

By: Representative Warren

To: Judiciary B

HOUSE BILL NO. 603

1 AN ACT TO REENACT SECTIONS 31-3-3 AND 31-3-5, MISSISSIPPI
2 CODE OF 1972, WHICH PROVIDE FOR THE STATE BOARD OF CONTRACTORS AND
3 PROVIDE FOR THE ORGANIZATION AND ADMINISTRATION OF THE BOARD; TO
4 REENACT SECTIONS 73-59-1 THROUGH 73-59-21, MISSISSIPPI CODE OF
5 1972, WHICH PROVIDE FOR THE LICENSING AND REGULATION OF
6 RESIDENTIAL BUILDINGS AND REMODELERS; TO AMEND SECTION 14, CHAPTER
7 345, LAWS OF 2000, TO EXTEND THE REPEALER ON THE STATE BOARD OF
8 CONTRACTORS AND ON THE LICENSING AND REGULATION OF RESIDENTIAL
9 BUILDERS AND REMODELERS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 31-3-3, Mississippi Code of 1972, is
12 reenacted as follows:

13 31-3-3. There is hereby created the State Board of
14 Contractors of the State of Mississippi, which shall consist of
15 ten (10) members who shall be appointed by the Governor. All
16 appointments to the board after July 1, 1980, shall be made with
17 the advice and consent of the Senate. Two (2) road contractors;
18 two (2) building contractors; two (2) residential builders as
19 defined in Section 73-59-1; one (1) plumbing or heating and air
20 conditioning contractor; one (1) electrical contractor; and one
21 (1) water and sewer contractor shall compose the board. From and
22 after July 1, 1992, the Governor shall appoint one (1) additional
23 member who shall be a roofing contractor and whose term of office
24 shall be five (5) years. Each member shall be an actual resident
25 of the State of Mississippi and must have been actually engaged in
26 the contracting business for a period of not less than ten (10)
27 years before appointment. The initial terms of the two (2)
28 residential builders shall be for two (2) and four (4) years,
29 respectively, beginning July 1, 1993.

30 Upon the expiration of the term of office of any member of
31 the board, the Governor shall appoint a new member for a term of
32 five (5) years, such new appointments being made so as to maintain
33 on the board two (2) building contractors; two (2) road
34 contractors; two (2) residential builders; one (1) plumbing or
35 heating and air conditioning contractor; one (1) electrical
36 contractor; and one (1) water and sewer contractor; and one (1)
37 roofing contractor. The Governor shall fill any vacancy by
38 appointment, such appointee to serve the balance of the term of
39 the original appointee. The Governor may remove any member of the
40 board for misconduct, incompetency or willful neglect of duty.

41 In the event the Governor fails to appoint a member of the
42 board within twelve (12) months of the occurrence of the vacancy,
43 such vacancy shall be filled by majority vote of the board,
44 subject to advice and consent of the Senate and the requirements
45 of this section.

46 **SECTION 2.** Section 31-3-5, Mississippi Code of 1972, is
47 reenacted as follows:

48 31-3-5. The board shall be assigned suitable office space at
49 the seat of government and shall elect one (1) of its members as
50 chairman and one (1) as vice chairman; and each shall perform the
51 usual duties of such offices. The board may adopt a seal. Six
52 (6) members of the board shall constitute a quorum, and a majority
53 vote of those present and voting at any meeting shall be necessary
54 for the transaction of any business coming before the board.
55 Members must be present to cast votes on any and all business.
56 The executive secretary shall serve as secretary of the board.
57 The board is authorized to employ such personnel as shall be
58 necessary in the performance of its duties including sufficient
59 administrative and clerical staff to process and review
60 applications for certificates of responsibility, to prepare and
61 administer tests therefor, to investigate applications for
62 certificates of responsibility and to inspect work performed by

63 contractors as may be necessary to enforce and carry out the
64 purpose of this chapter.

65 **SECTION 3.** Section 73-59-1, Mississippi Code of 1972, is
66 reenacted as follows:

67 73-59-1. For the purposes of this chapter, the following
68 words shall have the meanings ascribed herein:

69 (a) "Board" means the State Board of Contractors
70 created in Section 31-3-3, Mississippi Code of 1972.

