

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-3-11
Rule Title: Continuing Qualification
New Amend X Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

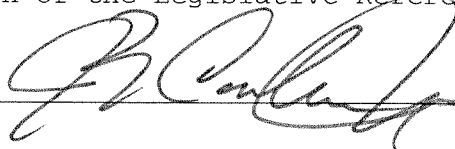
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 10/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: **Home Builder Licensure Board**

RULE NO. & TITLE: 465-X-3-.11 Continuing Qualification.

INTENDED ACTION: The Home Builders Licensure Board proposes
to repeal rule 465-X-3-.11.

SUBSTANCE OF PROPOSED ACTION:

The repeal of this rule will enable a holder of an expired license to reactivate his license without satisfying the experience and ability requirements for licensure if application is made within the three-year time period established at § 34-14A-7(f)(1)b, and provided all other licensing requirements have been met.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning October 31, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 5,
2011

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

~~465-X-3-.11 **Continuing Qualification.** An individual residential home builder or building inspector shall be deemed to have satisfied the experience and ability requirements for licensure if such builder~~

- ~~(1) satisfied the requirements of 465-X-3-.04(3) of these Rules, and~~
- ~~(2) since June 16, 1994, continuously has been licensed as a residential home builder or has served as a qualifying representative of a licensed residential home builder, or any combination thereof.~~

~~If such an individual later chooses to apply for another license, that individual may rely upon this continuing status as either a licensee or qualifying representative to evidence satisfaction of the experience and ability requirements for licensure, but also must comply with all other licensure requirements.~~

EXAMPLES:

~~(i) Davis applied for and received an individual license as a residential home builder by June 16, 1994, and maintained that license through December 1996. In November 1996, Davis Builders, Inc., a corporation of which Davis is an officer, applies for a license, designating Davis as its qualifying representative. Davis Builders, Inc., may rely on Davis' continuing status as a licensee to fulfill the experience and ability requirements for licensure. Davis Builders, Inc., however, will have to satisfy all other requirements for licensure, including, without limitations, the financial responsibility requirement.~~

~~(ii) Alabama Builders, Inc., applied for and received a license by June 16, 1994, and maintained that license until December 31, 1996. Throughout that period, Johnson served as the corporation's qualifying representative. In November 1996, Johnson applies for an individual license. Johnson may rely on his or her continuing status as the corporation's qualifying representative to fulfill the experience and ability requirements for licensure. Johnson, however, will have to satisfy all other requirements for licensure, including, without limitations, the financial responsibility requirement.~~

~~(iii) Acme Building Company, a partnership, applied for and received a license by June 16, 1994, and maintained that license until December 31, 1995. Throughout that period, Smith served as the partnership's qualifying representative. In November 1995, Smith applied for and received an individual license, relying on service as the partnership's qualifying representative to satisfy the experience and ability requirements for licensure. In November 1996, Superior Builders, Inc., a corporation of which Smith is an officer, applied for a license. Superior Builders, Inc. may rely on Smith's continuing status as a qualifying representative and then a licensee to fulfill the experience and ability requirements for licensure. Superior Builders, Inc., however, will have to satisfy all other requirements for licensure, including without limitation, the financial responsibility requirement.~~

~~(iv) William applied for and received an individual license by June 16, 1994. In December 1994, he began work as an employee of Quality Builders, Inc., and continued working~~

for that company until September 1996. During his employment by Quality Builders, Inc., William neither maintained an individual license nor served as the company's qualified representative. In October 1996, William applied for an individual license. Because William did not maintain an individual license or serve as a qualifying representative for a licensee during the period from January 1995 to October 1996, William will not be deemed to have satisfied the experience and ability requirements for licensure and will be required to be examined.

Authors: 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.