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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Glenn Hoskinson  
Department of Commerce, Community, and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** July 9, 2021

**RE:** Filed Permanent Regulations: Department of Commerce, Community, and Economic Development

Department of Commerce, Community and Economic Development regulations re: licensing of, and bonding requirements for, professions related as construction contractors, including handyman contractors (12 AAC 21.010 - 12 AAC 21.160; 12 AAC 21.260(a)(1); 12 AAC 21.540; 12 AAC 21.600(a); 12 AAC 21.660 - 12 AAC 21.990)

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Attorney General File:	2021200101
Regulation Filed:	7/9/2021
Effective Date:	8/8/2021
Print:	239, October 2021

cc with enclosures: Harry Hale, Department of Law  
Leo Helmar, Department of Law  
Judy Herndon, LexisNexis  
Jun Maiquis, DCCED Regulations Specialist  
Sher Zinn, DCCED Regulations Specialist

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF COMMERCE,  
COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached twenty-four pages of regulations, dealing with contractor licensing, bonding requirements, and clarification of outdated language, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community, and Economic Development adopts under the authority of AS 08.01.080, AS 08.01.100, AS 08.18.011, AS 08.18.013, AS 08.18.021, AS 08.18.025, AS 08.18.031, AS 08.18.051, AS 08.18.071, AS 08.18.081, AS 08.18.101, AS 08.18.121, AS 08.18.171, and AS 44.33.020, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Commerce, Community, and Economic Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: \_\_\_\_\_

**Sara Chambers**

Digitally signed by Sara  
Chambers

Date: 2021.07.01 12:28:48 -08'00'

Sara Chambers, Director  
Division of Corporations, Business and  
Professional Licensing

*April Simpson for*  
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that  
on July 9, 2021 at 12:20 p.m., I filed the attached regulations  
according to the provisions of AS 44.62.040 – 44.62.120.

*for April Simpson*  
\_\_\_\_\_  
Lieutenant Governor *Kevin Meyer*

Effective: August 8, 2021

Register: 23<sup>rd</sup> October 2021

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,  
and Economic Development

OFFICE OF THE COMMISSIONER

P.O. Box 110800  
Juneau, Alaska 99811-0800  
Main: 907.465.2500  
Toll free fax: 907.465.2500

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Alcohol and Marijuana Control Office (AMCO), but for the Division of Corporations, Business and Professional Licensing (CBPL), under the Alaska Administrative Procedure Act, is hereby delegated to:

Sara Chambers  
Division Director  
Division of Corporations, Business and Professional Licensing  
DCCED  
P.O. Box 110806  
Juneau, AK 99811-0806  
907-465-2536  
[sara.chambers@alaska.gov](mailto:sara.chambers@alaska.gov)

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Alcohol and Marijuana Control Office, under the Alaska Administrative Procedure Act, is hereby delegated to:

Amy Demboski  
Assistant Commissioner  
DCCED  
550 West Seventh Avenue, Suite 1535  
Anchorage, AK 99501  
907-269-8100  
[amy.demboski@alaska.gov](mailto:amy.demboski@alaska.gov)

This Delegation of Authority will remain in effect until modified or revoked by a subsequent delegation. This Delegation supersedes and **revokes** all delegations preceding it.

Dated the 30<sup>th</sup> day of October 2019

A handwritten signature in blue ink, appearing to read "Julie Anderson".

Julie Anderson  
Commissioner  
Department of Commerce, Community,  
and Economic Development

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12 AAC 21.010 is repealed:

**12 AAC 21.010. Joint venture agreement.** Repealed. (Eff. 7/2/77, Register 62; repealed 8 / 8 / 2021, Register 239)

12 AAC 21.020 is repealed and to readopted to read:

**12 AAC 21.020. Application for registration as a construction contractor.** (a) An applicant for registration as a construction contractor must submit

(1) a complete application on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.180;

(3) if applicable, evidence of workers' compensation insurance as required under AS 08.18.101;

(4) evidence of public liability and property damage insurance as required under AS 08.18.101;

(5) evidence of bonding as required under AS 08.18.071 by submitting either

(A) a surety bond on a form provided by the department, and the surety's power of attorney; or

(B) a negotiable security as described in 12 AAC 21.090.

(b) The application submitted under (a)(1) of this section must be the current form provided by the department.

(c) For purposes of (a)(1) of this section, only an individual who is an authorized officer, manager, or member of a corporation or limited liability company, or general partner of a limited partnership, may complete and sign a contractor registration application for an entity. (Eff.

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7/2/77, Register 62; am 3/1/78, Register 65; am 8 / 8 / 2021, Register 239 )

**Authority:** AS 08.01.080 [AS 08.18.051] AS 08.18.101

AS 08.18.011 AS 08.18.071 AS 44.33.020

AS 08.18.021

The introductory language of 12 AAC 21.040(a) is amended to read:

(a) If the **business** name under which a contractor is registered requires change, the contractor shall [RETURN THE CERTIFICATE OF REGISTRATION UNDER THE OLD NAME TO THE DEPARTMENT FOR CANCELLATION AND SHALL] submit

...

12 AAC 21.040(b) is amended to read:

(b) If the address under which a contractor is registered requires change, the contractor shall notify the department in writing. A duplicate certificate of registration reflecting the new address will be provided upon request [AND PAYMENT OF THE DUPLICATE LICENSE FEE ESTABLISHED BY 12 AAC 02.105].

(Eff. 7/2/77, Register 62; am 4/3/88, Register 105; am 8 / 8 / 2021, Register 239 )

**Authority:** AS 08.01.080 AS 08.18.051

12 AAC 21.043 is amended by adding a new subsection to read:

(c) A registered contractor that has filed a written notice under (a) of this section may reactivate a registration that has not lapsed, by submitting a written request for reactivation and

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evidence of current bonding and insurance. If the registration has lapsed, the registration may be reinstated not later than five years after the expiration date of the registration by submitting the items required under 12 AAC 21.070 for renewal or reinstatement. (Eff. 1/21/2004, Register 169; am 8 / 8 / 2021, Register 239 )

**Authority:** AS 08.01.080 AS 08.18.021 AS 08.18.051

12 AAC 21.045(a)(5) is amended to read:

(5) if applicable, **evidence of** workers' compensation insurance as required under AS 08.18.101.

