

By: Representative Dedeaux

To: Judiciary B

HOUSE BILL NO. 1479

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; TO AMEND SECTION 31-3-1, MISSISSIPPI CODE
10 OF 1972, TO REVISE CERTAIN DEFINITIONS FOR THE STATE BOARD OF
11 PUBLIC CONTRACTORS; TO AMEND SECTION 31-3-13, MISSISSIPPI CODE OF
12 1972, TO AUTHORIZE THE BOARD TO ISSUE RESTRICTED CERTIFICATES OF
13 RESPONSIBILITY FOR CERTAIN PROJECTS; TO PROHIBIT MUNICIPALITIES
14 AND COUNTIES FROM REQUIRING ADDITIONAL TESTING ONCE A CONTRACTOR
15 HAS RECEIVED HIS OR HER CERTIFICATE OF RESPONSIBILITY; TO AMEND
16 SECTIONS 27-17-457 AND 17-25-5, MISSISSIPPI CODE OF 1972, IN
17 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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

35 years before appointment. The initial terms of the two (2)
36 residential builders shall be for two (2) and four (4) years,
37 respectively, beginning July 1, 1993.

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

49 In the event the Governor fails to appoint a member of the
50 board within twelve (12) months of the occurrence of the vacancy,
51 such vacancy shall be filled by majority vote of the board,
52 subject to advice and consent of the Senate and the requirements
53 of this section.

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

56 31-3-5. The board shall be assigned suitable office space at
57 the seat of government and shall elect one (1) of its members as
58 chairman and one (1) as vice chairman; and each shall perform the
59 usual duties of such offices. The board may adopt a seal. Six
60 (6) members of the board shall constitute a quorum, and a majority
61 vote of those present and voting at any meeting shall be necessary
62 for the transaction of any business coming before the board.
63 Members must be present to cast votes on any and all business.
64 The executive secretary shall serve as secretary of the board.
65 The board is authorized to employ such personnel as shall be
66 necessary in the performance of its duties including sufficient
67 administrative and clerical staff to process and review

68 applications for certificates of responsibility, to prepare and
69 administer tests therefor, to investigate applications for
70 certificates of responsibility and to inspect work performed by
71 contractors as may be necessary to enforce and carry out the
72 purpose of this chapter.

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

75 73-59-1. For the purposes of this chapter, the following
76 words shall have the meanings ascribed herein:

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

79 (b) "Residential builder" means any corporation,
80 partnership or individual who constructs a building or structure
81 for sale for use by another as a residence or who, for a fixed
82 price, commission, fee, wage or other compensation, undertakes or
83 offers to undertake the construction, or superintending of the
84 construction, of any building or structure which is not more than
85 three (3) floors in height, to be used by another as a residence,
86 when the cost of the undertaking exceeds Fifty Thousand Dollars
87 (\$50,000.00).

88 (c) "Remodeler" means any corporation, partnership or
89 individual who, for a fixed price, commission, fee, wage or other
90 compensation, undertakes or offers to undertake the construction,
91 or superintending of the construction, of improvements to an
92 existing residence when the cost of the improvements exceeds Ten
93 Thousand Dollars (\$10,000.00).

94 (d) "Residential construction" means any undertaking
95 described in paragraph (b) of this section performed by a
96 residential builder.

97 (e) "Residential improvement" means any undertaking
98 described in paragraph (c) of this section performed by a
99 remodeler.

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

102 73-59-3. (1) Except as otherwise provided in Section
103 73-59-15, persons who perform residential construction or
104 residential improvement shall be licensed by the board annually,
105 and, as a prerequisite to obtaining a license or renewal thereof,
106 each shall submit to the board:

107 (a) Proof of workers' compensation insurance, if
108 applicable;

109 (b) A federal employment identification number or
110 social security number.

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

114 (3) The board shall issue or renew a license to a
115 residential builder or remodeler upon payment to the board of the
116 license fee. The initial license fee shall be Fifty Dollars
117 (\$50.00). The license fee may thereafter be increased or
118 decreased by the board and cannot exceed One Hundred Dollars
119 (\$100.00); however, the receipts from fees collected by the board
120 shall be no greater than the amount required to pay all costs and
121 expenses incurred by the board in enforcing the provisions of this
122 chapter. Twenty-five Dollars (\$25.00) of the fee required by this
123 section which is assessed to residential builders licensed under
124 the provisions of Section 73-59-1 et seq. shall be deposited to
125 the Construction Education Fund created pursuant to Section
126 31-3-14 and shall be distributed to the Mississippi Housing
127 Institute. The remaining fees collected under this chapter shall
128 be deposited into the special fund in the State Treasury known as
129 the "State Board of Contractor's Fund" created pursuant to Section
130 31-3-17 and shall be used for the administration and enforcement
131 of this chapter and as provided in Section 31-3-14. Amounts in
132 such fund shall not lapse into the State General Fund at the end

133 of a fiscal year. Interest accrued to such fund shall remain in
134 the fund. All expenditures from the special fund shall be by
135 requisition to the Department of Finance and Administration,
136 signed by the executive secretary of the board and countersigned
137 by the chairman or vice chairman of the board.

