Rules and Regulations of the State of Georgia

Department 553 RULES OF STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapters 553-1 entitled "Organization", 553-2 entitled "Examination Exemption", 553-3 entitled "Qualifications for Licensure - Residential Contractor Division", 553-4 entitled "Qualifications for Licensure - General Contractor Division", 553-5 entitled "Procedural Rules", and 553-6 entitled "Fees" have been adopted. Filed October 14, 2005; effective November 3, 2005.

Rules 553-4-.01 and .02 have been adopted. Filed November 3, 2005; effective November 23, 2005.

Rules 553-3-.02 and .04 have been amended. Filed December 1, 2005; effective December 21,2005.

Chapters 553-7 entitled "Written Warranty" and 553-8 entitled "Definitions" have been adopted. Filed December 23, 2005; effective January 12, 2006.

Rules 553-4-.05 and .06 have been adopted. Filed May 8, 2008; effective May 28, 2008.

Rule 553-7-.01 has been repealed and a new Rule adopted. Filed July 15, 2008; effective August 4, 2008.

Chapter 553-10 entitled "Inactive License" has been adopted. Filed September 5, 2008; effective September 25, 2008.

Chapter 553-11 entitled "Changes in Status" has been adopted. Filed March 9, 2009; effective March 29, 2009.

Rules 553-4-.05 and 553-4-.06 have been amended. Chapter 553-12 entitled "License Renewal and Continuing Education" has been adopted. Filed January 4, 2010; effective January 24, 2010.

Rules 553-4-.01, .02, .05, and .06 have been repealed and new Rules adopted. Filed June 7, 2010; effective June 27, 2010.

Chapter 553-9 entitled "Disciplinary Action", Rules 553-12-.02, .03, and .06 have been adopted. Filed October 7, 2010; effective October 27, 2010.

Rule 553-2-.13 has been repealed and a new Rule adopted. Filed November 4, 2010; effective November 24,2010.

Paragraphs (2) and (a) of Rule 553-12-.02 have been repealed and new paragraphs (2) and (a) adopted. Filed April 20, 2011; effective May 10, 2011.

Rule 553-11-.01 amended. F. Feb. 21, 2013; eff. Mar. 13, 2013.

Rules 553-3-.07, 553-4-.07 adopted. F. Oct. 13, 2017; eff. Nov. 2, 2017.

Rules 553-4-.05, .06 amended. F. Mar. 29, 2019; eff. Apr. 18, 2019.

Rule 553-4-.02 amended. F. June 10, 2019; eff. June 30, 2019.

Note: Rule 553-4-.01, correction of typographical error in Rule title on SOS Rules and Regulations website, error discovered June 2019. "*Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship*" corrected to "*Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship,*" as originally adopted. Effective July 2, 2019.

Rule 553-4-.01 amended. F. June 12, 2019; eff. July 2, 2019.

Rules 553-10-.01, 553-11-.01, 553-12-.06 amended. Rules 553-11-.02, .03 adopted. F. July 12, 2019; eff. August 1, 2019.

Cite as Ga. Comp. R. & Regs. R. dept. 553, ADMINISTRATIVE HISTORY

Chapter 553-1. ORGANIZATION.

Rule 553-1-.01. Organization of Board.

The State Licensing Board for Residential and General Contractors shall be composed of 14 members appointed by the Governor for five year terms, except as specifically delineated for the initial members. The Board shall be divided into two divisions, each consisting of 7 members: the residential contractor division, having jurisdiction of and authority over two subcategories of residential contracting, residential-basic and residential-light commercial, and the general contractor division. Each division shall meet at least six times each year, with the Board meeting at least twice each year for the purpose of overseeing the operation of its divisions.

Cite as Ga. Comp. R. & Regs. R. 553-1-.01
Authority: Authority O.C.G.A. Secs. 43-41-1 to 43-41-3, 43-41-5.
History. Original Rule entitled "Organization of Board" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-1-.02. Officers.

The Board shall elect a chairperson and vice chairperson, each to serve for a one-year term. The office of chairperson shall be rotated between the two divisions, with the office of vice chairperson to be held by a member of the division other than that in which the chairperson serves. Each division shall elect from its membership a chairperson and a vice chairperson, each of whom shall serve a term of two years.

Cite as Ga. Comp. R. & Regs. R. 553-1-.02
Authority: O.C.G.A. Sec. 43-41-4.
History. Original Rule entitled "Officers" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-1-.03. Forms.

All necessary forms for licensure may be obtained by visiting the website at www.sos.state.ga.us ., or by writing the Board at 237 Coliseum Drive, Macon, Georgia 31217.

Cite as Ga. Comp. R. & Regs. R. 553-1-.03
Authority: O.C.G.A. Secs. 43-1-2, 43-41-6.
History. Original Rule entitled "Forms" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-1-.04. Public Information.

The public may obtain information and submit requests by visiting the website at www.sos.state.ga.us or at the Office of the Division Director, Professional Licensing Boards, 237 Coliseum Drive, Macon, GA 31217.

Cite as Ga. Comp. R. & Regs. R. 553-1-.04
Authority: O.C.G.A. Sec. 43-1-2.
History. Original Rule entitled "Public Information" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Chapter 553-2. EXAMINATION EXEMPTION.

Rule 553-2-.01. Examination Exemption Provisions - Residential Contractor Division.

As prescribed in O.C.G.A. § 43-41-8, certain persons are eligible to receive a residential contractor license from the residential contractor division without examination, provided that such persons submit a proper application and proofs, pay or have paid the required fees, otherwise meet the requirements of Code Section 43-41-6 for licensure, and are not otherwise in violation of Chapter 41 of Title 43 of the Georgia Code. Said completed applications and request for exemption and necessary proofs must be received between January 1, 2006 and June 30, 2006. from the following eligible persons:

(1) Any person who, among other items enumerated in O.C.G.A. § 43-41-8(a)(1), holds a current and valid license to engage in residential contracting issued to him or her by any governing authority of any political subdivision of this state, and meets all requirements contained in that statute; and

(2) Any person who has successfully and efficiently engaged in residential contracting in this state and meets all requirements contained in that statute.

Cite as Ga. Comp. R. & Regs. R. 553-2-.01
Authority: O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Examination Exemption Provisions - Residential Contractor Division" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.02. Exemption from Residential Contracting Examination - Individual Holding a Residential Contracting License from a Georgia Political Subdivision.

To prove that an applicant who is applying on his or her behalf holds a current and valid license to engage in residential contracting issued to him or her by any governing authority of any political subdivision of this state, the applicant must cause to be submitted to the division a verification of licensure verifying such from that political subdivision. The verification of licensure will be on a form included with the application for examination exemption. Additionally, the verification of licensure shall show that the applicant passed an examination required by the governing authority, which examination is substantially similar to the state examination for residential contractors, in order for the applicant to obtain the license from that governing authority. The division shall determine whether the examination[s] required by any governing authority of the political subdivisions in Georgia is substantially similar to the state examination for residential contractors. Additionally, each applicant must swear on the application for examination exemption that the applicant is a Georgia resident and citizen.

Cite as Ga. Comp. R. & Regs. R. 553-2-.02
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Exemption from Residential Contracting Examination - Individual Holding a Residential Contracting License from a Georgia Political Sudivision" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.03. Exemption from Residential Contracting Examination - Qualifying Agent Holding a Residential Contracting License from a Georgia Political Subdivision.

To prove that an applicant who is applying for licensure as a qualifying agent for a business organization incorporated in Georgia or otherwise authorized and certified to transact business in Georgia holds a current and valid license to engage in residential contracting issued to him or her by any governing authority of any political subdivision of this state, the applicant must cause to be submitted to the division a verification of licensure verifying such from that political subdivision. The verification of licensure will be on a form included with the application for examination exemption. Additionally, the verification of licensure shall show that the applicant passed an examination required by the governing authority, which examination is substantially similar to the state examination for residential contractors, in order for the applicant to obtain the license from that governing authority. The division shall determine whether the examination[s] required by such governing authority of the political subdivisions in Georgia is substantially similar to the state examination for residential contractors. Additionally, the applicant must show that said corporation or business organization possesses a regular office and place of business in Georgia currently and that said corporation or business organization has had the office and place of business continuously for the five years immediately preceding the time of application by swearing to the veracity of such on the application for examination exemption.

Cite as Ga. Comp. R. & Regs. R. 553-2-.03
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Exemption from Residential Contracting Examination - Qualifying Agent Holding a Residential Contracting License from a Georgia Political Subdivision" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.04. Exemption from Residential Contracting Examination - Individual Having the Necessary Experience in Georgia.

To qualify for the exemption from examination by this means, the applicant must be a resident and citizen of the state of Georgia, the veracity of which shall be sworn to by the applicant on the application for licensure by examination exemption. To prove the additional requirement that the applicant has successfully engaged in residential contracting in Georgia, the applicant must provide, with his or her application, evidence satisfactory to the division of one of the following:

(1) three successful projects located in Georgia which were successfully completed over the period of five years immediately prior to the time of application; or

(2) ten successfully completed residential-basic or residential-light commercial projects located in Georgia over the period of ten years immediately prior to the time of application; or

(3) that he or she has participated in or been engaged in residential-basic or residential-light commercial construction in a supervisory or management capacity for seven of the ten years immediately prior to the time of application.

Cite as Ga. Comp. R. & Regs. R. 553-2-.04
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Exemption from Residential Contracting Examination - Individual Having the Necessary Experience in Georgia" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.05. Exemption from Residential Contracting Examination - Qualifying Agent Having the Necessary Experience in Georgia.

To qualify for the exemption from examination by this means, the applicant must show that the business organization for which he or she is applying to be the qualifying agent is either incorporated in Georgia or a business organization otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application. To prove incorporation in Georgia or a business organization otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application, the applicant must swear to the veracity of such on the application for examination exemption. To prove the additional requirement that the applicant has successfully engaged in residential contracting in Georgia, the applicant must provide, with his or her application, evidence satisfactory to the division of one of the following:

(1) three successful projects located in Georgia which were successfully completed over the period of five years immediately prior to the time of application; or

(2) ten successfully completed residential-basic or residential-light commercial projects located in Georgia over the period of ten years immediately prior to the time of application; or

(3) that he or she has participated in or been engaged in residential-basic or residential-light commercial construction in a supervisory or management capacity for seven of the ten years immediately prior to the time of application.

Cite as Ga. Comp. R. & Regs. R. 553-2-.05
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Exemption from Residential Contracting Examination - Qualifying Agent Having the Necessary Experience in Georgia" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.06. Burden of Proof for Obtaining the Residential Contracting Examination Exemption.

