

BT

FILE COPY

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

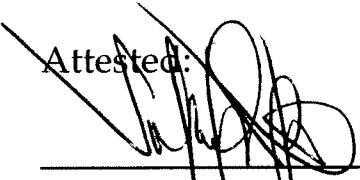
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 24 (LS), "AN ACT TO REPEAL AND RE-ENACT CHAPTER 70 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM CONTRACTORS LICENSE BOARD"** was on the 3rd day of April, 2009, duly and regularly passed.



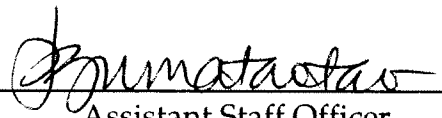
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 6 day of April, 2009, at 4:45 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) Regular Session

Bill No. 24 (LS)

As substituted by the Committee
on Utilities, Transportation,
Public Works and Veterans Affairs,
and amended on the Floor.

Introduced by

J. V. Espaldon
T. C. Ada
F. B. Aguon, Jr.
T. R. Muña Barnes
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
Judith Paulette Guthertz, DPA
Adolpho B. Palacios, Sr.
v. c. pangelinan
M. J. Rector
R. J. Respicio
Ray Tenorio
Telo Taitague
Judith T. Won Pat, Ed. D.

**AN ACT TO REPEAL AND RE-ENACT CHAPTER 70 OF
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE
GUAM CONTRACTORS LICENSE BOARD.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** Chapter 70 of Title 21, Guam Code Annotated, is *repealed* and
3 *re-enacted* to read:

4 **“CHAPTER 70**
5 **CONTRACTORS**

6 **§70100. Definitions.**

- 1 **§70101. Exemptions.**
- 2 **§70102. Contractors License Board.**
- 3 **§70103. Powers and Duties of Board.**
- 4 **§70104. Executive Director; Other Assistants.**
- 5 **§70105. Place of Meeting.**
- 6 **§70106. Classification.**
- 7 **§70107. Powers to Classify and Limit Operations.**
- 8 **§70108. Licenses Required.**
- 9 **§70108.1. Advertising.**
- 10 **§70109. Investigation Permitted.**
- 11 **§70109.1. Investigation Citation Authority.**
- 12 **§70109.2. Immediate Cease Work Order Permitted.**
- 13 **§70109.3. Cease Work Order Permitted.**
- 14 **§70110. No License Issued When.**
- 15 **§70111. Application: Fees.**
- 16 **§70112. Form of Licenses.**
- 17 **§70113. Place of Business and Posting of License.**
- 18 **§70114. Fees; Annual.**
- 19 **§70115. Action on Application.**
- 20 **§70116. Revocation, Suspension and Renewal of Licenses.**
- 21 **§70117. Hearings.**
- 22 **§70118. Appeal to Superior Court.**
- 23 **§70119. Disposition of Fees, Refunds.**
- 24 **§70120. Death *or* Dissociation.**
- 25 **§70121. Violation, Penalty.**
- 26 **§70122. Injunction.**
- 27 **§70123. Exemptions for Prior Licensees.**

1 **§70100. Definitions.** As used in this Chapter:

2 (a) *Board* means the Contractors License Board.

3 (b) *Contractor* means any person who undertakes to construct,
4 alter, repair, add to, subtract from, improve, move, wreck *or* demolish any
5 building, highway, road, railroad, excavation *or* other structure, project
6 development or improvement *or* do any part thereof, including the erection
7 of scaffolding *or* other structure of works in connection therewith for
8 another person for a fee.

9 (c) Contractor includes a subcontractor and a specialty contractor.

10 (d) *Person* means an individual, partnership, joint venture,
11 corporation *or* any combination thereof. Corporation includes an association,
12 business trust *or* any organized group of persons.

13 (e) *Self-construction* means a project *or* operation performed by the
14 owner for personal needs on personal premises; a self-constructed/performed
15 project or operation *shall* otherwise be deemed performed by a contractor.

