board establishing:

1. That the applicant possesses sufficient roofing qualifications and experience to receive a license, as demonstrated by satisfactory evidence presented to the Board. Proof that an applicant currently holds or held on or before one (1) year prior to the date the application is received by the Board, a business or occupational license, issued by a governmental instrumentality of this state, as a contractor, roofer, or other construction trade, shall provide sufficient evidence of the applicant's building qualifications and experience, **or**

2. That the applicant is a manufacturer-certified roofing installer. The Board may also require:

3. That the applicant is recommended for licensure by a licensed home builder holding a current and valid unlimited home builders license in Alabama or any other state. The recommendation must be in writing and signed by the licensed home builder; **or**

4. That the applicant is recommended for licensure by a building official in Alabama or any other state. 3-15

(6) **Grandfathering Provisions**. When applicants who were initially grandfathered from examination (testing experience and ability, conducted either by the Board or a third party under contract with the Board) on or before June 16, 1994 and who met the requirements under previous Code of Ala. 1975, §34-14A-5, and who apply for a new license in a different legal capacity less than three (3) years from the date of expiration of the former license, the Board shall rely on the building qualifications met under §34-14A-5 as

sufficient evidence of applicant's experience and ability requirements for licensure; provided there are no pending disciplinary problems with the applicant.

(7) **Out of State License Holders**. Any applicant holding a valid license as a residential home builder issued by a jurisdiction outside the state of Alabama shall be deemed to have satisfied the experience and ability requirements for licensure only upon a determination by the Board that:

(a) the licensing requirements of the other jurisdiction are substantially similar to those of Alabama; and

(b) the other jurisdiction exempts Alabama licensees from any examination (testing experience and ability) requirements imposed on residential home builders in that jurisdiction; or

(c) the applicant submits proof of successful passage of any other examination approved by the Board for demonstrating experience and ability; and

(d) in any of the above instances, the applicant may be required to complete testing of at least the Alabama business and law section of an approved examination.

(8) **Military Family Jobs Opportunity Act Applicants**. Any applicant meeting the eligibility requirements of Code of Ala. 1975, §31-1-6(c) may also satisfy the experience and ability requirements for licensure as provided for in section 7, above. Upon meeting the remaining requirements for licensure as set forth in this chapter, the applicant will be eligible for a waiver of the initial license fee for not less than 180 days, to be extended as determined by the Executive Director. A completed application submitted pursuant to this section will be expedited and will be reviewed by the Board at its next scheduled board meeting.

(9) **Military Education, Training, or Service Applicants**. Any applicant meeting the eligibility requirements of Code of Ala. 1975, §31-12A-2 may satisfy the experience and ability requirements for licensure if applying for license within three years of completion of military education1 training, or service and upon Board review to determine level of 3-16 education, training, or service being substantially simi1ar to Alabama Residential Home Building requirements.

(a) Applicants may satisfy the experience and ability requirements with documentation of education, training, or service demonstrating residential construction record.

(b) Applicants may be required to complete the Alabama Business and Law section of the license examination.

(10) **Extension of Licensing for Military Service Members**. An individual licensee or the designated qua1ifying representative of a corporation, limited liability company, or partnership and who is a member of the Armed Forces of the United States shall he entitled to the process of automatic renewal of license consistent with the requirements of Code of Ala. 1975, §31-12A-4, so long as the licensee or the designated qualifying representative of a corporation, limited liability company, or partnership is in good standing with the branch of the armed services and with the Board at the time of annual license renewal.

(a) Any license renewed pursuant to statutory application shall remain in inactive status until such time as the licensee meets requirements; to return to active license status.

(b) In the instance of a designated qualifying representative of a corporation, limited liability company, or partnership, the individual designated qualifying representative may be allowed to place his or her experience and abilities on inat-1ive status; however, the entity may be required to name a new designated qualifying representative if the entity desires to maintain an active license.

(11) **Inactive Licenses.**

(a) Any licensee who desires to receive an inactive license shall make and file with the Board an accurate, complete, notarized, written application for an inactive license on a form prescribed by the Board prior to the expiration of the current license. The application shall be accompanied by the payment of the annual inactive license fee required by the Board and any other fees required by these rules. After the Board accepts the application, the application may be reviewed by the Board at the next scheduled Board meeting. 3-17

(b) Any building official or building inspector who desires to receive an inactive license shall make and file with the Board 30 days prior to the next meeting of the Board an accurate, complete, notarized, written application for an inactive license on a form prescribed by the Board. After the Board accepts the application, the applicant may be examined by the Board at its next Board meeting as set out in Code of Ala. 1975, §34-14A-7(h)(3). Maintaining ICC certification as a certified building official, building inspector, residential building inspector, property maintenance and housing inspector, or building plans examiner, or maintaining a license/ certification as a design professional, shall be considered to be sufficient proof of building qualifications, experience and ability to receive an inactive license.