71 (b) "Residential builder" means any corporation,
72 partnership or individual who constructs a building or structure
73 for sale for use by another as a residence or who, for a fixed
74 price, commission, fee, wage or other compensation, undertakes or
75 offers to undertake the construction, or superintending of the
76 construction, of any building or structure which is not more than
77 three (3) floors in height, to be used by another as a residence,
78 when the cost of the undertaking exceeds Fifty Thousand Dollars
79 (\$50,000.00).

80 (c) "Remodeler" means any corporation, partnership or
81 individual who, for a fixed price, commission, fee, wage or other
82 compensation, undertakes or offers to undertake the construction,
83 or superintending of the construction, of improvements to an
84 existing residence when the cost of the improvements exceeds Ten
85 Thousand Dollars (\$10,000.00).

86 (d) "Residential construction" means any undertaking
87 described in paragraph (b) of this section performed by a
88 residential builder.

89 (e) "Residential improvement" means any undertaking
90 described in paragraph (c) of this section performed by a
91 remodeler.

92 **SECTION 4.** Section 73-59-3, Mississippi Code of 1972, is
93 reenacted as follows:

94 73-59-3. (1) Except as otherwise provided in Section
95 73-59-15, persons who perform residential construction or

96 residential improvement shall be licensed by the board annually,
97 and, as a prerequisite to obtaining a license or renewal thereof,
98 each shall submit to the board:

99 (a) Proof of workers' compensation insurance, if
100 applicable;

101 (b) A federal employment identification number or
102 social security number.

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

106 (3) The board shall issue or renew a license to a
107 residential builder or remodeler upon payment to the board of the
108 license fee. The initial license fee shall be Fifty Dollars
109 (\$50.00). The license fee may thereafter be increased or
110 decreased by the board and cannot exceed One Hundred Dollars
111 (\$100.00); however, the receipts from fees collected by the board
112 shall be no greater than the amount required to pay all costs and
113 expenses incurred by the board in enforcing the provisions of this
114 chapter. Twenty-five Dollars (\$25.00) of the fee required by this
115 section which is assessed to residential builders licensed under
116 the provisions of Section 73-59-1 et seq. shall be deposited to
117 the Construction Education Fund created pursuant to Section
118 31-3-14 and shall be distributed to the Mississippi Housing
119 Institute. The remaining fees collected under this chapter shall
120 be deposited into the special fund in the State Treasury known as
121 the "State Board of Contractor's Fund" created pursuant to Section
122 31-3-17 and shall be used for the administration and enforcement
123 of this chapter and as provided in Section 31-3-14. Amounts in
124 such fund shall not lapse into the State General Fund at the end
125 of a fiscal year. Interest accrued to such fund shall remain in
126 the fund. All expenditures from the special fund shall be by
127 requisition to the Department of Finance and Administration,

128 signed by the executive secretary of the board and countersigned
129 by the chairman or vice chairman of the board.

130 (4) The license shall expire on the last day of the twelfth
131 month following its issuance or renewal and shall become invalid
132 unless renewed. The board shall notify by mail every licensee
133 under this chapter of the date of the expiration of his license
134 and the amount of the fee required for renewal of the license for
135 one (1) year. Such notice shall be mailed within thirty (30) days
136 prior to the expiration date of the license. The failure on the
137 part of any licensee to renew his license annually in such twelfth
138 month shall not deprive such licensee of the right of renewal,
139 provided that renewal is effected within one hundred twenty (120)
140 days after the expiration date of the license by payment of the
141 license fee plus a penalty of ten percent (10%) of the license
142 fee. A new license required to replace a revoked, lost, mutilated
143 or destroyed license may be issued, subject to the rules of the
144 board, for a charge of not more than Twenty-five Dollars (\$25.00).

145 (5) Any person who is not a resident of the State of
146 Mississippi who desires to perform residential construction or
147 residential improvement shall be licensed to perform such
148 construction or improvement as provided by this chapter.