16 (f) *Investigator* means an employee with the Contractors License
17 Board who conducts thorough investigations of applicants applying for a
18 contractor's license and who inspects, regulates, and enforces the laws, rules
19 and regulations of the Licensing Board for Contractors.

20 (g) *Responsible Management Employee* means the individual
21 responsible for the direct management of the contracting business of the
22 licensee.

23 **§70101. Exemptions.** This Chapter *shall not* apply to:

24 (a) An officer *or* employee of the United States, the Territory *or* any
25 political subdivision, *if* the project *or* operation is performed by employees
26 thereof;

1 (b) Any person acting as a receiver, trustee in bankruptcy,
2 administrator *or* executor, *or* any other person acting under any order *or*
3 authorization of any court;

4 (c) A person who sells *or* installs any finished products, materials *or*
5 articles *or* merchandise which are *not* actually fabricated into and *do not*
6 become a permanent fixed part of the structure, *or* to the construction,
7 alteration, improvement *or* repair of personal property;

8 (d) Any project *or* operation for which the aggregate contract price for
9 labor, materials and all other items is *less than* Two Thousand Five Hundred
10 Dollars (\$2,500). This exemption *shall not* apply in any case wherein the
11 undertaking is by a licensed contractor *or* is only part of a larger *or* major
12 project *or* operation, whether undertaken by the same *or* a different
13 contractor *or* in which a division of the project *or* operation is made in
14 contracts of amounts *less than* Two Thousand Five Hundred Dollars
15 (\$2,500) for the purpose of evading this Chapter *or* otherwise;

16 (e) A registered architect *or* professional engineer acting *solely* in a
17 professional capacity;

18 (f) Any person who engages in the activities herein regulated as an
19 employee with wages as *sole* compensation;

20 (g) Any person who undertakes either personally *or* through his *or*
21 her employees, any project *or* operation for himself or herself; and

22 (h) Any co-partnership *or* joint venture *if* all members thereof hold
23 licenses issued under this Chapter *or if* the person *or* persons who have
24 direct management of the contracting business thereof hold a license for
25 purposes of requiring additional contractor's licenses for the copartnership
26 *or* joint venture.

27 **§70102. Contractors License Board.**

1 (a) There *shall* be a Contractors License Board compose of seven
2 (7) members; two (2) of which *shall* be appointed by *I Maga'lahi* from the
3 construction industry; three (3) of which *shall* be appointed by *I Maga'lahi*
4 from the general public and who *shall* have no interest in the construction
5 industry; the Director of Revenue and Taxation, ex-officio; and the Director
6 of Public Works, ex-officio. Those members appointed by *I Maga'lahi* are
7 subject to confirmation by *I Liheslatura*. Their terms *shall* be four (4) years.

8 (b) The concurrence of four (4) members of the Board *shall* be
9 necessary for the validity of any of its actions.

10 (c) Organization, Records, Reports. Immediately upon the
11 appointment and qualifications of the original members, and annually
12 thereafter, the Board *shall* organize by the election of one (1) member as
13 Chairman and one (1) member as Vice-Chairman. The Board *shall* keep a
14 complete record of all its proceedings and *shall* present annually to the
15 Governor through the Executive Director a detailed statement of the
16 previous year, proceedings and such recommendations as the Board may
17 deem proper.

18 (d) Compensation. Members of the Board *shall* receive the sum of
19 Fifty Dollars (\$50) for each attendance at the meetings of the Board,
20 provided, however, that *no* member *shall* receive more than One Hundred
21 Dollars (\$100) per month.

