



STATE OF GEORGIA CONSTRUCTION INDUSTRY LICENSING BOARD

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE GEORGIA
STATE CONSTRUCTION INDUSTRY LICENSING BOARD
BOARD RULE CHAPTER 121-3 APPLICATION FOR LICENSURE, RULE 121-3-.01
APPLICATION FOR STATEWIDE LICENSE AND RULE 121-3-.02
CONFIDENTIALITY OF APPLICANT AND EXAMINATION INFORMATION
AND NOTICE OF PUBLIC HEARING**

RULE 121-3-.01 APPLICATION FOR STATEWIDE LICENSE

**RULE 121-3-.02 CONFIDENTIALITY OF APPLICANT AND EXAMINATION
INFORMATION**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Construction Industry Licensing Board (hereinafter "Board") proposes amendments to Rule 121-3-.01 Application for Statewide License and Rule 121-3-.02 Confidentiality of Applicant and Examination Information (hereinafter "proposed rules").

This notice, together with an exact copy of the rules, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice and the rules may be reviewed during normal business hours (8:00 am to 5:00 pm Monday through Friday, except official State holidays) at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board's industry specific web pages at <https://sos.ga.gov/page/board-conditioned-air-rules-and-regulations>, <https://sos.ga.gov/page/board-electrical-contractors-rules-and-regulations>,

<https://sos.ga.gov/page/georgia-state-board-low-voltage-contractors-rules>,
<https://sos.ga.gov/page/board-plumbers-rules-and-regulations>, <https://sos.ga.gov/page/utility-contractors-rules-and-regulations>. Copies may also be requested by contacting the Board at 404-424-9966.

The public will have an opportunity to comment upon and provide input into the proposed amendments at a public hearing to be held, **Thursday, October 24, 2024, beginning at 10:00 a.m.** in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The hearing will be held in person and via teleconference. The WebEx link for virtual participation is:
<https://gasos.webex.com/gasos/j.php?MTID=mf0dd6a73cd22fa44379f93b4ad9458e7>.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on **Thursday, October 17, 2024**. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and should be addressed to La Trenda Tyler-Jones, Executive Director, State of Georgia Construction Industry Licensing Board, 237 Coliseum Drive, Macon, Georgia 31217. Comments may be submitted by fax to (866) 888-8026 or by email to Trades4@sos.ga.gov.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to adopt this Notice of Intent at its meeting on **August 27, 2024**. The Board also voted that the formulation and adoption of these rule amendments do not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-14-2, 43-14-3, 43-14-5, 43-14-6, 43-14-8.1, 43-14-8.2 and 43-14-8.3. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-19, 43-14-2, 43-14-3, 43-14-5, 43-14-6, 43-14-8.1, 43-14-8.2 and 43-14-8.3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-

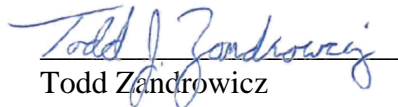
13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned, operated, and dominant in the profession.

According to the Department of Law, State of Georgia, the Georgia State Construction Industry Licensing Board has the authority to adopt the proposed rule amendments to Rules 121-3-.01 and 121-3-.02 pursuant to authority contained in O.C.G.A. §§ 43-1-19, 43-14-2, 43-14-3, 43-14-5, 43-14-6, 43-14-8.1, 43-14-8.2 and 43-14-8.3.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 23rd day of September, 2024



Todd Zandrowicz
Division Director
Professional Licensing Boards Division

Posted: 09/23/2024

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE CONSTRUCTION
INDUSTRY LICENSING BOARD RULE CHAPTER 121-3 APPLICATION FOR
LICENSURE, RULE 121-3-.01 APPLICATION FOR STATEWIDE LICENSE**

Purpose/Main Feature: These rule amendments would remove language related to fees and requirements related to examination, restructure and clean up the language of the rule, and restructure language related to the Americans with Disabilities Act to more appropriately reflect current policies within the Board and the secretary of State's Office.

Rule ~~121-3-.01~~121-2-.01 Application for Statewide License

- (1) Applications for license or certification ~~and requests for scheduling of examination~~ must be completed in full on a form approved by the Division ~~division~~, and submitted with the required fee, ~~and received by the deadline date established by the division.~~
- (2) The application fee, ~~examination fee, and re-examination fee will be approved by the Board~~ shall be set by the Board in order to recover costs associated with processing the application, ~~and administering the examination.~~ Fees ~~will~~ shall be published in a separate schedule and will be made available to all applicants. ~~The application fee is non-refundable. The examination fee or re-examination fee may be refunded only if the applicant submits a request for refund prior to being scheduled for the examination, however a partial refund of any unexpended portion of the examination fee for scheduled applicants may be approved, at the Board's discretion.~~ The application fee is non-refundable, unless otherwise approved by the Executive Director, Deputy Division Director, or Division Director.
- ~~(3) Reference and other examination material which are provided to applicants by the Divisions of the Board and replacement of such material requested by applicants may be provided subject to a fee approved by the Board. Such fees will be published in a separate schedule and will be made available to all applicants.~~
- ~~(4)~~(3) All applicants Applicants for license or certification must ~~report to the~~ notify the Board, prior to becoming licensed, of any findings or pleas of guilty or pleas under nolo contendere or under the "First Offender Act" for the commission of any felony or misdemeanor, other than minor traffic violations, except that any misdemeanor committed more than five years prior to application need only be reported upon request.