149 **SECTION 5.** Section 73-59-5, Mississippi Code of 1972, is
150 reenacted as follows:

151 73-59-5. Any corporation, partnership or individual seeking
152 to be licensed and examined under this chapter shall file with the
153 board at least thirty (30) days prior to the next meeting of the
154 board a written application on such form as may be prescribed by
155 the board. Such application shall be accompanied by the payment
156 of the license fee. If the application sufficiently contains the
157 information required pursuant to this chapter, the applicant shall
158 be examined by the board at its next meeting using a uniform
159 written examination prescribed by the board. The board shall
160 administer an oral examination to applicants who are unable to

161 take the written examination. In addition, the board, in
162 examining such applicant, shall consider the following:

- 163 (a) Experience;
- 164 (b) Complaints; and
- 165 (c) Other pertinent information the board may require.

166 If, as a result of the examination, the board finds that the
167 applicant is qualified to engage in residential construction or
168 residential improvement in Mississippi, the applicant shall be
169 issued a license. Any applicant rejected by the board shall be
170 given the opportunity to be reexamined at the next regularly
171 scheduled examination date after a new application has been filed
172 and the license fee has again been paid.

173 The board shall make and preserve a record of each
174 examination of an applicant and the findings of the board
175 pertaining to such examination. A certified copy of such record,
176 omitting confidential test questions, shall be furnished to the
177 applicant so requesting such record upon the payment of a fee to
178 the board that reasonably reflects the cost of furnishing such
179 record to the applicant.

180 Each application or filing made under this section shall
181 include the social security number(s) of the applicant in
182 accordance with Section 93-11-64, Mississippi Code of 1972.

183 Each application for a license under this chapter shall
184 reveal any other states in which the applicant or any partner or
185 business associate of the applicant is licensed and whether the
186 applicant, partner or business associate has had a license revoked
187 or suspended in any other state. If the applicant fails to
188 provide this information, the board may deny or revoke the
189 applicant's license. If the applicant has had a license revoked
190 in another state, the board may deny the application for a license
191 in this state.

192 **SECTION 6.** Section 73-59-7, Mississippi Code of 1972, is
193 reenacted as follows:

194 73-59-7. In the event of a catastrophe or emergency which
195 arises out of a disaster, act of God, riot, civil commotion,
196 conflagration or other similar occurrence, the board, upon
197 application, may issue an emergency license to persons who are
198 residents or nonresidents of this state and who may or may not be
199 otherwise licensed residential builders or remodelers. Such
200 emergency license shall remain in force for a period not to exceed
201 ninety (90) days, unless extended for an additional period of
202 ninety (90) days by the board or until a contract to build or
203 remodel entered into during the period of the emergency license
204 has been completed.

205 Within five (5) days of any applicant beginning work as a
206 residential builder or remodeler under this section, the employer
207 or person contracting with such person shall certify to the board
208 such application without being deemed in violation of this
209 chapter, provided that the board, after notice and hearing, may
210 take disciplinary action or revoke the emergency license upon
211 grounds as otherwise contained in this chapter providing for such
212 disciplinary action or revocation of a residential builder's or
213 remodeler's license.

214 The fee for an emergency license shall be in an amount not to
215 exceed Fifty Dollars (\$50.00) as determined by the board and shall
216 be due and payable at the time of the issuance of such emergency
217 license.

218 **SECTION 7.** Section 73-59-9, Mississippi Code of 1972, is
219 reenacted as follows:

220 73-59-9. (1) Any residential builder who undertakes or
221 attempts to undertake the business of residential construction
222 without having a valid license as required by this chapter, or who
223 knowingly presents to the board, or files with the board, false
224 information for the purpose of obtaining such license, shall be
225 deemed guilty of a misdemeanor and upon conviction shall be fined
226 not less than One Hundred Dollars (\$100.00) and not more than Five

227 Thousand Dollars (\$5,000.00) or be imprisoned for not less than
228 thirty (30) nor more than sixty (60) days in the county jail, or
229 both.

230 (2) Any remodeler who undertakes or attempts to undertake
231 the business of residential improvement without having a valid
232 license as required by this chapter, or who knowingly presents to
233 the board, or files with the board, false information for the
234 purpose of obtaining such license, shall be deemed guilty of a
235 misdemeanor and upon conviction shall be fined not less than One
236 Hundred Dollars (\$100.00) and not more than Five Thousand Dollars
237 (\$5,000.00) or be imprisoned for not less than thirty (30) nor
238 more than sixty (60) days in the county jail, or both.

