

CHAPTER 12
CONTRACTORS LICENSE BOARD

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§12101. Authority and Purpose of Regulations, Exemptions, Enforcement. (a) **Authority.** Authority to promulgate Rules and Regulations by the Contractors License Board is found in 21 GCA §70102, as enacted by Public law 14-51 (Bill 140). All references hereinafter to 'this Chapter' are to said Chapter VII. All references hereinafter to 'Board' are to the Contractors License Board.

(b) **Purpose of Law Protection, Safety of Public.** The Board interprets the primary intent of the Legislature in creating the. Board to be the protection of the public health, safety and general welfare in dealing with persons engaged in the construction industry, and the affording to the public of an effective and practical protection against the incompetent, inexperienced, unlawful and unfair practices of contractors with whom they may contract. All rules, regulations or orders adopted by the Board shall be interpreted and construed in light of the policies announced herein.

(c) **Exemptions.** These rules and regulations exempt those persons and projects identified in 21 GCA §70101.

Exemptions for Prior Licenses. Any contractor who obtained a valid contractors license with the then existing license statute prior to July 1, 1977 shall be exempted from provisions of this Chapter relative to application, investigation and examination. Any contractor with a valid license issued prior to July 1, 1977 with a classification

different from those enumerated in 21 GCA §70123, shall be automatically placed in the appropriated classification without the necessity of complying with the application investigation and examination provisions of this Chapter. All other provisions shall apply providing, however, that Public Works endorsement, if prior to July 1, 1977 or license if on or after July 1, 1977 has not lapsed.

Exemptions for Responsible Management Employee.

Any Responsible Management Employee that was registered under the Department of Public Works prior to July 1, 1977 shall be exempted from provisions of this regulation and this Chapter, 21 GCA Chapter 70, as enacted by Public law 14-51 relative to application, investigation and examination. All other provisions shall apply providing, however, that Public Works endorsement, if prior to July 1, 1977 or license if on or after July 1, 1977 has not lapsed.

(d) **Violation and Penalty.** Any persons who violates or omits to comply with any of the provisions of these rules and regulations or this Chapter shall be fined not more than TEN THOUSAND DOLLARS (\$10,000.00).

(e) **Injunction.** The Board may, in addition to any other remedies available, apply to a Judge of the Superior Court of Guam for a preliminary and/or permanent injunction restraining any person from acting or assuming to act or advertise as a General Engineering Contractor, General Building Contractor or Specialty Contractor without a license previously obtained under and in compliance with this Chapter and the rules and regulations of the Board. Upon hearings and for cause shown, the Judge may grant the preliminary and/or permanent injunction.

§12102. Definitions. (a) *Direct Management of the Contracting Business* as used in these rules and regulations means the general supervision of the construction projects undertaken by the licensee, the control of technical and administrative decisions, personnel management, the review of construction contracts and enforcing compliance with all laws and regulations affecting the contracting business.

(b) *Responsible Management Employee.* A Responsible Management Employee means the individual responsible for the direct management of the contracting business of the licensee. A Responsible Management Employee shall

not be deemed to have the direct management of the licensee's contracting business unless he is:

(1) A bona fide employee principally employed by the licensee provided, however, that an individual may be a Responsible Management Employee for more than one firm if:

(A) there is a common ownership of at least fifty-one percent (51%) of the equity of each, for which he acts as Responsible Management Employee; or,

(B) each additional firm for which he acts as Responsible Management Employee is a subsidiary of, or joint venture of the first; or,

(C) there is a direct family relationship between the Responsible Management Employee and the Officers of each additional firm for which he acts as the Responsible Management Employee.

(2) In a position to secure full compliance with the rules and regulations as set forth by the Board.

(3) Familiar with all contracts the firm enters into and is responsible for all contract provisions. To verify such familiarity, the Responsible Management Employee shall sign or initial all contracts.

(4) Familiar with all projects the firm undertakes and is responsible for enforcement of record keeping of such projects, such records to include amount of time Responsible Management Employee spends with the firm and payroll record of Responsible Management Employee.

(5) In residence in the territory of Guam during the period in which the license is in effect or during the period a project is under construction.

(c) *Employee*. Employee means an individual who, with wages as his sole compensation, works under the supervision of an employer who is liable for paying his social security, unemployment and workmen's compensation contributions on behalf of the employee.

(d) *Owner-Builder*. A person who undertakes an operation for himself' means a person who builds a structure on his own premises for his own personal needs, with no intent to sell, rent or lease such structure to

someone else and which structure is not for use by the general public.

(e) *Home Improvement and Renovation Contracting.* Home Improvement and Renovation Contracting means undertaking or holding oneself out as being able to undertake directly or indirectly renovation, remodeling, repairing or otherwise improving a residential property for compensation.

(f) *Home Improvement and Renovation Salesman.*

(1) *Home Improvement and Renovation Salesman* means an individual who, as a representative of a home improvement contractor, solicits for or negotiates a home improvement contract.

(2) Any individual representing more than one principal or acting on his own behalf as a home improvement and renovation salesman shall be treated for all purposes hereunder as a contractor and shall be required to hold a proper license.

§12103. processing License Application. (a) Application Form for Contractors License. All applications for an original contractors license shall be made in writing upon a form to be prescribed by the Board, which form shall be designed to seek from the applicant the following information:

(1) A complete statement of the general nature of the applicant's contracting business;

(2) If the applicant is an Individual, his name and address; if a Partnership, the names and addresses of all partners, and the names and addresses of the Responsible Management Employee(s): if a Corporation, the names and addresses of the Responsible Management Employee(s) and all officers; if a Joint venture, the names and addresses of the Employee(s). For the purpose of this article, any person(s) in any of the capacities set forth in this rule shall be deemed to be members of the personnel of applicant.

(3) A record of the previous experience of applicant and applicant's Responsible Management Employee(s) in the field of construction: Designate the projects associated with by name, size, location and title of position held.

(4) Sworn certificates of not less than two (2) persons who have known the applicant for a period of not less than six (6) months, certifying that the applicant bears a good reputation for honesty, truthfulness and fair dealings.

