

By: Representative Guice

To: Judiciary B

## HOUSE BILL NO. 1226

1 AN ACT TO AMEND SECTION 31-3-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE NEW COMMERCIAL CONSTRUCTION PROJECT SPECIFICATIONS IN THE  
3 DEFINITION OF CONTRACTOR; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 31-3-1, Mississippi Code of 1972, is  
6 amended as follows:

7 31-3-1. The following words, as used in this chapter, shall  
8 have the meanings specified below:

9 "Board": The State Board of Contractors created under this  
10 chapter.

11 "Contractor": Any person contracting or undertaking as prime  
12 contractor, subcontractor or sub-subcontractor of any tier to do  
13 any erection, building, construction, reconstruction, repair,  
14 maintenance or related work on any public or private project;  
15 however, "contractor" shall not include any owner of a dwelling or  
16 other structure to be constructed, altered, repaired or improved  
17 and not for sale, lease, public use or assembly. It is further  
18 provided that nothing herein shall apply to:

19 (a) Any contract or undertaking on a public project by  
20 a prime contractor, subcontractor or sub-subcontractor of any tier  
21 involving erection, building, construction, reconstruction,  
22 repair, maintenance or related work where such contract,  
23 subcontract or undertaking is less than Fifty Thousand Dollars  
24 (\$50,000.00);

25 (b) Any contract or undertaking on a private project by  
26 a prime contractor, subcontractor or sub-subcontractor of any tier  
27 involving erection, building, construction, reconstruction,



28 repair, maintenance or related work where such contract,  
29 subcontract or undertaking is less than One Hundred Thousand  
30 Dollars (\$100,000.00);

31 (c) Highway construction, highway bridges, overpasses  
32 and any other project incidental to the construction of highways  
33 which are designated as federal aid projects and in which federal  
34 funds are involved;

35 (d) A residential project to be occupied by fifty (50)  
36 or fewer families and not more than three (3) stories in height;

37 (e) A residential subdivision where the contractor is  
38 developing either single-family or multi-family lots;

39 (f) A new commercial construction project not exceeding  
40 five thousand (5,000) square feet and not more than two (2)  
41 stories in height;

42 (g) Erection of a microwave tower built for the purpose  
43 of telecommunication transmissions;

44 (h) Any contract or undertaking on a public project by  
45 a prime contractor, subcontractor or sub-subcontractor of any tier  
46 involving the construction, reconstruction, repair or maintenance  
47 of fire protection systems where such contract, subcontract or  
48 undertaking is less than Five Thousand Dollars (\$5,000.00);

49 (i) Any contract or undertaking on a private project by  
50 a prime contractor, subcontractor or sub-subcontractor of any tier  
51 involving the construction, reconstruction, repair or maintenance  
52 of fire protection systems where such contract, subcontract or  
53 undertaking is less than Ten Thousand Dollars (\$10,000.00); or

54 (j) Any contract or undertaking on a private or public  
55 project by a prime contractor, subcontractor or sub-subcontractor  
56 of any tier involving the construction, reconstruction, repair or  
57 maintenance of technically specialized installations if performed  
58 by a Mississippi contractor who has been in the business of  
59 installing fire protection sprinkler systems on or before July 1,  
60 2000.



61        "Certificate of responsibility": A certificate numbered and  
62 held by a contractor issued by the board under the provisions of  
63 this chapter after payment of the special privilege license tax  
64 therefor levied under this chapter.

65        "Person": Any person, firm, corporation, joint venture or  
66 partnership, association or other type of business entity.

67        "Private project": Any project for erection, building,  
68 construction, reconstruction, repair, maintenance or related work  
69 which is not funded in whole or in part with public funds.

70        "Public agency": Any board, commission, council or agency of  
71 the State of Mississippi or any district, county or municipality  
72 thereof, including school, hospital, airport and all other types  
73 of governing agencies created by or operating under the laws of  
74 this state.

75        "Public funds": Monies of public agencies, whether obtained  
76 from taxation, donation or otherwise; or monies being expended by  
77 public agencies for the purposes for which such public agencies  
78 exist.

79        "Public project": Any project for erection, building,  
80 construction, reconstruction, repair, maintenance or related work  
81 which is funded in whole or in part with public funds.

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