Any applicant for issuance of a residential contractor license under this title who shall seek exemption from the examination requirement under subsection (f) of Code Section 43-41-6, on any basis set forth above, shall have the burden of establishing to the satisfaction and within the discretion of the division that the requirements for such exemption have been satisfied. The decision of the division as to the satisfaction of the requirements for such exemption from taking the examination shall be conclusive.

Cite as Ga. Comp. R. & Regs. R. 553-2-.06
Authority: O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Burden of Proof for Obtaining the Residential Contracting Examination Exemption" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.07. Examination Exemption Provisions - General Contractor Division.

As prescribed in O.C.G.A. § 43-41-8, certain persons are eligible to receive a general contractor license from the general contractor division without examination, provided that such persons submit a proper application and proofs, pay or have paid the required fees, otherwise meet the requirements of Code Section 43-41-6 for licensure, and are not otherwise in violation of Chapter 41 of Title 43 of the Georgia Code. Said completed applications and request for exemption and necessary proofs must be received between January 1, 2006 and June 30, 2006, from the following eligible persons:

(1) Any person who, among other items enumerated in O.C.G.A. § 43-41-8(a)(1), holds a current and valid license to engage in general contracting issued to him or her by any governing authority of any political subdivision of this state, and meets all requirements contained in that statute; and

(2) Any person who has successfully and efficiently engaged in general contracting in this state and meets all requirements contained in that statute.

Cite as Ga. Comp. R. & Regs. R. 553-2-.07
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Examination Exemption Provisions - General Contractor Division" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.08. Exemption from General Contracting Examination - Individual Holding a General Contracting License from a Georgia Political Subdivision.

To prove that an applicant who is applying on his or her behalf holds a current and valid license to engage in general contracting issued to him or her by any governing authority of any political subdivision of this state, the applicant must cause to be submitted to the division a verification of licensure verifying such from that political subdivision. The verification of licensure will be on a form included with the application for examination exemption. Additionally, the verification of licensure shall show that the applicant passed an examination required by the governing authority, which examination is substantially similar to the state examination for general contractors, in order for the applicant to obtain the license from that governing authority. The division shall determine whether the examination[s] required by any governing authority of the political subdivisions in Georgia is substantially similar to the state examination for general contractors. In making such determination, the division shall ensure that the examination[s] of the local governing authorities at least satisfy the division examination's requirements for ascertaining the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens. Additionally, each applicant must swear on the application for examination exemption that the applicant is a Georgia resident and citizen and must, as dictated by the application for examination exemption, also submit with the completed application for examination exemption an appropriate reference letter from a certified public accountant regarding residency and citizenship. The reference letter will be on a form included with the application for examination exemption and must be notarized.

Cite as Ga. Comp. R. & Regs. R. 553-2-.08
Authority: O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Exemption from General Contracting Examination - Individual Holding a General Contracting License from a Georgia Political Subdivision" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.09. Exemption from General Contracting Examination - Qualifying Agent Holding a General Contracting License from a Georgia Political Subdivision.

To prove that an applicant who is applying for licensure as a qualifying agent for a business organization incorporated in Georgia or otherwise authorized and certified to transact business in Georgia holds a current and valid license to engage in general contracting issued to him or her by any governing authority of any political subdivision of this state, the applicant must cause to be submitted to the division a verification of licensure verifying such from that political subdivision. The verification of licensure will be on a form included with the application for examination exemption. Additionally, the verification of licensure shall show that the applicant passed an examination required by the governing authority, which examination is substantially similar to the state examination for general contractors, in order for the applicant to obtain the license from that governing authority. The division shall determine whether the examination[s] required by such governing authority of the political subdivisions in Georgia is substantially similar to the

state examination for general contractors. In making such determination, the division shall ensure that the examination[s] of the local governing authorities at least satisfy the division examination's requirements for ascertaining the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens. Additionally, the applicant must show that said corporation or business organization possesses a regular office and place of business in Georgia currently and that said corporation or business organization has had the office and place of business continuously for the five years immediately preceding the time of application. To satisfactorily prove this, the applicant must swear on the application for examination exemption that the corporation or business organization possesses a regular office and place of business in Georgia currently and that said corporation or business organization has had the office and place of business continuously for the five years immediately preceding the time of application. Additionally, the applicant must, as dictated by the application for examination exemption, also submit with the completed application for examination exemption an appropriate reference letter from a certified public accountant regarding said corporation's or business organization's location and duration in Georgia. The reference letter will be on a form included with the application for examination exemption and must be notarized. Moreover, as dictated by O.C.G.A. § 43-41-9(b), the applicant must submit, together with the application for examination exemption, a satisfactory affidavit signed by an authorized agent of the business organization who possesses binding authority for the business organization, on a form provided by the division, attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity and that the individual applicant has final approval authority on all business matters, including contracts and contract performance and financial affairs of the business organization or entity.

Cite as Ga. Comp. R. & Regs. R. 553-2-.09
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Exemption from General Contracting Examination - Qualifying Agent Holding a General Contracting License from a Georgia Political Subdivision" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.10. Exemption from General Contracting Examination - Individual Having the Necessary Experience in Georgia.

To qualify for the exemption from examination by this means, the applicant must be a resident and citizen of the state of Georgia, the veracity of which shall be sworn to by the applicant on the application for examination exemption. To prove the additional requirement that the applicant has successfully engaged in general contracting in Georgia, the applicant must provide, with his or her application, evidence satisfactory to the division of one of the following:

(1) five successful projects located in Georgia which were successfully completed over the period of five years immediately prior to the time of application; or

(2) ten successfully completed general contracting projects located in Georgia over the period of ten years immediately prior to the time of application. To satisfactorily prove "successful projects", the applicant must include, together with and as directed by the application for examination exemption, an appropriate reference letter from a Georgia registered architect verifying the abilities, skills, and knowledge of the applicant regarding each project and an appropriate reference letter from the owner of the subject project, or owner's representative, verifying the owner's satisfaction with the project. The applicant shall enclose with the application for examination exemption both of the above-identified reference letters for *each* project for which the applicant is attempting to prove successful completion. The reference letters will be on forms included with the application for examination exemption and must be notarized before being submitted with the completed applications. The forms must include, at a minimum, a description of the particular project, where the project occurred, and on what dates. If the applicant cannot provide satisfactory verification via reference letter by a Georgia registered architect and an owner, then the applicant must submit with his or her application for examination exemption a notarized explanation of why he or she cannot provide the particular reference letter.

Cite as Ga. Comp. R. & Regs. R. 553-2-.10
Authority: O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Exemption from General Contracting Examination - Individual Having the Necessary Experience in Georgia" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.11. Exemption from General Contracting Examination - Qualifying Agent Having the Necessary Experience in Georgia.

To qualify for the exemption from examination by this means, the applicant must show that the business organization for which he or she is applying to be the qualifying agent is either incorporated in Georgia or a business organization otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application. To prove incorporation in Georgia or a business organization otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application, the applicant must swear to the veracity of such on the application for examination exemption, and also must submit an appropriate reference letter from a certified public accountant regarding the location and duration of the corporation's or business organization's regular office and place of business in Georgia. To prove the additional requirement that the applicant has successfully engaged in general contracting in Georgia, the applicant must provide, with his or her application, evidence satisfactory to the division of one of the following:

(1) five successful projects located in Georgia which were successfully completed over the period of five years immediately prior to the time of application; or

(2) ten successfully completed general contracting projects located in Georgia over the period of ten years immediately prior to the time of application. To prove "successful projects", the applicant must include, as directed by the application for examination exemption, an appropriate reference letter from a Georgia registered architect verifying the abilities, skills, and knowledge of the applicant regarding each project and an appropriate reference letter from the owner of the subject project, or owner's representative, verifying the owner's satisfaction with the project. The applicant shall enclose with the application for examination exemption both of the above-identified reference letters for *each* project for which the applicant is attempting to prove successful completion. The reference letters will be on forms included with the application for examination exemption and must be notarized before being submitted with the completed applications. The forms must include, at a minimum, a description of the particular project, where the project occurred, and on what dates. If the applicant cannot provide satisfactory verification via reference letter by a Georgia registered architect and an owner, then the applicant must submit with his or her application for examination exemption a notarized explanation of why he or she cannot provide the particular reference letter. Moreover, as dictated by O.C.G.A. § 43-41-9(b), the applicant must submit, together with the application for examination exemption, a satisfactory affidavit signed by an authorized agent of the business organization who possesses binding authority for the business organization, on a form provided by the Board, attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity and that the individual applicant has final approval authority on all business matters, including contracts and contract performance and financial affairs of the business organization or entity.

Cite as Ga. Comp. R. & Regs. R. 553-2-.11
Authority: O.C.G.A. Secs. 43-41-5, 43-41-8.
History. Original Rule entitled "Exemption from General Contracting Examination - Qualifying Agent Having the Necessary Experience in Georgia" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.12. Burden of Proof for Obtaining the General Contracting Examination Exemption.

Any applicant for issuance of a residential or general contractor license under this title who shall seek exemption from the examination requirement under subsection (f) of Code Section 43-41-6, on any basis set forth above, shall have the burden of establishing to the satisfaction and within the discretion of the division that the requirements for such exemption have been satisfied. The decision of the division as to the satisfaction of the requirements for such exemption from taking the examination shall be conclusive.

Cite as Ga. Comp. R. & Regs. R. 553-2-.12
Authority: O.C.G.A. Secs. 43-41-5, 43-41-8.

History. Original Rule entitled "Burden of Proof for Obtaining the General Contracting Examination Exemption" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-2-.13. General Contractor Division Applicants Seeking Licensure by Reciprocity.

(1) Any person desiring licensure by reciprocity as a General Contractor, who holds a license in another state or territory of the United States, where such state or territory has entered into a reciprocal agreement with the board and division for the recognition of contractor licenses issued in that state or territory, shall meet the following requirements:

(a) a completed application furnished by the State Licensing Board for Residential and General Contractors;

(b) application fee (the application fee is non-refundable);

(c) proof of license or certification in another state or territory that is substantially equivalent to Georgia's current license criteria, including successful completion of an examination;

(d) compliance with all the Board's laws, rules and policies;

(e) compliance with all state requirements to transact business in Georgia;

(f) passage of Georgia Business and Law examination.

(2) The issuance of any license shall be at the sole discretion of the division and such division may deny the license or approve such license with any conditions it may deem necessary.

