In Great Britain they call them cowboys, those unscrupulous, unskilled and historically unbri-
dled building contractors who prey on an unknowing public by leaving them with incomplete
and poor quality construction projects . . . and vanishing into the night. In America, we call
them scam-artists, fly-by-nighters and just plain crooks. But regardless of the moniker, the
rogue contractor does and always has given the building industry a bad name and remains a
heavy burden on those of us who practice our craft with responsibility, dedication and pro-
fessionalism. The problem is real and only demonstrates that we all (unfortunately) live in a
day when it’s incumbent on the reputable portion of the industry (and the public) to take steps to control those who have strayed. And one popular suggestion for doing just that is through contractor licensing.

In the United States, we already require that some (mostly trade-specific) contractors be licensed, but the practice is fickle. Depending on where you live and work, requirements for licensing can vary markedly. General contractors in your state may be required to test rigorously to obtain a license while the state right next door may require no licensing at all. This creates situations (and I was one of these) where, while living near a state line, one of your projects will fall under entirely different licensing requirements than another only minutes away. It can be confusing and frustrating for you and your customer.

So why not just be done with it and license all contractors? After all, isn’t it paradoxical to live in a world where pets and bikes require licenses and contractors don’t? Besides, architects, engineers and land surveyors (all integral parts of the construction process) are required to prove education, pass testing and obtain a license to practice in their states, so shouldn’t the contractor too?

Unfortunately it’s not that simple. There are forces both pro and con who fight voraciously for their respective sides. Strong opposition by construction groups, unions and politicians (con) have historically led the charge against licensing. They argue licensing violates the contractor’s right to free enterprise and is just one more burden the government imposes on honest, hard-working, tax-paying business people. On the other hand, consumer groups, pro-politicians and government entities (often trade related) wave the banner for public safety, construction quality, consumer confidence and industry integrity as reasons to implement licensing. Also on the pro-side are licensed contractors who argue their unlicensed counterparts create unfair competition in workplace by not paying the same state/local taxes, fees and state benefits (unemployment, workers’ com-
pensation, etc.) and use those savings to undercut their “legitimate” prices.

Case by Case, State by State

Of course the problem with any good debate is that both sides likely have valid points within their arguments. That’s what makes the decision to license so arduous. That’s also why—as happens with many thorny regulation issues—licensing hasn’t found consensus on a national level and subsequently finds itself primarily in the lap of individual state and local governments.

But that’s not to say there isn’t help on the national level. Groups like the National Association of State Contractors Licensing Agencies, an organization in Arizona, provides an annual publication that lists contractor licensing requirements by individual state and further gives information regarding regulation, continuing education, testing locations, alternative certification programs and more. NASCLA also advocates standardization of state contractor licensing tests and works with individual states toward that goal. You can find them online at www.nascla.org or you can contact them at NASCLA, P.O. Box 14941, Scottsdale, AZ, 85267, phone (480) 948-3363, fax (480) 948-4117, e-mail: nascla@aol.com.

However, even with this help, it will likely be your own state and local governing bodies that will offer up the nuts and bolts of your particular licensing requirements. But how much difference is there really from state to state? Well, to know where we’re going, we should know where we are. Let’s look at a few examples. First, it’s not surprising that states with above-average population growth, vulnerability to natural disasters and histories of contractor abuse seem most receptive to contractor licensing scenarios. Take California for instance (according to the Contractors State License Boards Web site, www.cslb.ca.gov). Currently, California licensing law calls for the following general and specialty trades to be classified and tested for trade competency, qualified by experience, and licensed:

General Engineering Contractor — Fixed works, such as irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and runways, sewers and bridges) and . . .

General Building Contractor — One whose contracting business is in connection with any structure built or being built for the support, shelter and enclosure of persons, animals, personal property or movable property of any kind, requiring in its
construction the use of more than two unrelated building trades or crafts. This means a contractor hiring three sub-trades other than the work they self-perform must have a general building contractor’s license.

