

By: Representatives Dedeaux, Broomfield

To: Judiciary B

HOUSE BILL NO. 1479  
(As Passed the House)

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 REENACTED SECTIONS 73-59-11,  
10 73-59-13 AND 73-59-15, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN  
11 POWERS AND DUTIES, HEARING PROVISIONS AND EXEMPTION REGARDING  
12 RESIDENTIAL BUILDERS AND REMODELERS; TO AMEND SECTION 31-3-1,  
13 MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS FOR THE  
14 STATE BOARD OF PUBLIC CONTRACTORS; TO AMEND SECTION 31-3-13,  
15 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD TO ISSUE  
16 RESTRICTED CERTIFICATES OF RESPONSIBILITY FOR CERTAIN PROJECTS; TO  
17 PROHIBIT MUNICIPALITIES AND COUNTIES FROM REQUIRING ADDITIONAL  
18 TESTING ONCE A CONTRACTOR HAS RECEIVED HIS OR HER CERTIFICATE OF  
19 RESPONSIBILITY; TO AMEND SECTIONS 27-17-457 AND 17-25-5,  
20 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
21 PURPOSES.

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

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

25 31-3-3. There is hereby created the State Board of  
26 Contractors of the State of Mississippi, which shall consist of  
27 ten (10) members who shall be appointed by the Governor. All  
28 appointments to the board after July 1, 1980, shall be made with  
29 the advice and consent of the Senate. Two (2) road contractors;  
30 two (2) building contractors; two (2) residential builders as  
31 defined in Section 73-59-1; one (1) plumbing or heating and air  
32 conditioning contractor; one (1) electrical contractor; and one  
33 (1) water and sewer contractor shall compose the board. From and  
34 after July 1, 1992, the Governor shall appoint one (1) additional  
35 member who shall be a roofing contractor and whose term of office  
36 shall be five (5) years. Each member shall be an actual resident

37 of the State of Mississippi and must have been actually engaged in  
38 the contracting business for a period of not less than ten (10)  
39 years before appointment. The initial terms of the two (2)  
40 residential builders shall be for two (2) and four (4) years,  
41 respectively, beginning July 1, 1993.

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

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

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

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

70 necessary in the performance of its duties including sufficient  
71 administrative and clerical staff to process and review  
72 applications for certificates of responsibility, to prepare and  
73 administer tests therefor, to investigate applications for  
74 certificates of responsibility and to inspect work performed by  
75 contractors as may be necessary to enforce and carry out the  
76 purpose of this chapter.

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

79 73-59-1. For the purposes of this chapter, the following  
80 words shall have the meanings ascribed herein:

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

83 (b) "Residential builder" means any corporation,  
84 partnership or individual who constructs a building or structure  
85 for sale for use by another as a residence or who, for a fixed  
86 price, commission, fee, wage or other compensation, undertakes or  
87 offers to undertake the construction, or superintending of the  
88 construction, of any building or structure which is not more than  
89 three (3) floors in height, to be used by another as a residence,  
90 when the cost of the undertaking exceeds Fifty Thousand Dollars  
91 (\$50,000.00).

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

98 (d) "Residential construction" means any undertaking  
99 described in paragraph (b) of this section performed by a  
100 residential builder.

101           (e) "Residential improvement" means any undertaking  
102 described in paragraph (c) of this section performed by a  
103 remodeler.

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

106           73-59-3. (1) Except as otherwise provided in Section  
107 73-59-15, persons who perform residential construction or  
108 residential improvement shall be licensed by the board annually,  
109 and, as a prerequisite to obtaining a license or renewal thereof,  
110 each shall submit to the board:

111           (a) Proof of workers' compensation insurance, if  
112 applicable;

113           (b) A federal employment identification number or  
114 social security number.

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

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

134 31-3-17 and shall be used for the administration and enforcement  
135 of this chapter and as provided in Section 31-3-14. Amounts in  
136 such fund shall not lapse into the State General Fund at the end  
137 of a fiscal year. Interest accrued to such fund shall remain in  
138 the fund. All expenditures from the special fund shall be by  
139 requisition to the Department of Finance and Administration,  
140 signed by the executive secretary of the board and countersigned  
141 by the chairman or vice chairman of the board.