Cite as Ga. Comp. R. & Regs. R. 553-2-.13
Authority: Authority O.C.G.A. Secs. 45-1-7, 45-1-19, 45-41-5, 45-41-6, 45-41-8.
History. Original Rule entitled "Reciprocity" reserved. F. Oct. 14, 2005; eff. Nov. 5, 2005.
Repealed: New Rule entitled "General Contractor Division Applicants Seeking Licensure by Reciprocity" adopted. F. Nov. 4, 2010; eff. Nov. 24, 2010.

Chapter 553-3. QUALIFICATIONS FOR LICENSURE - RESIDENTIAL CONTRACTOR DIVISION.

Rule 553-3-.01. Licensure Requirements for an Individual to Practice as a Residential-Basic Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship.

(1) An individual person seeking issuance of a Georgia license in his or her own name for purposes of engaging in the profession of residential-basic contracting in his or her own name or doing business as an individual in a trade name as a sole proprietorship shall file an application on a form provided by the residential contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the residential contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the residential contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement.

(3) A person shall be eligible for licensure as a residential-basic contractor by the residential contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(c) Has at least two years of proven experience working as or in the employment of a residential contractor, predominantly in the residential-basic category, or other proven experience deemed substantially similar by the division; and

(d) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residential-basic category in the two years immediately preceding application.

(e) In order to satisfactorily prove (a), (b), (c) and (d) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. In completing and submitting the application to the residential contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the residential contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. The application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential-basic contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance of not less than $300,000 for the residential-basic category and satisfactory proof of workers´ compensation insurance as required by the laws of this state in their name. All

applicants shall also provide their social security numbers. The decision of the residential contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the residential contractor division and shall be a condition of renewal. A licensee, on his or her own behalf, must notify the residential contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the licensee's current mailing address, insurance coverages, and affiliated entities.

(5)

(a) The residential contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The residential contractor division shall conduct an examination for applicants for residential-basic licenses for the purpose of determining a particular applicant's ability to make a practical application of his or her knowledge of the profession of residential-basic contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential-basic contracting business; his or her knowledge as to the responsibilities of a residential-basic contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-basic contractors, construction, workers´ compensation, insurance, and liens.

(c) If the results of the applicant's examination are satisfactory to the residential contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she has met the other qualifications and requirements set forth in this Code section, then the residential contractor division shall issue to the applicant a license to engage in business as a residential contractor in this state, as provided in such license, in his or her own name as a sole proprietor, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. The residential contracting license shall indicate that the licensee is qualified as residential-basic.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A residential-basic contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Cite as Ga. Comp. R. & Regs. R. 553-3-.01
Authority: O.C.G.A. Secs. 43-41-5, 43-41-6.
History. Original Rule entitled "Licensure Requirements for an Individual to Practice as a Residential-Basic Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-3-.02. Licensure Requirements for an Individual to Practice as a Residential-Light Commercial Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship.

(1) An individual person seeking issuance of a Georgia license in his or her own name for purposes of engaging in the profession of residential-light commercial contracting in his or her own name or doing business as an individual in a trade name as a sole proprietorship shall file an application on a form provided by the residential contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the residential contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the residential contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement.

(3) A person shall be eligible for licensure as a residential-light commercial contractor by the residential-light commercial subdivision if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a residential contractor, or other proven experience deemed acceptable by the division; and

(d) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residence-light commercial category in the four years immediately preceding application. To prove "successful performance and completion" the applicant must include, together with the application for licensure, an appropriate reference letter from a Georgia registered architect, a designer, a licensed professional engineer (predominately practicing structural engineering), or any other reference acceptable to the subdivision.

(e) In order to satisfactorily prove (a), (b), (c) and (d) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. In completing and submitting the application to the residential contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the residential contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. In order to satisfactorily prove "financial responsibility", each applicant must submit satisfactory proof as required by the application for licensure. In addition, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential-light commercial contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance of not less than $500,000 for the residential-light commercial category and satisfactory proof of workers´ compensation insurance as required by the laws of this state in their name. All applicants shall also provide their social security numbers. The decision of the residential contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the residential contractor division and shall be a condition of renewal. A licensee, on his or her own behalf, must notify the residential contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the licensee's current mailing address, insurance coverages, and affiliated entities.

(5)

(a) The residential contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The residential contractor division shall conduct an examination for applicants for residential-light commercial licenses for the purpose of determining a particular applicant's ability to make a practical application of his or her knowledge of the profession of residential-light commercial contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential-light commercial contracting business; his or her knowledge as to the responsibilities of a residential-light commercial contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-light commercial contractors, construction, workers´ compensation, insurance, and liens.

(c) If the results of the applicant's examination are satisfactory to the residential contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she has met the other qualifications and requirements set forth in this Code section, then the residential contractor division shall issue to the applicant a license to engage in business as a residential contractor in this state, as provided in such license, in his or her own name as a sole proprietor, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. The residential contracting license shall indicate that the licensee is qualified as residential-light commercial.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A residential-light commercial contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Cite as Ga. Comp. R. & Regs. R. 553-3-.02
Authority: O.C.G.A. Secs. 43-41-5, 43-41-6.
History. Original Rule entitled "Licensure Requirements for an Individual to Practice as a Residential-Light Commercial Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.
Amended: F. Dec. 1, 2005; eff. Dec. 21, 2005.

Rule 553-3-.03. Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Basic Contracting in the Name of the Business Organization.

(1) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of residential-basic contracting in the name of the business organization in accordance with and pursuant to Code Section 43-41-9 shall file an application on a form provided by the residential contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the residential contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the residential contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement or where the applicant is an individual acting as a qualifying agent for a business organization and has previously obtained and maintained continuously a license issued by the residential contractor division.

(3) A person shall be eligible for licensure as a residential-basic contractor by the residential contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(c) Has at least two years of proven experience working as or in the employment of a residential contractor, predominantly in the residential-basic category, or other proven experience deemed substantially similar by the division; and

(d) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residential-basic category in the two years immediately preceding application.

(e) In order to satisfactorily prove (a), (b), (c) and (d) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. In completing and submitting the application to the residential contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the residential contractor division

from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. The application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance of not less than $300,000 for the residential-basic category and satisfactory proof of workers´ compensation insurance as required by the laws of this state in their name. All applicants shall also provide the federal taxpayer identification numbers of any business organization for which the applicant is seeking licensure as a qualifying agent. The decision of the residential contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the residential contractor division and shall be a condition of renewal. A licensee, where acting as a qualifying agent on behalf of the business organization so qualified, must notify the residential contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the business organization's current mailing address, insurance coverages, and affiliated entities.

(5) (a) The residential contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The residential contractor division shall conduct an examination for applicants for residential-basic licenses for the purpose of determining a particular applicant's ability to make a practical application of his or her knowledge of the profession of residential-basic contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential-basic contracting business; his or her knowledge as to the responsibilities of a residential-basic contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-basic contractors, construction, workers´ compensation, insurance, and liens.

(c) If the results of the applicant's examination are satisfactory to the residential contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she and any affiliated business organization has met the other qualifications and requirements set forth in this Code section, then the residential contractor division shall issue to the applicant a license to engage in business as a residential contractor in this state, as provided in such license, in his or her own name as a qualifying agent for the affiliated business organization and in the name of such business organization, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. The

residential contracting license shall indicate that the licensee is qualified as residential-basic.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A residential-basic contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Cite as Ga. Comp. R. & Regs. R. 553-3-.03
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-6.
History. Original Rule entitled "Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Basic Contracting in the Name of the Business Organization" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-3-.04. Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Light Commercial Contracting in the Name of the Business Organization.

(1) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of residential-light commercial contracting in the name of the business organization in accordance with and pursuant to Code Section 43-41-9 shall file an application on a form provided by the residential contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the residential contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the residential contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement or where the applicant is an individual acting as a qualifying agent for a business organization and has previously obtained and maintained continuously a license issued by the residential contractor division.

(3) A person shall be eligible for licensure as a residential-light commercial contractor by the residential-light commercial subdivision if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a residential contractor, or other proven experience deemed acceptable by the division; and

(d) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residence-light commercial category in the four years immediately preceding application. To prove "successful performance and completion" the applicant must include, together with the application for licensure, an appropriate reference letter from a Georgia registered architect, a designer, a licensed professional engineer (predominately practicing structural engineering), or any other reference acceptable to the subdivision.

(e) In order to satisfactorily prove (a), (b), (c) and (d) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. In completing and submitting the application to the residential contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the residential contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. In order to satisfactorily prove "financial responsibility", each applicant

must submit satisfactory proof as required by the application for licensure. In addition, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance of not less than $500,000 for the residential-light commercial category and satisfactory proof of workers´ compensation insurance as required by the laws of this state in their name. All applicants shall also provide the federal taxpayer identification numbers of any business organization for which the applicant is seeking licensure as a qualifying agent. The decision of the residential contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the residential contractor division and shall be a condition of renewal. A licensee, where acting as a qualifying agent on behalf of the business organization so qualified, must notify the residential contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the business organization's current mailing address, insurance coverages, and affiliated entities.

(5)

(a) The residential contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The residential contractor division shall conduct an examination for applicants for residential-light commercial licenses for the purpose of determining a particular applicant's ability to make a practical application of his or her knowledge of the profession of residential-light commercial contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential-light commercial contracting business; his or her knowledge as to the responsibilities of a residential-light commercial contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-light commercial contractors, construction, workers´ compensation, insurance, and liens.

(c) If the results of the applicant's examination are satisfactory to the residential contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she and any affiliated business organization has met the other qualifications and requirements set forth in this Code section, then the residential contractor division shall issue to the applicant a license to engage in business as a residential contractor in this state, as provided in such license, in his or her own name as a qualifying agent for the affiliated business organization and in the name of such business organization, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. The

residential contracting license shall indicate that the licensee is qualified as residential-light commercial.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A residential-light commercial contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Cite as Ga. Comp. R. & Regs. R. 553-3-.04
Authority: O.C.G.A. Secs. 43-41-5, 43-41-6.
History. Original Rule entitled "Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Light Commercial Contracting in the Name of the Business Organization" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.
Amended: F. Dec. 1, 2005; eff. Dec. 21, 2005.

Rule 553-3-.05. Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of Residential Contracting.