22 **§70103. Powers and Duties of Board.** In addition to any other duties and
23 powers granted by this Chapter, the Contractors License Board *shall*:

24 (a) Grant licenses to contractors pursuant to this Chapter;

25 (b) Make, amend *or* repeal such rules and regulations as it may
26 deem proper to fully effectuate this Chapter and carry out the purpose
27 thereof, which purpose is the protection of the general public. All such rules

1 and regulations *shall* be adopted pursuant to the Administrative Adjudication
2 Law. The rules and regulations may forbid acts *or* practices deemed by the
3 Board to be detrimental to the accomplishment of the purpose of this
4 Chapter. The rules and regulations may require contractors to make reports
5 to the Board containing such items of information as will better enable the
6 Board to enforce this Chapter and rules and regulations, *or* as will better
7 enable the Board from time to time to amend the rules and regulations more
8 to fully effectuate the purposes of this Chapter. The rules and regulations
9 may require contractors to furnish reports to owners containing such matters
10 of information as the Board deems necessary to promote the purpose of this
11 Chapter. The enumeration of specific matters which may properly be made
12 the subject of rules and regulations *shall not* be construed to limit the
13 Board's general power to make all rules and regulations necessary to fully
14 effectuate the purpose of this Chapter;

15 (c) Enforce this Chapter and rules and regulations adopted pursuant
16 thereto;

17 (d) Suspend *or* revoke any license for any cause prescribed by
18 §70116 *or* for any cause for suspension *or* revocation prescribed by the rules
19 and regulations, and refuse to grant any license for any cause which would
20 be grounds for revocation *or* suspension of a license;

21 (e) Publish and distribute pamphlets and circulars containing such
22 information as it deems proper to further the accomplishment of the purpose
23 of this Chapter; and

24 (f) Contract professional testing services as deemed necessary to
25 prepare, administer, and grade applicant examinations as may be required
26 for the purpose of this Chapter.

27 **§70104. Executive Director; Other Assistants.**

1 (a) The Contractors License Board *shall* employ an
2 Executive Director. The Executive Director *shall* be employed with due
3 regard to his *or* her fitness, thorough administrative ability and knowledge of
4 and experience in the business of contracting. The Executive Director *shall*
5 act only with the advice and consent of the Board and *shall* be responsible to
6 the Board. The Executive Director *shall* devote his *or* her entire time to the
7 duties of the office and *shall not* be actively engaged *or* employed in any
8 other business, vocation *or* employment, *nor* have any pecuniary interest,
9 direct *or* indirect, in any contracting enterprise *or* enterprises conducted *or*
10 carried on within the Territory.

11 (b) The Executive Director *shall*, under the supervision of the
12 Board, administer this Chapter and the rules and regulations and orders
13 established thereunder and perform such other duties as the Board may
14 require; *shall* attend but *not* vote at all meetings of the Board; and *shall* be in
15 charge of the offices of the Board and responsible to the Board for the
16 preparation of reports and the collection and dissemination of data and other
17 public information relating to contracting.

18 (c) The Board may, by written order filed in its office, delegate to
19 the Executive Director such of its powers *or* duties as it deems reasonable
20 and proper for the effective administration of this Chapter, *except* the power
21 to make rules *or* regulations. The delegated powers and duties may be
22 exercised by the Executive Director in the name of the Board.

23 (d) Subject to the Personnel Law, the Executive Director may
24 employ and remove such administrative and clerical assistants as may be
25 required, and prescribe their powers and duties.

1 **§70105. Place of Meeting.** The Executive Director *shall* provide suitable
2 quarters for meetings of the Contractors License Board and for the transaction of
3 its other business.

4 **§70106. Classification.**

5 (a) For the purpose of classification, the contracting business
6 includes any *or* all of the following branches:

7 (1) General Engineering Contracting;

8 (2) General Building Contracting;

9 (3) Specialty Contracting; and

10 (4) Responsible Management Employee (R.M.E.).

11 (b) A *General Engineering Contractor* is a contractor whose
12 principal contracting business is in connection with fixed works requiring
13 specialized engineering knowledge and skill, including the following
14 divisions *or* subjects: irrigations, drainage, water power, water supply, flood
15 control, inland waterways, harbors, docks and wharves, shipyards and ports,
16 dams and hydroelectric projects, levees, river control and reclamation works,
17 highways, streets and roads, tunnels, airports and airways, sewer, sewage
18 disposal plants and systems, waste reduction plants, bridges, overpasses,
19 underpasses and other similar works, pipelines and other systems for the
20 transmission of petroleum and other liquid *or* gaseous substances, parks,
21 playgrounds and other recreational works, refineries, chemical plants and
22 similar industrial plants requiring specialized engineering knowledge and
23 skill, powerhouses, power plants and other utility plants and installations,
24 mines and metallurgical plants, land leveling and earth-moving projects,
25 excavating, grating, trenching, paving and surfacing work and cement and
26 concrete works in connection with the above-mentioned fixed works.