But in addition, California law also requires licenses of certain specialty trade contractors, such as these:

- Boiler, Hot Water: Heating and Steam Fitting.
- Building Moving and Demolition.
- Cabinet, Millwork and Finish Carpentry.
- Concrete.
- Construction Zone Traffic Control.
- Drywall.
- Earthwork and Paving.
- Electrical (General).
- Electrical Signs.
- Elevator.
- Fencing.
- Fire Protection.
- Flooring and Floor Covering.
- Framing and Rough Carpentry.
- General Manufactured Housing.
- Glazing.
- Insulation and Acoustical.
- Landscaping.
- Lathing and Plastering.
- Limited Specialty.
- Lock and Security Equipment.
- Low Voltage Systems.
- Masonry.
- Ornamental Metals.
- Painting and Decorating.
- Parking and Highway Improvement.
- Pipeline.
- Plumbing.
- Refrigeration.
- Roofing.
- Sanitation System.
- Sheet Metal.
- Solar.
- Steel, Reinforcing.
- Steel, Structural.
- Swimming Pool.
- Tile (Ceramic and Mosaic).
- Warm-Air Heating, Ventilating and Air Conditioning.
- Water Conditioning.
- Welding.
- Well-Drilling (Water).

Now, compare that to, say, Wisconsin, where the requirements (in Wisconsin, they often refer to “credential” is lieu of “license”) and the trades affected vary somewhat and are far less in number than those in California. In Wisconsin (www.commerce.state.wi.us/sb/sb-divprogramslisted.html), general contractors may be unlicensed, and only the following specialty trade contractors are required to obtain separate credentials:

- Asbestos Abatement.
- Lead Abatement.
- Electrician.
- Plumber.
- HVAC.
- Fire Sprinklers.
- Tank Installer.
- Pump Installer.
- Well Driller.

There appear far more “hoops” to jump through in California than in Wisconsin, but given California’s population expansion and history for natural disasters, it’s probably no surprise. In addition (and similar to other states), those working on Wisconsin Department of Transportation projects and out-of-state corporations are also required to be credentialed. Most credentials are renewable after one year.

**Local Jurisdiction**

But even should you pass state requirements, you may not be out of the woods. You may be also be required to be licensed on a local/county level. Orange County in California and Cook County in Illinois are only two places that may require additional licensing. In New York state, all work (except for asbestos abatement) is regulated at a local level.

Or take Fairfax, Va. The Commonwealth of Virginia (www.fairfaxcounty.gov) requires that if you, the contractor, are bidding on construction jobs in excess of $1,000, you must (first) obtain a Virginia contractor’s license. Fairfax County then has opted to impose an additional requirement, a Fairfax County Home Improvement License, on certain contractors who perform work on residential property and who qualify by having the Home Improvement or Building classification on their state license.

So check out your local situation as well. And we’re not done! In addition, this still doesn’t account for any industry-specific certifications that might pop up, such as often accompany work in nuclear, medical, technologies and even some mainstream sectors.

**More Than a License: Continuing Education**

But a license isn’t just a piece of paper. One of the main points of licensing is to provide the public with continual quality product and service, so many states mandate the person or company wishing to maintain a accreditation (after the initial license has been granted) complete continuing education requirements related to their field. CE can come
in the form of seminars, workshops, educational courses (often with hourly incremental requirements), training programs and more. Instruction classes can be conducted by accredited private construction organizations, unions, colleges/universities, mainstream industry, or other entity approved to administer that training by the governing body.

As part of the process, the contractor must then in turn provide proof to the licensing board that they’ve completed the required learning to be re-licensed. Besides providing knowledge to the individual, CE also helps provide professionalism and integrity to an industry sometimes viewed suspiciously by the public. It shows the consumer that the construction industry cares about quality and keeping up with their craft.

The obvious conclusion one can draw from all this is you will need to check out more than one source to ensure you’ve met the proper licensing guidelines for your location. A good place to start might be some of the Web sites we’ve noted in this article. You can also log on www.contractornet.com to view licensed contractors listed by state, or conduct your own search. There’s a wealth of information available to you online.

As for the licensing debate itself, it goes on. There’s little doubt that unskilled, unregulated contractors can and do pose an obstacle to professionalizing our industry and help perpetuate the “scam-artist” perception that some of the public harbors. Licensing may be one corrective avenue in controlling the damage. As for your situation? Do your homework and never assume the last credential you got was really the last one.

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**About the Author**

S.S. Saucerman retired after 26 years in the construction industry. Today he is writing, speaking and consulting on a full-time basis.