

By: Representative Wallace

To: Judiciary B

HOUSE BILL NO. 1177

1 AN ACT TO AMEND SECTION 31-3-1, MISSISSIPPI CODE OF 1972, TO
2 DELETE NEW COMMERCIAL CONSTRUCTION PROJECTS NOT EXCEEDING
3 SEVENTY-FIVE HUNDRED SQUARE FEET AND NOT MORE THAN TWO STORIES IN
4 HEIGHT AS AN EXEMPTION UNDER THE DEFINITION OF A CONTRACTOR; TO
5 AMEND SECTION 31-3-17, TO PROVIDE FOR CONTRACTORS TO PAY AN
6 APPLICATION FEE FOR A CERTIFICATE OF RESPONSIBILITY; AND FOR
7 RELATED PURPOSES.

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

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

11 31-3-1. The following words, as used in this chapter, shall
12 have the meanings specified below:

13 "Board": The State Board of Contractors created under this
14 chapter.

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

23 (a) Any contract or undertaking on a public project by
24 a prime contractor, subcontractor or sub-subcontractor of any tier
25 involving erection, building, construction, reconstruction,
26 repair, maintenance or related work where such contract,
27 subcontract or undertaking is less than Fifty Thousand Dollars
28 (\$50,000.00);



29 (b) Any contract or undertaking on a private project by
30 a prime contractor, subcontractor or sub-subcontractor of any tier
31 involving erection, building, construction, reconstruction,
32 repair, maintenance or related work where such contract,
33 subcontract or undertaking is less than One Hundred Thousand
34 Dollars (\$100,000.00);

35 (c) Highway construction, highway bridges, overpasses
36 and any other project incidental to the construction of highways
37 which are designated as federal aid projects and in which federal
38 funds are involved;

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

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

43 * * *

44 (f) Erection of a microwave tower built for the purpose
45 of telecommunication transmissions;

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

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

56 (i) Any contract or undertaking on a private or public
57 project by a prime contractor, subcontractor or sub-subcontractor
58 of any tier involving the construction, reconstruction, repair or
59 maintenance of technically specialized installations if performed
60 by a Mississippi contractor who has been in the business of



61 installing fire protection sprinkler systems on or before July 1,
62 2000.

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

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

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

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

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

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

84 **SECTION 2.** Section 31-3-17, Mississippi Code of 1972, is
85 amended as follows:

86 31-3-17. There is hereby levied, in addition to any taxes
87 otherwise provided for by law, a special privilege license tax of
88 One Hundred Dollars (\$100.00) on each contractor who applies for a
89 certificate of responsibility * * * issued under this chapter; and
90 such tax shall be paid to the executive secretary of the board
91 upon making such application in this state. The board may levy an
92 additional special privilege license tax not to exceed Fifty
93 Dollars (\$50.00) for each additional classification for which a



94 contractor applies and is found to be qualified. The executive
95 secretary of the board shall promptly deposit all monies received
96 under this chapter in the State Treasury. Except for the civil
97 penalty provided in Section 31-3-21 which shall be deposited into
98 the State General Fund and the fee provided in Section 31-3-14,
99 all monies received under this chapter shall be kept in a special
100 fund in the State Treasury known as the "State Board of
101 Contractors Fund," and shall be used only for the purposes of this
102 chapter. Such monies shall not lapse at the end of each fiscal
103 year, but all monies in such State Board of Contractors Fund in
104 excess of the sum of fifty percent (50%) of the approved budget
105 for the fiscal year shall be paid over into the General Fund of
106 the State Treasury. All expenditures from the Board of
107 Contractors Fund shall be by requisition to the State Auditor,
108 signed by the executive secretary of the board and countersigned
109 by the chairman or vice chairman of the board, and the State
110 Treasurer shall issue his warrants thereon.

111 **SECTION 3.** This act shall take effect and be in force from
112 and after July 1, 2003.