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

7 (d) A *Specialty Contractor* is a contractor whose operations as such
8 are the performance of construction work requiring special skill and whose
9 principal contracting business involves the use of specialized building trades
10 *or* crafts.

11 (e) A *Responsible Management Employee* is an individual
12 responsible for the direct management of the contracting business of the
13 licensee and has proved contracting knowledge by both written examination,
14 as administered by the Board, and the fulfillment of requirements, as stated
15 in Part II Section 2.2 of the Guam Contractors License Board Rules and
16 Regulations.

17 **§70107. Powers to Classify and Limit Operations.**

18 (a) The Contractors License Board may adopt rules and regulations
19 necessary to effect the classification of contractors and *shall* require a
20 written examination in a manner consistent with established usage and
21 procedure as found in the construction business, and may limit the field and
22 scope of the operations of a licensed contractor to those in which the
23 licensed contractor is classified and qualified to engage, as defined in
24 §70106.

25 (b) A licensee may make application for classification and be
26 classified in more than one (1) classification *if* the licensee meets the
27 qualifications prescribed by the Board for such additional classification. For

1 qualifying *or* classifying in additional classifications, the licensee *shall* pay
2 the appropriate application fee but *shall not* be required to pay any
3 additional license fee.

4 (c) This Section *shall not* prohibit a specialty contractor from
5 taking and executing a contract involving the use of two (2) *or* more crafts
6 *or* trades, *if* the performance of the work in the crafts *or* trades, other than in
7 which the specialty contractor is licensed, is *less than* thirty-five percent
8 (35%) and supplemental to the performance of work in the craft for which
9 the specialty contractor is licensed.

10 **§70108. Licenses Required.** No person within the purview of this Chapter
11 *shall* act, *or* assume to act, *or* advertise, as general engineering contractor, general
12 building contractor *or* specialty contractor without a license previously obtained
13 under and in compliance with this Chapter and the rules and regulations of the
14 Contractors License Board.

15 **§70108.1. Advertising.**

16 (a) A Contractor may advertise in print *or* broadcast medium *only*
17 *if* the contractor includes in the advertisement *or* listing the contractor's
18 applicable and current license number, and provides proof of the number's
19 validity to the publisher *or* producer of the advertising medium. Violation of
20 this Section may be subject to the provisions of §70116 and/or §70121.

21 **§70109. Investigation Permitted.** The Contractors License Board may
22 investigate, classify and qualify applicants for contractor's licenses, and investigate
23 for compliance with the rules and regulations of the Board and the provisions of
24 this Chapter.

25 **§70109.1. Investigation Citation Authority.**

26 (a) In addition to any other remedy available, the investigator of
27 the Contractors License Board may issue citations to acting contractors,

1 licensed *or* unlicensed, in violation of the provisions of this Chapter and
2 rules promulgated.

3 (b) Each citation *shall* be in writing and *shall* describe the basis of
4 the citation, including the statutory provisions alleged to have been violated.
5 The citation *shall* also contain an order to cease and desist from the
6 violation, and an assessment of civil penalties *no less than* Two Hundred
7 Dollars (\$200) but *not to exceed* fifty percent (50%) of the value of the
8 project.

9 (c) Recipients of contractual work *shall* be notified of each
10 violation in a timely manner.

11 **§70109.2. Immediate Cease Work Order Permitted.** The investigator
12 may issue an immediate cease work order to any person's construction activity
13 where serious safety concerns are present.