239 (3) A residential builder or remodeler who does not have the
240 license provided by this chapter may not bring any action, either
241 at law or in equity, to enforce any contract for residential
242 building or remodeling or to enforce a sales contract.

243 **SECTION 8.** Section 73-59-11, Mississippi Code of 1972, is
244 reenacted as follows:

245 73-59-11. The board shall have the following additional
246 duties for the purposes of this chapter:

247 (a) To conduct thorough investigations of all
248 applicants seeking a license or licensees seeking renewal of their
249 licenses and of all complaints filed with the board concerning the
250 performance of a residential builder.

251 (b) To obtain information concerning the responsibility
252 of any applicant for a license or of a licensee. Such information
253 may be obtained by investigation, by hearings, or by any other
254 reasonable and lawful means. The board shall keep such
255 information appropriately filed.

256 (c) To maintain a list of residential builders and
257 remodelers to whom licenses are issued, refused, revoked or
258 suspended, which list shall be available to any interested person.

259 (d) To prepare annually a complete roster that shows
260 all the names and places of business of the residential builders
261 and remodelers licensed by the board during the preceding year and
262 to forward a copy of the roster to each municipality and county in
263 the state and to file the roster with the Secretary of State.

264 (e) To take disciplinary actions pursuant to the
265 provisions of Section 73-59-13.

266 (f) To adopt rules and regulations governing
267 disciplinary actions and the conduct of its hearings and to adopt
268 such other rules and regulations as the board finds necessary for
269 the proper administration of this chapter.

270 **SECTION 9.** Section 73-59-13, Mississippi Code of 1972, is
271 reenacted as follows:

272 73-59-13. (1) The board, upon satisfactory proof and in
273 accordance with the provisions of this chapter and the regulations
274 of the board pertaining thereto, is authorized to take the
275 disciplinary actions provided for in this section against any
276 person for any of the following reasons:

277 (a) Violating any of the provisions of this chapter or
278 the rules or regulations of the board pertaining to the work of
279 residential building or residential improvement;

280 (b) Fraud, deceit or misrepresentation in obtaining a
281 license;

282 (c) Gross negligence or misconduct;

283 (d) Engaging in work of residential building or
284 residential improvement on an expired license or while under
285 suspension or revocation of license unless the suspension or
286 revocation be abated in accordance with this chapter;

287 (e) Loaning a license to an unlicensed person;

288 (f) Failing to maintain workers' compensation
289 insurance, if applicable; or

290 (g) Failing to pay for goods or services for which the
291 builder is contractually bound.

292 (2) Any person, including members of the board, may prefer
293 charges against any other person for committing any of the acts
294 set forth in subsection (1) of this section. Such charges shall
295 be sworn to, either upon actual knowledge or upon information and
296 belief, and shall be filed with the board.

297 The board shall investigate all charges filed with it and,
298 upon finding reasonable cause to believe that the charges are not
299 frivolous, unfounded or filed in bad faith, may, in its
300 discretion, cause a hearing to be held, at a time and place fixed
301 by the board, regarding the charges and may compel the accused by
302 subpoena to appear before the board to respond to such charges.

303 The board shall send a certified inspector to inspect the
304 building or structure which is the subject of a complaint or the
305 board may use a county certified building inspector from the
306 county where the building or structure is located to inspect the
307 building or structure which is the subject of a complaint. The
308 report of the inspector shall be used in the investigation and the
309 determination of the board. The provisions above shall only apply
310 to hearings.

311 No disciplinary action may be taken until the accused has
312 been furnished both a statement of the charges against him and
313 notice of the time and place of the hearing thereon, which shall
314 be personally served on such accused or mailed by certified mail,
315 return receipt requested, to the last known business or residence
316 address of the accused not less than thirty (30) days prior to the
317 date fixed for the hearing. The complaining party shall be
318 notified of the place and time of the hearing by mail to the last
319 known business or residence address of the complaining party not
320 less than thirty (30) days prior to the date fixed for the
321 hearing.

