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32.01.02 - GENERAL RULES

000. PETITIONS.

Petitions may be filed by: (7-1-93)

01. Application. An applicant or licensee seeking a rehearing of the decision and order of the Board on any application or in any disciplinary proceeding. (7-1-93)

02. Amendments. A licensee seeking to change or add to the types of construction for which his licensed was issued. (7-1-93)

03. Extension. A licensee seeking an extension of time in which to file an application for annual renewal of license. (7-1-93)

04. Ruling. An interested person requesting the promulgation, amendment or repeal of a ruling. (7-1-93)

05. Declaratory Ruling. An interested person requesting a declaratory ruling on the applicability of the Act or any rule, decision or order of the Board. (7-1-93)

001. FORM AND CONTENT.

01. Form. The form, including the heading, the name of the petitioner and the purpose of the petition shall be in the manner prescribed in these rules. (7-1-93)

02. Paragraph 1. Paragraph 1 shall state the petitioner's interest in the matter. (7-1-93)

03. Paragraph 2. Paragraph 2 shall state the petitioner's request in brief, precise and specific terms, including references to any pertinent statutes or rules. (7-1-93)

04. Paragraph 3. Paragraph 3 shall contain the statements of fact to support the petitioner's request. Briefs and supporting documents may accompany petitions. (7-1-93)

05. Dated and Signed. The petition shall be dated and signed by the petitioner. (7-1-93)

06. Filed. The original and one copy of the petition shall be filed with the Board. The copy shall be acknowledged by the Board and returned to the petitioner by First Class Mail with the notice of hearing or the decision of the Board in the matter. (7-1-93)

002. REVIEW.

Petitions will be reviewed, heard and decided at regular monthly meetings of the Board. (7-1-93)

003. SPECIAL PROVISIONS GOVERNING PETITIONS FOR EXTENSION OF TIME.

01. Filed. A petition for an extension of time beyond the last day of the licensing period in which to file an application for the annual renewal of license shall be filed only where good and sufficient cause exists. (7-1-93)

02. Reasons. The petition shall state briefly and concisely the reason(s) for the extension of time. (7-1-93)

03. Extension. The petition shall request an extension be granted for a specified number of days not to exceed 60 days. Petitions for more than sixty (60) days will not be honored. (7-1-93)

04. Accompaniments. The petition shall be accompanied by the proper license fees and filed with the

Board not later than the last day of the licensing period. A petition filed without the fees or filed after the license has expired will not be honored. (7-1-93)

05. Approval. Approval of a petition for an extension of time shall authorize operation as a contractor until actual issuance of such renewal license for the ensuing licensing period, provided the application for renewal is filed with the Board within the extended time specified. (7-1-93)

06. Failure to File. Should the licensee fail to file his application for renewal on or before the last day of the extended time specified in the notice, his license shall lapse and expire on that day. (7-1-93)

004. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.

The petition to change or add types of construction shall be supported by evidence or work history, performance, experience, equipment and financial responsibility, as deemed necessary in the circumstances. (7-1-93)

005. -- 099. (RESERVED).

100. RECORDS.

The Board shall maintain in its offices in Boise an indexed record of all applications, licenses issued, licenses renewed and all revocations, cancellations and suspensions of licenses. (7-1-93)

101. DESTRUCTION.

All records of the Board shall be maintained in the office of the Board at its principal place of business. The Board may, from time to time destroy old and obsolete records with the permission of the State Board of Examiners, pursuant to the Idaho Code. (7-1-93)

102. COPIES.

The Board shall furnish a certified copy of any license issued upon receipt of the sum of fifty cents (\$.50). (7-1-93)

103. OTHER DEPARTMENTS.

The Board shall furnish the State Departments of Public Works and Finance a record of the issuance, renewal, revocation, cancellation and/or suspension of any license issued under the Act. (7-1-93)

104. DIRECTORY - LISTS.

The Board shall publish a list (directory) of the names and addresses of contractors registered under the Act and of licenses issued, suspended or revoked, and such other information with respect to the Act and its administration and enforcement as the Board deems necessary and proper. (7-1-93)

01. Furnish Lists. The Board may furnish lists to such public works and building departments, public officials or public bodies, architects and professional engineers, and other persons interested in or allied with the building and construction industry in this or any other state as deemed advisable, and at such intervals as deemed necessary, whenever funds therefor are available. (7-1-93)

02. Request for Copies. Copies of the list may be furnished by the Board upon request to any firm or individual upon payment of a reasonable fee fixed by the Board. (7-1-93)

105. POCKET CARDS.

The Board may issue pocket cards to licensees that may serve as satisfactory evidence of the possession of a license and the current renewal thereof. (7-1-93)

106. -- 199. (RESERVED).

200. STATEMENT FOR PUBLIC WORKS PROJECTS.

The Board shall promote and encourage the publication of a statement regarding licensing requirements in the advertised specifications for public works projects. (7-1-93)

201. POSTED NOTICES.

The Board shall promote and encourage the posting of notices regarding licensing requirements in conspicuous places in public offices and buildings. (7-1-93)

202. PUBLICATION.

The Board shall, upon request and periodically, as needed, publish and distribute statements and placards regarding licensing requirements to public officials, architects, engineers and other interested persons. (7-1-93)

203. BID PROPOSALS.

The Board shall promote and encourage the use of provisions requiring the posting of license certificate numbers on bid proposal forms for public works projects. (7-1-93)

204. NAMING SUBCONTRACTORS.

The Board shall promote and encourage the use of provisions requiring the posting of license certificate numbers in those instances where subcontractors and specialty contractors are required to be named in the bid proposal form for public works projects. (7-1-93)

205. -- 299. (RESERVED).