(1) Where an applicant under Chapter 41 of O.C.G.A., Title 43 is seeking issuance of a residential contractor license on behalf and for the benefit of a business organization seeking to engage in residential contracting as a business organization, or in any name other than the applicant's legal name or trade name where the applicant is doing business as a sole proprietorship, the application for a license under Chapter 41 of O.C.G.A., Title 43 must be submitted by and through an individual qualifying agent for such business organization or entity and expressly on behalf of such business organization or entity. In such case, the license shall be issued to the individual qualifying agent and to the affiliated business organization or entity on whose behalf the application was made. It shall be unlawful for any person, firm, corporation, or association to operate a business organization or entity engaged in the business of residential contracting after July 1, 2007, without first obtaining a license from the residential contractor division, except as provided for in O.C.G.A. 43-41-17(b). The residential contractor division shall not issue a license to any business organization or entity to engage in residential contracting unless such business organization or entity employs at least one currently licensed residential contractor who is actually engaged in the practice of residential contracting for such business organization or entity on a full-time basis and provides adequate supervision and is responsible for the projects of such business organization or entity. A business organization may allow more than one person to act as a qualifying agent for such

organization, subject to each such individual qualifying agent having successfully satisfied the requirements for issuance of a license under Chapter 41 of O.C.G.A., Title 43 and having obtained issuance of such a license by the residential contractor division. Each such business organization shall have at least one qualifying agent in order to be considered authorized to engage in such contracting business.

(2) The application for a license by a qualifying agent must include an affidavit on a form provided by the board attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity and that the individual applicant has final approval authority on all business matters, including contracts and contract performance and financial affairs of the business organization or entity. The affidavit will be on a form included with the application for licensure and must be signed by an authorized agent of the business organization who possesses binding authority for the business organization.

(3) If, during the period encompassed by a license issued to a qualifying agent acting for and on behalf of an affiliated business organization, there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, submit the correct information to the residential contractor division.

(4)

(a) At least one qualifying agent shall be licensed under this chapter in order for the business organization to obtain a license as a residential contractor. If any qualifying agent ceases to be affiliated with such business organization, for any reason, he or she shall so inform the residential contractor division within 45 days. In addition, if such qualifying agent is the only qualifying agent licensed hereunder affiliated with the business organization, the business organization shall notify in writing within 45 days the residential contractor division of the termination of the relationship with that qualifying agent and shall have 120 days from the termination of the qualifying agent's affiliation with the business organization to employ another qualifying agent and submit an application for licensure under the new qualifying agent. The submission of such application shall serve to maintain the licensed status of the business organization pending and subject to approval of such application by the residential contractor division; provided that, should such application be denied by that division, then, after passage of the 120 day period, the business organization shall cease to be considered licensed as a residential contractor unless and until a new application is submitted and approved by the residential contractor division. In such circumstance, the affected business organization may not thereafter engage in residential contracting until a new qualifying agent is employed, unless the residential contractor division has granted a temporary nonrenewable license to the financially responsible officer, the president or chief executive officer, a partner, or, in the case of a limited partnership, the general partner, who thereafter shall assume all responsibilities of a qualifying agent for the business organization or entity. This temporary license shall only allow the entity to proceed with

incomplete contracts already in progress. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into, by the business organization prior to the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the qualifying agent ceasing to be affiliated with the business organization.

(b) The qualifying agent shall inform the residential contractor division in writing when he or she proposes to engage in residential contracting in his or her own name or in affiliation with another business organization, and he or she or such new business organization shall supply the same information to the division as required of applicants under Chapter 41 of O.C.G.A., Title 43. Such person shall be deemed to be a licensed residential contractor for the original term of his or her license, provided that he or she qualified for such license based on his or her own personal qualifications as to financial responsibility and insurance. Otherwise, such individual shall be required to submit a new application demonstrating satisfaction of such financial and insurance requirements himself or herself or by the business organization he or she desires to qualify, but such person shall be entitled to continue engaging in the business of residential contracting in accordance with and under his or her previously issued license unless and until the residential division determines that the person seeking issuance of the license no longer meets these requirements.

(c) Upon a favorable determination by the division having jurisdiction, after investigation of the financial responsibility, if applicable, and insurance of the qualifying agent and the new business organization, the division shall issue, without an examination, a new license in the name of the qualifying agent and in the name of the new affiliated business organization.

(5) Disciplinary action and other sanctions provided in this chapter may be administered against a business organization operating under a license issued through its licensed qualifying agent or agents in the same manner and on the same grounds as disciplinary actions or sanctions against an individual or license holder acting as its qualifying agent under this chapter. The division or the board may deny the license to a qualifying agent for any business organization if the qualifying agent or business organization has been involved in past disciplinary actions or on any grounds for which individual licenses can be denied.

(6) Each qualifying agent shall pay the residential division an amount equal to the original fee for a license applied for on behalf of a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the division shall require him or her to present evidence of the financial responsibility, if applicable, and insurance of each such organization.

(7) All qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization, for all field work at all sites, and for financial matters, both for the organization in general and for each specific job for which his or her license was used to obtain the building permit.

(8) Any change in the status of a qualifying agent is prospective only. A qualifying agent shall for purposes of application of Chapter 41 of O.C.G.A., Title 43 and the enforcement and disciplinary mechanisms thereunder be and remain responsible for his or her actions or omissions as well as those of the business organization for which such person had acted as a qualifying agent occurring during his or her period of service as such qualifying agent as and to the extent set forth in this chapter. A qualifying agent is not responsible for his or her predecessor's actions, but is responsible, even after a change in status, for matters for which he or she was responsible while in a particular status. Further, nothing in this rule shall be interpreted as a basis for imposition of civil liability against an individual qualifying agent by any owner or other third party claimant beyond the liability that would otherwise exist legally or contractually apart from and independent of the individual's status as a qualifying agent.

Cite as Ga. Comp. R. & Regs. R. 553-3-.05
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-9.
History. Original Rule entitled "Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of Residential Contracting" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-3-.06. Licensure Requirements for a Joint Venture to Operate in the Business of Residential Contracting.

A joint venture is considered a separate and distinct organization for licensing purposes under this chapter and must be qualified and licensed in accordance with the residential contractor division's rules and regulations either:

(a) In its own name as a separate business organization; or

(b) By each of the members of the joint venture doing business as a residential contractor holding, as an individual or as a business organization acting through its qualifying agent, a valid and current residential contracting license issued by the residential contractor division. Each such licensed individual or qualifying agent shall be considered a qualifying agent of such joint venture. It shall be unlawful for any person, firm, corporation, or association to operate a business organization or entity as a joint venture engaged in the business of residential contracting after July 1, 2007, without first obtaining a license from the residential contractor division, except as provided for in O.C.G.A. § 43-41-17(b).

Cite as Ga. Comp. R. & Regs. R. 553-3-.06
Authority: O.C.G.A. Secs. 43-41-5, 43-41-9.
History. Original Rule entitled "Licensure Requirements for a Joint Venture to Operate in the Business of

Residential Contracting" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-3-.07. Licensure for Military Spouses and Transitioning Service Members in the Profession of Residential Contracting.

(1) As used in the rule:

(a) "Military" means the United States armed forces, including the National Guard;

(b) "Military spouse" means a spouse of a service member or transitioning service member;

(c) "Service Member" means an active or reserve member of the armed forces, including the National Guard.

(d) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied and in accordance with Title 43, Chapter 41.

Cite as Ga. Comp. R. & Regs. R. 553-3-.07
Authority: O.C.G.A. §§ 43-1-34, 43-41-5.
History. Original Rule entitled "Licensure for Military Spouses and Transitioning Service Members in the Profession of Residential Contracting" adopted. F. Oct. 13, 2017; eff. Nov. 2, 2017.

Chapter 553-4. QUALIFICATIONS FOR LICENSURE - GENERAL CONTRACTOR DIVISION.

Rule 553-4-.01. Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship.

(1) An individual person seeking issuance of a Georgia license in his or her own name for purposes of engaging in the profession of general contracting in his or her own name or doing business as an individual in a trade name as a sole proprietorship shall file an application on a form provided by the general contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination approved by the general contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the general contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement.

(3) A person shall be eligible for licensure as a general contractor by the general contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity, and financial responsibility; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a general contractor or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a general contractor, or other proven experience deemed acceptable by the division and at least one of which shall have been in or relating to administration, marketing, accounting, estimating, drafting, engineering, supervision, or project management, or functions deemed substantially similar by the division.

(d) In order to satisfactorily prove (a), (b) and (c) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. Applicants seeking to engage in general contracting shall affirm a minimum net worth in the amount of $150,000. Additionally, in completing the application and submitting it to the general contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the general contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. Much proof of this will come as detailed in (3)(d) above. Additionally, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed general contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance in an amount not less than $500,000 and of workers´ compensation insurance as required by the laws of this state in their name. All applicants shall also provide their social security numbers. Applicants shall also provide suitable verification of tax payments in a form and manner and for the duration prescribed by the general contractor division. Such proof of verification shall be submitted by the applicant as directed by the application for licensure and any form(s) that might accompany the application. The decision of the general contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the general contractor division and shall be a condition of renewal. A licensee, on his or her own behalf, must notify the general contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the licensee's current mailing address, insurance coverages, and affiliated entities.

(5)

(a) The general contractor division shall cause to be conducted an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The general contractor division shall cause to be conducted an examination to ascertain the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens.

(c) If the results of the applicant's examination are satisfactory to the general contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she has met the other qualifications and requirements set forth in this Code section, then the general contractor division shall issue to the applicant a license to engage in business as a general contractor in this state, as provided in such license, in his or her own name as a sole

proprietor, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A general contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Cite as Ga. Comp. R. & Regs. R. 553-4-.01
Authority: O.C.G.A. §§ 43-41-5(a)(7), 43-41-6(a),(d),(e), 43-41-9.
History. Original Rule entitled "Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship" adopted. F. Nov. 3, 2005; eff. Nov. 23, 2005.
Repealed: New Rule of same title adopted. F. June 7, 2010; eff. June 27, 2010.
Note: Correction of typographical error in Rule title on SOS Rules and Regulations website, error discovered June 2019. "Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship" corrected to "Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship," as originally adopted. Effective July 2, 2019.
Amended: F. June 12, 2019; eff. July 2, 2019.

Rule 553-4-.02. Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of General Contracting in the Name of the Business Organization.

(1) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of general contracting in the name of the business organization in accordance with and pursuant to Code Section 43-41-9 shall file an application on a form provided by the general contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination approved by the general contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the general contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement or where the applicant is an individual acting as a qualifying agent for a business organization and has previously obtained and maintained continuously a license issued by the general contractor division.

(3) A person shall be eligible for licensure as a general contractor by the general contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity and financial responsibility; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a general contractor or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a general contractor, or other proven experience deemed acceptable by the division and at least one of which shall have been in or relating to administration, marketing, accounting, estimating, drafting, engineering, supervision, or project management, or functions deemed substantially similar by the division.