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

153 (5) Any person who is not a resident of the State of
154 Mississippi who desires to perform residential construction or
155 residential improvement shall be licensed to perform such
156 construction or improvement as provided by this chapter.

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

159 73-59-5. Any corporation, partnership or individual seeking
160 to be licensed and examined under this chapter shall file with the
161 board at least thirty (30) days prior to the next meeting of the
162 board a written application on such form as may be prescribed by
163 the board. Such application shall be accompanied by the payment
164 of the license fee. If the application sufficiently contains the
165 information required pursuant to this chapter, the applicant shall

166 be examined by the board at its next meeting using a uniform
167 written examination prescribed by the board. The board shall
168 administer an oral examination to applicants who are unable to
169 take the written examination. In addition, the board, in
170 examining such applicant, shall consider the following:

- 171 (a) Experience;
- 172 (b) Complaints; and
- 173 (c) Other pertinent information the board may require.

174 If, as a result of the examination, the board finds that the
175 applicant is qualified to engage in residential construction or
176 residential improvement in Mississippi, the applicant shall be
177 issued a license. Any applicant rejected by the board shall be
178 given the opportunity to be reexamined at the next regularly
179 scheduled examination date after a new application has been filed
180 and the license fee has again been paid.

181 The board shall make and preserve a record of each
182 examination of an applicant and the findings of the board
183 pertaining to such examination. A certified copy of such record,
184 omitting confidential test questions, shall be furnished to the
185 applicant so requesting such record upon the payment of a fee to
186 the board that reasonably reflects the cost of furnishing such
187 record to the applicant.

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

191 Each application for a license under this chapter shall
192 reveal any other states in which the applicant or any partner or
193 business associate of the applicant is licensed and whether the
194 applicant, partner or business associate has had a license revoked
195 or suspended in any other state. If the applicant fails to
196 provide this information, the board may deny or revoke the
197 applicant's license. If the applicant has had a license revoked

198 in another state, the board may deny the application for a license
199 in this state.

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

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

213 Within five (5) days of any applicant beginning work as a
214 residential builder or remodeler under this section, the employer
215 or person contracting with such person shall certify to the board
216 such application without being deemed in violation of this
217 chapter, provided that the board, after notice and hearing, may
218 take disciplinary action or revoke the emergency license upon
219 grounds as otherwise contained in this chapter providing for such
220 disciplinary action or revocation of a residential builder's or
221 remodeler's license.

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

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

228 73-59-9. (1) Any residential builder who undertakes or
229 attempts to undertake the business of residential construction
230 without having a valid license as required by this chapter, or who

231 knowingly presents to the board, or files with the board, false
232 information for the purpose of obtaining such license, shall be
233 deemed guilty of a misdemeanor and upon conviction shall be fined
234 not less than One Hundred Dollars (\$100.00) and not more than Five
235 Thousand Dollars (\$5,000.00) or be imprisoned for not less than
236 thirty (30) nor more than sixty (60) days in the county jail, or
237 both.

238 (2) Any remodeler who undertakes or attempts to undertake
239 the business of residential improvement without having a valid
240 license as required by this chapter, or who knowingly presents to
241 the board, or files with the board, false information for the
242 purpose of obtaining such license, shall be deemed guilty of a
243 misdemeanor and upon conviction shall be fined not less than One
244 Hundred Dollars (\$100.00) and not more than Five Thousand Dollars
245 (\$5,000.00) or be imprisoned for not less than thirty (30) nor
246 more than sixty (60) days in the county jail, or both.

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

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

253 73-59-11. The board shall have the following additional
254 duties for the purposes of this chapter:

255 (a) To conduct thorough investigations of all
256 applicants seeking a license or licensees seeking renewal of their
257 licenses and of all complaints filed with the board concerning the
258 performance of a residential builder.

259 (b) To obtain information concerning the responsibility
260 of any applicant for a license or of a licensee. Such information
261 may be obtained by investigation, by hearings, or by any other
262 reasonable and lawful means. The board shall keep such
263 information appropriately filed.

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

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

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

274 (f) To adopt rules and regulations governing
275 disciplinary actions and the conduct of its hearings and to adopt
276 such other rules and regulations as the board finds necessary for
277 the proper administration of this chapter.