(5) Nothing contained herein shall be construed to limit the Board's authority to seek from the applicant such other information pertinent to the character, experience and past and future methods of doing business as may be deemed necessary to determine the applicant's qualifications.

(b) **Individual License Required.** Responsible Management Employee must be licensed. The Corporation, Partnership or Joint Venture which employs him must be also licensed as a contractor. Home Improvement and Renovation Salesman falling under §12102 of these rules and regulations must be licensed.

(c) **Management of Applicant to Furnish Information.** An Officer, Director or Partner of an applicant shall furnish the information requested in the prescribed application form.

(d) **Signing and Verification of Applications.** Every application for contractors licenses shall be signed by the individual applying if applicant is an individual: if a Partnership, by a copartner; if a Corporation or Joint Venture, by its President or its authorized representative; and by all other persons concerning whom information is given in the application form. All persons signing the application shall swear to the truth of the statements contained therein before a notary public. Evidence of the authority of authorized representative of a Joint Venture or Corporation shall be filed with its application.

(e) **Exhibits Required.** Every applicant shall be required to furnish the Board with the following documents:

(1) If the applicant is an individual, sworn certificates of not less than two (2) persons who have known the applicant for a period of not less than six (6) months, certifying that the applicant bears a good reputation for honesty, truthfulness and fair dealings.

(2) Not less than three (3) certificates in support of experience qualifications as set forth hereinafter in §12104.

(3) A current credit report on the individual applicant, on each partner and the Responsible Management Employee or Partnerships; on each member of the Responsible Management Employee of a Joint Venture; and on the Corporate entity and the Responsible Management Employee of a Corporation.

(4) Proof of financial solvency, (bank letter of credit attesting to solvency or financial statement from the Bank).

(f) Rejection of Applications.

(1) The Board shall reject any application which is insufficient or incomplete; or where the applicant has failed to satisfy the Board that the applicant:

(A) demonstrates a record of integrity of fair dealings and fulfillment of prior contracts and possesses or demonstrates reasonable availability of adequate finances and facilities to undertake and successfully complete a contractual project.

(B) is qualified by experience for the license sought..

(2) The Board is empowered to deny approval of any application wherein the applicant is found to have violated regulatory statutes of any governmental agency of which violations demonstrate the lack of moral or professional integrity necessary to fulfill contract responsibilities. The Board will further reject the application if review of the record of the applicant reveals that the applicant was denied or had a license revoked by any regulatory agency for professional misconduct.

(3) An application for an original contractors license will be automatically rejected when:

(A) the applicant or Responsible Management Employee for the applicant, after having been notified to do so: fails to appear for the examination on the date notified;

(B) the applicant or Responsible Management Employee for the applicant fails the examination and, after having been notified to do so, fails to appear for re-examination on the date notified;

(C) the applicant, after having been notified to do so, fails to comply with any of the

requirements in these rules and regulations or as may be established by the Board, within thirty (30) days from the date of notification.

(g) When a Joint Venture Requires a License.

(1) No further licensing is required when all parties to the Joint Venture submit evidence to the Board that they hold current licenses.

(2) If the Joint Venture, itself, is licensed, none of the parties in the Joint Venture are required to be licensed.

(h) Classification of License for Joint Venture. The Board shall issue a license to a Joint Venture for the classification in which one of its members thereof is licensed.

§12104. Experience Qualifications. (a) **Experience Requirement.** Every individual applicant must have had, within the past ten (10) years immediately preceding the filing of an application, not less than four (4) years experience as a foreman, supervising employee or contractor in the particular field of contracting in which the applicant intends to engage as a contractor. Corporations, Partnerships and Joint Venture must qualify through a Responsible Management Employee who meets these experience requirements.

(b) **Power of the Board to Approve Other Experience.** The Board in its discretion, may approve certain technical training or business administration training as acceptable experience, but in no case will such training count as more than one (1) year of experience.

(c) **Power of the Board to Accept Equivalent Knowledge.** The Board in its discretion, may accept any reasonably equivalent knowledge, training or experience of the applicant in lieu of a specific experience requirement if, upon investigation, it makes a detailed finding to that effect.

§12105. Fees and Refunds. (a) **Disposition of Fees and Refunds.**

(1) All fees received by the Contractors License Board under this Chapter shall be deposited by the appointed agent of the Treasurer of Guam with the Treasurer of Guam. Annually, when the amount paid into the 'CONTRACTORS LICENSE BOARD FUND' equals the amount appropriated to the Board, any

additional receipts during the remainder of the fiscal year shall be paid into the GENERAL FUND'.

(2) The Board may request the Treasurer of Guam to have any fee erroneously paid to it under this Chapter refunded when the Board deems it just and equitable.

(b) **Application Fee.** Every application for a license hereunder shall be accompanied by an application fee of TWENTY FIVE DOLLARS (\$25.00).

(c) **Annual Fee.**

(1) The annual fee for each license thereof prescribed by this Chapter shall be as follows:

- (A) License Fees for Contractor's license:
 - License to act as General Engineering Contractor..... \$200.
 - License to act as General Building Contractor..... \$200.
 - License to act as Specialty Contractor..... \$200.

- (B) License for Responsible Management Employee:
 - License to Act as RME in General Engineering Contractor..... \$200.
 - License to act as RME in General Building Building Contractor..... \$200.
 - License to act as RME in Special Contract..... \$200.

(2) The annual fee or inactive license fee shall be paid on or before June 30 of each year for a license year beginning on July 1st. Failure, neglect or refusal of any licensee to pay the annual fee before such date shall constitute a forfeiture of his license. Any such license may be restored upon written application therefore within one (1) year from such date and payment of the required fee plus the amount equal to ten percent thereof.

(3) Upon written request by a contractor and for good cause, the Board shall place an active license in an 'INACTIVE' status. The license, upon payment of the annual inactive license fee, may continue inactive for a period of three (3) years (fee paid annually), after which time it must be reactivated at any time within the three (3) year period by fulfilling the requirements for renewal, including the payment of the appropriate renewal fee.

§12106. Classifications. (a) All Contractors Classified.