(c) No act for which a license is required may be performed under an inactive license. In the event a person holding a

current inactive license applies for a license, he or she may rely upon his or her inactive license as evidence of the experience and ability requirements for licensure under subdivisions (1) and (2) of subsection (a) of Code of Ala. 1975, §34-14A-7 and subparagraph (d) of paragraph (2) of this regulation. A person holding an inactive license must show proof of having completed six (6) hours of continuing education prior to returning to active status. The designated qualifying representative must obtain the six (6) credit hours of continuing education hours for corporations, limited liability companies, and partnerships.

(12) **Applicants Holding Expired Licenses Less Than Three Years Old**.

(a) Any licensee who desires to reactivate an expired license less than three years old shall make and file with the Board 30 days prior to the next meeting of the Board an accurate and complete written application on a form prescribed by the Board to reactivate the expired license. The application shall be accompanied by the application fee, the Homeowners' Recovery Fund fee, and any other fees required by these rules. After the Board accepts the application, the applicant may be reviewed by the Board at the next scheduled Board meeting. An applicant holding an expired license who files such an application within three years from the date of expiration of the license shall be deemed to have satisfied the experience and ability requirements for licensure provided there are no pending disciplinary problems with the applicant and all other licensing requirements have been met.

(b) For an individual applicant to be considered an applicant holding an expired license, the applicant must hold an expired license in his individual capacity. For a partnership, corporation, or limited liability company applicant to be considered an applicant holding an expired license, the applicant must hold an expired partnership, corporation, or limited liability license with the same designated qualifying representative as the applicant applying for reactivation.

(c) In addition, applicants who have been denied a license, or whose license has been revoked or suspended, or who have pending disciplinary problems, are not considered applicants holding an expired license. 3-19

(13) **Applicants Holding a Denied License Less Than Three Years Old**.

(a) Any applicant whose license has been denied and who desires to receive a new license shall make and file with the Board 30 days prior to the next meeting of the Board an accurate, complete, notarized written application on a form prescribed by the Board with the Executive Director and

satisfy the criteria set forth in 465-X-3-.04(3)(b), (c), (e), (f), (g) and (h) as applicable, or §465-X-3-.04(4) as applicable. The application shall be accompanied by the application fee, the recovery fund fee, and any other fees required by these rules. After the Board accepts the application, the applicant may be reviewed by the Board at the next scheduled Board meeting. An applicant whose license has been denied and who files such an application and is issued a new license within three years from the year of denial of the previous license shall be deemed to have satisfied the experience and ability requirements for licensure.

Author: David R. Boyd, Dorman Walker, Lois Woodward, Anna C. Northington, Beth Acker, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan, Lauren Latham, Darlene Burt
Statutory Authority: Code of Ala. 1975, §§34-14A-2, 34-14A-5, 34-14A-6, 34-14A-7, 34-14A-11.
History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Amended:** Filed February 11, 1994; effective March 18, 1994. **Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. **Amended:** Filed April 2, 1997; effective May 7, 1997. **Amended:** Filed January 30, 1998; effective March 6, 1998. **Amended:** Filed September 4, 1998; effective October 9, 1998. **Amended:** Filed June 4, 1999; effective July 9, 1999. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed April 2, 2004; effective May 7, 2004. **Amended:** Filed June 4, 2004; effective July 9, 2004. **Amended:** Filed November 4, 2004; effective December 9, 2004. **Amended:** Filed December 9, 2004; effective January 13, 2005. **Amended:** Filed February 7, 2005; effective March 14, 2005. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed October 6, 2008; effective November 10, 2008. **Amended:** Filed August 11, 2010; effective September 15, 2010. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed August 27, 2018, effective October 11, 2018. **Amended:** Published August 31, 2020; effective October 15, 2020. **Amended:** Published December 30, 2021; effective February 13, 2022. 3-20 **Amended:** Published January 31, 2025; effective March 17, 2025. **Amended:** Published August 31, 2026; effective October 15, 2026.

465-X-3-.05 Certification (Repealed 10/28/94).

(Repealed 10-28-94)
Author: David R. Boyd, Dorman Walker, Lois Woodward
Statutory Authority: Code of Ala. 1975, §§34-14A-5, 34-14A-7, 34-14A-11.
History: Repealed: Filed September 23, 1994; effective October 28, 1994.

465-X-3-.06 Annual License Renewal, Consequence Of Failure To Renew.

(1) A license is valid only during the calendar year indicated on the license. At the end of that calendar year, the license expires unless it is timely renewed by the licensee.