322 (3) At any hearing held hereunder, the board shall have the
323 power to subpoena witnesses and compel their attendance and may
324 also require the production of books, papers, documents or other

325 materials which may be pertinent to the proceedings. The board
326 may designate or secure a hearing officer to conduct the hearing.
327 All evidence shall be presented under oath, which may be
328 administered by any member of the board, and thereafter the
329 proceedings may, if necessary, be transcribed in full by a court
330 reporter and filed as part of the record in the case. Copies of
331 such transcriptions may be provided to any party to the
332 proceedings at a price reflecting actual cost, to be fixed by the
333 board.

334 All witnesses who are subpoenaed and appear in any
335 proceedings before the board shall receive the same fees and
336 mileage as allowed by law to witnesses in county, circuit and
337 chancery court pursuant to Section 25-7-47, Mississippi Code of
338 1972, and all such fees shall be taxed as part of the costs in the
339 case.

340 When, in any proceeding before the board, any witness shall
341 fail or refuse to attend upon subpoena issued by the board, shall
342 refuse to testify, or shall refuse to produce any books and papers
343 the production of which is called for by the subpoena, the
344 attendance of such witness and the giving of his testimony and the
345 production of the books and papers shall be enforced by any court
346 of competent jurisdiction of this state in the manner provided for
347 the enforcement of attendance and testimony of witnesses in civil
348 cases in the courts of this state.

349 The accused and the complaining party shall have the right to
350 be present at the hearing in person, by counsel or other
351 representative, or both. The board is authorized for proper cause
352 to continue or recess the hearing as may be necessary.

353 (4) At the conclusion of the hearing, the board may either
354 decide the issue at that time or take the case under advisement
355 for further deliberation. The board shall render its decision not
356 more than ninety (90) days after the close of the hearing and
357 shall forward to the last known business or residence address of

358 the accused, by certified mail, return receipt requested, a
359 written statement of the decision of the board.

360 (5) If a majority of the board finds the accused guilty of
361 the charges filed, the board may:

362 (a) Issue a public or private reprimand;

363 (b) Suspend or revoke the license of the accused; or

364 (c) In lieu of or in addition to any reprimand,
365 suspension or revocation, assess and levy upon the guilty party a
366 monetary penalty of not less than One Hundred Dollars (\$100.00)
367 nor more than Five Thousand Dollars (\$5,000.00) for each
368 violation.

369 (6) A monetary penalty assessed and levied under this
370 section shall be paid to the board upon the expiration of the
371 period allowed for appeal of such penalties under this section or
372 may be paid sooner if the guilty party elects. Money collected by
373 the board under this section shall be deposited to the credit of
374 the State Board of Contractors' Fund.

375 When payment of a monetary penalty assessed and levied by the
376 board in accordance with this section is not paid when due, the
377 board shall have the power to institute and maintain proceedings
378 in its name for enforcement of payment in the chancery court of
379 the county of residence of the delinquent party; however, if the
380 delinquent party is a nonresident of the State of Mississippi,
381 such proceedings shall be in the Chancery Court of the First
382 Judicial District of Hinds County, Mississippi.

383 (7) When the board has taken a disciplinary action under
384 this section, the board may, in its discretion, stay such action
385 and place the guilty party on probation for a period not to exceed
386 one (1) year upon the condition that such party shall not further
387 violate either the laws of the State of Mississippi pertaining to
388 the practice of residential construction or residential remodeling
389 or the bylaws, rules or regulations promulgated by the board.

390 (8) The board shall not assess any of the costs of
391 disciplinary proceedings conducted pursuant to this section
392 against the prevailing party.

393 (9) The power and authority of the board to assess and levy
394 the monetary penalties provided for in this section shall not be
395 affected or diminished by any other proceedings, civil or
396 criminal, concerning the same violation or violations except as
397 provided in this section.

398 (10) The board, for sufficient cause, may reissue a revoked
399 license whenever a majority of the board members vote to do so.