(d) In order to satisfactorily prove (a), (b) and (c) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. Applicants acting as a qualifying agent for a business organization seeking to engage in general contracting, shall affirm that the business organization possesses a minimum net worth in an amount of $150,000. Additionally, in completing the application and submitting it to the general contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the general contractor division from the application and proofs furnished that the applicant is possessed of a good character

and is otherwise qualified as to competency, ability, integrity, and financial responsibility. Much proof of this will come as detailed in (3)(d) above. Additionally, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed general contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance in an amount not less than $500,000 and of workers´ compensation insurance as required by the laws of this state in their name. All applicants shall also provide the federal taxpayer identification numbers of any business organization for which the applicant is seeking licensure as a qualifying agent. Applicants shall also provide suitable verification of tax payments by the business organization in a form and manner and for the duration prescribed by the general contractor division. Such proof of verification shall be submitted by the applicant as directed by the application for licensure and any form(s) that might accompany the application. The decision of the general contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the general contractor division and shall be a condition of renewal. A licensee, where acting as a qualifying agent on behalf of the business organization so qualified, must notify the general contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the business organization's current mailing address, insurance coverages, and affiliated entities.

(5) (a) The general contractor division shall cause to be conducted an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The general contractor division shall cause to be conducted an examination to ascertain the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens.

(c) If the results of the applicant's examination are satisfactory to the general contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she and any affiliated business organization has met the other qualifications and requirements set forth in this Code section, then the general contractor division shall issue to the applicant a license to engage in business as a general contractor in this state, as provided in such license, in his or her own name as a qualifying agent for the affiliated

business organization and in the name of such business organization, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A general contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Cite as Ga. Comp. R. & Regs. R. 553-4-.02
Authority: O.C.G.A. §§ 43-41-5(a)(7), 43-41-6(a),(d),(e), 43-41-9.
History. Original Rule entitled "Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of General Contracting in the Name of the Business Organization" adopted. F. Nov. 3, 2005; eff. Nov. 23, 2005.
Repealed: New Rule of same title adopted. F. June 7, 2010; eff. June 27, 2010.
Amended: F. June 10, 2019; eff. June 30, 2019.

Rule 553-4-.03. Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of General Contracting.

(1) Where an applicant under Chapter 41 of O.C.G.A., Title 43 is seeking issuance of a general contractor license on behalf and for the benefit of a business organization seeking to engage in general contracting as a business organization, or in any name other than the applicant's legal name or trade name where the applicant is doing business as a sole proprietorship, the application for a license under Chapter 41 of O.C.G.A., Title 43 must be submitted by and through an individual qualifying agent for such business organization or entity and expressly on behalf of such business organization or entity. In such case, the license shall be issued to the individual qualifying agent and to the affiliated business organization or entity on whose behalf the application was made. It shall be unlawful for any person, firm, corporation, or association to operate a business organization or entity engaged in the business of general contracting after July 1, 2007, without first obtaining a license from the general contractor division, except as provided for in O.C.G.A. § 43-41-17(b). The general contractor division shall not issue a license to any business organization or entity to engage in general contracting unless such business organization or entity employs at least one currently licensed general contractor who is actually engaged in the practice of general contracting for such business organization or entity on a full-time basis and provides adequate supervision and is responsible for the projects of such business organization or entity. A business organization may allow more than one person to act as a qualifying agent for such organization, subject to each such

individual qualifying agent having successfully satisfied the requirements for issuance of a license under Chapter 41 of O.C.G.A., Title 43 and having obtained issuance of such a license by the general contractor division. Each such business organization shall have at least one qualifying agent in order to be considered authorized to engage in such contracting business.

(2) The application for a license by a qualifying agent must include an affidavit on a form provided by the board attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity and that the individual applicant has final approval authority on all business matters, including contracts and contract performance and financial affairs of the business organization or entity. The affidavit will be on a form included with the application for licensure and must be signed by an authorized agent of the business organization who possesses binding authority for the business organization.

(3) If, during the period encompassed by a license issued to a qualifying agent acting for and on behalf of an affiliated business organization, there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, submit the correct information to the general contractor division.

(4)

(a) At least one qualifying agent shall be licensed under this chapter in order for the business organization to obtain a license as a general contractor. If any qualifying agent ceases to be affiliated with such business organization, for any reason, he or she shall so inform the general contractor division within 45 days. In addition, if such qualifying agent is the only qualifying agent licensed hereunder affiliated with the business organization, the business organization shall notify in writing within 45 days the general contractor division of the termination of the relationship with that qualifying agent and shall have 120 days from the termination of the qualifying agent's affiliation with the business organization to employ another qualifying agent and submit an application for licensure under the new qualifying agent. The submission of such application shall serve to maintain the licensed status of the business organization pending and subject to approval of such application by the general contractor division; provided that, should such application be denied by that division, then, after passage of the 120 day period, the business organization shall cease to be considered licensed as a general contractor unless and until a new application is submitted and approved by the general contractor division. In such circumstance, the affected business organization may not thereafter engage in general contracting until a new qualifying agent is employed, unless the general contractor division has granted a temporary nonrenewable license to the financially responsible officer, the president or chief executive officer, a partner, or, in the case of a limited partnership, the general partner, who thereafter shall assume all responsibilities of a qualifying agent for the business organization or entity. This temporary license shall only allow the entity to proceed with incomplete contracts already in

progress. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into, by the business organization prior to the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the qualifying agent ceasing to be affiliated with the business organization.

(b) The qualifying agent shall inform the general contractor division in writing when he or she proposes to engage in general contracting in his or her own name or in affiliation with another business organization, and he or she or such new business organization shall supply the same information to the division as required of applicants under Chapter 41 of O.C.G.A., Title 43. Such person shall be deemed to be a licensed general contractor for the original term of his or her license, provided that he or she qualified for such license based on his or her own personal qualifications as to financial responsibility and insurance. Otherwise, such individual shall be required to submit a new application demonstrating satisfaction of such financial and insurance requirements himself or herself or by the business organization he or she desires to qualify, but such person shall be entitled to continue engaging in the business of general contracting in accordance with and under his or her previously issued license unless and until the general division determines that the person seeking issuance of the license no longer meets these requirements.

(c) Upon a favorable determination by the division having jurisdiction, after investigation of the financial responsibility, if applicable, and insurance of the qualifying agent and the new business organization, the division shall issue, without an examination, a new license in the name of the qualifying agent and in the name of the new affiliated business organization.

(5) Disciplinary action and other sanctions provided in this chapter may be administered against a business organization operating under a license issued through its licensed qualifying agent or agents in the same manner and on the same grounds as disciplinary actions or sanctions against an individual or license holder acting as its qualifying agent under this chapter. The division or the board may deny the license to a qualifying agent for any business organization if the qualifying agent or business organization has been involved in past disciplinary actions or on any grounds for which individual licenses can be denied.

(6) Each qualifying agent shall pay the general division an amount equal to the original fee for a license applied for on behalf of a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the division shall require him or her to present evidence of the financial responsibility, if applicable, and insurance of each such organization.

(7) All qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization, for all field work at all sites, and for financial matters, both for the organization in general and for each specific job for which his or her license was used to obtain the building permit.

(8) Any change in the status of a qualifying agent is prospective only. A qualifying agent shall for purposes of application of Chapter 41 of O.C.G.A., Title 43 and the enforcement and disciplinary mechanisms thereunder be and remain responsible for his or her actions or omissions as well as those of the business organization for which such person had acted as a qualifying agent occurring during his or her period of service as such qualifying agent as and to the extent set forth in this chapter. A qualifying agent is not responsible for his or her predecessor's actions, but is responsible, even after a change in status, for matters for which he or she was responsible while in a particular status. Further, nothing in this rule shall be interpreted as a basis for imposition of civil liability against an individual qualifying agent by any owner or other third party claimant beyond the liability that would otherwise exist legally or contractually apart from and independent of the individual's status as a qualifying agent.

Cite as Ga. Comp. R. & Regs. R. 553-4-.03
Authority: O.C.G.A. Secs. 43-41-5, 43-41-9.
History. Original Rule entitled "Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of General Contracting" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-4-.04. Licensure Requirements for a Joint Venture to Operate in the Business of General Contracting.

A joint venture is considered a separate and distinct organization for licensing purposes under this chapter and must be qualified and licensed in accordance with the general contractor division's rules and regulations either:

(a) In its own name as a separate business organization; or

(b) By each of the members of the joint venture doing business as a general contractor holding, as an individual or as a business organization acting through its qualifying agent, a valid and current general contracting license issued by the general contractor division. Each such licensed individual or qualifying agent shall be considered a qualifying agent of such joint venture. It shall be unlawful for any person, firm, corporation, or association to operate a business organization or entity as a joint venture engaged in the business of general contracting after July 1, 2007, without first obtaining a license from the general contractor division, except as provided for in O.C.G.A. § 43-41-17(b).

Cite as Ga. Comp. R. & Regs. R. 553-4-.04
Authority: O.C.G.A. Secs. 43-41-5, 43-41-9.
History. Original Rule entitled "Licensure Requirements for a Joint Venture to Operate in the Business of General

Contracting" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Rule 553-4-.05. Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship - General Contractor Limited Tier.

(1) An individual person seeking issuance of a Georgia license in his or her own name for purposes of engaging in the profession of general contracting at the general contracting limited tier in his or her own name or doing business as an individual in a trade name as a sole proprietorship shall file an application on a form provided by the general contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination approved by the general contractor division unless exempted from examination pursuant to O.C.G.A. § 43-41-8.

(3) A person shall be eligible for licensure as a general contractor limited tier by the general contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity, and financial responsibility; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a general contractor or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a general contractor, or other proven experience

deemed acceptable by the division and at least one of which shall have been in or relating to administration, marketing, accounting, estimating, drafting, engineering, supervision, or project management, or functions deemed substantially similar by the division.

(d) In order to satisfactorily prove (a), (b) and (c) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when directed to do so by the application. Applicants seeking to engage in limited tier general contracting shall affirm a minimum net worth in the amount of $25,000. Additionally, in completing the application and submitting it to the general contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the general contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. Much proof of this will come as detailed in (3)(d) above. Additionally, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed general contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance in an amount not less than $500,000 and of workers´ compensation insurance as required by the laws of this state in their name. All applicants shall also provide their social security numbers. Applicants shall also provide suitable verification of tax payments in a form and manner and for the duration prescribed by the general contractor division. Such proof of verification shall be submitted by the applicant as directed by the application for licensure and any form(s) that might accompany the application. The decision of the general contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the general contractor division and shall be a condition of renewal. A licensee, on his or her own behalf, must notify the general contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the licensee's current mailing address, insurance coverages, and affiliated entities.