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

157 (5) Any person who is not a resident of the State of  
158 Mississippi who desires to perform residential construction or  
159 residential improvement shall be licensed to perform such  
160 construction or improvement as provided by this chapter.

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

163 73-59-5. Any corporation, partnership or individual seeking  
164 to be licensed and examined under this chapter shall file with the  
165 board at least thirty (30) days prior to the next meeting of the  
166 board a written application on such form as may be prescribed by

167 the board. Such application shall be accompanied by the payment  
168 of the license fee. If the application sufficiently contains the  
169 information required pursuant to this chapter, the applicant shall  
170 be examined by the board at its next meeting using a uniform  
171 written examination prescribed by the board. The board shall  
172 administer an oral examination to applicants who are unable to  
173 take the written examination. In addition, the board, in  
174 examining such applicant, shall consider the following:

- 175 (a) Experience;
- 176 (b) Complaints; and
- 177 (c) Other pertinent information the board may require.

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

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

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

195 Each application for a license under this chapter shall  
196 reveal any other states in which the applicant or any partner or  
197 business associate of the applicant is licensed and whether the  
198 applicant, partner or business associate has had a license revoked  
199 or suspended in any other state. If the applicant fails to

200 provide this information, the board may deny or revoke the  
201 applicant's license. If the applicant has had a license revoked  
202 in another state, the board may deny the application for a license  
203 in this state.

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

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

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

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

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

232           73-59-9. (1) Any residential builder who undertakes or  
233 attempts to undertake the business of residential construction  
234 without having a valid license as required by this chapter, or who  
235 knowingly presents to the board, or files with the board, false  
236 information for the purpose of obtaining such license, shall be  
237 deemed guilty of a misdemeanor and upon conviction shall be fined  
238 not less than One Hundred Dollars (\$100.00) and not more than Five  
239 Thousand Dollars (\$5,000.00) or be imprisoned for not less than  
240 thirty (30) nor more than sixty (60) days in the county jail, or  
241 both.

242           (2) Any remodeler who undertakes or attempts to undertake  
243 the business of residential improvement without having a valid  
244 license as required by this chapter, or who knowingly presents to  
245 the board, or files with the board, false information for the  
246 purpose of obtaining such license, shall be deemed guilty of a  
247 misdemeanor and upon conviction shall be fined not less than One  
248 Hundred Dollars (\$100.00) and not more than Five Thousand Dollars  
249 (\$5,000.00) or be imprisoned for not less than thirty (30) nor  
250 more than sixty (60) days in the county jail, or both.

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

255           **SECTION 8.** Section 73-59-11, Mississippi Code of 1972, is  
256 reenacted and amended as follows:

257           73-59-11. The board shall have the following additional  
258 duties for the purposes of this chapter:

259           (a) To conduct thorough investigations of all  
260 applicants seeking a license or licensees seeking renewal of their  
261 licenses and of all complaints filed with the board concerning the  
262 performance of a residential builder.

263           (b) To obtain information concerning the responsibility  
264 of any applicant for a license or of a licensee. Such information



265 may be obtained by investigation, by hearings, or by any other  
266 reasonable and lawful means. The board shall keep such  
267 information appropriately filed.

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

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

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

278 (f) To adopt rules and regulations governing  
279 disciplinary actions and the conduct of its hearings and to adopt  
280 such other rules and regulations as the board finds necessary for  
281 the proper administration of this chapter.

282 (g) To adopt rules requiring public disclosure of  
283 contact and insurance information for licensees.

284 **SECTION 9.** Section 73-59-13, Mississippi Code of 1972, is  
285 reenacted and amended as follows:

286 73-59-13. (1) The board, upon satisfactory proof and in  
287 accordance with the provisions of this chapter and the regulations  
288 of the board pertaining thereto, is authorized to take the  
289 disciplinary actions provided for in this section against any  
290 person for any of the following reasons:

291 (a) Violating any of the provisions of this chapter or  
292 the rules or regulations of the board pertaining to the work of  
293 residential building or residential improvement;

294 (b) Fraud, deceit or misrepresentation in obtaining a  
295 license;

296 (c) Gross negligence or misconduct;

297 (d) Engaging in work of residential building or  
298 residential improvement on an expired license or while under  
299 suspension or revocation of license unless the suspension or  
300 revocation be abated in accordance with this chapter;

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

302 (f) Failing to maintain workers' compensation  
303 insurance, if applicable; or

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

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

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

317 The board shall send a certified inspector to inspect the  
318 building or structure which is the subject of a complaint or the  
319 board may use a county certified building inspector from the  
320 county where the building or structure is located to inspect the  
321 building or structure which is the subject of a complaint. The  
322 report of the inspector shall be used in the investigation and the  
323 determination of the board. The provisions above shall only apply  
324 to hearings.