All persons heretofore or hereinafter licensed under these rules and regulations will be classified by the Board into one or more classifications and/or sub-classifications as follows:

GENERAL ENGINEERING CONTRACTOR	"A"
GENERAL BUILDING CONTRACTOR	"B"
SPECIALTY CONTRACTOR	
"C	

- (1) GENERAL ENGINEERING CONTRACTOR:
More than two unrelated heavy construction trades or crafts including but not limited to the following:
 - Asphalt Paving & Surfacing
 - Cement Concrete
 - Concrete Paving & Surfacing
 - Classified Specialties
 - Demolition
 - Excavating, Grading & Trenching
 - Fencing
 - Gunite
 - Housing & Building Moving & Wrecking
 - Landscaping
 - Pile Driving & Foundation
 - Pest Control
 - Post Tensioning/Prestress
 - Reinforcing Steel
 - Septic Tank
 - Sewer: Sewage; Disposal Drain; Cement Pipe Laying
 - Stone Masonry
 - Structural Steel
 - Water Proofing
 - Welding

- (2) GENERAL BUILDING CONTRACTOR:
More than two unrelated building trades or crafts including but not limited to the following:
 - Acoustical Tile
 - Aluminum Roofing & Siding
 - Cabinet & Millwork
 - Carpentry Framing
 - Carpet Laying
 - Cement Concrete
 - Concrete Paving & Surfacing
 - Demolition
 - Drywall
 - Fencing
 - Floor Covering
 - Glazing
 - Gunite
 - House a Building Moving a Wrecking
 - Institutional a Commercial Equipment
 - Insulation
 - Landscaping

Lift Slab
Limited House Improvement & Renovation Masonry
Ornamental Metal.
Painting & Decorating
Pest Control
Pile Driving & Foundation
Plastering
Post Tensioning/Prestress
Prefabricated Steel Building
Reinforcing Steel
Roofing
Septic Tank
Sheet Metal
Spray, Texture Coating
Stone Masonry
Structural Steel
Swimming Pool
Tile
Water Proofing
Welding
Wood Flooring
Wood Shingle & Shake
Classified Specialties

- (3) SPECIALTY CONTRACTOR: This classification shall not prohibit a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work is less than thirty five percent (35%) and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

Acoustical Tile
Asphalt Paving & Surfacing
Aluminum Roofing & Siding
Boiler, Hot Water Heating & Steam Fitting
Cabinet g Millwork
Carpentry Framing
Carpet laying
Cement Concrete
Concrete Paving & Surfacing
Demolition
Drywall
Electrical
Electrical Pole & Line
Electrical Sign
Electronic System
Elevator Installation
Excavating, Grading & Trenching
Fire a Burglar Alarm
Fire Protection
Floor Covering
Glazing
Gunite
House & Building Moving & Wrecking
Institutional & Commercial Equipment

Insulation
Landscaping
Lathing
Lift Slab
Limited House Improvement & Renovation Masonry
Ornamental Metal
Painting & Decorating
Pest Control
Pile Driving & Foundation
Plastering
Plumbing
Post Tensioning/Prestress
Prefabricated Steel Building
Reconditioning Concrete Water & Sewer lines
Refrigeration
Reinforcing Steel
Roofing
Septic Tank
Fencing
Sewer; Sewage Disposal Drain: Cement Pipe Laying
Sheet Metal
Solar
Spray, Texture Coating
Structural Pest Control
Structural Steel
Swimming Pool
Tile
Warm Air Heating, Ventilating & Air Conditioning
Water Chlorination
Water Proofing
Welding
Well Drilling
Wood Flooring Wood Shingle & Shake
Classified Specialties

(4) Definitions of Sub-Classifications:

(C-1) *Acoustical Tile Contractor*: An Acoustical Tile Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to execute preparatory work necessary to bring surfaces to a condition where acoustical tile can be laid thereon and to lay such tile by the use of adhesive or other acceptable installation media and to install metal suspension members and place acoustical materials for suspended ceilings.

(C-2) *Aluminum Shingle and Siding Contractors*: An Aluminum Shingle and Siding Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to

install aluminum shingles and siding so that an acceptable water-tight surface is obtained.

(C-3) *Asphalt Paving and Surfacing Contractor:* An Asphalt Paving and Surfacing Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently proportion, mix and place paving and surfacing consisting of graded miner aggregates bonded with asphalt or bituminous materials so that a firm, smooth surface suitable for roadways, runways and parking areas is obtained.

(C-4) *Boiler, Hot Water Heating and Steam Fitting Contractor:* A Boiler, Hot Water Heating and Steam Fitting Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install fire-tube and water-tube power boilers and hot water heating boilers, including all fitting and piping, valves, gauges, pumps, radiators, connectors, fuel oil tanks fuel oil lines, chimneys, fuels, heat insulation and all other devices, apparatus and equipment pertinent thereto.

(C-5) *Cabinet and Millwork Contractor:* A Cabinet and Millwork Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently cut, surface, join and frame wood and wood products into cabinet, case, sash, door, trim, non-bearing partition and such other mill products as are by custom and usage accepted in the building and construction industry as cabinet and millwork. Included is the placing and finishing in buildings of such cabinet and millwork.

(C-6) *Carpentry Framing Contractor:* A Carpentry Framing Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to do carpentry framing. Such work to include floor framing and siding, roof framing including wood truss, roof sheathing and such other work as is by custom and usage accepted in the construction

industry as carpentry framing. This classification also includes work of the C-58, Wood Flooring Contractor.

(C-7) *Carpet Laying Contractor*: A Carpet Laying Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare floor surfaces to a condition where acceptable fabric floor covering can be laid thereon and to lay such covering.

(C-8) *Cement Concrete Contractor*: A Cement Concrete Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently proportion and mix aggregates, cement and water to make acceptable concrete and to pour, place and finish same including the placing and setting of screens and forms including driveways and sidewalks. Excluded is the work covered by classification C-10, Paving and Surfacing Contractor.

(C-9) *Septic Tank Contractor*: A Septic Tank Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to excavate and install septic tanks in compliance with the requirements of the Department of Public Health.

