

By: Senator(s) Kirby, Jordan, Horhn

To: Municipalities; County Affairs

SENATE BILL NO. 2894  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 27-17-457, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT CONTRACTORS WHO ARE LICENSED IN A COUNTY OR  
3 MUNICIPALITY WHICH HAS AN EXAMINING BOARD WHERE THERE IS REGULARLY  
4 GIVEN A WRITTEN EXAMINATION AND WHO DO NOT HOLD A CURRENT  
5 CERTIFICATE OF RESPONSIBILITY ISSUED BY THE STATE BOARD OF PUBLIC  
6 CONTRACTORS SHALL BE ALLOWED TO DO BUSINESS IN ANY OTHER  
7 MUNICIPALITY OR COUNTY WITHOUT BEING REQUIRED TO OBTAIN A SEPARATE  
8 LICENSE OR ANY FURTHER EXAMINATION; TO PROVIDE THAT NO ADDITIONAL  
9 PRIVILEGE LICENSE BOND SHALL BE REQUIRED IN ORDER FOR SUCH A  
10 CONTRACTOR TO DO BUSINESS IN ANOTHER MUNICIPALITY OR COUNTY IN THE  
11 STATE AS LONG AS THE CONTRACTOR HAS OBTAINED THE BOND IN THE  
12 MUNICIPALITY OR COUNTY WHERE HE IS LICENSED; TO CLARIFY THE  
13 APPLICATION OF THIS SECTION; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 SECTION 1. Section 27-17-457, Mississippi Code of 1972, is  
16 amended as follows:

17 27-17-457. (1) Any contractor, including, but not limited  
18 to, any electrical, plumbing, heating and air conditioning, water  
19 and sewer, roofing or mechanical contractor, who is licensed by  
20 any one (1) municipality or county of the State of Mississippi,  
21 which municipality or county has an examining board where there is  
22 regularly given a written examination, and who does not hold a  
23 current certificate of responsibility issued by the State Board of  
24 Public Contractors, shall be allowed to do business in any other  
25 municipality or county in the state without being required to  
26 obtain a license in such other municipality or county or to  
27 undergo any further examination provided:

28 (a) That he furnishes evidence that he has such  
29 license;

30 (b) That he furnishes evidence that he actually took  
31 and passed the written examination which qualified him for such

32 license; however, in lieu thereof evidence that if said contractor  
33 was issued a license prior to May 1, 1972, and prior to the  
34 existence of such written examination by a county or municipality  
35 which has an examining board that does presently require written  
36 examination to qualify for a license; and

37 (c) That he is not operating a separate place of  
38 business located in such other municipality or county.

39 \* \* \*

40 (2) Any contractor, including, but not limited to, any  
41 electrical, plumbing, heating and air conditioning, water and  
42 sewer, roofing or mechanical contractor, who is licensed by any  
43 one (1) municipality or county of the State of Mississippi, which  
44 municipality or county has an examining board where there is  
45 regularly given a written examination, and who holds a current  
46 certificate of responsibility issued by the State Board of Public  
47 Contractors shall be allowed to do business in any other  
48 municipality or county in the state without being required to  
49 obtain a separate license in such other municipality or county or  
50 to undergo any further examination provided said contractor meets  
51 the requirements of paragraphs (a) and (b) \* \* \* of subsection (1)  
52 of this section.

53 (3) No additional privilege license bond shall be required  
54 in order for such a contractor to do business in another  
55 municipality or county in the state as long as the contractor has  
56 obtained the bond in the municipality or county where he is  
57 licensed.

58 (4) Nothing in this Section 27-17-457 supercedes or  
59 otherwise affects the provisions of Title 31, Chapter 3, or the  
60 provisions of Title 73, Chapter 59. In the event any provision in  
61 Section 27-17-457 conflicts with any provision of Title 31,  
62 Chapter 3, or of Title 73, Chapter 59, the latter titles and  
63 chapters are hereby deemed and shall be controlling over the  
64 provisions of Section 27-17-457.

65       (5) This Section 27-17-457 is intended to apply only to the  
66 Local Privilege Tax Law, and is not intended to apply to or  
67 restrict the powers and authority granted to municipalities and  
68 counties in Sections 21-19-25 and 19-5-9, or any powers or  
69 authority derived from said sections related to permits and permit  
70 bonds, and the issuance, denial or requirements thereof.

71       (6) No taxpayer receiving a privilege license under this  
72 Section 27-17-457 shall be authorized to advertise to the public  
73 that they are "licensed" unless said taxpayer is currently in  
74 compliance with paragraph (b) of subsection (1) of this section,  
75 or holds a current license or certificate of responsibility from  
76 the State Board of Contractors. Any officer collecting the tax  
77 may suspend the issuance or renewal of a privilege license granted  
78 under this section until such time as said officer finds that such  
79 taxpayer is in compliance with the provisions of this subsection.  
80 If any taxpayer receiving a privilege license under this section  
81 presents themselves to the public as "licensed" then said taxpayer  
82 must state to the public that they are "licensed by the city of"  
83 and/or "county of" followed by the name or names of the  
84 appropriate city and/or county from which such taxpayer is  
85 currently in compliance with paragraph (b) of subsection (1) of  
86 this section; or, if otherwise appropriate, "licensed by the State  
87 Board of Contractors."

88       SECTION 2. This act shall take effect and be in force from  
89 and after July 1, 2001.