325 No disciplinary action may be taken until the accused has  
326 been furnished both a statement of the charges against him and  
327 notice of the time and place of the hearing thereon, which shall  
328 be personally served on such accused or mailed by certified mail,  
329 return receipt requested, to the last known business or residence

330 address of the accused not less than thirty (30) days prior to the  
331 date fixed for the hearing. The complaining party shall be  
332 notified of the place and time of the hearing by mail to the last  
333 known business or residence address of the complaining party not  
334 less than thirty (30) days prior to the date fixed for the  
335 hearing.

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

348 All witnesses who are subpoenaed and appear in any  
349 proceedings before the board shall receive the same fees and  
350 mileage as allowed by law to witnesses in county, circuit and  
351 chancery court pursuant to Section 25-7-47, Mississippi Code of  
352 1972, and all such fees shall be taxed as part of the costs in the  
353 case.

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

363           The accused and the complaining party shall have the right to  
364 be present at the hearing in person, by counsel or other  
365 representative, or both, and each shall be notified of this  
366 privilege. The board is authorized for proper cause to continue  
367 or recess the hearing as may be necessary.

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

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

377                   (a) Issue a public or private reprimand;

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

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

384           (6) A monetary penalty assessed and levied under this  
385 section shall be paid to the board upon the expiration of the  
386 period allowed for appeal of such penalties under this section or  
387 may be paid sooner if the guilty party elects. Money collected by  
388 the board under this section shall be deposited to the credit of  
389 the State Board of Contractors' Fund.

390           When payment of a monetary penalty assessed and levied by the  
391 board in accordance with this section is not paid when due, the  
392 board shall have the power to institute and maintain proceedings  
393 in its name for enforcement of payment in the chancery court of  
394 the county of residence of the delinquent party; however, if the  
395 delinquent party is a nonresident of the State of Mississippi,

396 such proceedings shall be in the Chancery Court of the First  
397 Judicial District of Hinds County, Mississippi.

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

405 (8) The board shall not assess any of the costs of  
406 disciplinary proceedings conducted pursuant to this section  
407 against the prevailing party.

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

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

415 (11) Any person aggrieved by any order or decision of the  
416 board may appeal within fifteen (15) days from the date of  
417 adjournment of the session at which the board rendered such order  
418 or decision, and may embody the facts, order and decision in a  
419 bill of exceptions which shall be signed by the person acting as  
420 chairman of the board. The board shall transmit the bill of  
421 exceptions to either the chancery court of the county of residence  
422 of the appellant, or the Chancery Court of the First Judicial  
423 District of Hinds County, at the election of the appellant, and  
424 the court or chancellor shall hear and determine the same either  
425 in termtime or in vacation, on the case as presented by the bill  
426 of exceptions, as an appellant court, and shall affirm or reverse  
427 the judgment. If the judgment be reversed, the chancery court or  
428 chancellor shall render such order or judgment as the board ought

429 to have rendered, and certify the same to the board; and costs  
430 shall be awarded as in other cases. The board may employ counsel  
431 to defend such appeals, to be paid out of the funds in the State  
432 Board of Contractors' Fund.

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

437 (12) Any political subdivision or agency of this state which  
438 receives a complaint against a residential builder or remodeler  
439 shall, in addition to exercising whatever authority such political  
440 subdivision or agency has been given over such complaint, forward  
441 the complaint to the board.