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

280 73-59-13. (1) The board, upon satisfactory proof and in
281 accordance with the provisions of this chapter and the regulations
282 of the board pertaining thereto, is authorized to take the
283 disciplinary actions provided for in this section against any
284 person for any of the following reasons:

285 (a) Violating any of the provisions of this chapter or
286 the rules or regulations of the board pertaining to the work of
287 residential building or residential improvement;

288 (b) Fraud, deceit or misrepresentation in obtaining a
289 license;

290 (c) Gross negligence or misconduct;

291 (d) Engaging in work of residential building or
292 residential improvement on an expired license or while under
293 suspension or revocation of license unless the suspension or
294 revocation be abated in accordance with this chapter;

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

296 (f) Failing to maintain workers' compensation
297 insurance, if applicable; or
298 (g) Failing to pay for goods or services for which the
299 builder is contractually bound.

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

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

311 The board shall send a certified inspector to inspect the
312 building or structure which is the subject of a complaint or the
313 board may use a county certified building inspector from the
314 county where the building or structure is located to inspect the
315 building or structure which is the subject of a complaint. The
316 report of the inspector shall be used in the investigation and the
317 determination of the board. The provisions above shall only apply
318 to hearings.

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

328 less than thirty (30) days prior to the date fixed for the
329 hearing.

330 (3) At any hearing held hereunder, the board shall have the
331 power to subpoena witnesses and compel their attendance and may
332 also require the production of books, papers, documents or other
333 materials which may be pertinent to the proceedings. The board
334 may designate or secure a hearing officer to conduct the hearing.
335 All evidence shall be presented under oath, which may be
336 administered by any member of the board, and thereafter the
337 proceedings may, if necessary, be transcribed in full by a court
338 reporter and filed as part of the record in the case. Copies of
339 such transcriptions may be provided to any party to the
340 proceedings at a price reflecting actual cost, to be fixed by the
341 board.

342 All witnesses who are subpoenaed and appear in any
343 proceedings before the board shall receive the same fees and
344 mileage as allowed by law to witnesses in county, circuit and
345 chancery court pursuant to Section 25-7-47, Mississippi Code of
346 1972, and all such fees shall be taxed as part of the costs in the
347 case.

348 When, in any proceeding before the board, any witness shall
349 fail or refuse to attend upon subpoena issued by the board, shall
350 refuse to testify, or shall refuse to produce any books and papers
351 the production of which is called for by the subpoena, the
352 attendance of such witness and the giving of his testimony and the
353 production of the books and papers shall be enforced by any court
354 of competent jurisdiction of this state in the manner provided for
355 the enforcement of attendance and testimony of witnesses in civil
356 cases in the courts of this state.

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

361 (4) At the conclusion of the hearing, the board may either
362 decide the issue at that time or take the case under advisement
363 for further deliberation. The board shall render its decision not
364 more than ninety (90) days after the close of the hearing and
365 shall forward to the last known business or residence address of
366 the accused, by certified mail, return receipt requested, a
367 written statement of the decision of the board.

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

370 (a) Issue a public or private reprimand;

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

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

377 (6) A monetary penalty assessed and levied under this
378 section shall be paid to the board upon the expiration of the
379 period allowed for appeal of such penalties under this section or
380 may be paid sooner if the guilty party elects. Money collected by
381 the board under this section shall be deposited to the credit of
382 the State Board of Contractors' Fund.

383 When payment of a monetary penalty assessed and levied by the
384 board in accordance with this section is not paid when due, the
385 board shall have the power to institute and maintain proceedings
386 in its name for enforcement of payment in the chancery court of
387 the county of residence of the delinquent party; however, if the
388 delinquent party is a nonresident of the State of Mississippi,
389 such proceedings shall be in the Chancery Court of the First
390 Judicial District of Hinds County, Mississippi.

391 (7) When the board has taken a disciplinary action under
392 this section, the board may, in its discretion, stay such action
393 and place the guilty party on probation for a period not to exceed

394 one (1) year upon the condition that such party shall not further
395 violate either the laws of the State of Mississippi pertaining to
396 the practice of residential construction or residential remodeling
397 or the bylaws, rules or regulations promulgated by the board.

398 (8) The board shall not assess any of the costs of
399 disciplinary proceedings conducted pursuant to this section
400 against the prevailing party.

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

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

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

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

430 (12) Any political subdivision or agency of this state which
431 receives a complaint against a residential builder or remodeler
432 shall, in addition to exercising whatever authority such political
433 subdivision or agency has been given over such complaint, forward
434 the complaint to the board.

435 (13) In addition to the reasons specified in subsection (1)
436 of this section, the board shall be authorized to suspend the
437 license of any licensee for being out of compliance with an order
438 for support, as defined in Section 93-11-153. The procedure for
439 suspension of a license for being out of compliance with an order
440 for support, and the procedure for the reissuance or reinstatement
441 of a license suspended for that purpose, and the payment of any
442 fees for the reissuance or reinstatement of a license suspended
443 for that purpose, shall be governed by Section 93-11-157 or
444 93-11-163, as the case may be. Actions taken by the board in
445 suspending a license when required by Section 93-11-157 or
446 93-11-163 are not actions from which an appeal may be taken under
447 this section. Any appeal of a license suspension that is required
448 by Section 93-11-157 or 93-11-163 shall be taken in accordance
449 with the appeal procedure specified in Section 93-11-157 or
450 93-11-163, as the case may be, rather than the procedure specified
451 in this section. If there is any conflict between any provision
452 of Section 93-11-157 or 93-11-163 and any provision of this
453 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
454 case may be, shall control.