12 AAC 21.045(b)(5) is amended to read:

(5) if applicable, **evidence of** workers' compensation insurance as required under AS 08.18.101. (Eff. 4/3/88, Register 105; am 1/22/2004, Register 169; am 8 / 8 / 2021, Register 239 )

**Authority:** AS 08.01.080 AS 08.18.051 AS 08.18.101  
AS 08.18.021 AS 08.18.071 AS 44.33.020

The introductory language of 12 AAC 21.050 is amended to read:

**12 AAC 21.050. Changing sole proprietorship or partnership to a corporation or other entity [INCORPORATION].** (a) A registered contractor that is a sole proprietorship or partnership that forms a corporation, **limited liability company, limited partnership, limited liability partnership, or other entity,** for the purpose of engaging in the contracting business



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must apply for a new registration under this section. The entity [CORPORATION] must submit

...

12 AAC 21.050 is amended by adding a new subsection to read:

(b) A contractor registration may be issued only to a single entity in good standing. (Eff. 7/2/77, Register 62; am 1/22/2004, Register 169; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.18.011 [AS 08.18.101] **AS 08.18.101**

**AS 08.18.021** [AS 08.18.021] AS 44.33.020

AS 08.18.051 AS 08.18.071

12 AAC 21.070 is repealed and readopted to read:

**12 AAC 21.070. Renewal; lapsed registration.** (a) An applicant for renewal or reinstatement of a contractor registration shall submit

(1) a complete renewal application on a form provided by the department;

(2) the registration renewal and license enforcement support fee required under

12 AAC 02.180;

(3) evidence of current bonding as required by AS 08.18.071;

(4) evidence of current public liability and property damage insurance as required under AS 08.18.101; and

(5) if applicable, evidence of workers' compensation insurance as required under AS 08.18.101.

(b) The department may require evidence of current bonding and insurance issued not



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earlier than 30 days before the date an application for renewal is submitted. (Eff. 7/2/77, Register 62; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.18.031 AS 44.33.020

12 AAC 21 is amended by adding a new section to read:

**12 AAC 21.075. Changing handyman, specialty, or mechanical contractor**

**registration.** A registered handyman, specialty, or mechanical contractor that is changing to another category, or a specialty contractor changing to another specialty, must apply for the change of registration under this section. The contractor must submit

- (1) a complete application on a form provided by the department;
- (2) the applicable fee established in 12 AAC 02.180;
- (3) either a new surety bond or an endorsement to the surety bond on file with the department, as required under AS 08.18.071;
- (4) evidence of current public liability and property damage insurance as required under AS 08.18.101; and
- (5) if applicable, evidence of workers' compensation insurance as required under AS 08.18.101. (Eff. 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.051 AS 08.18.101  
AS 08.18.021 AS 08.18.071 AS 44.33.020

The introductory language of 12 AAC 21.080 is amended to read:

**12 AAC 21.080. Changing from handyman, specialty, or mechanical contractor to**

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**general contractor.** A registered **handyman**, specialty, or mechanical contractor that is changing to a general contractor must apply for the change in registration under this section. The contractor must submit

...

12 AAC 21.080(5) is amended to read:

(5) if applicable, **evidence of** workers' compensation insurance as required under AS 08.18.101. (Eff. 7/2/77, Register 62; am 4/3/88, Register 105; am 1/22/2004, Register 169; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.051 AS 08.18.101

AS 08.18.021 AS 08.18.071 AS 44.33.020

The introductory language of 12 AAC 21.085 is amended to read:

**12 AAC 21.085. Changing from general contractor to handyman, specialty, or mechanical contractor.** A registered general contractor that is changing to a **handyman**, specialty, or mechanical contractor must apply for the change in registration under this section.

The contractor must submit

...

12 AAC 21.085(5) is amended to read:

(5) if applicable, **evidence of** workers' compensation insurance as required under

AS 08.18.101. (Eff. 1/22/2004 [01/22/2004], Register 169; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.051 AS 08.18.101

AS 08.18.021 AS 08.18.071 AS 44.33.020

12 AAC 21.090 is amended to read:

**12 AAC 21.090. Negotiable security in place of surety bond.** (a) When a negotiable security is filed with the commissioner in place of or in addition to the bond as provided in AS 08.18.071(c) [AS 08.18.071(b)], the owner of the security shall execute an assignment of the security to the state which is attached to and becomes a part of the security.

(b) The following negotiable securities are acceptable for the purposes of AS 08.18.071(c) [AS 08.18.071(b)]:

(1) for a mechanical or specialty contractor, a time certificate of deposit in the face amount of \$10,000, or the amount necessary to bring the total bond amount to \$10,000, [\$5,000] issued by a bank or trust company authorized to do business in the state [ALASKA], and meeting the requirements of 12 AAC 21.120; [AND]

(2) for a general contractor, a time certificate of deposit in the face amount of \$25,000, or the amount necessary to bring the total bond amount to \$25,000, [\$10,000] issued by a bank or trust company authorized to do business in the state [ALASKA], and meeting the requirements of 12 AAC 21.120;

(3) for a general contractor with a residential endorsement, who performs exclusively residential work, a time certificate of deposit in the face amount of \$20,000, or the amount necessary to bring the total bond amount to \$20,000, issued by a bank or trust

company authorized to do business in the state, and meeting the requirements of 12 AAC 21.120; and

(4) for a handyman contractor, a time certificate of deposit in the face amount of \$5,000, issued by a bank or trust company authorized to do business in the state, and meeting the requirements of 12 AAC 21.120.