(C-10) *Concrete Paving and Surfacing Contractor*: A Concrete Paving and Surfacing Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently proportion, mix and place paving and surfacing consisting of graded mineral aggregates bond, with cement so that a firm, smooth surface suitable for roadways, runways and parking areas is obtained.

(C-11) *Demolition Contractor*: A Demolition Contractor is a specialty Contractor whose contracting business is the execution of contracts requiring the ability to intelligently demolish all types of building or structure and to remove all of

such building or structure from the premises on which it was built.

(C-12) *Drywall Contractor:* A Drywall Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install gypsum wallboard systems and sheathing; to tape and fill joints and indentations of wallboard with simulated acoustic or gypsum texture to not include the work of the C-33 Painting and Decorating or C-36 Plastering Contractors.

(C-13) *Electrical Contractor:* An Electrical Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to place, install, erect or connect any electrical wires, fixtures, appliances, apparatus, raceways or conduits and lines which transmit, transform or utilize electrical energy. This classification also includes the work of the C-19 Fire and Burglar Alarm Contractor.

(C-13A) *Pole and Line Contractor:* A Pole and Line Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to dress, ground, anchor and erect poles designed to carry electrical wires and to connect and string electrical wires and fixtures and apparatus to and between such poles. A C-13 Electrical Contractor classification is a prerequisite to obtaining this classification.

(C-14) *Electrical Sign Contractor:* An Electrical Sign Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate, install and erect electrical signs.

(C-15) *Electronic System Contractor:* An Electronic System Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install, maintain, repair and service electronic equipment and electronic controls for public address, inter communication, master antenna and music distribution systems.

Electronic controls to include those controls in conjunction with other specialty contracting work.

(C-16) *Elevator Installation Contractor*: An Elevator Installation Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate, erect and install sheave beams motors, sheaves, cable and wire rope, guides, cab, counter weight, doors including sidewalk elevator doors, hydraulic systems, automatic and manual controls, signal systems and all other devices, apparatus and equipment appurtenances for the safe and efficient installation and operation of electrical, hydraulic and manually-operated elevators.

(C-17) *Excavating, Grading and Trenching Contractor*: An Excavating, Grading and Trenching Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently dig, move and place earthen materials for a cut, fill, grade or trench, including the use of explosives in connection therewith.

(C-18) *Fencing Contractor*: A Fencing Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently assemble, fabricate and install metal fencing and gates.

(C-19) *Fire and Burglar Alarm Contractor*: A Fire and Burglar Alarm Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install, maintain and repair fire and burglar alarm systems.

(C-20) *Fire Protection Contractor*: A fire Protection Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently lay out, fabricate and install approved types of fire prevention and protection systems including all mechanical apparatus, devices, piping and equipment appurtenant thereto except electrical

devices, apparatus and wiring which shall be installed by specialty contractors in the classifications C-13 or C.15. The licensee shall have the ability to comply with applicable provisions of the NBFU Standards to meet all requirements of the local authorities having jurisdiction.

(C-21) *Floor Covering Contractor:* A Floor Covering Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare floor surfaces to a condition where he can lay acceptable flooring with the use of linoleum, rubber, vinyl, cork, asphalt, plastic aluminates or such other materials as are by custom and usage in the construction industry known as composition flooring.

(C-22) *Glazing Contractor:* A Glazing Contractor is a specialty contractor whose contracting business is the execution of. contracts requiring the ability to intelligently cut glass and to glaze frames, panels, sash and doors. It shall also include fabrication and installation of shower doors, tub enclosures, metal jealousies, store front metal and trim plastics, tempered glass doors including such items as frames and hardware and any allied products not stipulated above but affiliated with the glass and glazing industry.

(C-23) *Gunite Contractor:* A Gunite Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently proportion and mix aggregates, cement and water and to pneumatically apply and finish the mix including the setting of ground wires and pencil rods to establish the finished surface planes.

(C-24) *House and Building Moving and Wrecking Contractor:* A House and Building Moving and Wrecking Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to

intelligently raise and underpin buildings so that alterations, additions, repairs and new sub-structures may be built under the permanently retained portions of such buildings and to move or wreck buildings provided, however, that wrecking shall be limited to those buildings which could otherwise be moved in whole or not more than three sections.

(C-25) *Institutional and Commercial Equipment Contractor:* An Institutional and Commercial Equipment Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to install laboratory equipment, for services equipment, folding and sliding partitions, stationary metal partitions, and such other equipment and materials as are by custom and usage accepted in the construction industry as institutional and commercial equipment work. Excluded is the work done by classifications C-13 Electrical and C-37 Plumbing contractors.

(C-26) *Insulation Contractor:* An Insulation Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install any insulating media in buildings and structures for the sole purpose of temperature control.

(C-27) *Landscaping Contractor:* A Landscaping Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the art and ability to intelligently prepare plots of land for architectural horticulture and to provide decorative treatment and arrange gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construct conservatories, hot and green houses, drainage and sprinkler systems and ornamental pools, tanks, fountains, walls, fences and walks; arrange, fabricate and place garden furniture, statuary and monuments in connection therewith. and metal lath, or any other materials which provide a key or suction base for the support of plaster-coating: including the light gauge metal shapes for the support of metal or other fireproof lath.

(C-29) *Lift Slab Contractor:* A Lift Slab Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently lift or lower concrete slabs or prefabricated steel work, in a vertical dimension, into predesignated positions through the use of jacks.

(C-30) *Limited Home Improvement and Renovation Contractor:* A Limited Home Improvement and Renovation Contractor is a specialty contractor whose contracting business is the execution of home improvement and renovation contracts requiring the ability to intelligently perform the carpentry work to remodel and/or to make repairs to existing buildings or structures and to do any other work which would be incidental and supplemental to such remodeling or repairing. This contractor shall be licensed only for contractors not exceeding Three Thousand Five Hundred Dollars (\$3,500).

(C-31) *Masonry Contractor:* A Masonry Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently select, cut and lay brick and other baked clay products, rough stone, cut and dressed stone, artificial stone and precast blocks, structural glass brick or block, laid at random or in courses with or without mortar.