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

457 73-59-15. (1) This chapter shall not apply to:

458 (a) Agricultural buildings, buildings used for
459 agricultural purposes, buildings constructed as a community
460 effort, or tenant houses;

461 (b) Any person who undertakes construction or
462 improvement on his own residence, or who acts as his own general
463 contractor in the performance of construction or improvement on
464 his own residence, or who acts under the supervision of the
465 owner-occupant who is the general contractor;

466 (c) Any person who undertakes residential construction
467 or improvement, or who acts as a general contractor in the
468 performance of residential construction or improvement, or who
469 acts under supervision of the owner-occupant with respect to
470 residential construction or improvement, when the owner of such
471 construction or improvement is related to such person by
472 consanguinity or direct affinity;

473 (d) The owners of property who supervise, superintend,
474 oversee, direct or in any manner assume charge of the
475 construction, alteration, repair, improvement, movement,
476 demolition, putting up, tearing down, or maintenance of any
477 building, railroad, excavation, project, development, improvement,
478 plant facility or any other construction undertaking on such
479 property for use by such owner and which will not be for sale,
480 rent, public use or public assembly;

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

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

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

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

490 (2) A person specified in subsection (1)(b) shall not make
491 more than two (2) applications for a permit to construct a single
492 residence or shall not construct more than two (2) single
493 residences within a period of one (1) year. There shall be a
494 rebuttable presumption that such person intends to construct for
495 the purpose of resale, lease, rent or any similar purpose if more
496 than two (2) applications are made for a permit to construct a
497 single residence or if more than two (2) single residences are
498 constructed within a period of one (1) year.

499 (3) The provisions of this section shall not apply to
500 builders and remodelers who are not domiciled in the State of
501 Mississippi. Builders and remodelers who are not domiciled in the
502 State of Mississippi are not required to be licensed under the
503 provisions of this chapter if the state in which they are
504 domiciled requires licensing and the licensing state's
505 requirements are at least the equivalent of those requirements
506 provided in this chapter.

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

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

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

524 73-59-19. Any residential builder or remodeler licensed
525 pursuant to the provisions of this chapter may, without being
526 required to obtain an additional license under any other law of
527 this state, construct, improve, repair, remodel or renovate any
528 commercial structure, provided the prescribed contract job does
529 not exceed seven thousand five hundred (7,500) square feet.

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

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

547 (2) The Governor shall appoint one (1) of the two (2) ex
548 officio members as Chairman of the Standing Committee on
549 Residential Builders and Remodelers. The Executive Secretary of
550 the State Board of Contractors as set forth in Section 31-3-11
551 shall serve as secretary of the standing committee. The standing
552 committee shall meet no less than once per quarter of each year at
553 a date and time to be set by its chairman upon at least five (5)
554 business days' notice by regular mail. The members of the

555 standing committee shall be entitled to receive a per diem as
556 provided in Section 31-3-9.

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

561 (4) The Standing Committee on Residential Builders and
562 Remodelers shall have the power to make recommendations to the
563 State Board of Contractors pertaining to all duties set forth in
564 Sections 73-59-11 and 73-59-13. The standing committee shall have
565 only the power to make recommendations to the State Board of
566 Contractors and the State Board of Contractors shall have the
567 power and authority to accept or reject any recommendation made by
568 the standing committee. Hearings regarding residential builders
569 and remodelers shall be exclusively under the jurisdiction of the
570 Standing Committee on Residential Builders and Remodelers.

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

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

575 **SECTION 15.** Section 31-3-1, Mississippi Code of 1972, is
576 amended as follows:

577 31-3-1. The following words, as used in this chapter, shall
578 have the meanings specified below:

579 "Board": The State Board of Contractors created under this
580 chapter.