(c) Negotiable securities other than those listed in this section, filed for the purposes of AS 08.18.071(c) [AS 08.18.071(b)], will be considered on a case-by-case basis.

(d) The assignment required under (a) of this section must be on a form provided by the department.

(e) When either cash or a negotiable security filed in accordance with this section and AS 08.18.071(c) [AS 08.18.071(b)] is accepted by the commissioner in the place of the surety bond required by AS 08.18.071, it shall remain filed with and pledged to the state for the purposes of AS 08.18.071 for a period of three years after the

(1) [THE] effective date of a surety bond in like amount written in compliance with AS 08.18.071;

(2) [THE] lapse without reinstatement of the certificate of registration; [OR]

(3) surrender, [THE] suspension, or revocation, without reinstatement of the certificate of registration; or

(4) contractor files a notarized statement notifying the department that the contractor is no longer doing business as a contractor in the state. (Eff. 7/2/77, Register 62; am 4/3/88, Register 105; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.071

12 AAC 21.110 is repealed and readopted to read:

**12 AAC 21.110. Prohibitions.** (a) A registered specialty contractor may not undertake, offer to perform, claim to have the capacity to perform, or submit a bid for, a project that requires the use of a trade for which the contractor is not actively registered.

(b) A business or individual may not perform, advertise, or claim to have the capacity to perform construction contracting services without a corresponding active contractor registration.

(c) A business or individual who is not actively registered as a contractor may not use the following terms, or other letters, words, or insignia, to describe the business or individual as performing, advertising, or claiming to have the capacity to perform the corresponding construction contracting services:

- (1) "builder";
- (2) "contractor";
- (3) "general contractor";
- (4) "mechanical contractor";
- (5) "residential contractor";
- (6) "specialty contractor";
- (7) "handyman."

(d) The department may refuse to issue a registration with a "doing business as" name or owning entity name that includes "electrical," "mechanical," "plumbing," or "heating" if the registration does not have the appropriate licensed administrator assigned. (Eff. 7/2/77, Register 62; am 8 / 9 / 2021, Register 239)

**Authority:** AS 08.18.011

**AS 08.18.171**

AS 44.33.020

The introductory language of 12 AAC 21.120(a) is amended to read:

**12 AAC 21.120. Cash deposits instead of bond.** (a) A certificate of deposit or other negotiable instrument filed with the commissioner instead of or in addition to a surety bond must

...

12 AAC 21.120(b) is repealed:

(b) Repealed 8 / 8 / 2021. (Eff. 5/2/81, Register 78; am 4/3/88, Register 105; am 10/15/2000, Register 156; am 8 / 8 / 2021, Register 239)

Authority: [AS 08.18.011] [AS 08.18.171] AS 44.33.020  
AS 08.01.080 AS 08.18.071

12 AAC 21.130(a) is amended to read:

**12 AAC 21.130. Claims against cash deposits.** (a) If a contractor files a cash deposit instead of or in addition to a surety bond under AS 08.18.071(c) [AS 08.18.071(b)], a person having a claim against the contractor for any of the items referred to in AS 08.18.071 may file a claim against the cash deposit by mailing a copy of the complaint against the contractor to the commissioner by registered or certified mail at the time suit is filed. The commissioner will maintain a record, available for public inspection, of all complaints received.

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12 AAC 21.130(b) is amended to read:

(b) To assure adequate notice to the commissioner and other claimants, the complaint must specify to [FOR] which of the items referred to in AS 08.18.071 the claim **pertains** [ARISES] and when the claim arose.

12 AAC 21.130(c) is amended to read:

(c) To assure adequate notice to the claimants, the court, and the commissioner, the complaint must specify **the complete business name of the contractor, and** the number of, or receipt number for, the cash deposit from which a final judgment is sought.

12 AAC 21.130(g) is repealed:

(g) Repealed 8 / 8 / 2021. (Eff. 5/2/81, Register 78; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.18.071 AS 08.18.081 AS 44.33.020

12 AAC 21.140(a) is amended to read:

**12 AAC 21.140. Payment of claims against a cash deposit.** (a) A claimant who obtains final judgment against a contractor may **submit** [TENDER] to the commissioner **an original or** a certified copy of the final judgment with the request that payment be made upon the judgment from the proceeds of the cash deposit.



12 AAC 21.140(b) is amended to read:

(b) To be paid from the cash deposit, a final judgment must be a judgment against the cash deposit. A judgment will be considered to be one against the cash deposit under AS 08.18.081(b) if it is rendered on a claim for one of the items specified in AS 08.18.071, and [EITHER THE COMPLAINT OR] the final judgment identifies the cash deposit as the source of payment of the claim.

The introductory language of 12 AAC 21.140(d) is amended to read:

(d) If **other claims are pending** at the time the commissioner receives the first final judgment on a pending claim against a contractor [OTHER CLAIMS ARE PENDING], the commissioner will [IMMEDIATELY] disburse the proceeds of the cash deposit to satisfy that judgment only if

• • •

The introductory language of 12 AAC 21.140(f) is amended to read:

(f) If a person, making a claim **that** [WHICH] has lower priority than other pending claims, submits a final judgment and the other pending claims of higher priority are not resolved by judgment or settlement or by being withdrawn, the person who has reduced **the** [HIS OR HER] claim to judgment may establish a presumption of failure to prosecute the other claims. That presumption may be established by filing with the commissioner

• • •

12 AAC 21.140(f)(2) is amended to read:

(2) proof that **the person** [HE OR SHE] has mailed a copy of the request by certified mail to the last known address of the claimant, [( ) or attorney when the claimant is represented, [( )] with higher priority.

12 AAC 21.140(g) is amended to read:

(g) The commissioner will place a copy of a request submitted under (f) of this section in the file open for public inspection. If the claimant named in the request [AS PRESUMED NOT TO BE PROSECUTING HIS OR HER CLAIM] does not notify the commissioner within 60 days after the request is placed in the file that **the claimant** [HE OR SHE] is still pursuing **the** [HIS OR HER] claim against the contractor, the commissioner **may** [WILL, IN HIS DISCRETION,] disburse the proceeds of the cash deposit according to the procedures set out in this section.

