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**IDAPA 24
TITLE 21
CHAPTER 01**

24.21.01 - RULES OF THE IDAHO STATE CONTRACTORS BOARD

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the Idaho State Contractors Board by the provisions of Section 54-5206, Idaho Code. (3-30-06)

001. TITLE AND SCOPE (RULE 1).

These rules shall be cited as IDAPA 24.21.01, "Rules of the Idaho State Contractors Board." (3-30-06)

002. WRITTEN INTERPRETATIONS (RULE 2).

The Board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-30-06)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-30-06)

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those Sections of Idaho Code so referenced. (3-30-06)

005. ADDRESS OF IDAHO STATE CONTRACTORS BOARD (RULE 5).

The office of the Idaho State Contractors Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone number of the Board is (208) 334-3233. The Board's fax number is (208) 334-3945. The Board's e-mail address is con@ibol.idaho.gov. The Board's official website is <http://www.ibol.idaho.gov>. (3-30-06)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Idaho State Contractors Board are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-30-06)

007. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

01. Board. Board means the Idaho State Contractors Board as created in Section 54-5206, Idaho Code. (3-30-06)

02. Bureau. Bureau means the Idaho Bureau of Occupational Licenses as created in Section 67-2602, Idaho Code. (3-30-06)

03. Person. Person means any individual, firm, partnership, limited liability company, limited liability partnership, corporation, trust, association or other entity or organization capable of conducting business, or any combination thereof acting as a unit. (3-30-06)

011. -- 099. (RESERVED)

100. ORGANIZATION (RULE 100).

01. Meetings. The Board shall meet not less than once during each calendar quarter and at such times and places as designated by the Board or the Chairman of the Board. Special meetings may be held at the call of the Chairman, and all members shall be notified in writing. (3-30-06)

a. All meetings shall be held in accordance with the Idaho Open Meeting Law, Chapters 2340 – 2347, Title 67, Idaho Code. (3-30-06)

b. A minimum of three (3) Board members shall constitute a quorum and shall be required for the transaction of business. A majority vote of the Board members present at a meeting shall be considered the action of the Board as a whole. (3-30-06)

02. Organization of the Board. At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. (3-30-06)

a. The Chairman shall when present, preside at all meetings, appoint with the consent of the Board, all committees, and shall otherwise perform all duties pertaining to the office of Chairman. The Chairman shall be an ex-officio member of all committees. (3-30-06)

b. The Chief of the Bureau shall act as an agent of the Board and shall be the official keeper of all records of the Board. The Bureau shall provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. (3-30-06)

101. -- 149. (RESERVED)

150. APPLICATION (RULE 150).

Each applicant for registration shall submit a complete application on applications forms approved by the board together with the required fee(s). The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. Applications on file with the Board where an applicant has failed to respond to a Board request or where the applications have lacked activity for twelve (12) consecutive months shall be deemed denied and shall be terminated upon thirty (30) days written notice unless good cause is established to the Board. (5-8-09)

151. -- 164. (RESERVED)

165. ADDITIONAL QUALIFICATIONS FOR REGISTRATION (RULE 165).

Applicants for a registration shall meet the following qualifications in addition to those set forth in Section 54-5210, Idaho Code and these rules. (4-2-08)

01. Felony Conviction. Not have been convicted of any felony in a state or federal court; provided the applicant may make written request to the board for an exemption review to determine the applicant's suitability for registration, which the board shall determine in accordance with the following: (4-2-08)

02. Exemption Review. The exemption review shall consist of a review of any documents relating to the felony and any supplemental information provided by the applicant bearing upon his suitability for registration. The board may, at its discretion, grant an interview of the applicant. (4-2-08)

a. During the review, the board shall consider the following factors or evidence: (4-2-08)

i. The severity or nature of the felony; (4-2-08)

ii. The period of time that has passed since the felony under review; (4-2-08)

iii. The number or pattern of felonies or other similar incidents; (4-2-08)

iv. The circumstances surrounding the crime that would help determine the risk of repetition; (4-2-08)

v. The relationship of the crime to the registered practice of construction; and (4-2-08)

vi. The applicant's activities since the crime under review, such as employment, education, (4-2-08)

participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation. (4-2-08)

b. The applicant shall bear the burden of establishing his current suitability for registration. (4-2-08)

03. Fraud in Application Process. The registration application and supporting documents are free from any fraud or material misrepresentations. (4-2-08)

166. -- 174. (RESERVED)

175. FEES (RULE 175).

Fees are not refundable, therefore, applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application fee (includes original registration) - thirty dollars (\$30). (3-30-06)

02. Reciprocal Fee. Endorsement fee - twenty-five dollars (\$25). (3-30-06)

03. Renewal Fee. Annual registration renewal fee - twenty-five dollars (\$25). (3-30-06)

04. Reinstatement Fee. Reinstatement fee - twenty-five dollars (\$25). (3-30-06)

05. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license. (3-30-06)

176. -- 199. (RESERVED)

200. RENEWAL OF REGISTRATION (RULE 200).

01. Expiration Date. All registrations expire and must be renewed annually on forms approved by the Board on the birth date of an individual registrant or the anniversary date of the original registration for a business entity in accordance with Section 67-2614, Idaho Code. Registrations not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. (3-30-06)

02. Reinstatement. Any registration cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (3-30-06)

201. -- 999. (RESERVED)

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