(C-32) *Ornamental Metal Contractor:* An Ornamental Metal Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently cast, cut, shape, stamp, forge, weld, braze, solder fabricate any metal used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures; but shall not include the work of a Sheet Metal Contractor (C-44) or Structural Steel Contractor (C-48).

(C-33) *Painting and Decorating Contractor:* A Painting and Decorating Contractor is a specialty contractor whose contracting business is the

execution of contracts requiring the ability to intelligently prepare surfaces, including the taping of joints in wallboard, and to apply acceptable finishes thereon with the use of paints, varnishes, shellacs, stains, fillers, waxes and any other vehicles and materials that may be mixed and applied as finish to surfaces of buildings including texture coatings and coverings.

(C-34) *Pest Control Contractor*: A Pest Control Contractor is a specialty contractor whose contracting business is the execution of pest control contracts requiring a practical knowledge of the life cycles, habits and habitat of wood destroying insects and household pest and such knowledge of construction as will enable him to determine where the insects or pests are and the proper method to use in ridding a building of such insects or pests. This classification does not include the work of the C-47 Structural Pest Control Contractor.

(C-35) *Pile Driving and Foundation Contractor*: A Pile Driving and Foundation Contractor is specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently drive pilings of wood, concrete or steel to cut off same and prepare pilings for permanent foundations.

(C-36) *Plastering Contractor*: A Plastering Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to prepare mixtures of sand, gypsum, plaster, quicklime or hydrated lime and water, or sand and cement and water, or a combination of such other materials as created a permanent surface coating; including coloring for same, and to apply such mixtures by use of a plasterer's trowel, brush or spray gun to any surface which offers a mechanical key for the support of such mixture, or to which such mixture will adhere by suction; and to apply lath or any other material that will provide a base for such mixture.

(C-37) *Plumbing Contractor*: A Plumbing Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install supply water piping systems, waste water piping systems and fuel gas piping systems, the fixtures for these systems and the venting for waste water piping systems and fuel gas piping systems; within such structures and works where people or animals live, work and assemble.

(C-38) *Post Tensioning Contractor*: A Post Tensioning Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently apply compression to concrete structures or various components by the use of steels, bars or wires and to bring such bars or wires to proper tension after the structures or components are built or placed.

(C-39) *Reconditioning Concrete Pipeline Contractor*: A Reconditioning Concrete Pipeline Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently recondition or restore concrete water or sewer lines through the use of manually or machine-applied grout.

(C-40) *Refrigeration Contractor*: A Refrigeration Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently construct, erect and install devices, machinery and units including temperature insulation units, ducts, blowers, registers, humidity and thermostatic controls for the control of air temperature below fifty degrees Fahrenheit (50°F) in refrigerators, refrigerator rooms and insulated refrigerator spaces.

(C-41) *Reinforcing Steel Contractors*: A Reinforcing Steel Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate, place and tie steel reinforcing bars (rods) of any profile, perimeter or

cross-section, that are or may be used to reinforce concrete buildings and structures.

(C-42) *Roofing Contractor*: A Roofing Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare surfaces and apply a watertight covering to such surfaces with the use of any or all of the following: asphalt, pitch, tar, felt, glass, fabric, flax, composition, shingles, roof tile, slate and such other materials that are established by use and custom as suitable for a watertight cover. This classification includes the work of the C-55 Waterproofing Contractor, but does not include the work of the C-2 Aluminum Roofing and Siding Contractor or the C-59 Wood Shingle and Shake Contractor.

(C-43) *Sewer, Sewage Disposal, Drain, Cement Pipe Laying Contractor*: A Sewer, Sewage Disposal, Drain, Cement Pipe Laying Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate concrete and masonry sewers, sewage disposal concrete and masonry sewers, sewage disposal and drain structures, packaged sewer disposal plants, sewage lift stations, septic tanks and appurtenances thereto; to lay iron, steel, concrete, vitreous and non-vitreous pipe; including the excavation, grading, trenching, backfilling paving and surfacing in connection therewith.

(C-44) *Sheet Metal Contractor*: A Sheet Metal Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently cut, shape, fabricate and install sheet metal such as cornices, flashings, gutters, ladders, rainwater downspouts, pond, kitchen equipment, duct work and metal flues.

(C-45) *Spray Texture Coatings Contractor*: A Spray Texture Coatings Contractor is a specialty contractor whose contracting business is the execution of contract requiring the ability to

intelligently prepare surfaces and apply acceptable texture coating finishes, but shall not include the work of the C-33 Painting and Decorating or the C-36 Plastering Contractor.

(C-46) *Stone Masonry Contractor*: A Stone Masonry Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently select, cut and dress stone, and to construct ornamental walls, veneer walls and structural walls or columns from such stones; to lay stone in such manner that an acceptable paved surface is obtained and to construct stone retaining walls with or without mortar, sufficient in strength and weight to retain the earth which it was built to retain.

(C-47) *Structural Pest Control Contractor*: A Structural Pest Control Contractor is a specialty contractor whose contracting business is the execution of contracts requiring a practical knowledge of the life cycles, habits and habitats of wood destroying insects and household pests; the ability to destroy same and to intelligently repair any damage resulting from such insects and pests. This classification includes the work of the C-34 Pest Control Contractor.

(C-48) *Structural Steel Contractor*: A Structural Steel Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate and erect structural steel shapes, bars, rods and plates of any profile, perimeter or cross-section that are or may be used as structural members for buildings and structures, including riveting, bolting, welding and rigging in connection therewith.

(C-49) *Swimming Pool Contractor*: A Swimming Pool Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to construct swimming pools with the use those construction industry trades as are necessary for the construction of such pools.

(C-50) *Tile Contractor*: A Tile Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare a base upon which ceramic and other tile work, including all pseudo ceramic tile products, will adhere by suction or by adhesive and to install such tiles.

(C-51) *Warm Air Heating, Ventilating and Air Conditioning Contractor*: A Warm Air Heating, Ventilating and Air Conditioning Contractor is a specialty contractor whose business is the execution of contracts requiring the ability to intelligently fabricate and install warm air heating and cooling systems, complete air conditioning systems except for those air conditioning systems requiring refrigeration as an integral part of the system.