(Eff. 5/2/81, Register 78; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.18.071 AS 08.18.081 AS 44.33.020

12 AAC 21.160 is amended to read:

**12 AAC 21.160. Violation of bonding or insurance requirements.** (a) If a contractor's bonding or insurance has been cancelled, reduced by judgment, or is no longer in effect for any reason, and it is not reinstated within 20 days after the department gives the contractor a written warning, the department **may** [WILL, IN ITS DISCRETION,] give the contractor written notice under AS 08.18.121(f) prohibiting further action as a contractor until submission of evidence

acceptable to the department showing that the violation of the bonding or insurance requirements of AS 08.18.071 or 08.18.101 has been corrected. Both the written demand and the deactivation notice will be sent to the contractor's current address under 12 AAC 02.900. Upon delivery or a documented attempt to deliver a deactivation notice under AS 08.18.121(f) and this subsection to the current address of a contractor, the contractor shall immediately stop all work as a contractor. The possible consequences of failure to stop all work include citation under AS 08.18.117, injunction and civil penalty under AS 08.18.131, and criminal prosecution under AS 08.18.141.

(b) In addition to a deactivation notice under AS 08.18.121(f) and (a) of this section, the department may [WILL, IN ITS DISCRETION], under AS 08.18.121(a) - (e), institute proceedings to revoke or suspend the registration of a contractor whose bonding or insurance required by AS 08.18.071 and 08.18.101 is no longer in effect. The department may [WILL] also [, IN ITS DISCRETION,] deny the renewal of the contractor's registration. Revocation, suspension, and denial of renewal of contractor's registration are covered by the Administrative Procedure Act (AS 44.62). [(AS 44.62.)] The department may [WILL] also [, IN ITS DISCRETION,] issue a cease and desist order under AS 08.01.087(b)(1), issue a citation under AS 08.18.117, institute an action for an injunction under AS 08.18.131, seek criminal prosecution under AS 08.18.141, deny renewal of registration, or any combination of these actions. (Eff. 4/3/88, Register 105; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.071 AS 08.18.121

12 AAC 21.260(a)(1) is amended to read:

- (1) communications [TELEPHONE] wiring and equipment;

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(Eff. 7/26/90, Register 115; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080      **AS 08.18.071**      AS 44.33.020

AS 08.18.021      [AS 08.18.171(8)]

12 AAC 21.540 is amended to read:

**12 AAC 21.540. Water and sewer contractor.** A water and sewer contractor installs water lines, **septic tanks**, and sanitary, storm, or drain sewer lines more than five feet from a building. A mechanical contractor registration under AS 08.18.028 is required before a person may install water lines, **septic tanks**, or sanitary, storm, or drain sewer lines five feet or less from a building, or perform work covered by a plumbing or mechanical code identified in

AS 08.18.171. (Eff. 7/26/90, Register 115; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080      AS 08.18.071      AS 44.33.020

AS 08.18.021

AS 08.18.171

12 AAC 21.600(a) is amended to read:

(a) A mechanical contractor, as defined in AS 08.18.171, is registered under AS 08.18.028 and is subject to that section's requirement regarding mechanical administrator licensure. Unless specifically exempted under AS 08.40.390, a mechanical contractor must be registered as, or employ, a mechanical administrator licensed under AS 08.40 **and 12 AAC 39**. The mechanical contractor may only submit bids for, or work on, projects for which the contractor has a licensed mechanical administrator **assigned to the contractor registration**. **The mechanical administrator must be licensed under 12 AAC 39 in the category for which the**

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**contractor submits bids for, or works on, projects.**

(Eff. 7/26/90, Register 115; am 1/22/2004, Register 169; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.021 AS 08.18.171  
AS 08.18.013 AS 08.18.028 AS 44.33.020

The introductory language of 12 AAC 21.660(b) is amended to read:

(b) A continuing competency activity approved by one of the following organizations is approved by the department, without additional action, if the organization submits [THE INFORMATION REQUIRED BY (c)(2) OF THIS SECTION AND] verification that the activity meets the requirements of (a) of this section:

...

12 AAC 21.660(b)(6) is amended to read:

(6) the **Cold Climate Housing Research Center** [ALASKA BUILDING SCIENCE NETWORK];

(Eff. 11/12/94, Register 132; am 10/15/2000, Register 156; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.025

12 AAC 21.663(3) is repealed:

(3) repealed 8 / 8 / 2021;

(Eff. 10/15/2000, Register 156; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.025

12 AAC 21.665(a)(4)(A) is amended to read:

(A) recommended by the organization [SUBMITTING THE  
INFORMATION REQUIRED BY 12 AAC 21.660(c)(1) - (7)] if the course is approved  
under 12 AAC 21.660(b); or

12 AAC 21.665(b) is amended to read:

(b) The department will award a residential endorsement holder contact hours for  
completion of

(1) [ONE NEW HOME PER LICENSING PERIOD FOR A LICENSING  
PERIOD THAT BEGINS BEFORE JANUARY 1, 2003, IF THE HOME IS ASSIGNED AN  
ENERGY RATING OF "FOUR-STAR" OR HIGHER BY AN ENERGY RATER  
CERTIFICATED UNDER AND USING THE ENERGY RATED HOMES OF ALASKA  
PROGRAM ESTABLISHED UNDER 15 AAC 155.510 - 15 AAC 155.560; THE  
DEPARTMENT WILL AWARD CONTACT HOURS UNDER THIS PARAGRAPH AS  
FOLLOWS:

- (A) FOR A "FOUR-STAR" HOME, FOUR CONTACT HOURS;
- (B) FOR A "FOUR-STAR PLUS" HOME, EIGHT CONTACT HOURS;
- (C) FOR A "FIVE-STAR" HOME, TEN CONTACT HOURS;
- (D) FOR A "FIVE-STAR PLUS" HOME, TWELVE CONTACT  
HOURS;

(2)] one new home per licensing period for a licensing period that begins **before January 1, 2021** [AFTER JANUARY 1, 2003], if the home is assigned an energy rating of "four-star plus" or higher by an energy rater **authorized** [CERTIFICATED] under and using the **Alaska Home Energy Rating System** [ENERGY RATED HOMES OF ALASKA PROGRAM] established under 15 AAC 155.510 - 15 AAC 155.560; the department will award contact hours under this paragraph as follows:

- (A) for a "four-star plus" home, four contact hours;
- (B) for a "five-star" home, six contact hours;
- (C) for a "five-star plus" home, eight contact hours; [OR]

**(2) one new home per licensing period for a licensing period that begins on or after January 1, 2021, if the home is assigned an energy rating of "five-star" or higher by an energy rater authorized under and using the Alaska Home Energy Rating System established under 15 AAC 155.510 - 15 AAC 155.560; the department will award contact hours under this paragraph as follows:**

- (A) for a "five-star" home, four contact hours;**
- (B) for a "five-star plus" home, six contact hours;**
- (C) for a "six-star" home, eight contact hours; or**

(3) one remodel of an existing home per licensing period, if the remodel increases, by at least a half star, the energy rating assigned to the home by an energy rater **authorized** [CERTIFICATED] under and using the **Alaska Home Energy Rating System** [ENERGY RATED HOMES OF ALASKA PROGRAM] established under 15 AAC 155.510 - 15 AAC 155.560; the department will award one contact hour for each half-star rating increase



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obtained on a remodel.

(Eff. 10/15/2000, Register 156; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.025

12 AAC 21.680(1) is amended to read:

(1) a **complete** [COMPLETED] application on a form provided by the department, including the name of the registered general contractor to whom the endorsement will be assigned;

12 AAC 21.680(2) is amended to read:

(2) the applicable **fees** [FEE] established in 12 AAC 02.180;

12 AAC 21.680(3) is amended to read:

(3) verification that the applicant has obtained, within the 12 months immediately preceding the date of the application, a score of at least 70 percent on the residential contractor **endorsement** examination administered by **PSI Services, LLC** [EXPERIOR ASSESSMENTS, LLC] or other examination approved by the department; and

(Eff. 12/28/97, Register 144; am 10/15/2000, Register 156; am 1/22/2004, Register 169; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080 AS 08.18.013 **AS 08.18.025**

**Editor's note:** Information on the residential contractor **endorsement** examination

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referred to in 12 AAC 21.680 may be obtained from **PSI Services, LLC, 3210 East Tropicana Avenue, Las Vegas, Nevada 89121** [EXPERIOR ASSESSMENTS, LLC, 2100 NW 53RD AVENUE, GAINESVILLE, FLORIDA 32653;] telephone: **(800) 733-9267** [(800) 280-3926]; **e-mail: examschedule@psionline.com**; website: **www.psionline.com** [WWW.EXPERIORONLINE.COM].

12 AAC 21.690(b) is amended to read:

- (b) If a general contractor is registered with the department as a
- (1) sole proprietorship, the residential endorsement holder must be the sole proprietor;
  - (2) partnership, the residential endorsement holder must be one of the partners;
- [OR]
- (3) corporation, the residential endorsement holder must be an employee of the corporation, **an authorized** [A] member of the corporation's board of directors, or an officer of the corporation; **or**
  - (4) **limited liability company, the residential endorsement holder must be an employee or an authorized member of the limited liability company.**

(Eff. 10/15/2000, Register 156; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.18.025

The introductory language of 12 AAC 21.695(a) is amended to read:

- (a) The department will renew a residential contractor endorsement that has been lapsed

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for more than 30 days but not more than two years [OR LESS] if the applicant for renewal submits

• • •

12 AAC 21.695(b)(3) is amended to read:

(3) verification that the applicant has obtained, within the 12 months immediately preceding the date of the application for reinstatement, a score of at least 70 percent on the residential contractor endorsement examination administered by PSI Services, LLC [EXPERIOR ASSESSMENTS, LLC] or other examination approved by the department.

(Eff. 1/22/2004, Register 169; am 8 / 8 / 2021, Register 239)

**Authority:** AS 08.01.080      AS 08.18.013      AS 08.18.025  
AS 08.01.100

**Editor's note:** Information on the residential contractor endorsement examination referred to in 12 AAC 21.695 [12 AAC 21.680] may be obtained from PSI Services, LLC, 3210 East Tropicana Avenue, Las Vegas, Nevada 89121 [EXPERIOR ASSESSMENTS, LLC, 2100 NW 53RD AVENUE, GAINESVILLE, FLORIDA 32653;] telephone: (800) 733-9267 [(800) 280-3926]; e-mail: examschedule@psionline.com; website: www.psionline.com [WWW.EXPERIORONLINE.COM].