(5) The general contractor division shall cause to be conducted an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(a) The general contractor division shall cause to be conducted an examination to ascertain the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's

qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens.

(b) If the results of the applicant's examination are satisfactory to the general contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she has met the other qualifications and requirements set forth in this Code section, then the general contractor division shall issue to the applicant a limited tier license to engage in business as a general contractor in this state, as provided in such license, in his or her own name as a sole proprietor, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) Upon the payment of fees prescribed by the board, a limited tier general contractor license shall be issued to an applicant who successfully completes the requirements for licensure.

(8) There is established a limited tier general contractor license type that is limited as to any contract of no more than one million dollars ($1,000,000.00).

(9) In order to move from the General Contractor Limited tier to the General Contractor tier, a contractor must submit an application for the General Contractor license and meet the financial requirements and other requirements for that license type.

(10) Any Change Orders as defined in O.C.G.A. § 36-91-2 may not exceed the maximum amount allowed per contract for a project to be completed.

Cite as Ga. Comp. R. & Regs. R. 553-4-.05
Authority: O.C.G.A. § 43-41-5.
History. Original Rule entitled "Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship - General Contractor Limited Tier" adopted. F. May 8, 2008; eff. May 28, 2008.
Amended: F. Jan. 4, 2010; eff. Jan. 24, 2010.
Repealed: New Rule of same title adopted. F. June 7, 2010; eff. June 27, 2010.

Amended: F. Mar. 29, 2019; eff. Apr. 18, 2019.

Rule 553-4-.06. Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of General Contracting in the Name of the Business Organization - General Contractor Limited Tier.

(1) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of general contracting at the general contracting limited tier in the name of the business organization in accordance with and pursuant to Code Section 43-41-9 shall file an application on a form provided by the general contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination approved by the general contractor division unless exempted from examination pursuant to O.C.G.A. § 43-41-8.

(3) A person shall be eligible for licensure as a general contractor limited tier by the general contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity and financial responsibility; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a general contractor or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as

or in the employment of a general contractor, or other proven experience deemed acceptable by the division and at least one of which shall have been in or relating to administration, marketing, accounting, estimating, drafting, engineering, supervision, or project management, or functions deemed substantially similar by the division.

(d) In order to satisfactorily prove (a), (b) and (c) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. Applicants acting as a qualifying agent for a business organization seeking to engage in limited tier general contracting, shall affirm that the business organization possesses minimum net worth in an amount of $25,000. Additionally, in completing the application and submitting it to the general contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the general contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. Much proof of this will come as detailed in (3)(d) above. Additionally, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed general contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance in an amount not less than $500,000 and of workers´ compensation insurance as required by the laws of this state in their name. All applicants shall also provide the federal taxpayer identification numbers of any business organization for which the applicant is seeking licensure as a qualifying agent. Applicants shall also provide suitable verification of tax payments by the business organization in a form and manner and for the duration prescribed by the general contractor division. Such proof of verification shall be submitted by the applicant as directed by the application for licensure and any form(s) that might accompany the application. The decision of the general contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the general contractor division and shall be a condition of renewal. A licensee, where acting as a qualifying agent on behalf of the business organization so qualified, must notify the general contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the business organization's current mailing address, insurance coverages, and affiliated entities.

(5) The general contractor division shall cause to be conducted an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(a) The general contractor division shall cause to be conducted an examination to ascertain the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens.

(b) If the results of the applicant's examination are satisfactory to the general contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she and any affiliated business organization has met the other qualifications and requirements set forth in this Code section, then the general contractor division shall issue to the applicant a limited tier license to engage in business as a general contractor in this state, as provided in such license, in his or her own name as a qualifying agent for the affiliated business organization and in the name of such business organization, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) Upon the payment of fees prescribed by the board, a limited tier general contractor license shall be issued to an applicant who successfully completes the requirements for licensure.

(8) There is established a limited tier general contractor license type that is limited as to any contract of no more than one million dollars ($1,000,000.00).

(9) In order to move from the General Contractor Limited tier to the General Contractor tier, a contractor must submit an application for the General Contractor license and meet the financial requirements and other requirements for that license type.

(10) Any Change Orders as defined in O.C.G.A. § 36-91-2 may not exceed the maximum amount allowed per contract for a project to be completed.

Cite as Ga. Comp. R. & Regs. R. 553-4-.06
Authority: O.C.G.A. § 43-41-5.
History. Original Rule entitled "Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship - General Contractor Limited Tier" adopted. F. May 8, 2008; eff. May 28, 2008.
Amended: F. Jan. 4, 2010; eff. Jan. 24, 2010.
Repealed: New Rule of same title adopted. F. June 7, 2010; eff. June 27, 2010.
Amended: F. Mar. 29, 2019; eff. Apr. 18, 2019.

Rule 553-4-.07. Licensure for Military Spouses and Transitioning Service Members in the Profession of General Contracting.

(1) As used in the rule:

(a) "Military" means the United States armed forces, including the National Guard;

(b) "Military spouse" means a spouse of a service member or transitioning service member;

(c) "Service Member" means an active or reserve member of the armed forces, including the National Guard.

(d) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied and in accordance with Title 43, Chapter 41.

Cite as Ga. Comp. R. & Regs. R. 553-4-.07
Authority: O.C.G.A. §§ 43-1-34, 43-41-5.
History. Original Rule entitled "Licensure for Military Spouses and Transitioning Service Members in the Profession of General Contracting" adopted. F. Oct. 13, 2017; eff. Nov. 2, 2017.

Chapter 553-5. PROCEDURAL RULES.

Rule 553-5-.01. Procedural Rules.

The State Licensing Board for Residential and General Contractors hereby adopts by reference as its permanent rules Chapters 295-3 through 295-13, and any future amendments thereto, Rules and Regulations of the Office of the Division Director, Professional Licensing Boards, relating to procedure for Hearings before several State Professional Licensing Boards.

Cite as Ga. Comp. R. & Regs. R. 553-5-.01
Authority: O.C.G.A. Secs. 43-1-25, 43-41-5.
History. Original Rule entitled "Procedural Rules" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Chapter 553-6. FEES.

Rule 553-6-.01. Fees.

Refer to separate Fee Schedule for appropriate fees payable to the Board. Fees may be reviewed and changed at the discretion of the Board. An indebtedness to the Board caused by a returned check will be handled in accordance with Code Section 16-9-20 of the Criminal Code of Georgia.

Cite as Ga. Comp. R. & Regs. R. 553-6-.01
Authority: Authority O.C.G.A. Secs. 43-1-2, 43-1-7, 43-41-5.
History. Original Rule entitled "Fees" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

Chapter 553-7. WRITTEN WARRANTY.

Rule 553-7-.01. Written Warranty.

(1) Definitions:

(a) "Covered contract" shall mean any contract to construct, or superintend or manage the construction of, any single family residence where the total value of the work or activity or the compensation to be received by the contractor for such activity or work exceeds $2,500.00.

(b) "Single family residence" shall be deemed and construed to mean a "one or two family residence" as defined in the current edition of the state minimum standard International Residential Code (IRC).

(2) A licensed residential contractor and any affiliated entities shall offer a written warranty in connection with each covered contract.

(3) A licensed residential contractor that enters into a covered contract shall provide a written warranty which describes, at a minimum:

(a) Covered work and activities;

(b) Covered exclusions;

(c) Standards for evaluating work and activities, which standards shall be those set forth in the current edition of the Residential Construction Performance Guidelines as published by the National Association of Home Builders;

(d) The term of the warranty, including commencement date(s) or event(s);

(e) Claim procedures;

(f) Contractor response options (such as repair, replace or compensate);

(g) Assignable manufacturer warranties.

(4) Prior to the execution of a covered contract, a licensed residential contractor shall attach a complete copy of the written warranty (or an identical blank standard form of it) to the covered contract or otherwise make same available for review.

Cite as Ga. Comp. R. & Regs. R. 553-7-.01
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-7.
History. Original Rule entitled "Written Warranty" adopted. F. Dec. 23, 2005; eff. Jan. 12, 2006.
Repealed: New Rule of same title adopted. Filed July 15, 2008; eff. August 4, 2008.

Chapter 553-8. DEFINITIONS.

Rule 553-8-.01. Repair Rule.

"Repair" shall be deemed and construed to mean fixing, mending, maintenance, replacement or restoring of a part or portions of real property to good condition. The repair exception recognized by O.C.G.A. § 43-41-17(g) and this Rule shall in no way impact or diminish the licensing requirements of Chapter 14 of Title 43 (Electrical Contracting, Plumbing, Conditioned Air Contracting, Low-Voltage Contracting and Utility Contracting).

Nothing in this Rule shall preclude a person or entity (including employees of said entity) from offering or contracting to perform or undertaking or performing for an owner repair work, provided that:

(1) the person performing the repair work discloses in writing to the owner that such person/entity is not licensed as a residential or general contractor under this chapter;

(2) the work does not entail the delegation or assignment to or engagement of any person or entity, other than employees, to supervise, manage or oversee the performance of any portion of the work undertaken;

(3) the work does not affect the life safety requirements or structural integrity of the real property. Such repairs shall not include the removal or addition of any load bearing wall or the removal or cutting of any structural beam or load bearing support; and

(4) The person performing repair must obtain permits and inspections as required by the local authority.

Cite as Ga. Comp. R. & Regs. R. 553-8-.01
Authority: O.C.G.A. Secs. 43-41-5, 43-41-17.
History. Original Rule entitled "Repair Rule" adopted. F. Dec. 23, 2005; eff. Jan. 12, 2006.

Chapter 553-9. DISCIPLINARY ACTION.

Rule 553-9-.01. Grounds for Disciplinary Action.

After notice and a hearing in accordance with the Georgia Administrative Procedure Act, as amended, the Board may discipline a residential or general contractor upon evidence that the contractor has:

(a) violated any of the provisions of the law pertaining to the licensing of contractors or the rules and regulations of the Board pertaining thereto;

(b) been convicted of a felony or a crime involving moral turpitude;

(c) practiced fraud, deceit, or misrepresentation in securing or procuring a contractor license;

(d) committed acts of misconduct including fraud, deceit or misrepresentation in the practice of contracting;

(e) displayed an inability to practice a business or profession with reasonable skill and safety to the public or has become unable to practice the profession with reasonable skill and safety to the public by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material;

(f) practiced without a current valid license;

(g) wrongfully transferred or surrendered possession, either temporarily or permanently, his license or certificate to any other person;

(h) been guilty of fraudulent, misleading or deceptive advertising;

(i) falsely impersonated another licensee;

(j) engaged in any unprofessional, immoral, unethical, deceptive or deleterious conduct or practice harmful to the public; This could include but is not limited to the following:

1. Not offering a written warranty as required by O.C.G.A Section 43-41-7 and rule 553-7-.01;

2. Knowingly charging for unnecessary work;

3. Diverting funds or property received or obtained for completion of a specific project without specific authorization of the consumer for that particular job;

4. Establishing a pattern of charging amounts substantially in excess of any original estimate given by the contractor without having approval from the owner, prior to the accrual of such charges, that the final amount due would or could be substantially in excess of the original estimate;

5. Failure to accurately represent qualifications, capabilities, experience, and the scope of responsibility in connection with work to be performed.

