



# KOOTENAI COUNTY

## COMMUNITY DEVELOPMENT

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### CONTRACTOR REGISTRATION NOTICE & EXEMPTION DECLARATION

Effective September 1, 2007 pursuant to *Idaho Code 54-5209*, Kootenai County Community Development cannot accept building permit applications unless the applicant provides proof of current contractor registration as required by Idaho State Law.

If you are exempt from contractor registration you are required to do the following:

Complete the following affidavit by indicating that you are exempt from the registration as provided by *Idaho Code 54-5205*. **In order to complete the affidavit you must identify the basis for your exempt status including a reference to the Idaho Code subsection which allows the exemption.**

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I certify, under penalty of perjury, that I am exempt from the contract registration requirements of *Idaho Code 54-5209*.

I am exempt because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ,

which is established as an exemption by *Idaho Code 54-5205*, sub-section \_\_\_\_\_ .

I understand that in acting in the capacity of a contract within the meaning of *Idaho Code Chapter 54 Title 52* without current registration with the Bureau of Occupation Licenses or without being exempt as defined by *Idaho Code 54-5205*, is a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail for a term not to exceed six months, or both.

NAME (Please Print): \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

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

#### 54-5205. EXEMPTIONS FROM REGISTRATION

- (1) Nothing in this chapter shall be construed to restrict any person licensed, registered, or otherwise regulated by the state of Idaho from engaging in the profession or practice for which they are licensed, registered or otherwise regulated by the state of Idaho including, but not limited to, persons licensed pursuant to chapters 3, 10, 12, 19, 26, 45 and 50, [title 54](#), Idaho Code, nor shall this chapter require such persons otherwise licensed, registered or regulated to obtain such registration as required by this chapter, so long as such person is not acting with the intent to evade this chapter. No such person exempt hereunder may hold himself out as a registered contractor.
- (2) In addition to the exemption set forth in subsection (1) of this section, registration as provided for in this chapter shall not be required for the following, so long as such person is not acting with the intent to evade this chapter and so long as such person does not hold himself out as a registered contractor:
  - (a) 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; provided however, that such exemption shall not apply to any subcontractor or other independent contractor who is not otherwise exempt;
  - (b) 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;
  - (c) 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;
  - (d) 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;
  - (e) A person who only furnishes materials, supplies or equipment without that person installing or fabricating them into or consuming them in the performance of the work of the construction contractor;
  - (f) A person performing work on one (1) undertaking or project considered casual, minor, or inconsequential, whether by one (1) 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 (f) 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 chapter or otherwise;
  - (g) A farmer or rancher while engaged in a farming, dairying, agriculture, viticulture, horticulture, or stock or poultry operation;
  - (h) A person who engages in the construction of an agriculture building which is exempt from the Idaho building code act as set forth in section [39-4116](#), Idaho Code;
  - (i) An irrigation district, canal company, reservoir district, ground water district, water district, water measurement district, recharge district, flood control district, drainage district, or other water delivery or water management entity, or an operating agent of irrigation districts whose board consists of directors of its member districts;
  - (j) An operation related to clearing or other work upon land in rural districts for fire prevention purposes;
  - (k) An owner who contracts for work to be performed by a registered contractor on his own property, provided however, this exemption shall not apply to an owner who, with the intent to evade this chapter, constructs a building, residence or other improvement on the owner's property with the intention and for the purpose of selling the improved property at any time during the construction or within twelve (12) months of completion of such construction;
  - (l) An owner performing construction on the owner's personal residential real property, whether or not occupied by the owner, provided however, this exemption shall not apply to an owner who is otherwise regulated by this chapter who constructs a building, residence or other improvement on the owner's property with the intention and for the purpose of promptly selling the improved property, unless the owner has continuously occupied the property as the owner's primary residence for not less than twelve (12) months prior to the sale of such property;
  - (m) Owners of commercial properties, or lessees of commercial properties with the consent of the owner, who, whether themselves or with their own employees, perform maintenance, repair, alteration or construction work in or upon the properties;
  - (n) A real estate licensee acting within the scope of his license pursuant to [chapter 20, title 54](#), Idaho Code, who, incident to a regulated real estate transaction, assists his clients in scheduling or performing nominal maintenance and repairs upon such properties being transferred; provided however, nothing in this section shall otherwise authorize a real estate licensee or a property manager to act in the capacity of a contractor unless registered with the board;
  - (o) A contractor engaged in the logging industry who builds forest access roads for the purpose of harvesting and transporting logs from forest to mill;
  - (p) A person working on the person's own residence, if the residence is owned by a person other than the resident;
  - (q) A person who engages in the construction of buildings to be used primarily for industrial chemical process purposes as set forth in section [39-4103](#), Idaho Code; or
  - (r) A person who engages in the construction of a modular building as defined in section [39-4301](#), Idaho Code, that is constructed in the state of Idaho for installation on a building site outside the state.