400 (11) Any person aggrieved by any order or decision of the
401 board may appeal within ten (10) days from the date of adjournment
402 of the session at which the board rendered such order or decision,
403 and may embody the facts, order and decision in a bill of
404 exceptions which shall be signed by the person acting as chairman
405 of the board. The board shall transmit the bill of exceptions to
406 either the chancery court of the county of residence of the
407 appellant, or the Chancery Court of the First Judicial District of
408 Hinds County, at the election of the appellant, and the court or
409 chancellor shall hear and determine the same either in termtime or
410 in vacation, on the case as presented by the bill of exceptions,
411 as an appellant court, and shall affirm or reverse the judgment.
412 If the judgment be reversed, the chancery court or chancellor
413 shall render such order or judgment as the board ought to have
414 rendered, and certify the same to the board; and costs shall be
415 awarded as in other cases. The board may employ counsel to defend
416 such appeals, to be paid out of the funds in the State Board of
417 Contractors' Fund.

418 The remedies provided under this chapter for any aggrieved
419 applicant shall not be exclusive, but shall be cumulative of and
420 supplemental to any other remedies which he may otherwise have in
421 law or in equity, whether by injunction or otherwise.

422 (12) Any political subdivision or agency of this state which
423 receives a complaint against a residential builder or remodeler
424 shall, in addition to exercising whatever authority such political
425 subdivision or agency has been given over such complaint, forward
426 the complaint to the board.

427 (13) In addition to the reasons specified in subsection (1)
428 of this section, the board shall be authorized to suspend the
429 license of any licensee for being out of compliance with an order
430 for support, as defined in Section 93-11-153. The procedure for
431 suspension of a license for being out of compliance with an order
432 for support, and the procedure for the reissuance or reinstatement
433 of a license suspended for that purpose, and the payment of any
434 fees for the reissuance or reinstatement of a license suspended
435 for that purpose, shall be governed by Section 93-11-157 or
436 93-11-163, as the case may be. Actions taken by the board in
437 suspending a license when required by Section 93-11-157 or
438 93-11-163 are not actions from which an appeal may be taken under
439 this section. Any appeal of a license suspension that is required
440 by Section 93-11-157 or 93-11-163 shall be taken in accordance
441 with the appeal procedure specified in Section 93-11-157 or
442 93-11-163, as the case may be, rather than the procedure specified
443 in this section. If there is any conflict between any provision
444 of Section 93-11-157 or 93-11-163 and any provision of this
445 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
446 case may be, shall control.

447 **SECTION 10.** Section 73-59-15, Mississippi Code of 1972, is
448 reenacted as follows:

449 73-59-15. (1) This chapter shall not apply to:

450 (a) Agricultural buildings, buildings used for
451 agricultural purposes, buildings constructed as a community
452 effort, or tenant houses;

453 (b) Any person who undertakes construction or
454 improvement on his own residence, or who acts as his own general

455 contractor in the performance of construction or improvement on
456 his own residence, or who acts under the supervision of the
457 owner-occupant who is the general contractor;

458 (c) Any person who undertakes residential construction
459 or improvement, or who acts as a general contractor in the
460 performance of residential construction or improvement, or who
461 acts under supervision of the owner-occupant with respect to
462 residential construction or improvement, when the owner of such
463 construction or improvement is related to such person by
464 consanguinity or direct affinity;

465 (d) The owners of property who supervise, superintend,
466 oversee, direct or in any manner assume charge of the
467 construction, alteration, repair, improvement, movement,
468 demolition, putting up, tearing down, or maintenance of any
469 building, railroad, excavation, project, development, improvement,
470 plant facility or any other construction undertaking on such
471 property for use by such owner and which will not be for sale,
472 rent, public use or public assembly;

473 (e) An employee of a licensed residential builder;

474 (f) A contractor holding a valid license or certificate
475 of responsibility for general construction from the board;

476 (g) Any nonresident contractor holding a valid license
477 or certificate of responsibility for general construction;

478 (h) Any person who constructs two (2) single residences
479 or less within a period of one (1) year in any county or
480 municipality which does not require a building permit or any local
481 certification for such construction.

482 (2) A person specified in subsection (1)(b) shall not make
483 more than two (2) applications for a permit to construct a single
484 residence or shall not construct more than two (2) single
485 residences within a period of one (1) year. There shall be a
486 rebuttable presumption that such person intends to construct for
487 the purpose of resale, lease, rent or any similar purpose if more

488 than two (2) applications are made for a permit to construct a
489 single residence or if more than two (2) single residences are
490 constructed within a period of one (1) year.

