

HOME BUILDERS LICENSURE BOARD
ADMINISTRATIVE CODE

CHAPTER 465-X-3
LICENSING

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.

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