14 **§70109.3. Cease Work Order Permitted.** The Executive Director may
15 issue a cease work order to any person's construction activity *if* found to be in
16 violation of this Chapter and/or of any Contractors License Board rules and
17 regulations.

18 **§70110. No License Issued When.** *No* license hereunder *shall* be issued
19 to:

20 (1) Any person unless said person has filed an application and paid
21 the applicable fees therefore;

22 (2) Any person who *does not* possess a good reputation for
23 honesty, truthfulness, financial integrity and fair dealing;

24 (3) Any co-partnership *or* joint venture who *does not* actively
25 participate in at least one (1) construction job in the course of the license
26 year in the contracting business and thereof *does not* hold an appropriate
27 license;

1 (4) Any corporation, unless the contracting business thereof is
2 under the direct management of an officer *or* employee thereof, and unless
3 the officer *or* employee holds an appropriate Responsible Management
4 Employee license;

5 (5) Any individual, unless eighteen (18) years of age *or* more; and

6 (6) Any person who employs other individuals as employees unless
7 satisfactory proof is submitted by the person of a current workers'
8 compensation insurance policy.

9 **§70111. Application: Fees.**

10 (a) Every applicant for a license under this Chapter *shall* file an
11 application with the Contractors License Board in such form and setting
12 forth such information as may be prescribed *or* required by the Board, and
13 *shall* furnish such additional information bearing upon the issuance of the
14 license as it *shall* require. Every application *shall* be sworn to before an
15 officer authorized to administer oaths. In the case of a co-partnership, joint
16 venture *or* corporation, any member *or* officer thereof may sign the
17 application and verify the same on behalf of the applicant.

18 (b) Every application, in the case of an individual, *shall* be
19 accompanied by sworn certificates of *not less than* two (2) persons who have
20 known the applicant for a period of *not less than* six (6) months certifying
21 that the applicant bears a good reputation for honesty, truthfulness and fair
22 dealings.

23 (c) Every application for a license hereunder *shall* be accompanied
24 by an application fee of Fifty Dollars (\$50.00)

25 **§70112. Form of Licenses.** The form of every license *shall* be prescribed
26 by the Contractors License Board and *shall* be issued in the name of the Board.

1 **§70113. Place of Business and Posting of License.** A licensed contractor
2 *shall* have and maintain a definite place of business in the Territory and *shall*
3 display therein a personal contractor's license.

4 **§70114. Fees; Annual.**

5 (a) The annual fees for each license thereof prescribed by this
6 Chapter *shall* be as follows:

7 (1) License Fee

8 License to act as specialty contractor
9\$400

10 License to act as general engineering
11 contractor..... \$400

12 License to act as general building
13 contractor..... \$400

14 (2) License Fee for Responsible Management Employee
15 (RME)

16 License to act as RME in specialty
17 Contracting.....\$400

18 License to act as RME in general engineering contracting
19\$400

20 License to act as RME in general building
21 contracting..... \$400

22 (3) Reissuance of a license or issuance of a certified copy of
23 license\$20

24 (4) Application:\$50

25 (5) Application for Additional Classifications
26\$50

27 (6) Letter of Good Standing

- 1\$50
- 2 (7) Study Guide\$75
- 3 (8) Inactive license fee (in lieu of renewal fee)
- 4\$50
- 5 (9) Exam Fee..... \$50

6 (b) The annual fee *or* inactive license fee *shall* be paid on *or* before
 7 June 30 of each year for a license year beginning on July 1. Failure, neglect
 8 *or* refusal of any licensee to pay the annual fee before such date *shall*
 9 constitute a forfeiture of license. Any such license may be restored upon
 10 written application, therefore, within one (1) year from such date and the
 11 payment of the required fee plus an amount equal to ten percent (10%)
 12 thereof.

13 (c) Upon written request by a contractor, and for good cause, the
 14 Board *shall* place an active license in an inactive status. The license, upon
 15 payment of the annual inactive license fee, may continue inactive for a
 16 period of three (3) years after which time it must be reactivated *or shall*
 17 automatically become forfeited. The license may be reactivated at any time
 18 within the three (3)-year period by fulfilling the requirements for renewal,
 19 including the payment of the appropriate renewal fee.