(C-52) -----OMITTED-----

(C-53) *Solar Contractor*: A Solar Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to place, install and erect apparatus for heating, water heating, air conditioning, refrigeration or other devices powered by solar energy or conversion of solar energy to electromotive forces used or to be used for structures or in conjunction with any classification or specialties listed in Public law 14-51 or these Rules and Regulations. Prerequisites for this classification are: C-13 Electrical Contractor, C-37 Plumbing Contractor, and C-40 Refrigeration Contractor or C-51 Warm Air Heating, Ventilating and Air Conditioning Contractor.

(C-54) *Water Chlorination Contractor*: A Water Chlorination Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to chlorinate water lines so that tests approved by the Department of Public Health show that water in such lines meet the standard of that department and is acceptable to the Department of Public Health,

(C-55) *Waterproofing Contractor:* A waterproofing Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently apply felt, flax, glass, asphaltum, pitch, latex or other materials or any combination of any thereof to surfaces to prevent, hold, keep and stop water vapor from penetrating and passing such materials.

(C-56) *Welding Contractor:* A Welding Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently use gases and electrical energy or other heating media, fluxes and metal rods to cause materials to become fused or jointed together.

(C-57) *Well-Drilling Contractor:* A Well Drilling Contractor is a specialty contractor whose contracting business is the execution of contracts requiring some practical elementary knowledge of geology, hydrology, the occurrence of water in the ground, water levels in wells; the prevention of surface and sub-surface contamination and pollution of the ground-water supply; and the ability to intelligently bore, drill, excavate, case, cement, clean and repair waterwells with hand to power tools or rigs.

(C-58) *Wood Flooring Contractor:* A Wood Flooring Contractor is a specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently lay and repair wood floor and to finish such floors by sanding, filling and sealing.

(C-68) *Classified Specialist:* A Classified Specialist is a specialty contractor whose operations as such is in the performance of construction work requiring special skills and whose contracting business involves the use of specialized building trades in crafts not listed above and who meets the standards set by the Board for such classification.

Temporary classifications under C-68, classified specialist may be established by the Board until the work performed is defined and the proper classification is established.

§12107. Scope of Classification. (a) General Engineering, General Building and Specialty Contractors.

(1) A General Engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill including the following divisions and subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydro-electric projects; levees, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works; pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances; parks, playgrounds and other recreational works; refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill; houses, power plants and other utility plants and installations; mines, metallurgical plants, land leveling and earthmoving projects; excavating, grading, trenching, paving and surfacing work; and cement and concrete works in conjunction with the above mentioned fixed works.

(2) A General Building Contractor is a contractor whose principal contracting business is in connection with any structure built, being built or to be built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind requiring in its construction the use of unrelated building trades or crafts or to do or superintend the whole or any part thereof.

(3) A Specialty Contractor is a contractor whose operations as such are the performance of construction work requiring special skills and whose principal contracting business involves the use of specialized building trades or crafts or licensing to meet safety standards.

(4) Any person who qualifies by written examination after the effective date of these rules for a contractors license in the general engineering contractor classification shall automatically be deemed to hold or be qualified for a license in the specialties listed under §12106(a).

In addition, the general engineering contractor may install poles in all new pole lines and replace poles where circuits of 600 volts or less are involved; provided that framing, installation of the ground wires, insulators and conductors are performed by an electrical contractor holding a C-13A classification.

(5) Any person who qualifies by written examinations after the effective date of these rules for contractors license in the general building contractor classification shall automatically be deemed to hold or be qualified for a contractors license in specialty classifications listed under §12106 (b).

(6) Any person who holds or qualifies for a specialty contractors license shall automatically be deemed to hold or be qualified for the sub-classification of his particular specialty.

(b) Limitation of Classifications. All license classifications are subject to the following limitation:

(1) A licensee classified as a general engineering contractor or as a general building contractor shall not act, assume to act or advertise as a specialty contractor except in specialties for which he is licensed.

(2) A general building contractor license entitles the holder to under-take a contract with one or more unrelated building trades or crafts.

(3) A licensee classified as a specialty contractor shall not act, assume to act or advertise as a contractor in any classification(s) other than those in which he is licensed.

(4) General building contractors and specialty contractors holding proper licenses need not have a C-30, Limited Home Improvement and Renovation

contractors license to engage in home improvement and renovation contracting in their own field.

(c) **Work Incidental and Supplemental.** Nothing contained in this article shall prohibit the performance of a contract in the classification in which any contractor is licensed by the Board.

(d) **Additional Classification.** A licensee may obtain additional classifications by filing an application and meeting the requirements regarding experience in the classification requested.

§12108. Examinations. (a) **Examination on Law and Related Subjects.** All applicants for an original contractors license shall be required to take and successfully pass a written examination designed to test the applicant's experience and general knowledge of the building, safety, health, labor and lien laws of the territory and of the rudimentary administrative principles of the contracting business. This shall be called Examination, Part I.

(b) **Examination Subject Matter.** Separate specific written examinations shall be given for each classification in order to test the applicant's specialized knowledge in the field in which he desires to be licensed. This shall be called Examination, Part II.

(c) **Kinds of Examination.** There shall be two (2) principal kinds of examinations: a 'specific' examination which is the examination approved and prescribed for a particular classification and a 'blanket' examination which is an examination approved and required for several or a group of classifications.

(d) **New Examinations.** The Board shall from time to time as need arises cause new examinations to be prepared for the several classifications for contractors.

(e) **Failure to Pass Examination.** An examinee who fails to attain a passing grade or an examination for an original license may be given a re-examination within ninety (90) days without the necessity of reapplication or additional fee.

An applicant failing two (2) full testing cycles (original examination and re-examination) will be administered another examination in the same classification for a period of one (1) year immediately following the last re-examination administered.

At any time that a re-examination is necessary, a letter will be addressed to the Board by the examinee. Re-examination will be administered upon arrival.

Applicants must then again file an original application which must meet all requirements of §12103 of this Rules and Regulations and again be approved by the Board.

