

By: Representative McCoy

To: Judiciary B

HOUSE BILL NO. 797

1 AN ACT TO AMEND SECTION 73-59-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PENALTY FOR LATE PAYMENT OF THE LICENSE FEE FOR
3 RESIDENTIAL BUILDERS AND REMODELERS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 73-59-3, Mississippi Code of 1972, is
6 amended as follows:

7 73-59-3. (1) Except as otherwise provided in Section
8 73-59-15, persons who perform residential construction or
9 residential improvement shall be licensed by the board annually,
10 and, as a prerequisite to obtaining a license or renewal thereof,
11 each shall submit to the board:

12 (a) Proof of workers' compensation insurance, if
13 applicable;

14 (b) A federal employment identification number or
15 social security number.

16 (2) The board shall not require liability insurance to be
17 licensed under this chapter but if a licensee has liability
18 insurance it shall be reflected on the certificate of licensure.

19 (3) The board shall issue or renew a license to a
20 residential builder or remodeler upon payment to the board of the
21 license fee. The initial license fee shall be Fifty Dollars
22 (\$50.00). The license fee may thereafter be increased or
23 decreased by the board and cannot exceed One Hundred Dollars
24 (\$100.00); however, the receipts from fees collected by the board
25 shall be no greater than the amount required to pay all costs and
26 expenses incurred by the board in enforcing the provisions of this
27 chapter. All fees collected under this chapter shall be deposited



28 into the special fund in the State Treasury known as the "State
29 Board of Contractor's Fund" created pursuant to Section 31-3-17
30 and shall be used only for the administration and enforcement of
31 this chapter. Amounts in such fund shall not lapse into the State
32 General Fund at the end of a fiscal year. Interest accrued to
33 such fund shall remain in the fund. All expenditures from the
34 special fund shall be by requisition to the Department of Finance
35 and Administration, signed by the executive secretary of the board
36 and countersigned by the chairman or vice chairman of the board.

37 (4) The license shall expire on the last day of the twelfth
38 month following its issuance or renewal and shall become invalid
39 unless renewed. The board shall notify by mail every licensee
40 under this chapter of the date of the expiration of his license
41 and the amount of the fee required for renewal of the license for
42 one (1) year. Such notice shall be mailed within thirty (30) days
43 prior to the expiration date of the license. The failure on the
44 part of any licensee to renew his license annually in such twelfth
45 month shall not deprive such licensee of the right of renewal,
46 provided that renewal is effected within one hundred twenty (120)
47 days after the expiration date of the license by payment of the
48 license fee plus a penalty of ten percent (10%) of the license
49 fee. A new license required to replace a revoked, lost, mutilated
50 or destroyed license may be issued, subject to the rules of the
51 board, for a charge of not more than Twenty-five Dollars (\$25.00).

52 (5) Any person who is not a resident of the State of
53 Mississippi who desires to perform residential construction or
54 residential improvement shall be licensed to perform such
55 construction or improvement as provided by this chapter.

56 **SECTION 2.** This act shall take effect and be in force from
57 and after July 1, 2002.

