

By: Senator(s) Flowers

To: Business and Financial
Institutions

SENATE BILL NO. 2484

1 AN ACT TO AMEND SECTION 73-59-3, MISSISSIPPI CODE OF 1972, TO
2 DISTRIBUTE A PORTION OF THE RESIDENTIAL BUILDER LICENSING FEES TO
3 THE MISSISSIPPI HOUSING INSTITUTE FOR THE PURPOSE OF EDUCATION AND
4 PROFESSIONAL DEVELOPMENT OF HOMEBUILDERS; AND FOR RELATED
5 PURPOSES.

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

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

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

14 (a) Proof of workers' compensation insurance, if
15 applicable;

16 (b) A federal employment identification number or
17 social security number.

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

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

29 chapter and in providing education and professional development
30 through the Mississippi Housing Institute. Seventy-five percent
31 (75%) of the fees collected under this chapter shall be deposited
32 into the special fund in the State Treasury known as the "State
33 Board of Contractor's Fund" created pursuant to Section 31-3-17
34 and shall be used only for the administration and enforcement of
35 this chapter. Twenty-five percent (25%) of the fees collected
36 under this chapter shall be deposited into the special fund in the
37 State Treasury hereby created and known as the "Residential
38 Homebuilders Education Fund." Amounts in the Residential
39 Homebuilders Education Fund shall be distributed to the
40 Mississippi Housing Institute for the sole purpose of providing
41 education and professional development for licensed homebuilders.
42 Amounts in the State Board of Contractor's Fund and the
43 Residential Homebuilders Education Fund shall not lapse into the
44 State General Fund at the end of a fiscal year, and interest
45 accrued to such funds shall remain in the funds. All expenditures
46 from the special funds shall be by requisition to the Department
47 of Finance and Administration, signed by the executive secretary
48 of the board and countersigned by the chairman or vice chairman of
49 the board.

50 (4) The license shall expire on the last day of the twelfth
51 month following its issuance or renewal and shall become invalid
52 unless renewed. The board shall notify by mail every licensee
53 under this chapter of the date of the expiration of his license
54 and the amount of the fee required for renewal of the license for
55 one (1) year. Such notice shall be mailed within thirty (30) days
56 prior to the expiration date of the license. The failure on the
57 part of any licensee to renew his license annually in such twelfth
58 month shall not deprive such licensee of the right of renewal,
59 provided that renewal is effected within one hundred twenty (120)
60 days after the expiration date of the license by payment of the
61 license fee plus a penalty of ten percent (10%) of the license

62 fee. A new license required to replace a revoked, lost, mutilated
63 or destroyed license may be issued, subject to the rules of the
64 board, for a charge of not more than Twenty-five Dollars (\$25.00).

65 (5) Any person who is not a resident of the State of
66 Mississippi who desires to perform residential construction or
67 residential improvement shall be licensed to perform such
68 construction or improvement as provided by this chapter.

69 **SECTION 2.** This act shall take effect and be in force from
70 and after July 1, 2004.