(2) To renew a license **without limitation**, the licensee must timely file a complete and accurate annual license renewal application with the Executive Director, the criteria set forth in §465-X-3-.04(3)(b), (c), (e), (f), (g), and (h), as applicable and beginning October 1, 2021, obtain six (6) credit hours of continuing education taught by a Board approved provider or instructor. The designated qualifying representative must obtain the six (6) credit hours of continuing education hours for corporations, limited liability companies, and partnerships. Two (2) of the six (6) credits must be in areas specific to Alabama as designated by the Board. To renew a license **with limitation**, including limited to residential roofing the licensee must timely file a complete and accurate annual license renewal application with the Executive Director, and satisfy the criteria set forth in § 465-X-3-.04(4) as applicable and beginning October 1, 2021, obtain six (6) credit hours of continuing education taught by a Board approved provider or instructor. The designated qualifying representative must obtain the six (6) credit hours of continuing education hours for corporations, limited liability companies, and partnerships. Two (2) of the six (6) credits must be in areas specific to Alabama as designated by the Board. If a licensee changes its address or telephone number during the license year, the licensee promptly must notify the Board of the new address and new telephone number. Annual license renewal applications must be filed by November 30 of the year preceding the year for which the license is to be renewed. Any renewal 3-21 applications postmarked on December 1 or thereafter will be considered late.

(3) To renew an inactive license, the inactive licensee must timely file a complete and accurate annual inactive license renewal application with the Executive Director, and satisfy the criteria set forth in §465-X-3-.04(9)(a), (b), and (c), as applicable. If an inactive licensee changes its address or telephone number during the license year the inactive licensee promptly must notify the Board of the new address and new telephone number. Annual inactive license renewal applications must be filed by November 30 of the year preceding the year for which the inactive license is to be renewed. Any inactive renewal applications postmarked on December 1 or thereafter will be considered late.

(4) A license holder who fails to file the annual license renewal application, or the annual inactive license renewal application,

by December 31 of the calendar year for which the license was issued shall no longer be licensed as a residential home builder, after December 31 of the calendar year for which the license was issued.
Author: David R. Boyd, Dorman Walker, Lois Woodward, Anna C. Northington, Beth Acker, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan, Lauren Razick, Darlene Burt
Statutory Authority: Code of Ala. 1975, §§34-14A-5, 34-14A-7.
History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. **Amended:** Filed April 2, 1997; effective May 7, 1997. **Amended:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed August 4, 1998; effective September 8, 1998. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed June 4, 2004; effective July 9, 2004. **Amended:** Filed November 4, 2004; effective December 9, 2004. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed August 27, 2018, effective October 11, 2018. **Amended:** Published August 31, 2020; effective October 15, 2020.

465-X-3-.07 Renewal Of Lapsed Licenses (Repealed 3/4/98).

(Repealed)
Author: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker 3-22
Statutory Authority: Code of Ala. 1975, §§34-14A-5, 34-14A-11.
History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Repealed:** Filed January 28, 1998; effective March 4, 1998.

465-X-3-.08 Replacement Licenses.

The Board shall issue a replacement license, upon application, to a licensee who shows by notarized statement that:

(1) the licensee's current license has been stolen, taken, lost, destroyed, defaced, or

(2) the licensee's name has been changed by marriage or court order, if the licensee is an individual, or by changing the name of the sole proprietorship, partnership, or corporation, if the license is issued in the name of such an entity. Where such a name change occurs, the license issued under the licensee's former name shall expire 60 days after the name change occurs, unless within that 60-day period the licensee obtains a replacement license bearing the licensee's correct name. When the replacement license is issued to accommodate a

name change, the originally issued license must be returned to the Board as a condition of the issuance of the new license.
Author: David R. Boyd, Dorman Walker, Lois Woodward
Statutory Authority: Code of Ala. 1975, §§34-14A-1, 34-14A-5, 34-14A-7, 34-14A-11.
History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994.

465-X-3-.09 Examinations.

In examining an applicant, the Board shall consider the applicant's experience, ability, character, business-related financial condition, ability and willingness to serve the public and to conserve the public's health and safety, and any other pertinent information needed for the Board to determine whether the applicant is qualified to receive a license as a residential home builder. The Board may rely on oral and written examinations (testing experience and ability, conducted by the Board, a third party under contract with the Board, any other nationally recognized examination as approved by the Board, or any combination thereof), its review of the application and 3-23 related materials filed by the applicant, any references or information regarding the applicant or its qualifying representatives, or any combination thereof in determining whether to issue a license. Any written examinations (testing experience and ability, conducted either by the Board or a third party under contract with the Board) required for a license as a residential home builder shall be given at least quarterly at a place or places designated by the Board. An applicant has three (3) years from the year he or she receives a passing score on any written examination (testing experience and ability, conducted either by the Board or a third party under contract with the Board) within which to file a written application for license with the Board. At the expiration of the three (3) year period, if an applicant has not filed an application for and obtained a license, the applicant shall be required to retake and receive a passing score on any written examination (testing experience and ability, conducted either by the Board or a third party under contract with the Board) before a license will be issued.
Author: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield, J. Seth Gowan, Lauren Latham, Darlene Burt
Statutory Authority: Code of Ala. 1975, §§34-14-7, 34-14-11.
History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. **Amended:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed June 4, 1999; effective July 9, 1999. **Amended:** Published January 31, 2025; effective March 17, 2025.

