



**FAQ'S
IDAHO STATE CONTRACTOR REGISTRATION, SPECIAL TRADE LICENSING
AND
PUBLIC WORKS CONTRACTOR/CONSTRUCTION MANAGER LICENSING**

Frequently Asked Questions-General

Q. Who is required to be licensed with the State of Idaho?

A. Persons who perform special trade electrical, HVAC or plumbing work and public works contractors/construction managers are required to be licensed. Additionally, contractors performing construction work as defined below are required to be registered.

Frequently Asked Questions-Construction Contractors Registration

Q. Are contractors required to be licensed or registered in Idaho?

A. The 58th Idaho Legislature passed, and the Governor signed, the Idaho Contractor Registration Act, which required contractors to be registered by January 1, 2006. The Act requires registration, not licensure.

Q. What is a Contractor?

A. A Contractor is defined in 54-5203, Idaho Code as: "Any person who in any capacity undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to, or does himself or by or through others, perform construction." or "A construction manager who performs construction management services."

Q. What is the definition of Construction?

A. "Construction" is defined in 54-5203(3), Idaho Code as the performance of building, altering, repairing, adding to, subtracting from, improving, reconstructing, moving, excavating, wrecking or demolishing any building, highway, road, bridge, or other structure, project, development or improvement to real property, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith.

Q. Who must register?

A. Any person who engages in a construction job with a dollar amount exceeding \$2000.00 (materials & labor) and is not otherwise exempt. The exemptions are listed below.

Q. Do I have to register?

A. Again, if you are not exempt, you must register if you perform any work on real property. The law applies to everyone. The work includes not only building or repairing a structure, but also road, bridge, scaffolding and related work. Some situations involving contractors are covered under other provisions of Idaho law or simply do not require registration.

- Existing License: If you are a licensed as a public works contractor or as a construction manager, you may register if you are engaged in construction outside the scope of your public works license, but you are exempt from paying the fee. If you are licensed as an Architect, Electrical Contractor, Engineer or Surveyor, Plumber, Manufactured Home Installer, Service Company Contractor, HVAC installer, etc. you do not have to register, unless you are engaged in contracting beyond the scope of your license.
- Employees: Employees of contractors who are paid in wages are exempt from registration.
- Suppliers: Suppliers who do not install or fabricate the materials are exempt from registration.
- Owners: Owners who do their own work on their own land and do not intend to sell the property within 12 months are exempt from registration.
- Commercial Buildings: Commercial building owners who maintain their own buildings with their own crews are exempt from registration.

Q. What are all of the exemptions to the registration requirement?

A. Though no person exempt from registration may hold themselves out as a registered contractor, the following are not required to register:

- Anyone licensed, registered, or otherwise regulated by the state of Idaho (i.e. Architects, Electrical Contractors, Engineers & Surveyors, Plumbers, Manufactured Home Installer, Service Company Contractor, HVAC installers, etc.), so long as they are not acting with the intent to evade this chapter.
- A person who only performs labor or services for wages or a salary as an employee of a contractor, or as an employee of a person otherwise exempt by the provisions set forth in this chapter, or strictly as a volunteer or as part of a bona fide educational curriculum or nonprofit charitable activity for which no wages or salary shall be paid. This exemption shall not apply to any subcontractor or other independent contractor who is not otherwise exempt.
- An authorized representative of the United States government, the State of Idaho, or any incorporated municipality, county, alternative form of local government, highway district, reclamation district, or other municipal or political corporation or subdivision of this state.
- A public utility operating under the regulation of the Idaho public utility commission as set forth in Title 61, Idaho Code, in the construction, maintenance, or development work incidental to its own business.
- A person who performs repair or operation incidental to the discovery or production of oil, gas or minerals or incidental to the drilling, testing, abandoning, or other operation of an oil or gas well or a surface or underground mine or mineral deposit.
- A person who only furnishes materials, supplies or equipment and who does not install or fabricate them into, or consume them in the performance of, the work of the construction contractor.
- A person performing work on one undertaking or project considered casual, minor, or inconsequential, whether by one or more contracts, the aggregate contract price of which, for labor and materials and all other items, is less than two thousand dollars (\$2,000). The exemptions prescribed in this paragraph shall not apply when the work or construction is part of a larger construction project, whether undertaken by the same or a different construction contractor, or in which a division of the operation is made into contracts of amounts of less than two thousand dollars (\$2,000) for the purpose of evasion of this act.
- A farmer or rancher while engaged in a farming, dairying, agriculture, viticulture, horticulture or stock or poultry operation.