20 **§70115. Action on Application.** Within forty-five (45) days after the
 21 filing of a proper application for a license and the payment of the required fees, the
 22 Contractors License Board *shall*:

23 (a) Conduct an investigation of the applicant and in such
 24 investigation may post pertinent information, including, but *not limited to*,
 25 the name and address of the applicant, and *if* the applicant is associated in
 26 any partnership, corporation *or* other entity, the names, addresses and
 27 official capacities of associates; and

1 (b) Either issue a license to the applicant *or* else notify the
2 applicant in writing by registered mail of the Board's decision *not* to grant
3 the license and specifically notify applicant of the right to have a hearing
4 within fifteen (15) days from the receipt of the Board's decision. The
5 hearing *shall* be conducted in accordance with § 70117.

6 **§70116. Revocation, Suspension and Renewal of Licenses.**

7 (a) The Contractors License Board may revoke any license issued
8 hereunder, *or* suspend the right of the licensee to use such licenses, *or* refuse
9 to renew any such license for any of the following causes:

10 (1) Conviction of any felony *or* misdemeanor involving
11 moral turpitude;

12 (2) Any dishonest *or* fraudulent *or* deceitful act as a
13 contractor which causes a substantial damage to another;

14 (3) Pursuing a continued and flagrant course of
15 misrepresentation *or* of making false promises through advertising *or*
16 otherwise;

17 (4) Abandonment of any construction project *or* operation
18 without reasonable *or* legal excuse;

19 (5) Willful departure from *or* willful disregard of plans *or*
20 specifications in any material respect without consent of the owner *or*
21 ~~his~~ duly authorized representative, which is prejudicial to a person
22 entitled to have the construction project *or* operation completed in
23 accordance with such plans and specifications;

24 (6) Willful violation of any law of the Territory *or* of any
25 political subdivision thereof, relating to building, including any
26 violation of any applicable rule *or* regulation of the Department of
27 Public Health, *or* of any applicable safety *or* labor law;

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

6 (8) When the licensee being a co-partnership *or* a joint
7 venture permits any member of such co-partnership *or* joint venture
8 who *does not* hold a license to actively participate in the contracting
9 business thereof;

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

13 (10) Misrepresentation of a material fact by an applicant in
14 obtaining a license;

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

18 (12) Willful failure in any material respect to comply with this
19 Chapter *or* the rules and regulations promulgated pursuant thereto;

20 (13) Willful failure *or* refusal to prosecute a project *or*
21 operation to completion with reasonable diligence;

22 (14) Willful failure to pay when due a debt incurred for
23 services of materials rendered *or* purchased in connection with ~~his~~
24 operations as a contractor when the individual has the ability to pay *or*
25 when the individual has received sufficient funds therefor as payment
26 for the particular operation for which the services *or* materials were
27 rendered *or* purchased;

1 (15) The false denial of any debt due *or* the validity of the
2 claim therefor with intent to secure for licensee, employer *or* other
3 person, any discount of such debt *or* with intent to hinder, delay *or*
4 defraud the person to whom such debt is due;

5 (16) Failure to secure *or* maintain workmen's compensation
6 insurance;

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

10 (18) When the Responsible Management Employee and/or the
11 majority stockholders have, under another corporate *or* company
12 structure, caused the non-payment of employees wages and/or the
13 abandonment of alien workers to become a burden on the
14 Government.

15 (19) Willful failure to pay when due a debt *or* penalty incurred
16 for damaging a public utility operated by the Guam Power Authority,
17 the Guam Telephone Authority *or* the Guam Waterworks Authority
18 and the Department of Public Works.

19 (20) Knowingly taps into any power, water, sewer line, *or*
20 facility belonging to the Guam Power Authority and/or the Guam
21 Waterworks Authority without first obtaining permission through the
22 established service rules and regulations of each respective
23 governmental agency.