581 "Contractor": Any person contracting or undertaking as prime
582 contractor, subcontractor or sub-subcontractor of any tier to do
583 any erection, building, construction, reconstruction, repair,
584 maintenance or related work on any public or private project;
585 however, "contractor" shall not include any owner of a dwelling or
586 other structure to be constructed, altered, repaired or improved

587 and not for sale, lease, public use or assembly. It is further
588 provided that nothing herein shall apply to:

589 (a) Except for those who obtain a restricted
590 certificate of responsibility for undertakings that are less than
591 Fifty Thousand Dollars (\$50,000.00) on a public project, any
592 contract or undertaking on a public project by a prime contractor,
593 subcontractor or sub-subcontractor of any tier involving erection,
594 building, construction, reconstruction, repair, maintenance or
595 related work where such contract, subcontract or undertaking is
596 less than Fifty Thousand Dollars (\$50,000.00);

597 (b) Except for those who obtain a restricted
598 certificate of responsibility for undertakings that are less than
599 One Hundred Thousand Dollars (\$100,000.00) on a private project,
600 any contract or undertaking on a private project by a prime
601 contractor, subcontractor or sub-subcontractor of any tier
602 involving erection, building, construction, reconstruction,
603 repair, maintenance or related work where such contract,
604 subcontract or undertaking is less than One Hundred Thousand
605 Dollars (\$100,000.00);

606 (c) Highway construction, highway bridges, overpasses
607 and any other project incidental to the construction of highways
608 which are designated as federal aid projects and in which federal
609 funds are involved;

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

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

614 (f) A new commercial construction project not exceeding
615 seventy-five hundred (7500) square feet and not more than two (2)
616 stories in height undertaken by an individual or entity licensed
617 under the provisions of Section 73-59-1 et seq.;

618 (g) Erection of a microwave tower built for the purpose
619 of telecommunication transmissions;

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

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

630 (j) Any contract or undertaking on a private or public
631 project by a prime contractor, subcontractor or sub-subcontractor
632 of any tier involving the construction, reconstruction, repair or
633 maintenance of technically specialized installations if performed
634 by a Mississippi contractor who has been in the business of
635 installing fire protection sprinkler systems on or before July 1,
636 2000.

637 "Certificate of responsibility": A certificate numbered and
638 held by a contractor issued by the board under the provisions of
639 this chapter after payment of the special privilege license tax
640 therefor levied under this chapter.

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

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

646 "Public agency": Any board, commission, council or agency of
647 the State of Mississippi or any district, county or municipality
648 thereof, including school, hospital, airport and all other types
649 of governing agencies created by or operating under the laws of
650 this state.

651 "Public funds": Monies of public agencies, whether obtained
652 from taxation, donation or otherwise; or monies being expended by

653 public agencies for the purposes for which such public agencies
654 exist.

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

658 **SECTION 16.** Section 31-3-13, Mississippi Code of 1972, is
659 amended as follows:

660 31-3-13. The board shall have the following powers and
661 responsibilities:

662 (a) To receive applications for certificates of
663 responsibility, to investigate and examine applicants for same by
664 holding hearings and securing information, to conduct
665 examinations, and to issue certificates of responsibility to such
666 contractors as the board finds to be responsible. One-fourth
667 (1/4) of the certificates scheduled for renewal on the last day of
668 December 1980, shall be reviewed by the board on the first Tuesday
669 in January 1981. The remaining certificates shall be subject to
670 renewal in the following manner: one-fourth (1/4) on the first
671 Tuesday in April 1981; one-fourth (1/4) on the first Tuesday in
672 July 1981; and one-fourth (1/4) on the first Tuesday in October
673 1981. The board is authorized to extend the dates of expiration
674 of certificates to coincide with the scheduled date of review of
675 individual contractors. Except for the certificates extended from
676 December 31, 1980, to the first Tuesday in January 1981, the board
677 shall charge fees for the extension of certificates as follows:

678 (i) Twenty-five Dollars (\$25.00) if the date of
679 renewal of the extended certificate is the first Tuesday in April
680 1981;

681 (ii) Fifty Dollars (\$50.00) if the date of renewal
682 of the extended certificate is the first Tuesday in July 1981; and

683 (iii) Seventy-five Dollars (\$75.00) if the date of
684 renewal of the extended certificate is the first Tuesday in
685 October 1981.

686 The extended certificates renewed in compliance with this
687 paragraph (a) and all original certificates and renewals thereof
688 issued on or after July 1, 1980, shall expire one (1) year from
689 the date of issuance. No certificate or any renewal thereof shall
690 be issued until the application has been on file with the board
691 for at least thirty (30) days. Application for renewal of
692 certificates of responsibility, together with the payment of a
693 special privilege license tax as provided under this chapter,
694 shall serve to extend the current certificate until the board
695 either renews the certificate or denies the application.

696 No certificate of responsibility or any renewal thereof shall
697 be issued until the applicant furnishes to the board his
698 Mississippi state sales tax number or Mississippi state use tax
699 number and his state income tax identification numbers.