(f) **Time and Place of Examination.** The Board shall set the time and place for the examination. The Board is authorized to select the examinations in the classification applied for from a list of examinations approved by the Board; fix the time to be allotted to examinee; and determine the manner and conditions under which the examination shall be given which shall be uniform for all applicants for a particular classification.

(g) **Credits Obtained.** All examinations shall be in two (2) parts and shall be graded as follows:

PART I	50 credits
PART II	50 credits

A grade of seventy-five percent (75%) shall be the minimum passing grade for any examination. No examinee shall be deemed to have attained a passing grade unless he shall have attained a grade of not less than thirty-seven and one-half (37.5) credits in Part I and thirty-seven and one-half (37.5) credits in Part II. When an examinee shall have failed to attain a passing grade for either Part I or Part II of any examination, such examinee shall be required to submit to re-examination in that part where he failed.

(8) **Written Examination not Required.** No written examination shall be required of any applicant who shall have previously qualified by written examination within a period of four (4) years prior to his application; provided he applies for license in the same classification for which

the previous examination was given. The Board may waive the requirement for a written examination at its discretion for any applicant who has previously qualified by written examination.

(9) **Time Element for Examination.** Upon arrival of his application, an applicant who is subject to examination must take such examination when notified or again file an original application for contractors license.

§12109. Renewal of License. (a) **Date for Filing.** The office of the Contractors License Board will clear and process all renewal applications received by April 20 of each year. All other renewal applications received after this date will be processed only after applicants have obtained clearances from: Department of Land Management, Department of Revenue and Taxation, Department of Labor and Department of Public Works.

(b) **Failure to Submit Renewal Application.** A renewal application must be made upon forms prescribed by the Board. Failure to apply for renewal on or before June 30 of each year shall automatically void a license and would require a licensee to submit an original application satisfying §12103 of this Rules and Regulations.

(c) **Proper Filing Authorizes Contractor to Operate.** The proper filing of a renewal application authorizes a contractor to continue operation until the actual issuance of the renewal license for the ensuing fiscal year; provided, the license of said applicant is not otherwise under suspension by reason of the decision of the Board in a disciplinary proceeding.

(d) **Suspension.** No license which is under suspension by order of the Board or by operation of law shall be renewed until the suspension has been lifted and in such a case the filing of a renewal application form does not authorize operation as a contractor until the actual issuance of the renewal license.

(e) **Board May Refuse to Renew.** The Board may refuse the issuance of a renewal license for failure or refusal on the part of the licensee to file the renewal application form prescribed by the Board or to comply with the rules and regulations as set forth by the Board.

(f) **Bond Requirement.** If an application is made for reinstatement of a suspended or revoked license as a result of violation of the Guam Code Annotated, the Board may require as an added requirement for the reinstatement, proof of financial integrity such as a bond in an amount and under terms to be determined by the Board. The sum of any such bond shall be based on the magnitude of the operations of the applicant.

(g) **Waiving a Bond.** The Board may waive the requirement of a bond where the applicant or licensee has made a full restitution to all parties injured, if any, as a result of the act for which his license was suspended or revoked.

(h) **Previous Licenses** A licensee originally endorsed prior to July 1, 1977 who meets all the requirements for the filing of his renewal application and who is otherwise entitled to the issuance of a renewal license shall not be required to take or pass an examination as a condition to the issuance of such renewal license.

(i) **Renewal Application Mailed.** Between the first (1st) and the fifteenth (15th) day of March each year, the Executive Secretary (REGISTRAR) shall mail every licensee (except those under suspension) at his address of record with the Board, a renewal application form approved by the Board which form shall contain instructions to the licensee for the completion of the application and the conditions and requirements of a valid renewal shall be required to answer all questions in the approved renewal form as provided in §12109 of this Part. The Board is not responsible for ensuring that the licensee applications are received by the applicants.

(j) **Renewal Application Date.** To date upon which a renewal application shall be deemed to be filed with the Board shall be the date of the postmark appearing upon the envelope containing the application, if sent by mail or by the item stamp marked thereon immediately upon receipt, if personally delivered.

(k) **Conditions for Renewal License.**

(1) A renewal of license will not be made until the applicant establishes that he continues to have financial integrity which may be demonstrated by the

absence of unpaid wage claims, mechanic's liens, materialman's claims or unpaid tax assessments related to the activity for which the renewal is sought.

(2) the applicant must show proof of financial solvency (bank letter of credit attesting to solvency or financial statement from the bank).

(3) If at the time of renewal after examination of such materials as well as other information brought to its attention the Board has reasonable cause to believe that an applicant has not maintained satisfactory financial integrity, the Board shall, by registered mail, notify the applicant stating that the allegations upon which such a finding may be made and setting a place for Board's decision, an applicant may continue to do business on his existing license subject to such action as may be taken by the Board to suspend the applicant's privilege of operation.

§12110. Revocation, Suspension and Lapse of Licenses. (a) Causes for Revocation or Suspension.

(1) The Board may revoke any license issued hereunder, suspend the right of the licensee to use such licenses, or refuse to renew any such license for any of the following causes;

(A) Conviction of any felony or misdemeanor involving moral turpitude;

(B) Any dishonest, fraudulent or deceitful act as a contractor which causes substantial damage to another;

(C) Pursuing a continued and flagrant course of misrepresentation or of making false promises through advertising or otherwise;

(D) Abandonment of any construction project or operation without reasonable or legal excuse;

(E) Willful departure from or willful disregard of plans or specifications in any material respect without consent of the owner or his duly authorized representative, which is prejudicial to

a person entitled to have the construction project or operation completed in accordance with such plans and specifications;

(F) Willful violation of any law of the territory or of any political subdivision thereof relating to building, including any violation of any applicable rule or regulation of the Department of Public Health or of any applicable safety or labor law;

(G) Failure to make and keep records showing all contracts, documents, records, receipts and disbursements by a licensee of all his transactions as a contractor for a period of not less than three (3) years after completion of any construction project or operation which the records refer or to permit inspections of such records by the Board;

(H) When the licensee being a partnership or joint venture permits any member of such partnerships or joint venture who does not hold a license to actively participate in the contracting business thereof;