~~(5)~~(4) The ~~divisions~~ Divisions of the Board may take disciplinary action on the license or certification of any person guilty of a felony or any crime involving moral turpitude or crime involving a violation of the Georgia Controlled Substances Act.

~~(6)~~(5) ~~The Board will provide reasonable accommodation to a qualified applicant with a disability in accordance with the Americans With Disabilities Act. The request for an accommodation by an individual with a disability must be made in writing and received in the Board office by the application deadline along with appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines. A qualified applicant with a disability as defined by the Americans With Disabilities Act may request in writing for consideration an accommodation for testing and submit appropriate documents, as indicated in the *Request for Disability Accommodation Guidelines*.~~

Authority: O.C.G.A. §§ 43-1-19, 43-14-2, 43-14-5, 43-14-6, 43-14-8.1, 43-14-8.2 and 43-14-8.3.

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE CONSTRUCTION
INDUSTRY LICENSING BOARD RULE CHAPTER 121-3 APPLICATION FOR
LICENSURE, RULE 121-3-.02 CONFIDENTIALITY OF APPLICANT AND
EXAMINATION INFORMATION**

Purpose/Main Feature: These rule amendments would renumber the rule, remove examination testing-related rules, and remove rules related to the release of applicant test scores, as the Division utilizes an outside vendor to administer examinations.

~~Rule 121-3-.02~~Rule 121-2-.02 Confidentiality of Applicant and Examination Information

- (1) — Applications for examination and the names of applicants shall be confidential and shall not be disclosed without written authorization from the applicant and approval by the appropriate division. Personal references submitted by third parties as part of an application shall not be disclosed to the applicant without written authorization from the person who submitted the reference and approval by the appropriate division.
- ~~(2) — No applicant may remove from the examination room any examination material or notes on the examination. All examination material and notes made by the applicant during the examination must be given to the examination proctor before leaving the examination room. Any applicant who removes examination materials or notes from the examination room or who shares information on examination questions or answers during or after the examination, or who violates other procedures for the examination as listed in the examination instructions will be subject to disciplinary proceedings as provided for by Board Rule 121-5, at the discretion of the appropriate division.~~
- (3) — The appropriate division may, at its sole discretion, release the grade to a failing applicant. Individual papers may not be reviewed with the applicant, nor shall the applicant be permitted to inspect either questions or answers following the examination.

Authority: O.C.G.A. §§ 43-1-3, 43-14-6 and 43-14-8.1.

RULES
OF
GEORGIA STATE CONSTRUCTION INDUSTRY LICENSING BOARD
CHAPTER 121-2 QUALIFICATIONS FOR LICENSURE
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121-2-.01 Statewide License by Reciprocity

121-2-.02 Confidentiality of Application and Examination Information

Rule 121-2-.01 Application for Statewide License

- (1) Applications for license or certification must be completed in full on a form approved by the Division and submitted with the required fee.
- (2) The application fee shall be set by the Board in order to recover costs associated with processing the application. Fees shall be published in a separate schedule and will be made available to all applicants. The application fee is non-refundable, unless otherwise approved by the Executive Director, Deputy Division Director, or Division Director.
- (3) Applicants for license or certification must notify the Board, prior to becoming licensed, of any findings or pleas of guilty or pleas under nolo contendere or under the "First Offender Act" for the commission of any felony or misdemeanor, other than minor traffic violations, except that any misdemeanor committed more than five years prior to application need only be reported upon request.
- (4) The Divisions of the Board may take disciplinary action on the license or certification of any person guilty of a felony or any crime involving moral turpitude or crime involving a violation of the Georgia Controlled Substances Act.
- (5) A qualified applicant with a disability as defined by the Americans With Disabilities Act may request in writing for consideration an accommodation for testing and submit appropriate documents, as indicated in the *Request for Disability Accommodation Guidelines*.

Authority: O.C.G.A. §§ 43-1-19, 43-14-2, 43-14-5, 43-14-6, 43-14-8.1, 43-14-8.2 and 43-14-8.3.

Rule 121-2-.02 Confidentiality of Applicant and Examination Information

Applications for examination and the names of applicants shall be confidential and shall not be disclosed without written authorization from the applicant and approval by the appropriate division. Personal references submitted by third parties as part of an application shall not be disclosed to the applicant without written authorization from the person who submitted the reference and approval by the appropriate division.

Authority: O.C.G.A. §§ 43-1-3, 43-14-6, 43-14-8.1.