700 Additional fees may be required as provided in Section
701 31-3-14.

702 The board shall conduct an objective, standardized
703 examination of an applicant for a certificate to ascertain the
704 ability of the applicant to make practical application of his
705 knowledge of the profession or business of construction in the
706 category or categories for which he has applied for a certificate
707 of responsibility. The following are the types of certificates of
708 responsibility that a contractor may be tested on: (a)
709 undertakings greater than Fifty Thousand Dollars (\$50,000.00) on
710 public projects, a regular certificate of responsibility; (b)
711 undertakings less than Fifty Thousand Dollars (\$50,000.00), a
712 restricted certificate of responsibility; (c) undertakings greater
713 than One Hundred Thousand Dollars (\$100,000.00) on private
714 projects, a regular certificate of responsibility; and (d)
715 undertakings less than One Hundred Thousand Dollars (\$100,000.00)
716 on private projects, a restricted certificate of responsibility.

717 The cost of the test and the cost of administering the test shall
718 be paid for by applicants for certificates of responsibility at

719 the time applications are filed. The board shall investigate
720 thoroughly the past record of all applicants, which will include
721 an effort toward ascertaining the qualifications of applicants in
722 reading plans and specifications, estimating costs, construction
723 ethics, and other similar matters. The board shall take all
724 applicants under consideration after having examined him or them
725 and go thoroughly into the records and examinations, prior to
726 granting any certificate of responsibility. If the applicant is an
727 individual, examination may be taken by his personal appearance
728 for examination or by the appearance for examination of one or
729 more of his responsible managing employees; and if a copartnership
730 or corporation or any other combination or organization, by the
731 examination of one or more of the responsible managing officers or
732 members of the executive staff of the applicant's firm, according
733 to its own designation.

734 (b) To conduct thorough investigations of all
735 applicants seeking renewal of their licenses and of all complaints
736 filed with the board concerning the performance of a contractor on
737 a public or private project.

738 (c) To obtain information concerning the responsibility
739 of any applicant for a certificate of responsibility or a holder
740 of a certificate of responsibility under this chapter. Such
741 information may be obtained by investigation, by hearings, or by
742 any other reasonable and lawful means. The board shall keep such
743 information appropriately filed and shall disseminate same to any
744 interested person. The board shall have the power of subpoena.

745 (d) To maintain a list of contractors to whom
746 certificates of responsibility are issued, refused, revoked or
747 suspended, which list shall be available to any interested person.
748 Such list shall indicate the kind or kinds of works or projects
749 for which a certificate of responsibility was issued, refused,
750 revoked or suspended.

751 (e) To revoke by order entered on its minutes a
752 certificate of responsibility upon a finding by the board that a
753 particular contractor is not responsible, and to suspend such
754 certificate of responsibility in particular cases pending
755 investigation, upon cause to be stated in the board's order of
756 suspension. No such revocation or suspension shall be ordered
757 without a hearing conducted upon not less than ten (10) days'
758 notice to such certificate holder by certified or registered mail,
759 wherein the holder of the certificate of responsibility shall be
760 given an opportunity to present all lawful evidence which he may
761 offer.

762 (f) To adopt rules and regulations setting forth the
763 requirements for certificates of responsibility, the revocation or
764 suspension thereof, and all other matters concerning same; rules
765 and regulations governing the conduct of the business of the board
766 and its employees; and such other rules and regulations as the
767 board finds necessary for the proper administration of this
768 chapter, including those for the conduct of its hearings on the
769 revocation or suspension of certificates of responsibility. Such
770 rules and regulations shall not conflict with the provisions of
771 this chapter.

772 (g) The board shall have the power and responsibility
773 to classify the kind or kinds of works or projects that a
774 contractor is qualified and entitled to perform under the
775 certificate of responsibility issued to him. Such classification
776 shall be specified in the certificate of responsibility.

777 The powers of the State Board of Contractors shall not extend
778 to fixing a maximum limit in the bid amount of any contractor, or
779 the bonding capacity, or a maximum amount of work which a
780 contractor may have under contract at any time, except as stated
781 in paragraph (a) of this section; and the Board of Contractors
782 shall not have jurisdiction or the power or authority to determine
783 the maximum bond a contractor may be capable of obtaining. The

784 board, in determining the qualifications of any applicant for an
785 original certificate of responsibility or any renewal thereof,
786 shall, among other things, take into consideration the following:
787 (1) experience and ability, (2) character, (3) the manner of
788 performance of previous contracts, (4) financial condition, (5)
789 equipment, (6) personnel, (7) work completed, (8) work on hand,
790 (9) ability to perform satisfactorily work under contract at the
791 time of an application for a certificate of responsibility or a
792 renewal thereof, (10) default in complying with provisions of this
793 law, or any other law of the state, and (11) the results of
794 objective, standardized examinations. A record shall be made and
795 preserved by the board of each examination of an applicant and the
796 findings of the board thereon, and a certified copy of the record
797 and findings shall be furnished to any applicant desiring to
798 appeal from any order or decision of the board.

799 (h) The board shall enter upon its minutes an order or
800 decision upon each application filed with it, and it may state in
801 such order or decision the reason or reasons for its order or
802 decision.