(k) performed any act which assists a person or entity in the prohibited unlicensed practice of contracting if the licensee knows or has reasonable grounds to know that the person or entity is unlicensed.

(l) knowingly combined or conspired with an unlicensed person by allowing his or her license to be used with the intent to evade the provisions of the law pertaining to contractors;

(m) abandoned a construction project in which the contractor who is the individual license holder or a business organization for whom the license holder is a qualifying agent is engaged or under contractor as a residential or general contractor;

(n) signed a statement with respect to a project or contract falsely indicating that the work is bonded;

(o) knowingly and falsely indicated by written statement issued to -the owner that payment has been made for all subcontracted work, labor and materials and for all materials furnished and installed which statement is reasonably relied upon and actually results in a financial loss to the owner;

(p) falsely indicated that workers' compensation and general liability insurance are provided;

(q) committed gross negligence, repeated or persistent negligence or negligence resulting in a significant danger to life or property;

(r) proceeded on any job without obtaining applicable local building permits and inspections;

(s) used or attempted to use a license that has expired or has been suspended or revoked;

(t) knowingly or intentionally engaged any subcontractor to perform work within the scope of the general or residential construction contract which requires a license under Chapter 14 of Title 43 who does not possess a current and valid license for such work;

(u) failed to satisfy within a reasonable time the terms of a final civil judgment obtained against the licensee or the business organization qualified by the licensee relating to the practice of the licensee's profession;

(v) failed to comply with an order for child support as defined by Code Section 19-11-9.3;

(w) failed to enter into satisfactory repayment status and is a borrower in default as defined by Code Section 20-3-295.

Cite as Ga. Comp. R. & Regs. R. 553-9-.01
Authority: Authority O.C.G.A. Secs. 43-41-5, 43-41-16, 43-41-19.
History. Original Rule entitled "Grounds for Disciplinary Action" adopted. F. Oct. 7, 2010; eff. Oct. 27, 2010.

Chapter 553-10. INACTIVE LICENSE.

Rule 553-10-.01. Inactive Status.

(1) Inactive Status for licensees choosing to refrain or retire from active practice as a residential or general contractor: A residential or general contractor may request the license be placed on inactive status under the following provisions:

(a) Holds a valid residential or general contractor's license in the state of Georgia with a current expiration date.

(b) Notifies the Board that the licensee chooses to refrain or retire from active practice as a residential or general contractor by submitting an Inactive Status application, as established by the Board, along with the required fee.

(c) If the licensee is the sole qualifying agent for a business organization, the business organization shall have 120 days from the date of inactive status to submit an application to the Board for another Qualifying Agent, unless the respective Division receives other substantiated information that the company is no longer in business.

(d) Shall not engage in contracting and shall not hold themselves out to the public as being available to provide residential or general contractor services.

(e) Shall not be required to maintain continuing education credits.

(f) Shall not be assessed a renewal fee for the period that the license is inactive.

(2) Inactive Status for Qualifying Agent after disaffiliation from company: A license pertaining to a residential or general contractor who acts as a qualifying agent for a residential or general contractor company shall be placed on inactive status under the following provisions:

(a) Holds a valid residential or general contractor's license in the state of Georgia with a current expiration date.

(b) The licensee properly notifies the Board by submitting a Disaffiliation form, as established by the Board, that the licensee has disaffiliated from the company as required under O.C.G.A. § 43-41-9(e);

(c) The company properly notifies the Board by submitting a Disaffiliation form, that the licensee has disaffiliated from the company as required under O.C.G.A. § 43-41-9(e);

(d) The respective Division receives other substantiated information that the qualifying agent is no longer affiliated with the company; or

(e) The respective Division receives other substantiated information that the company is no longer in business.

(f) If the licensee is the sole qualifying agent for a business organization, the business organization shall have 120 days from the date of inactive status to submit an application to the Board for another Qualifying Agent, unless the respective Division receives other substantiated information that the company is no longer in business.

(3) Contracting with an inactive license shall be considered unlicensed practice and is subject to disciplinary action.

(4) If a residential or general contractor whose license has been placed on inactive status seeks to reactivate the inactive license, the licensee may be returned to active status if the following requirements are met:

(a) A reactivation application, as established by the Board, along with the required fee, must be submitted to the Board.

(b) Submit evidence of attendance of the required Board approved continuing education for each biennium that the license was inactive.

(c) Provide evidence that licensee is in good standing in all states in which he or she has ever been licensed.

(d) Submit proof of current general liability insurance and worker's compensation as required by law for the license type that is to be reactivated.

(e) Submit proof of financial responsibility as is required for the license type that is to be reactivated.

(f) Submit proof of active and compliant registration with the Georgia Corporations Division for the business organization as is required for the license type that is to be reactivated.

Cite as Ga. Comp. R. & Regs. R. 553-10-.01
Authority: O.C.G.A. §§ 43-41-5(a)(7), 43-41-5(a)(9), 43-41-9(e).
History. Original Rule entitled "Inactive License" adopted. F. Sept. 5, 2008; eff. Sept. 25, 2008.
Amended: New title "Inactive Status." F. July 12, 2019; eff. August 1, 2019.

Chapter 553-11. CHANGES IN STATUS.

Rule 553-11-.01. Changes in Status Which Must Be Reported.

(1) A licensee shall report the following changes to the Board:

(a) A change in an individual's or qualifying agent's legal name.

1. A change in an individual's or qualifying agent's legal name must be submitted on the designated form established by the Board within 30 days of the change.

2. Notification must include copies of legal name change documents (e.g. divorce decree, marriage license, etc.)

(b) A change in address or location.

1. A change in mailing address or physical location for the Individual or Qualifying Agent must be submitted on the designated form established by the Board within 30 days of the change.

2. A change in mailing address or physical location for the business organization must be submitted on the designated form established by the Board within 45 days of the change.

(c) A change in the name or structure of the business organization.

1. A change in the name of the business organization must be submitted on the designated form established by the Board within 45 days of the change and must include a Certificate of Amendment from the Corporations Division of the Secretary of State's office.

2. A change in the structure of the business organization (e.g., ABC, Inc. to ABC, LLC) is not considered a name change and a new application will be required.

Cite as Ga. Comp. R. & Regs. R. 553-11-.01
Authority: O.C.G.A. §§ 43-41-5(a)(7), 43-41-9(d).
History. Original Rule entitled "Changes in Status Which Must Be Reported" adopted. F. Mar. 9, 2009; eff. Mar. 29, 2009.
Amended: F. Feb. 21, 2013; eff. Mar. 13, 2013.
Amended: F. July 12, 2019; eff. August 1, 2019.

Rule 553-11-.02. Disaffiliation of Qualifying Agent.

(1) A licensee shall report a change in the Qualify Agent affiliation with a business organization to the Board:

(a) A Qualifying Agent must notify the Board within 30 days of the termination of the relationship with the business organization for which they are licensed as qualifying agent by submitting a Disaffiliation form, as established by the Board. A Qualifying Agent license shall be placed on inactive status upon the Board's receipt of such notification pursuant to Rule 553-10-.01.

(b) An owner or officer of a licensed Residential or General Contracting company must notify the Board within 45 days of the termination of the relationship with the affiliated licensed qualifying agent by submitting a Disaffiliation form, as established by the Board. A company license shall be placed on inactive status upon the Board's receipt of such notification pursuant to Rule 553-10-.01.

1. If the licensee is the sole qualifying agent for a business organization, the business organization shall have 120 days from the date of disaffiliation to submit an application to the Board for another Qualifying Agent, unless the respective Division receives other substantiated information that the company is no longer in business.

2. After the passage of the 120 day period, the business organization shall be placed on inactive status and cease to be considered licensed as a Residential or General Contracting company until a new application is approved by the appropriate division.

(c) An owner or officer of a licensed Residential or General Contracting company must notify the Board within 45 days of the company no longer being in business by submitting a Disaffiliation form, as established by the Board. A company

license shall be placed on inactive status upon the Board's receipt of such notification pursuant to Rule 553-10-.01.

(2) Contracting as a qualifying agent after the date of the termination of the relationship with the business organization shall be considered unlicensed practice and is subject to disciplinary action.

(3) Renewing a qualifying agent license after the date of the termination of the relationship with the business organization shall be considered fraud and is subject to disciplinary action.

Cite as Ga. Comp. R. & Regs. R. 553-11-.02
Authority: O.C.G.A. §§ 43-41-5(a)(7), 43-41-9(d),(e).
History. Original Rule entitled "Disaffiliation of Qualifying Agent" adopted. F. July 12, 2019; eff. August 1, 2019.

Rule 553-11-.03. Prior Approval.

(1) A residential or general contractor who holds a current and valid residential or general contractor's license in the State of Georgia may request issuance of a new license by the appropriate division without examination under the following provisions:

(a) Notify the Board of his or her desire to engage in the same category of residential or general contracting which license was issued to him or her in their capacity either as an individual licensee or as a qualifying agent for a business organization by submitting a Prior Approval application with required supporting documents, as established by the Board, along with the required fee.

(b) Shall otherwise meet the requirements for licensure.

(c) Shall not be in violation of this chapter.

(2) A residential or general contractor who was previously issued a residential or general contractor's license in the State of Georgia, may request issuance of a new license by the appropriate division without examination under the following provisions:

(a) Notify the Board of his or her desire to engage in the same category of residential or general contracting which license was issued to him or her in their capacity either as an individual licensee or as a qualifying agent for a business organization by submitting a Prior Approval application with required supporting documents, as established by the Board, along with the required fee.

(b) Submit evidence of attendance of required approved continuing education for each biennium that the license was not active if required by the respective Division.

(c) Shall otherwise meet the requirements for licensure.

(d) Shall not be in violation of this chapter.

(3) Failure to provide proper notification of disaffiliation pursuant to Rule 553-11-.02 shall be considered a violation and is subject to disciplinary action of a public reprimand to include a fine, in addition to any other conditions required by the appropriate division.