12 AAC 21 is amended by adding a new section to read:

**Article 5. Handyman Contractor.**

**Section**

700. Handyman contractor

**12 AAC 21.700. Handyman contractor.** A contractor doing business as described in AS 08.18.071(b)(4), may apply for registration as a handyman contractor. A holder of a handyman contractor registration may

- (1) only submit bids for or work on projects within the scope of a contractor;
- (2) not perform or employ a person to perform activities requiring an electrical or mechanical administrator under AS 08.40; and
- (3) not perform or employ a person to perform activities requiring a residential contractor endorsement under AS 08.18.025. (Eff. 8 / 8 / 2021, Register 239)

**Authority:** AS 08.18.011 AS 08.18.013 AS 44.33.020

12 AAC 21.990 is repealed and readopted to read:

**Article 6 [5]. General Provisions.**

**Section**

990. Definitions

**12 AAC 21.990. Definitions.** Unless the context requires otherwise, in this chapter and for the purposes of AS 08.18,

- (1) "cash deposit" includes negotiable securities filed with the commissioner under AS 08.18.071(c);

(2) "commissioner" means the commissioner of commerce, community, and economic development;

(3) "communications" means a system for transmitting or exchanging information, including telephones and computers;

(4) "construction contracting services" means the provision, as part of a construction contract agreement and for monetary compensation, of services and oversight for constructing or for the acts in any manner of a contractor;

(5) "contractor" has the meaning given in AS 08.18.171;

(6) "department" means the Department of Commerce, Community, and Economic Development;

(7) "entity" has the meaning given in AS 10.55.901;

(8) "joint venture" means an association of two or more persons to carry out construction projects for profit, for which purpose the persons combine their property, money, efforts, skill, and knowledge;

(9) "negotiable security" means any written security that may be transferred by endorsement and delivery or by delivery only, so as to vest in the transferee the right to demand payment of the full value stated on the face of the security, and includes time certificates of deposit, bonds issued by governmental agencies and other similar instruments;

(10) "partnership" means a legal form of business ownership organized under AS 32 between two or more natural persons;

(11) "person" means an individual, a sole proprietor, a partnership, a corporation, a limited liability company, limited liability partnership, or limited partnership;

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(12) "Uniform Mechanical Code" has the meaning given in 12 AAC 39.992(b).

(Eff. 7/2/77, Register 62; am 1/19/2002, Register 161; am 8 / 8 / 2021, Register 239)

**Authority:** AS 44.33.020

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** July 2, 2021

**File No.:** 2021200101

**Thru:** Susan R. Pollard  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

Digitally signed by Susan R  
Pollard  
Date: 2021.07.01 17:39:50  
-08'00'

**Tel. No.:** 465-3600

**From:** Steven C. Weaver *SCW*  
Senior Assistant Attorney General  
Legislation and Regulations Section

**Re:** Department of Commerce,  
Community, and Economic  
Development regulations re:  
licensing of, and bonding  
requirements for, professions  
regulated as construction contractors,  
including handyman contractors  
(12 AAC 21.010 - 12 AAC 21.160;  
12 AAC 21.260(a)(1); 12 AAC  
21.540; 12 AAC 21.600(a); 12 AAC  
21.660 - 12 AAC 21.990)

The Department of Law has reviewed the attached regulations of the Department of Commerce, Community, and Economic Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Commerce, Community, and Economic Development after the close of the public comment period. Under AS 08.18, the Department of Commerce, Community, and Economic Development directly regulates professions within the umbrella of construction contractors. The regulations concern licensing of, and bonding requirements for, professions regulated as construction contractors, and include provisions regarding handyman contractors, updated continuing competency requirements, and the removal of outdated language.



The March 21, 2021 public notice and the July 1, 2021 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: Hon. Julie Anderson, Commissioner  
Department of Commerce, Community, and Economic Development

Glenn Hoskinson, Special Assistant and Regulations Contact  
Department of Commerce, Community, and Economic Development

Sara Chambers, Director  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Harriet Dinegar-Milks, Senior Assistant Attorney General  
Commercial, Fair Business, and Child Support Section

**NOTICE OF PROPOSED CHANGES TO CONTRACTOR LICENSING IN THE  
REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY,  
AND ECONOMIC DEVELOPMENT**

**BRIEF DESCRIPTION:** The Department of Commerce, Community, and Economic Development proposes changes to the regulations for licensing, bonding requirements, and clarification of outdated language.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 21 of the Alaska Administrative Code, dealing with contractor licensing, including the following:

**12 AAC 21.010. Joint venture agreement,** is proposed to be repealed.

**12 AAC 21.020. Application for registration as a construction contractor,** is proposed to be repealed and readopted to replace outdated wording with current application requirements.

**12 AAC 21.040. Change of name and address,** is proposed to be amended to add business name for clarification purposes, and remove the duplicate license fee.

**12 AAC 21.043. Dissolution or cessation of business activities,** changes are a proposed new subsection to outline the requirements for reactivation of a business that had previously ceased to do business.

**12 AAC 21.045. Changing sole proprietorships and partnerships,** is proposed to be amended to clarify the wording for documenting workers' compensation insurance.

**12 AAC 21.050. Changing sole proprietorship or partnership to a corporation or other entity,** is proposed to be amended by updating the types of business entities and adding a new subsection allowing for one business to apply for a contractor license.

**12 AAC 21.070. Renewal; lapsed registration,** is proposed to be repealed and readopted to outline the requirements for reinstating a lapsed license.

**12 AAC 21.075. Changing handyman, specialty, or mechanical contractor registration,** is a proposed new section that outlines the requirements for changing the category or specialty of a current contractor registration.

**12 AAC 21.080. Changing from handyman, specialty, or mechanical contractor, to general contractor,** is proposed to be amended to add the category of handyman for the requirements to change to a general contractor registration, and to amend the required documentation for workers' compensation insurance to be consistent with the statutory language.

**12 AAC 21.085. Changing from general contractor to handyman, specialty, or mechanical contractor,** is proposed to be amended to add the category of handyman for the requirements to change from a general contractor registration to another category, and to amend the required documentation for workers' compensation insurance to be consistent with the statutory language.

**12 AAC 21.090. Negotiable security in place of surety bond,** is amended to bring the language to current statutory requirements that took effect January 1, 2015.

**12 AAC 21.110. Prohibitions,** is proposed to be amended to clarify language for prohibitions of performing contractor work without an active registration, and the use of terms that describe the business of a contractor.

**12 AAC 21.120. Cash deposits instead of bond**, is proposed to be amended to clarify the language for a cash deposit, and remove a requirement for release of a mature certificate of deposit.

**12 AAC 21.130. Claims against cash deposits**, is proposed to be amended to clarify language and update a statute citation.