491 (3) The provisions of this section shall not apply to
492 builders and remodelers who are not domiciled in the State of
493 Mississippi. Builders and remodelers who are not domiciled in the
494 State of Mississippi are not required to be licensed under the
495 provisions of this chapter if the state in which they are
496 domiciled requires licensing and the licensing state's
497 requirements are at least the equivalent of those requirements
498 provided in this chapter.

499 **SECTION 11.** Section 73-59-17, Mississippi Code of 1972, is
500 reenacted as follows:

501 73-59-17. The building official, or other authority charged
502 with the duty of issuing building or similar permits, of any
503 municipality or county, shall refuse to issue a permit for any
504 undertaking which would classify the applicant as a residential
505 builder or remodeler under this chapter unless the applicant has
506 furnished evidence that he is either licensed as required by this
507 chapter or exempt from the requirements of this chapter. The
508 building official, or other authority charged with the duty of
509 issuing building or similar permits, shall also report to the
510 board the name and address of any person who, in his opinion, has
511 violated this chapter by accepting, or contracting to accomplish,
512 work which would classify the person as a residential builder or
513 remodeler under this chapter without a license or acknowledgement.

514 **SECTION 12.** Section 73-59-19, Mississippi Code of 1972, is
515 reenacted as follows:

516 73-59-19. Any residential builder or remodeler licensed
517 pursuant to the provisions of this chapter may, without being
518 required to obtain an additional license under any other law of
519 this state, construct, improve, repair, remodel or renovate any

520 commercial structure, provided the prescribed contract job does
521 not exceed seven thousand five hundred (7,500) square feet.

522 **SECTION 13.** Section 73-59-21, Mississippi Code of 1972, is
523 reenacted as follows:

524 73-59-21. (1) There is hereby created the Standing
525 Committee on Residential Builders and Remodelers which shall be
526 subordinate to the State Board of Contractors as set forth in
527 Section 31-3-3. The standing committee shall be composed of the
528 two (2) residential builders who serve as members of the State
529 Board of Contractors and three (3) additional residential builders
530 as defined in Section 73-59-1 to be appointed by the Governor.
531 The terms of the ex officio members shall be concurrent with their
532 terms as members of the State Board of Contractors. The initial
533 terms of the three (3) additional residential builders on the
534 Standing Committee on Residential Builders and Remodelers shall be
535 one (1), three (3) and five (5) years, respectively, beginning
536 July 1, 2000. Upon the expiration of the initial term of any
537 member not serving ex officio, his or her successor shall be
538 appointed for a term of five (5) years.

539 (2) The Governor shall appoint one (1) of the two (2) ex
540 officio members as Chairman of the Standing Committee on
541 Residential Builders and Remodelers. The Executive Secretary of
542 the State Board of Contractors as set forth in Section 31-3-11
543 shall serve as secretary of the standing committee. The standing
544 committee shall meet no less than once per quarter of each year at
545 a date and time to be set by its chairman upon at least five (5)
546 business days' notice by regular mail. The members of the
547 standing committee shall be entitled to receive a per diem as
548 provided in Section 31-3-9.

549 (3) Three (3) members of the Standing Committee on
550 Residential Builders and Remodelers shall constitute a quorum and
551 a majority vote of those present and voting at any meeting shall
552 be necessary to transact business.

553 (4) The Standing Committee on Residential Builders and
554 Remodelers shall have the power to make recommendations to the
555 State Board of Contractors pertaining to all duties set forth in
556 Sections 73-59-11 and 73-59-13. The standing committee shall have
557 only the power to make recommendations to the State Board of
558 Contractors and the State Board of Contractors shall have the
559 power and authority to accept or reject any recommendation made by
560 the standing committee. Hearings regarding residential builders
561 and remodelers shall be exclusively under the jurisdiction of the
562 Standing Committee on Residential Builders and Remodelers.

563 **SECTION 14.** Section 14, Chapter 345, Laws of 2000, is
564 amended as follows:

565 Section 14. This act shall take effect and be in force from
566 and after its passage, and shall stand repealed on July 1, 2007.

567 **SECTION 15.** This act shall take effect and be in force from
568 and after July 1, 2005.