803 Upon failure of the board to enter an order or decision upon
804 its minutes as to any application within one hundred eighty (180)
805 days from the date of filing such application, the applicant shall
806 have the right of appeal as otherwise provided by this chapter.

807 The holder of any valid certificate of responsibility issued
808 by the Board of Public Contractors prior to January 1, 1986, shall
809 be automatically issued a certificate of responsibility by the
810 State Board of Contractors for the same classification or
811 classifications of work which the holder was entitled to perform
812 under the State Board of Public Contractors Act.

813 (i) (i) Notwithstanding any provision of law to the
814 contrary, the board may issue a certificate of responsibility to
815 any person who establishes such person's competency in any
816 classification by successfully passing the examination, authorized

817 under subsection (a) of this section, for measuring of industry
818 expertise in such work that is administered by the board, and such
819 certificate of responsibility shall authorize the holder of the
820 certificate of responsibility to engage in contracting in this
821 state or any of its political subdivisions.

822 (ii) Such holder of a valid certificate of
823 responsibility shall be eligible to contract for such work in any
824 county or municipality upon:

825 1. Exhibiting evidence of a current
826 certificate of responsibility to the appropriate local officials;
827 2. Paying any local licensing fees; and
828 3. Paying any inspection or permit fees
829 customarily required by any county or municipality for such work.

830 No county or municipality shall require such holder of a
831 valid certificate of responsibility or such holder's employees to
832 pass any county or municipal test or examination; nor shall a
833 county or municipality impose any additional requirements upon
834 such valid holder of a certificate of responsibility or its
835 employees, nor in any way discriminate against such holder of a
836 certificate of responsibility on the basis of such holder's
837 nonresidency within the county or municipality.

838 **SECTION 17.** Section 27-17-457, Mississippi Code of 1972, is
839 amended as follows:

840 27-17-457. (1) Any contractor, including, but not limited
841 to, any electrical, plumbing, heating and air conditioning, water
842 and sewer, roofing or mechanical contractor, who is licensed by
843 any one (1) municipality or county of the State of Mississippi,
844 which municipality or county has an examining board where there is
845 regularly given a written examination, and who does not hold a
846 current certificate of responsibility issued by the State Board of
847 Public Contractors, shall be allowed to do business in any other
848 municipality or county in the state without being required to

849 obtain a license in such other municipality or county or to
850 undergo any further examination provided:

851 (a) That he furnishes evidence that he has such
852 license;

853 (b) That he furnishes evidence that he actually took
854 and passed the written examination which qualified him for such
855 license; however, in lieu thereof evidence that if said contractor
856 was issued a license prior to May 1, 1972, and prior to the
857 existence of such written examination by a county or municipality
858 which has an examining board that does presently require written
859 examination to qualify for a license; and

860 (c) That he is not operating a separate place of
861 business located in such other municipality or county.

862 (2) Any contractor, including, but not limited to, any
863 electrical, plumbing, heating and air conditioning, water and
864 sewer, roofing or mechanical contractor, who is licensed by any
865 one (1) municipality or county of the State of Mississippi, which
866 municipality or county has an examining board where there is
867 regularly given a written examination, and who holds a current
868 certificate of responsibility issued by the State Board of Public
869 Contractors shall be allowed to do business in any other
870 municipality or county in the state without being required to
871 obtain a separate license in such other municipality or county or
872 to undergo any further examination provided said contractor meets
873 the requirements of paragraphs (a) and (b) of subsection (1) of
874 this section.

875 (3) No additional privilege license bond shall be required
876 in order for such a contractor to do business in another
877 municipality or county in the state as long as the contractor has
878 obtained the bond in the municipality or county where he is
879 licensed.

880 (4) Nothing in this Section 27-17-457 supercedes or
881 otherwise affects the provisions of Title 31, Chapter 3, or the

882 provisions of Title 73, Chapter 59. In the event any provision in
883 Section 27-17-457 conflicts with any provision of Title 31,
884 Chapter 3, or of Title 73, Chapter 59, the latter titles and
885 chapters are hereby deemed and shall be controlling over the
886 provisions of Section 27-17-457.

887 (5) This Section 27-17-457 is intended to apply only to the
888 Local Privilege Tax Law, and is not intended to apply to or
889 restrict the powers and authority granted to municipalities and
890 counties in Sections 21-19-25 and 19-5-9, or any powers or
891 authority derived from said sections related to permits and permit
892 bonds, and the issuance, denial or requirements thereof.

