APA-4

Revised 1/2018

CERTIFICATION OF EMERGENCY RULES

FILED WITH LEGISLATIVE SERVICES AGENCY

OTHNI LATHRAM, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b. I certify that the attached emergency, new rule, is a correct copy as promulgated and adopted on the 15 day of April, 2020.

AGENCY NAME: Alabama Licensing Board for General Contractors

RULE NO. AND TITLE: 230-X-1-.34.01ER Authority for Issuing Temporary License(s) Pending Required Examination(s) for Otherwise Qualified Applicants During a COVID-19 Declared State of Emergency

EFFECTIVE DATE OF RULE: April 15, 2020

EXPIRATION DATE (If less than 120 days): At the conclusion of and/or lifting of the COVID-19 related declared state of emergency

NATURE OF EMERGENCY: Public Health Emergency, as declared by Governor Ivey on March 13, 2020, relating to COVID-19. The purpose of this emergency rule, 230-X-1-.34.01ER, is to provide the Board the authority to issue temporary licenses pending required examination(s)as set forth at Administrative Code Section 230-X-1-.34, for otherwise qualified applicants, which is deemed necessary for the public's health, safety and welfare.

STATUTORY AUTHORITY: Code of Alabama, 1975, §34-8-22

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES X NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Tiffany Loveless
2525 Fairlane Drive
Montgomery, AL 36116
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REC'D & FILED

APR 15 2020

LEGISLATIVE SVC AGENCY

FILING DATE

(For APA Use Only)

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

230-X-1-.34.01ER Authority for Issuing Temporary License(s) Pending Required Examination(s) for Otherwise Qualified Applicants During a COVID-19 Declared State of Emergency

Where an applicant's good faith ability to take required examinations is adversely impacted by the ongoing closure of approved testing facilities in the county, city, parish and/or province where the applicants principal place of business and/or where the applicants qualifier(s) is currently located due to a Covid-19 government declared state of emergency, the Alabama Licensing Board for General Contractors has the authority to temporarily modify its examination requirements set forth at Administrative Code Section 230-X-1-.34, but only for either (1) those adversely affected applicants who otherwise fully and completely comply with all other Alabama Board licensing requirements or (2) for those adversely affected out of state applicants in good standing, who lack reciprocity, but otherwise fully and completely comply with all Alabama Board licensing requirements and who have successfully passed required exams mandated by their state contractors board for the same or equivalent license classification(s) they are seeking in Alabama. Under these limited conditions a valid and enforceable temporary contractors' license will be issued subject to the required examination being successfully completed on or before the expiration date identified on the contractors' temporary license.

Moreover, where an applicant's demonstrated good faith efforts to take required examinations continues to be impeded by the above-referenced ongoing closure of approved testing facilities due to a Covid-19 government declared state of emergency, the Chairman of the Board may on a case by case basis authorize the Board's Executive Director to extend the contractor's temporary active license for up to an additional 90 days subject to the Board Chairman's final approval.

This rule does not eliminate the Board's required examination prerequisite for licensure and does not expand or modify the license in issue. The adoption of this rule is deemed necessary for the public's health, safety or welfare.

Author: Alabama Licensing Board for General Contractors
Statutory Authority: Code of Ala. 1975, §34-8-22
History: Emergency Rule: Filed April 15, 2020.