465-X-3-.10 Denial Of License.

(1) Grounds for Denial. The following shall constitute grounds on which the Board may deny an application for a license:

(a) Applicant's failure to meet any requirement or standard established by the Act or the rules adopted by the Board.

(b) False representations of facts on an application for licensure or renewal thereof.

(c) Applicant's having another person appear in the applicant's place for the licensing exam. 3-24

(d) Applicant's following a course of conduct that would be grounds for discipline under the Act or the rules adopted by the Board.

(e) The revocation, suspension or probationary status of the applicant's license in another state.

(f) Disciplinary action pending against the applicant in another state.

(g) Any other reasons authorized by law.

(2) Notice of denial. The Board shall give any applicant whose application for licensure or renewal is denied written notice specifying in detail the reason for the denial.

(3) Reexamination and Reconsideration.

(a) An applicant denied a license shall be given an opportunity to be reexamined after filing a new application and paying an additional application fee; provided, however, the Board in its discretion may waive any application requirements regarding the filing of any additional forms or the payment of any additional fees.

(b) An applicant denied a license shall be given an opportunity to be reexamined after filing a new application and paying an additional application fee; provided, however, any applicant denied a license shall not be required to sit for and pass any written examination (testing experience and ability conducted by the Board, a third party under contract with the Board, any other nationally recognized examination as approved by the Board, or any combination thereof) if application for a new license is made and a new license is issued three years from the year the previous license was

denied and the applicant has met all other requirements for licensure.

(c) An applicant who claims to have been wrongfully denied a license may request reconsideration of the Board's decision at any time within 45 days after the date of the Board's notice of denial. This request for reconsideration must be in writing and must include evidence that the Board relied on inaccurate or incomplete information in denying the applicant a license; evidence of rehabilitation or the elimination or cure of the grounds on which the denial was based; or other explanatory evidence bearing on the applicant's record. In 3-25 connection with this request for reconsideration, the applicant shall be entitled to appear before the Board, or a committee thereof, in order to present the request. Applicants requesting reconsideration of denial shall be notified of the opportunity to appear before the Board by letter, mailed certified mail, return receipt requested, to the most recent address on file with the Board at least 15 days prior to the scheduled date of the hearing. In the event an applicant receives less than 15 days' notice as described herein, the Board may grant a continuance until the next hearing date.

Author: David R. Boyd, Dorman Walker, Lois Woodward
Statutory Authority: Code of Ala. 1975, §§34-14A-5, 34-14A-7, 34-14A-8, 34-14A-11.
History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993. **Amended:** Filed September 4, 1998; effective October 9, 1998. **Amended:** Filed June 4, 1999; effective July 9, 1999. **Amended:** Published January 31, 2025; effective March 17, 2025.

465-X-3-.11 Continuing Qualification (Repealed 1/13/12).

(REPEALED)
Author: David R. Boyd, Lois Woodward
Statutory Authority: Code of Ala. 1975, §§34-14A-5, 34-14A-7, 34-14A-11.
History: Emergency Rule: Filed June 20, 1994. **New Rule:** Filed September 23, 1994; effective October 28, 1994. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Repealed:** Filed December 9, 2011; effective January 13, 2012.

465-X-3-.12 Continuing Qualification For Applicants In Counties Having Populations Of Less Than 30,000 (Repealed 1/13/12).

(REPEALED)
Author: Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §34-14A-5.

History: New Rule: Filed June 4, 1999; effective July 9, 1999.
Amended: Filed August 4, 2006; effective September 8, 2006.
Amended: Filed August 25, 2011; effective September 29, 2011.
Repealed: Filed December 9, 2011; effective January 13, 2012.

465-X-3-.13 Continuing Qualification For Applicants In Washington County (Repealed 1/13/12).

(REPEALED)
Author: Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§34-14A-5, 34-14A-6. 3-26
History: New Rule: Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Repealed:** Filed December 9, 2011; effective January 13, 2012.

465-X-3-.14 Continuing Qualification For Applicants Holding A License With Limitation (Repealed 1/13/12).

(REPEALED)
Author: Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§34-14A-1, 34-14A-2, 34-14A-5, 34-14A-7, 34-14A-11
History: New Rule: Filed August 25, 2011; effective September 29, 2011. **Repealed:** Filed December 9, 2011; effective January 13, 2012.