442 (13) In addition to the reasons specified in subsection (1)  
443 of this section, the board shall be authorized to suspend the  
444 license of any licensee for being out of compliance with an order  
445 for support, as defined in Section 93-11-153. The procedure for  
446 suspension of a license for being out of compliance with an order  
447 for support, and the procedure for the reissuance or reinstatement  
448 of a license suspended for that purpose, and the payment of any  
449 fees for the reissuance or reinstatement of a license suspended  
450 for that purpose, shall be governed by Section 93-11-157 or  
451 93-11-163, as the case may be. Actions taken by the board in  
452 suspending a license when required by Section 93-11-157 or  
453 93-11-163 are not actions from which an appeal may be taken under  
454 this section. Any appeal of a license suspension that is required  
455 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
456 with the appeal procedure specified in Section 93-11-157 or  
457 93-11-163, as the case may be, rather than the procedure specified  
458 in this section. If there is any conflict between any provision  
459 of Section 93-11-157 or 93-11-163 and any provision of this  
460 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
461 case may be, shall control.

462           **SECTION 10.** Section 73-59-15, Mississippi Code of 1972, is  
463 reenacted and amended as follows:

464           73-59-15. (1) This chapter shall not apply to:

465                   (a) Agricultural buildings, buildings used for  
466 agricultural purposes, buildings constructed as a community  
467 effort, or tenant houses;

468                   (b) Any person who undertakes construction or  
469 improvement on his own residence, or who acts as his own general  
470 contractor in the performance of construction or improvement on  
471 his own residence, or who acts under the supervision of the  
472 owner-occupant who is the general contractor, provided that such  
473 person has not exceeded the limits set forth in paragraph (h);

474                   (c) Any person who undertakes residential construction  
475 or improvement, or who acts as a general contractor in the  
476 performance of residential construction or improvement, or who  
477 acts under supervision of the owner-occupant with respect to  
478 residential construction or improvement, when the owner of such  
479 construction or improvement is related to such person by  
480 consanguinity or direct affinity;

481                   (d) The owners of property who supervise, superintend,  
482 oversee, direct or in any manner assume charge of the  
483 construction, alteration, repair, improvement, movement,  
484 demolition, putting up, tearing down, or maintenance of any  
485 building, railroad, excavation, project, development, improvement,  
486 plant facility or any other construction undertaking on such  
487 property for use by such owner and which will not be for sale,  
488 rent, public use or public assembly;

489                   (e) An employee of a licensed residential builder or  
490 remodeler;

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

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

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

499           (2) A person specified in subsection (1)(b) shall not make  
500 more than two (2) applications for a permit to construct a single  
501 residence or shall not construct more than two (2) single  
502 residences within a period of one (1) year. There shall be a  
503 rebuttable presumption that such person intends to construct for  
504 the purpose of resale, lease, rent or any similar purpose if more  
505 than two (2) applications are made for a permit to construct a  
506 single residence or if more than two (2) single residences are  
507 constructed within a period of one (1) year.

508           (3) The provisions of this section shall not apply to  
509 builders and remodelers who are not domiciled in the State of  
510 Mississippi. Builders and remodelers who are not domiciled in the  
511 State of Mississippi are not required to be licensed under the  
512 provisions of this chapter if the state in which they are  
513 domiciled requires licensing and the licensing state's  
514 requirements are at least the equivalent of those requirements  
515 provided in this chapter.

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

518           73-59-17. The building official, or other authority charged  
519 with the duty of issuing building or similar permits, of any  
520 municipality or county, shall refuse to issue a permit for any  
521 undertaking which would classify the applicant as a residential  
522 builder or remodeler under this chapter unless the applicant has  
523 furnished evidence that he is either licensed as required by this  
524 chapter or exempt from the requirements of this chapter. The  
525 building official, or other authority charged with the duty of  
526 issuing building or similar permits, shall also report to the  
527 board the name and address of any person who, in his opinion, has



528 violated this chapter by accepting, or contracting to accomplish,  
529 work which would classify the person as a residential builder or  
530 remodeler under this chapter without a license or acknowledgement.

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

533         73-59-19. Any residential builder or remodeler licensed  
534 pursuant to the provisions of this chapter may, without being  
535 required to obtain an additional license under any other law of  
536 this state, construct, improve, repair, remodel or renovate any  
537 commercial structure, provided the prescribed contract job does  
538 not exceed seven thousand five hundred (7,500) square feet.

