

Outline of the Construction Business Act (Act No. 100 of May 24, 1949)

Objective

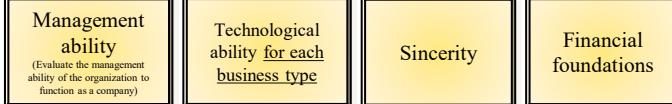
- Improve the compliance consciousness of persons engaged in construction business
- Optimization of contracts for construction work



- Ensure that construction work is conducted appropriately, and orderers are protected
- Promote socially acceptable development of the construction industry

Licensing system ★Improving the Integrity of Construction Business Operators★

Licensing Requirements



Conditions for Disqualification

- Persons for which a certain period has not passed since their license was revoked
- Persons for which a certain period has not passed since they were sentenced to punishment
- Corporations with officers who are subject to the conditions for disqualification, etc.

Types of Licenses

29 business types
(Civil engineering business/Construction business, etc.)

Special Construction Business License

(For work in concluding a subcontract of 45 million yen or more as a main contractor)

Ordinary Construction Business License

(For work other than special construction business work)

License from the Minister of Land, Infrastructure, Transport and Tourism

When establishing business offices in 2 or more prefectures

License from the Prefectural Governor

When establishing business offices in only 1 prefecture

License Not Required

Construction work under 5 million yen
(Regarding general building work: wooden housing construction work under 15 million yen or less than 150 m²)

Business Succession

A construction business license may be succeeded by prior approval

Engineer System ★Securing of Construction Technology★

Engineers will be assigned to the work sites of each business type

Assignment of a chief engineer

Assignment of a managing engineer
(When concluding a subcontract of 45 million yen or more as a main contractor)

Supervisory Disposition ★Implementation of Effective Measures to Ensure Compliance with Laws and Regulations★

* Persons who do not require licenses may also be subject to dispositions

- Instructional dispositions
- Business suspension dispositions
- License revocation dispositions

Optimization of Contract for Work ★Protection of Orderers and Subcontractors★

- The obligations of main contractors

Example: Preparation of work ledger
(When concluding a subcontract of 45 million yen or more)

• Obligation to conclude a fair subcontracting contract for work

• Obligation to conclude the contract for work in written form

The Business Evaluation ★Comprehensive Evaluation of the Main Contractors Conducting Public Works★

Evaluation of objective matters related to the status of business, etc.
(Construction business operators that intend to become main contractors in public works)

①Business status ②Scale of business ③Technical capability ④Societal contribution

Recommendations/Orders to Construction Materials Manufacturers

When poor quality construction works are conducted due to defective materials, the Minister of Land, Infrastructure, Transport and Tourism, etc. may give instructions to the construction business operators, etc., and may also give improvement recommendations, or publicize the names, or issue orders to the construction material manufacturers

建設業法の概要（昭和24年5月24日公布）

目的

- 建設業を営む者の資質の向上
- 建設工事の請負契約の適正化 等



- 建設工事の適正な施工を確保し、発注者を保護
- 建設業の健全な発達を促進

許可制度 ★建設業者の資質の向上★

許可の要件

- 経営能力
(会社としての経営能力を評価)
- 業種ごとの技術力
- 誠実性
- 財産的基礎

欠格要件

- 許可取消しから一定期間を経過しない者
- 刑に処せられてから一定期間を経過しない者
- 法人でその役員が欠格要件に該当する者 等

29業種

(土木工事業・建築工事業等)

特定建設業許可
(元請として4,500万円以上の下請契約を結ぶ工事)

一般建設業許可
(特定建設業以外)

許可の種類

国土交通
大臣許可

2以上の
都道府県
に営業所
を設置

都道府県
知事許可

1の都道府
県のみに
営業所を
設置

許可不要

500万円未満の
建設工事
(建築一式工事については、1500万円未満又は150m²未満の
木造住宅工事)

事業承継

事前認可により建設業
の許可を承継

技術者制度 ★施工技術の確保★

業種ごとに工事現場に技術者を設置

主任技術者の設置

監理技術者の設置
(元請として4,500万円以上の下請契約を結ぶ場合)

監督処分 ★法令遵守の実効性の担保★

※ 許可を有さない者に対しても処分可能

- 指示処分
- ・営業停止処分
- ・許可取消処分

請負契約の適正化 ★発注者や下請負人の保護等★

元請負人の義務

例:施工体制台帳の作成 (4,500万円以上の下請契約を結ぶ場合)

・公正な請負契約の締結義務

・請負契約の書面締結義務

経営事項審査 ★公共工事元請業者の一元評価★

経営状況等に関する客観的事項の審査
(公共工事の元請になろうとする建設業者)

①経営状況 ②経営規模
③技術力 ④社会性

建設資材製造業者等への勧告・命令

資材の欠陥に伴い施工不良が生じた場合、建設業者等への指示に併せて、国土交通大臣等は、建設資材製造業者に対して改善勧告・公表・命令することが可能