893 (6) No taxpayer receiving a privilege license under this
894 Section 27-17-457 shall be authorized to advertise to the public
895 that they are "licensed" unless said taxpayer is currently in
896 compliance with paragraph (b) of subsection (1) of this section,
897 or holds a current license or certificate of responsibility from
898 the State Board of Contractors. Any officer collecting the tax
899 may suspend the issuance or renewal of a privilege license granted
900 under this section until such time as said officer finds that such
901 taxpayer is in compliance with the provisions of this subsection.
902 If any taxpayer receiving a privilege license under this section
903 presents themselves to the public as "licensed" then said taxpayer
904 must state to the public that they are "licensed by the city of"
905 and/or "county of" followed by the name or names of the
906 appropriate city and/or county from which such taxpayer is
907 currently in compliance with paragraph (b) of subsection (1) of
908 this section; or, if otherwise appropriate, "licensed by the State
909 Board of Contractors."

910 (7) (a) Notwithstanding any provision of law to the
911 contrary, the board may issue a certificate of responsibility to
912 any person who establishes such person's competency in any
913 classification by successfully passing the examination, authorized
914 under Section 31-3-13, for measuring of industry expertise in such

915 work that is administered by the board, and such certificate of
916 responsibility shall authorize the holder of the certificate of
917 responsibility to engage in contracting in this state or any of
918 its political subdivisions.

919 (b) Such holder of a valid certificate of
920 responsibility shall be eligible to contract for such work in any
921 county or municipality upon:

922 (i) Exhibiting evidence of a current certificate
923 of responsibility to the appropriate local officials;

924 (ii) Paying any local licensing fees; and

925 (iii) Paying any inspection or permit fees

926 customarily required by any county or municipality for such work.

927 No county or municipality shall require such holder of a
928 valid certificate of responsibility or such holder's employees to
929 pass any county or municipal test or examination; nor shall a
930 county or municipality impose any additional requirements upon
931 such valid holder of a certificate of responsibility or its
932 employees, nor in any way discriminate against such holder of a
933 certificate of responsibility on the basis of such holder's
934 nonresidency within the county or municipality.

935 **SECTION 18.** Section 17-25-5, Mississippi Code of 1972, is
936 amended as follows:

937 17-25-5. (1) Every municipality and county of the State of
938 Mississippi shall grant competency examination reciprocity to any
939 contractor, including, but not limited to, any electrical,
940 plumbing, heating and air conditioning, water and sewer, roofing
941 or mechanical contractor, who is licensed by another municipality
942 or county of this state without imposing any further competency
943 examination requirements provided:

944 (a) That the contractor furnishes evidence that he has
945 a license issued on the basis of a competency examination
946 administered in one (1) municipality or county of the State of
947 Mississippi which has an examining board that regularly gives a

948 written examination which has been approved by the State Board of
949 Public Contractors or the Building Officials Association of
950 Mississippi;

951 (b) That he furnishes evidence that he actually took
952 and passed the written examination which qualified him for such
953 license; however, in lieu thereof, he may furnish evidence that
954 he was issued a license prior to May 1, 1972, and prior to the
955 existence of a written examination by a county or municipality
956 which has an examining board that requires written examination to
957 qualify for a license;

958 (c) That he has been actively engaged in the business
959 for which he is licensed for two (2) years or more;

960 (d) That he has held a license for his business for one
961 (1) year or more; and

962 (e) That he pays the license fee to the municipality or
963 county to which application is made for a license unless he holds
964 a current certificate of responsibility issued by the State Board
965 of Public Contractors, in which case no license fee shall be
966 collected.

967 (2) (a) Any contractor who operates more than one (1)
968 separate place of business within the state must obtain the
969 appropriate privilege license and pay the privilege license fee
970 for each location if required by the local jurisdiction.

971 (b) Every jurisdiction in which a contractor does
972 business may impose its own separate bonding requirements on the
973 contractor desiring to do business there.

974 (3) (a) Notwithstanding any provision of law to the
975 contrary, the board may issue a certificate of responsibility to
976 any person who establishes such person's competency in any
977 classification by successfully passing the examination, authorized
978 under Section 31-3-13, for measuring of industry expertise in such
979 work that is administered by the board, and such certificate of
980 responsibility shall authorize the holder of the certificate of

981 responsibility to engage in contracting in this state or any of
982 its political subdivisions.

983 (b) Such holder of a valid certificate of
984 responsibility shall be eligible to contract for such work in any
985 county or municipality upon:

986 (i) Exhibiting evidence of a current certificate
987 of responsibility to the appropriate local officials;

988 (ii) Paying any local licensing fees; and

989 (iii) Paying any inspection or permit fees

990 customarily required by any county or municipality for such work.

991 No county or municipality shall require such holder of a
992 valid certificate of responsibility or such holder's employees to
993 pass any county or municipal test or examination; nor shall a
994 county or municipality impose any additional requirements upon
995 such valid holder of a certificate of responsibility or its
996 employees, nor in any way discriminate against such holder of a
997 certificate of responsibility on the basis of such holder's
998 nonresidency within the county or municipality.

999 **SECTION 19.** This act shall take effect and be in force from
1000 and after July 1, 2005.