300. PUBLICATIONS OF AMENDMENTS TO RULES.

These rules may be amended at any regular meeting of the Board by a majority vote of the Board membership, subject to the following provisions. Prior to the adoption of any amendment, change or repeal of any rule, the Board shall give at least twenty (20) days notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may represent their views thereon. All interested persons shall be afforded reasonable opportunity to submit data, views or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing will be granted if requested in writing no later than five (5) days before the date of the intended action. In the event of an emergency involving imminent peril to the public health, safety or welfare, adoption of a rule may be effected without prior notice or hearing or upon any abbreviated notice and hearing that the Board finds practicable as provided in Title 67, Chapter 52, Idaho Code. Contesting of a rule or regulation shall be governed by Title 67, Chapter 52, Idaho Code, and these rules. The compiling and indexing of the rules and regulations of the Board shall constitute "publication of rules" as required by Title 67, Chapter 52, Idaho Code. (7-1-93)

301. -- 399. (RESERVED).

400. CONTESTED CASES MAY ARISE FROM.

01. Original. An Original application denied pursuant to Section 54-1911. (7-1-93)

02. Disciplinary Proceeding. A disciplinary proceeding pursuant to Section 54-1914. (7-1-93)

03. Financial Responsibility. A proceeding based on impaired financial responsibility pursuant to Section 54-1914A. (7-1-93)

401. REVIEW.

The Board may review the basis for a contested case at any regular or special meeting. (7-1-93)

402. NOTICE OF BOARD ACTION.

In any contested case, Notice of the intended action by the Board or a citation and copy of the complaint shall be served on the applicant or licensee by Certified Mail. (7-1-93)

403. ANSWER.

Applicant or licensee shall have not less than five (5) nor more than thirty (30) days to file a written answer. An answer to a citation and complaint shall be filed within ten (10) days after the citation is served. Answers may be reviewed at regular or special meetings of the Board. (7-1-93)

404. NOTICE OF HEARING.

In any contested case where a hearing is set, due notice of the date, time and place shall be served on the applicant or licensee by Certified Mail, and such other interested persons, including complainants, by First Class Mail. (7-1-93)

405. HEARING.

The hearing in any contested case shall be conducted in the manner provided in these rules for hearings. (7-1-93)

406. DECISION AND ORDER.

After the conclusion of a hearing in a contested case, the Board shall within twenty (20) days, render its decision in writing with a brief statement of the reasons therefor and serve a copy on the applicant, licensee, and/or complainant in the same manner as notice of said hearing. (7-1-93)

407. REHEARING.

Any applicant or licensee against whom a decision has been rendered by the Board, may file a petition for rehearing within twenty (20) days after the decision is served. If the petition is approved by the Board, notice of same shall be served in the manner of notices of hearings. Rehearings shall be conducted and the decision and order of the Board shall be rendered in the manner provided in these rules for hearings. (7-1-93)

408. APPEAL.

The final decision of the Board in any contested cases may be appealed to the District Court within twenty (20) days after said decision is served. (7-1-93)

409. -- 499. (RESERVED).

500. FOREIGN CORPORATIONS.

Proof of qualifications as a Foreign Corporation in the state of Idaho shall not be a prerequisite to obtaining an ORIGINAL license. (7-1-93)

501. FINANCIAL STATEMENTS.

The Board may, at its discretion, require that the financial reports furnished by the applicant be prepared by a professional accountant. All financial information submitted by an applicant shall be considered confidential and exempt from public inspection. (7-1-93)

502. APPRAISALS.

The Board may, in its discretion, require the appraisal of any real or chattel property reported by an applicant or licensee. Such appraisals shall be conducted by a disinterested person or firm established and qualified to perform such services. (7-1-93)

503. REFERENCES.

The Board may, in its discretion, require an applicant for an ORIGINAL or RENEWAL license to furnish such personal, business, character, financial or other written references as the Board may deem necessary and advisable in determining the applicant's qualifications. (7-1-93)

504. CHANGES IN TYPES AND/OR CATEGORIES.

A request by a licensee for changes in or additional types and/or categories shall be in the form of a petition (letter) as provided in these rules. The application for annual renewal shall not be used for this purpose. (7-1-93)

505. ORAL COMPLAINTS.

An oral complaint alleging a violation of the license act shall be reduced to writing, verified, and filed with the Board in the form and manner provided in these rules. (7-1-93)

506. APPLICATIONS FOR CHANGE OF CLASS.

An application for a class of license different from that held by the licensee shall be regarded as an ORIGINAL application and shall meet all the requirements thereof. (7-1-93)

507. DETERMINING COVERAGE.

The Board shall make its own determinations as to whether contractors, builders, subcontractors, specialty

contractors, or materialmen are covered by the Act, even though such determinations may differ from those of the owner, other interested persons or agencies. The Board may make its own determinations as to whether a specific type of work or project shall be regarded as "public works construction" within the meaning of the License Act, even though such determinations may differ from those of the owner, other interested persons or agencies. (7-1-93)

508. DECLARATORY RULINGS.

The Board may, on its own motion, and shall upon the filing of a petition in the manner provided in these rules, render a declaratory ruling as to the applicability of the act or of any rule of practice or procedure or order of the Board. Petitions for declaratory rulings may be reviewed at regular meetings of the Board and a ruling entered within twenty (20) days after such review. (7-1-93)

509. -- 999. (RESERVED).