24 (b) *No* license *shall* be suspended for longer than two (2) years and
25 *no* person whose license is revoked *shall* be eligible for a new license until
26 the expiration of two (2) years.

1 (c) For purposes of this Section, the Contractors License Board in
2 cooperation and in conjunction with the Department of Public Works,
3 Department of Revenue and Taxation and the Department of Labor may
4 have investigative powers for purposes of carrying out the intent of this
5 Section.

6 **§70117. Hearings.**

7 (a) In every case where it is proposed to refuse to grant a license *or*
8 to revoke *or* suspend a license *or* to refuse to renew a license, the
9 Contractors License Board *shall* give the person concerned notice and
10 hearing in conformity with the Administrative Adjudication Law. The
11 notice *shall* be given in writing by registered *or* certified mail with return
12 receipt requested *at least* fifteen (15) days before the hearing.

13 (b) In all proceedings before it, the Board, and each member
14 thereof, *shall* have the same powers with respect to administering oaths,
15 compelling the attendance of witnesses and the production of documentary
16 evidence and examining witnesses as are possessed by circuit judges at
17 chambers. In case of disobedience by any person of any order of the Board,
18 *or* any member thereof, *or* any subpoena issued by it, *or* the person, *or* the
19 refusal of any witness to testify to any matter regarding which the individual
20 may be questioned lawfully, any judge of the Superior Court, on application
21 by the Board thereof, *shall* compel obedience as in the case of disobedience
22 of the requirements of a subpoena issued by the Superior Court, *or* a refusal
23 to testify therein.

24 **§70118. Appeal to Superior Court.** An applicant who has been refused a
25 license and every licensee whose license has been suspended, revoked *or not*
26 renewed may appeal the Contractors License Board's decision to the Superior
27 Court in the manner provided in the Administrative Adjudication Law.

1 **§70119. Disposition of Fees, Refunds.**

2 (a) Notwithstanding the Central Accounting Act, all fees and money
3 collected under the provisions of this Chapter *shall* be deposited in a special
4 fund known as the *Contractors License Board Fund*. This Fund *shall* be
5 kept in a bank licensed to do business on Guam and funds *shall* be paid out
6 only upon a request for payment *or* requisition submitted by the Executive
7 Director *or* its personnel and countersigned by the Chairman of the Board.
8 All monies in this Fund *shall* require legislative appropriation.

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

12 **§70120. Death *or* Dissociation.** *No* co-partnership, joint venture *or*
13 corporation *shall* be deemed to have violated any provision of this Chapter by
14 acting *or* assuming to act as a contractor after the death *or* dissociation of a
15 licensee who had the direct management of the contracting business thereof prior
16 to final disposition by the Contractors License Board of an application for a license
17 made within thirty (30) days from the date of the death *or* dissociation.

18 **§70121. Violation, Penalty.** Any person who violates *or* omits to comply
19 with any of the provisions of this Chapter *shall* be fined an amount *no less than*
20 Two Hundred Dollars (\$200) but *not to exceed* fifty percent (50%) of the value of
21 the project.

22 **§70122. Injunction.** The Contractors License Board may, in addition to
23 any other remedies available, apply to a judge of the Superior Court for a
24 preliminary *or* permanent injunction restraining any person from acting *or*
25 assuming to act *or* advertising as general engineering contractor, general building
26 contractor *or* specialty contractor, without a license previously obtained under and
27 in compliance with this Chapter and the rules and regulations of the Board and

1 upon hearing and for cause shown, the judge may grant the preliminary *or*
2 permanent injunction.

3 **§70123. Exemptions for Prior Licensees.** Any contractor who obtained a
4 valid contractor's license under the existing license statute prior to July 1, 1977,
5 *shall be exempt* from the provisions of this Chapter relative to application,
6 investigations and examinations. Any contractor with a valid license issued prior
7 to July 1, 1977, with a classification different from those enumerated in §70106,
8 *shall be automatically placed* in the appropriate classification without the necessity
9 of complying with the application, investigation and examination provisions of this
10 Chapter. All other provisions *shall* apply."