(I) When the licensee being a corporation permits any officer or employee of such corporation who does not hold a license to have the direct management of the contracting business thereof;

(J) Misrepresentation of a material fact by an applicant obtaining a license;

(K) Failure of a licensee to complete in a material respect any construction project or operation for the agreed price if such failure is without legal excuse;

(L) Willful failure in any material respect to comply with this Chapter or the Rules and Regulations promulgated pursuant thereto;

(M) Willful failure or refusal to prosecute a project or operation to completion with reasonable diligence;

(N) Willful failure to pay when due a debt incurred for services of materials rendered or purchased in connection with his operations as a contractor when he has the ability to pay or when he has received sufficient funds thereof as payment for the particular operation for which the service or materials were rendered or purchased;

(O) False denial of any debt due or the validity of the claim therefore with the intent to secure for licensee, his employer or other person any discount of such debt or with intent to hinder, delay or defraud the person to whom such debt is due;

(P) Failure to secure or maintain workmen's compensation insurance;

(Q) Knowingly entering into a contract with an unlicensed contractor involving work or activity for the performance of which licensing is required under this Chapter;

(R) When an RME and/or the majority of stockholders have another corporate or company structure caused the non-payment of employees wages and/or the abandonment of alien workers to become a burden on the government; or

(S) Upon certification of failure of payment of taxes by the Department of Revenue and Taxation.

(2) No license shall be suspended for longer than two (2) years and no person whose license is revoked shall be eligible for a new license until the expiration of two (2) years. At such time, an original application shall be submitted to the requirements of §12103 of this Rules and Regulations.

(b) Hearings and Appeals.

(1) In every case where it is proposed to refuse to grant a license or to revoke or suspend a license or to refuse to renew a license, the Board shall give the person concerned notice and hearing conformity with the Administrative Adjudication Law. The notice shall

be given in writing by certified mail with return receipt requested at least fifteen (15) days before the hearing.

(2) In all proceedings before it, the Board and each member thereof shall have the same powers respecting administering oaths, compelling attendance of witnesses and the production of documentary evidence and examining witnesses as are possessed by circuit judges at chambers. In case of disobedience by any person of any order of the Board or any member thereof or any subpoena issued by it or him or the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, any judge of the Superior Court on application by the Board thereof shall compel obedience as in the case of a subpoena issued by the Superior Court or refusal to testify therein.

(3) An applicant who has been refused a license and every licensee whose license has been suspended, revoked or not renewed may appeal the Board's decision to the Superior Court in the manner provided in the Administrative Adjudication law.

(c) Notice Due Contractors License Board Upon Death, Dissociation or Disability.

(1) A licensee whose contracting business is under the direct management of an RME shall within thirty (30) days of death, dissociation or disability of such RME to notify the Board of such death, dissociation or disability. If notice is given, the license shall remain in force for a reasonable length of time, not less than thirty (30) days from such death or dissociation to be determined by the Board.

(2) Disability includes any situation in which the direct management of licensee's contracting business is no longer under the control of RME.

(3) Failure of the licensee to notify the Board within thirty (30) days shall result in the license being automatically suspended without a hearing. The license may be reinstated when the licensee qualifies another individual as his RME.

(d) **Board Jurisdiction to Proceed.** The lapsing or suspension of a license by operation of law, or by order or decision of the Board or a court of law, or by the voluntary surrender of a license by the licensee shall not deprive the Board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or to render a decision suspending or revoking such license.

§12111. Ownership and Management of License. (a) **License Non-Transferrable.** A license issued by the Board shall not be transferable. No licensee shall permit his contracting business to be under the direct management of an unlicensed RME.

(b) **Change in Management Personnel.** Any change in the management personnel of the licensee as listed in the licensee's most recent application shall be reported to the Board within ten (10) days of such change.

§12112. Disclosure to Owners by Home Improvement and General Building Contractors. (a) **Disclosure to Owners.** Contractors engaging in home improvement, home building and renovation contracting shall, prior to obtaining a binding contract from the homeowner:

(1) Disclose information pertaining to the contract and its performance which might mislead the homeowner to his detriment.

(2) Provide homeowner with a copy of the contract form that will be used such copy to be the same on file with the Board.

(3) Disclosure approximate percentage work to be subcontracted.

(4) Disclosure whether bonded or not, if not, the extent of financial security available to assure performance of the contract.

§12113. Place of Business. (a) **Place of Business.** No license shall be issued or renewed by the Board to any person excepting RME's who does not maintain a permanent place of business within the Territory wherein

he may be served with notice, legal proceedings and wherein his license is prominently displayed.

(b) **Change of Address.** The licensee shall notify the Board of any change of address within thirty (30) days of such change.

§12114. Reports to Board by Home Improvement and Renovation and General Building Contractors. (a) **Reports to Board.** All contractors, including general building contractors engaged in home improvement and renovation shall maintain with the Board a current file containing the following:

(1) The form of contract he uses in his business. This form shall provide a clear statement of:

(A) Amount of contract;

(B) Date the work is to commence and number of days for completion;

(C) Work to be performed and materials to be used;

(D) Approximate percentage of work to be sub-contracted; and:

(E) Must provide a clear statement of the risk of loss of any payments made to a salesman (printed in distinct capital letters next to the owner's signature line).

(2) A list of salesmen employed by the contractor and kept current by the contractor. Salesmen so listed shall be recognized as representing the contractor and shall sign their true name along with the contractor to each contract they negotiate. A contractor obtaining work through a salesman not listed as his employee may be held in violation of these rules and regulations.

(3) Signatures of the licensee, his RME, if any and all salesmen who are listed as being employed by the licensee.

§12115. Responsibility for Good Workmanship. (a) **Responsibility of Good Workmanship.** No licensee may, by failing to prepare written specification or otherwise, relieve himself or attempt to relieve himself of the responsibility of good workmanship.

(b) **Identification Display.** All contractors must display a sign or building permit on all building project sites identifying the licensee performing the project, title of the project, licensee's phone number, etc.

§12116. Conflict with Legislative Act. (a) **Conflict with Legislative Act.** Any part of these Rules and Regulations may be deleted if in conflict with 21 GCA Chapter 70.