Cite as Ga. Comp. R. & Regs. R. 553-11-.03
Authority: O.C.G.A. §§ 43-41-5(a)(7), 43-41-9(e)(2).
History. Original Rule entitled "Prior Approval" adopted. F. July 12, 2019; eff. August 1, 2019.

Chapter 553-12. LICENSE RENEWAL AND CONTINUING EDUCATION.

Rule 553-12-.01. License Renewal Residential Basic and Residential Light Commercial.

(1) An application for renewal of a license, via mail or online, must be accompanied by a renewal fee as set by the Board and attestation of continuing education hours as required by the Board. Continuing Education requirements will begin with the 2012 renewal period. Continuing Education will not be required for the 2010 renewal.

(2) The biennial renewal fee, set by the Board, is due and payable by June 30 of even numbered years. Any continuing education hours acquired to renew that license during the penalty period may not be used again during the next renewal cycle.

(3) A penalty fee as determined by the Board shall be applicable to any applicant renewing his or her license after June 30 and through December 31 of the renewal period. Failure to renew a license by December 31 shall have the same effect as a revocation of said license. Reinstatement of a license shall be at the discretion of the Board, which may require that a completed application for licensure, including all applicable fees and other required information be submitted as if it was a new application. At the discretion of the Board, an applicant for reinstatement of a license may be required to successfully pass an examination.

(4) An applicant for renewal of a license, via mail or online, must answer questions relating to his or her or company's insurance and financial state along with other questions pertaining to any applicable laws.

(5) A licensee must produce, upon request of the Board, documents to support any or all of the sworn statements or affirmations made on a renewal application.

Cite as Ga. Comp. R. & Regs. R. 553-12-.01
Authority: O.C.G.A Secs. 43-1-19, 43-41-5, 43-41-6, U.S.C.A. Sec. 1621.
History. Original Rule entitled "License Renewal Residential Basic and Residential-Light Commercial" adopted. F. Jan. 4, 2010; eff. Jan. 24, 2010.

Rule 553-12-.02. Continuing Education-Residential.

(1) Residential contractors by virtue of their training, education and/or experience have been licensed by the State Licensing Board for Residential and General contractors and therefore are eligible to provide the public with needed professional services. In furnishing these services the licensed residential contractor occupies a unique position of public trust. It is essential in maintaining this trust that each licensed residential contractor continuously strive to increase his or her technical skills and knowledge.

(2) Pursuant to the provision of O. C. G. A Section 43-41-6(k), the Residential Division prescribes the following regulations establishing requirements of continuing professional education to be met from time to time by licensed residential contractors in order to demonstrate that they are continuing their professional education as a condition to continued licensure beginning with the 2012 renewal cycle.

(a) For the 2012 renewal, an applicant for renewal of his or her residential license must have completed 3 hours of acceptable continuing education for a Residential Basic license and 6 hours of continuing education for a Residential Light Commercial license. For the 2014 renewal and thereafter, an applicant for renewal of his or her residential license must have completed 3 hours of acceptable continuing education **each year** for a Residential Basic license and 6 hours of continuing education **each year** for a Residential Light Commercial license, with a year being July 1st through June 30th.

(b) Upon renewal of an existing license and as a condition to the renewal thereof, residential contractors licensed in the state of Georgia shall maintain and furnish to the Residential Division, upon request or random audit, official documentation of having completed three (3) hours of continuing education during each year for a Residential Basic license and six (6) hours of continuing education during each year for a Residential Light Commercial license. Official documentation of course attendance must be maintained by a licensed residential contractor for at least two (2) years following the end of the biennium during which the course is taken.

(c) Compliance with all continuing education requirements is a condition for license renewal. Failure to complete all hours of mandatory continuing education shall serve as grounds to deny the renewal of a license and may also result in disciplinary action being taken against a licensee.

(d) The Residential Division may relax or suspend the requirements of continuing education for reasons of individual hardship or health of the applicant

Cite as Ga. Comp. R. & Regs. R. 553-12-.02
Authority: Authority O.C.G.A Secs. 43-41-5, 43-41-6, 43-41-16.
History. Original Rule entitled "Continuing Education Residential" adopted. F. Oct. 7, 2010; eff. Oct. 27, 2010.
Amended: F. Apr. 20, 2011; eff. May 10, 2011.

Rule 553-12-.03. Program Which Qualify.

(1) The overriding consideration in determining whether a specific program qualifies as acceptable continuing education is that it be a formal program of learning which contributes directly to the professional competence of an individual licensed to practice as a residential contractor by this State, and which meets the minimum standards of quality of development and presentation and of measurement and reporting of credits as may be established from time to time by the Residential Division.

(2) Subject Matter: The following general subject matters are acceptable so long as they meet the standards specified in subsection (1):

(a) Building and related codes;

(b) Functional fields of business (e.g., finance, marketing, personnel relations, business management, and organization);

(c) Legal, legislative or regulatory updates;

(d) Workplace safety;

(e) Workers compensation;

(f) Building techniques and technology.

(3) Subjects of study other than those listed above will be acceptable if the applicant or program provider can demonstrate to the Residential Division that the subjects contribute directly to the professional competence of an individual licensed to practice as a residential contractor by this State. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests upon the applicant or program provider. Applications for approval of subjects other than those listed in subsection (2) above shall be submitted to the Residential Division. Such applications shall include the name of the program provider, the instructor(s) for the program, the location of the program, a description of the program's content and how the proposed program satisfies the requirements of subsection (1), and a program outline. The Residential Division must approve the application before the provider may offer the class for continuing education credit.

(4) Continuing education hours may be obtained via classroom courses and/or online or correspondence courses. Online and correspondence courses may not exceed 50% of the continuing education hours required.

(a) General requirements:

1. An outline of the program is prepared in advance by the program director and retained by the license holder;

2. The program is conducted by a person whose formal training and experience qualify him as a competent instructor;

3. Hours of continuing professional education shall be calculated in one-half continuing professional education credit hour increments;

4. A record of registration and attendance through the entire program is maintained, a copy of which is retained by the student and program provider.

5. The program provider will provide the Residential Division with an electronic roster of license holders who have completed any course and the number of hours completed.

(b) The following programs will qualify provided the general requirements in (4)(a) are met:

1. Professional development programs of recognized national, state and local trade associations;

2. Technical sessions at meetings of recognized national, state and local trade associations and their chapters;

3. University or college courses;

4. Noncredit courses from a college or university;

5. Dinner, luncheon and breakfast meetings of recognized trade associations may qualify if the requirements in (a) are met.

Cite as Ga. Comp. R. & Regs. R. 553-12-.03
Authority: Authority O.C.G.A Secs. 43-41-5, 43-41-6.
History. Original Rule entitled "Programs Which Qualify" adopted. F. Oct. 7, 2010; eff. Oct. 27, 2010.

Rule 553-12-.04. Controls and Reporting.

(1) An applicant for renewal of a license must provide a signed statement or affirmative response if renewing online, under oath, that all applicable continuing education requirements have been met.

(2) All licensees shall maintain their records confirming attendance at and completion of continuing education, including the following information:

(a) School or organization conducting the program;

(b) Location of the program;

(c) Title of program or description of content;

(d) Program outline;

(e) Dates attended;

(f) Hours claimed;

(g) Evidence of satisfactory completion.

(3) Records described in paragraph (2) of this section must be maintained by each licensee and program provider for two (2) years following the end of the biennium and must be submitted to the Board upon request.

(4) Evidence of satisfactory completion shall take the form of certificates of completion, attendance records, examination, transcripts, or other such independently verifiable evidence acceptable to the Board.

(5) The Board will verify on a test basis information submitted by applicants for license renewals. In cases where the Board determines that the requirement is not met, the Board may grant an additional period of time in which the deficiencies may be cured.

Cite as Ga. Comp. R. & Regs. R. 553-12-.04
Authority: O.C.G.A Secs. 43-41-5, 43-41-6.
History. Original Rule entitled "Controls and Reporting" adopted. F. Jan. 4, 2010; eff. Jan. 24, 2010.

Rule 553-12-.05. License Renewal - General Contractor Limited Tier and General Contractor Unlimited.

(1) An application for renewal of a license, via mail or online, must be accompanied by a renewal fee as set by the Board.

(2) The biennial renewal fee, set by the Board, is due and payable by June 30 of even numbered years. Any continuing education hours acquired to renew that license during the penalty period may not be used again during the next renewal cycle.

(3) A penalty fee as determined by the Board shall be applicable to any applicant renewing his or her license after June 30 and through December 31 of the renewal period. Failure to

renew a license by December 31 shall have the same effect as a revocation of said license. Reinstatement of a license shall be at the discretion of the Board, which may require that a completed application for licensure, including all applicable fees and other required information be submitted as if it was a new application. At the discretion of the Board, an applicant for reinstatement of a license may be required to successfully pass an examination.

(4) An applicant for renewal of a license, via mail or online, must answer questions relating to his or her or company's insurance and financial state along with other questions pertaining to any applicable laws.

(5) A licensee must produce, upon request of the Board, documents to support any or all of the sworn statements or affirmations made on a renewal application.

Cite as Ga. Comp. R. & Regs. R. 553-12-.05
Authority: O.C.G.A Secs. 43-1-19, 43-41-5, 43-41-6, 43-41-9, 8 U.S.C.A. Sec. 1621.
History. Original Rule entitled "License Renewal - General Contractor Limited Tier and General Contractor Unlimited" adopted. F. Jan. 4, 2010; eff. Jan. 24, 2010.

Rule 553-12-.06. Revocation for Failure to Renew and Reinstatement.

(1) Failure to renew a license within the six months late renewal period ending December 31 of the renewal year shall have the same effect as revocation of the license.

(2) Persons not renewing within the 6 months late period may apply for reinstatement of the license by submitting a reinstatement application with a reinstatement fee established by the Board. Residential applicants must submit evidence of attendance of the required approved continuing education for each biennium that the license was lapsed.

(3) The reinstatement of any license shall be at the sole discretion of the appropriate division and such division may deny the license or approve such license with any conditions it may deem necessary, including but not limited to the retaking of the licensure examination.

(4) Denial of a reinstatement application is not considered a contested case under the APA.

Cite as Ga. Comp. R. & Regs. R. 553-12-.06
Authority: O.C.G.A. §§ 43-1-19(l), 43-41-5(a)(7), 43-41-6(i), 43-41-6(k).
History. Original Rule entitled "Revocation for Failure to Renew and Reinstatement" adopted. F. Oct. 7, 2010; eff. Oct. 27, 2010.
Amended: F. July 12, 2019; eff. August 1, 2019.