**12 AAC 21.140. Payment of claims against a cash deposit**, is proposed to be amended to clarify language and bring outdated wording up to current regulatory standards.

**12 AAC 21.160. Violation of bonding or insurance requirements**, is proposed to be amended by adding “the” to Administrative Procedure Act.

**12 AAC 21.260. Communications contractor**, is proposed to be amended by changing “telephone” to “communications”.

**12 AAC 21.540. Water and sewer contractor**, is proposed to be amended by adding “septic tanks” to the scope of a water and sewer contractor.

**12 AAC 21.600. Mechanical contractor**, is proposed to be amended to clarify that a licensed mechanical administrator must be licensed in the same category and assigned to a mechanical contractor registration for which the work or submission of bids is for.

**12 AAC 21.660. Acceptable continuing competency activities**, is proposed to be amended to update a name of an agency offering continuing competency activities, and allow certain agencies to provide continuing competency activities without having to submit documentation for department approval.

**12 AAC 21.663. Types of continuing competency activities**, is proposed to repeal outdated regulations.

**12 AAC 21.665. Contact hours**, is proposed to be amended by making a conforming amendment, repealing outdated regulations, and updating regulations regarding the Alaska Home Energy Rating System for the continuing competency activities.

**12 AAC 21.680. Residential contractor endorsement**, is proposed to be amended to clarify wording and update the name of the residential endorsement examination provider.

**12 AAC 21.690. Assignment of residential endorsement**, is proposed to be amended to clarify who must be the residential endorsement holder in the type of contractor business.

**12 AAC 21.695. Residential contractor endorsement renewal and reinstatement**, is proposed to be amended regarding the renewal requirements and updating the name of the residential endorsement examination provider.

**12 AAC 21 Handyman Contractor**, is a proposed new article for Handyman Contractor registration requirements.

**12 AAC 21.990. Definitions**, is proposed to be repealed and readopted to remove outdated definitions and add new definitions.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Department will accept comments by facsimile at (907) 465-2974 and by electronic mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). Comments may also be submitted through

the Alaska Online Public Notice System by accessing this notice on the system at <https://notice.alaska.gov/201798>, and using the comment link. **The comments must be received not later than 4:30 p.m. on April 22, 2021.** Comments received after this deadline will not be considered by the Department.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). **The questions must be received at least 10 days before the end of the public comment period.** The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Department's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/ConstructionContractors.aspx>, or on the Alaska Online Public Notice System. The Department may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Sher Zinn at (907) 465-1049 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) not later than April 15, 2021, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or [RegulationsAndPublicNotice@alaska.gov](mailto:RegulationsAndPublicNotice@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/CON-0321.pdf>.

After the public comment period ends, the Department will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

**Statutory Authority:** AS 08.01.080; AS 08.01.100; AS 08.18.011; AS 08.18.013; AS 08.18.021; AS 08.18.025; AS 08.18.031; AS 08.18.051; AS 08.18.071; AS 08.18.081; AS 08.18.101; AS 08.18.121; AS 08.18.171; AS 44.33.020

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.080; AS 08.01.100; AS 08.18.011; AS 08.18.013; AS 08.18.021; AS 08.18.025; AS 08.18.031; AS 08.18.051; AS 08.18.071; AS 08.18.081; AS 08.18.101; AS 08.18.121; AS 08.18.171; AS 44.33.020

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 3/22/2021

  
\_\_\_\_\_  
Sher Zinn, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

**ADDITIONAL REGULATION NOTICE INFORMATION**  
**(AS 44.62.190(d))**

1. **Adopting agency:** Department of Commerce, Community, and Economic Development – Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Contractor licensing requirements.
3. **Citation of regulation:** 12 AAC 21.010 – 12 AAC 21.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations and compliance with state statutes.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
A private person: None known.  
Another state agency: None known.  
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):** No costs are expected in FY 2021 or in subsequent years.
9. **The name of the contact person for the regulation:**  
Sher Zinn, Regulations Specialist  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 465-1049  
E-mail: [sher.zinn@alaska.gov](mailto:sher.zinn@alaska.gov)
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.
11. **Date:** 3/22/2021

**Prepared by:**   
Sher Zinn  
Regulations Specialist  
(907) 465-1049

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Sher Zinn, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 21.010 through 12 AAC 21.990, dealing with contractor licensing, bonding requirements, and clarification of outdated language, has been given by being

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

DATE: 4/29/21  
Juneau, Alaska

*Sher Zinn*  
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaska on  
April 29, 2021.

*Jolene Siirila*  
Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Sher Zinn, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Commerce, Community, and Economic Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Commerce, Community, and Economic Development regulations regarding occupational licensing functions.

DATE: 4/29/21  
Juneau, Alaska

Sher Zinn  
Sher Zinn, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 29 day of April, 2021.



Jolene Siirila  
Notary Public in and for the  
State of Alaska



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 100493 ST OF AK/DEC/OCCU  
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PO BOX 110806, JUNEAU, AK 99811

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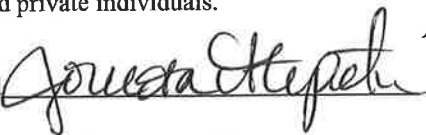
STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

03/21/2021

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me  
this 22nd day of March 2021.

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

JADA L. NOWLING  
Notary Public  
State of Alaska  
My Commission Expires Jul 14, 2024

**NOTICE OF PROPOSED CHANGES TO CONTRACTOR LICENSING IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulatory changes in Title 12, Chapter 21 of the Alaska Administrative Code, dealing with contractor licensing, including the following:

- 12 AAC 21.010. Joint venture agreement, is proposed to be repealed.
- 12 AAC 21.030. Application for registration as a construction contractor, is proposed to be repealed and redrafted to replace outdated wording with current application requirements.
- 12 AAC 21.040. Change of name and address, is proposed to be amended to add business name for clarification purposes, and remove the duplicate license fee.
- 12 AAC 21.043. Dissolution or cessation of business activities, changes are a proposed new subsection to outline the requirements for reactivation of a business that had previously ceased to do business.
- 12 AAC 21.045. Changing sole proprietorships and partnerships, is proposed to be amended to clarify the wording for discounting workers' compensation insurance.
- 12 AAC 21.050. Changing sole proprietorship or partnership to a corporation or other entity, is proposed to be amended by updating the types of business entities and adding a new subsection allowing for one business to apply for a contractor license.
- 12 AAC 21.070. Renewal, based registration, is proposed to be repealed and redrafted to outline the requirements for reinstating a lapsed license.
- 12 AAC 21.075. Changing handyman, specialty, or mechanical contractor registration, is a proposed new section that outlines the requirements for changing the category or specialty of a current contractor registration.
- 12 AAC 21.080. Changing from handyman, specialty, or mechanical contractor, to general contractor, is proposed to be amended to add the category of handyman for the requirements to change to a general contractor registration, and to amend the required documentation for workers' compensation insurance to be consistent with the statutory language.
- 12 AAC 21.085. Changing from general contractor to handyman, specialty, or mechanical contractor, is proposed to be amended to add the category of handyman for the requirements to change from a general contractor registration to another category, and to amend the required documentation for workers' compensation insurance to be consistent with the statutory language.
- 12 AAC 21.090. Negotiable security in place of surety bond, is amended to bring the language to current statutory requirements that took effect January 1, 2015.
- 12 AAC 21.110. Prohibitions, is proposed to be amended to clarify language for prohibitions of performing contractor work without an active registration, and the use of terms that describe the business of a contractor.
- 12 AAC 21.120. Cash deposits instead of bond, is proposed to be amended to clarify the language for a cash deposit, and remove a requirement for release of a mature certificate of deposit.
- 12 AAC 21.130. Claims against cash deposits, is proposed to be amended to clarify language and update a statute citation.
- 12 AAC 21.140. Payment of claims against a cash deposit, is proposed to be amended to clarify language and bring outdated wording up to current regulatory standards.
- 12 AAC 21.160. Violation of bonding or insurance requirements, is proposed to be amended by adding "the" to Administrative Procedure Act.
- 12 AAC 21.260. Communications contractor, is proposed to be amended by changing "telephone" to "communications".
- 12 AAC 21.540. Water and sewer contractor, is proposed to be amended by adding "septic tanks" to the scope of a water and sewer contractor.
- 12 AAC 21.600. Mechanical contractor, is proposed to be amended to clarify that a licensed mechanical administrator must be licensed in the same category and assigned to a mechanical contractor registration for which the work or submission of both is for.
- 12 AAC 21.640. Acceptable continuing competency activities, is proposed to be amended to update a name of an agency offering continuing competency activities, and allow certain agencies to provide continuing competency activities without having to submit documentation for department approval.
- 12 AAC 21.643. Types of continuing competency activities, is proposed to repeal outdated regulations.
- 12 AAC 21.645. Contact hours, is proposed to be amended by making a conforming amendment, repealing outdated regulations, and updating regulations regarding the Alaska Home Energy Rating System for the continuing competency activities.
- 12 AAC 21.680. Residential contractor endorsement, is proposed to be amended to clarify wording and update the name of the residential endorsement examination provider.
- 12 AAC 21.690. Assignment of residential endorsement, is proposed to be amended to clarify who must be the residential endorsement holder in the type of contractor business.
- 12 AAC 21.695. Residential contractor endorsement renewal and reinstatement, is proposed to be amended regarding the renewal requirements and updating the name of the residential endorsement examination provider.
- 12 AAC 21.990. Handyman Contractor, is a proposed new article for Handyman Contractor registration requirements.
- 12 AAC 21.990. Definitions, is proposed to be repealed and redrafted to remove outdated definitions and add new definitions.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Department accepts comments by facsimile at (907) 445-2974 and by electronic mail at [RegulationsAndPublicComments@alaska.gov](mailto:RegulationsAndPublicComments@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <https://notice.alaska.gov/2021/03/>, and using the comment link. The comments must be received no later than 4:30 p.m. on April 22, 2021. Comments received after this deadline will not be considered by the Department.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [RegulationsAndPublicComments@alaska.gov](mailto:RegulationsAndPublicComments@alaska.gov). The questions must be received at least 10 days before the end of the public comment period. The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Department's website at <https://www.commerce.alaska.gov/web/CDLP/ProfessionalLicensing/ConstructionContractors.aspx>, or on the Alaska Online Public Notice System. The Department may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Sher Zinn at (907) 445-1049 or [RegulationsAndPublicComments@alaska.gov](mailto:RegulationsAndPublicComments@alaska.gov) no later than April 15, 2021, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 445-1049 or [RegulationsAndPublicComments@alaska.gov](mailto:RegulationsAndPublicComments@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/COH-0321.pdf>.

After the public comment period ends, the Department will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments and questions received are public records and are subject to public inspection.

**Statutory Authority:** AS 08.01.080; AS 08.01.100; AS 08.18.011; AS 08.18.013; AS 08.18.021; AS 08.18.022; AS 08.18.031; AS 08.18.051; AS 08.18.071; AS 08.18.081; AS 08.18.101; AS 08.18.121; AS 08.18.171; AS 44.32.050

**Statutes being implemented, interpreted, or made specific:** AS 08.01.080; AS 08.01.100; AS 08.18.011; AS 08.18.013; AS 08.18.021; AS 08.18.022; AS 08.18.031; AS 08.18.051; AS 08.18.071; AS 08.18.081; AS 08.18.101; AS 08.18.121; AS 08.18.171; AS 44.32.050

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

**DATE:** 3/19/2021  
**BY:** Sher Zinn, Regulations Specialist  
Division of Corporations, Business and Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a notice of proposed regulations to the parties on the appropriate list each time there is a proposed change in all occupational regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

**Pub:** March 21, 2021