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

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

556         (2) The Governor shall appoint one (1) of the two (2) ex  
557 officio members as Chairman of the Standing Committee on  
558 Residential Builders and Remodelers. The Executive Secretary of  
559 the State Board of Contractors as set forth in Section 31-3-11  
560 shall serve as secretary of the standing committee. The standing

561 committee shall meet no less than once per quarter of each year at  
562 a date and time to be set by its chairman upon at least five (5)  
563 business days' notice by regular mail. The members of the  
564 standing committee shall be entitled to receive a per diem as  
565 provided in Section 31-3-9.

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

570 (4) The Standing Committee on Residential Builders and  
571 Remodelers shall have the power to make recommendations to the  
572 State Board of Contractors pertaining to all duties set forth in  
573 Sections 73-59-11 and 73-59-13. The standing committee shall have  
574 only the power to make recommendations to the State Board of  
575 Contractors and the State Board of Contractors shall have the  
576 power and authority to accept or reject any recommendation made by  
577 the standing committee. Hearings regarding residential builders  
578 and remodelers shall be exclusively under the jurisdiction of the  
579 Standing Committee on Residential Builders and Remodelers.

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

582 Section 14. This act shall take effect and be in force from  
583 and after its passage, and shall stand repealed on July 1, 2009.

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

586 31-3-1. The following words, as used in this chapter, shall  
587 have the meanings specified below:

588 "Board": The State Board of Contractors created under this  
589 chapter.

590 "Contractor": Any person contracting or undertaking as prime  
591 contractor, subcontractor or sub-subcontractor of any tier to do  
592 any erection, building, construction, reconstruction, repair,  
593 maintenance or related work on any public or private project;

594 however, "contractor" shall not include any owner of a dwelling or  
595 other structure to be constructed, altered, repaired or improved  
596 and not for sale, lease, public use or assembly. It is further  
597 provided that nothing herein shall apply to:

598 (a) Except for those who obtain a restricted  
599 certificate of responsibility for undertakings that are less than  
600 Fifty Thousand Dollars (\$50,000.00) on a public project, any  
601 contract or undertaking on a public project by a prime contractor,  
602 subcontractor or sub-subcontractor of any tier involving erection,  
603 building, construction, reconstruction, repair, maintenance or  
604 related work where such contract, subcontract or undertaking is  
605 less than Fifty Thousand Dollars (\$50,000.00);

606 (b) Except for those who obtain a restricted  
607 certificate of responsibility for undertakings that are less than  
608 One Hundred Thousand Dollars (\$100,000.00) on a private project,  
609 any contract or undertaking on a private project by a prime  
610 contractor, subcontractor or sub-subcontractor of any tier  
611 involving erection, building, construction, reconstruction,  
612 repair, maintenance or related work where such contract,  
613 subcontract or undertaking is less than One Hundred Thousand  
614 Dollars (\$100,000.00);

615 (c) Highway construction, highway bridges, overpasses  
616 and any other project incidental to the construction of highways  
617 which are designated as federal aid projects and in which federal  
618 funds are involved;

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

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

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

627           (g) Erection of a microwave tower built for the purpose  
628 of telecommunication transmissions;

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

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

639           (j) Any contract or undertaking on a private or public  
640 project by a prime contractor, subcontractor or sub-subcontractor  
641 of any tier involving the construction, reconstruction, repair or  
642 maintenance of technically specialized installations if performed  
643 by a Mississippi contractor who has been in the business of  
644 installing fire protection sprinkler systems on or before July 1,  
645 2000.

646           "Certificate of responsibility": A certificate numbered and  
647 held by a contractor issued by the board under the provisions of  
648 this chapter after payment of the special privilege license tax  
649 therefor levied under this chapter.

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

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

655           "Public agency": Any board, commission, council or agency of  
656 the State of Mississippi or any district, county or municipality  
657 thereof, including school, hospital, airport and all other types  
658 of governing agencies created by or operating under the laws of  
659 this state.

660 "Public funds": Monies of public agencies, whether obtained  
661 from taxation, donation or otherwise; or monies being expended by  
662 public agencies for the purposes for which such public agencies  
663 exist.

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

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

669 31-3-13. The board shall have the following powers and  
670 responsibilities:

671 (a) To receive applications for certificates of  
672 responsibility, to investigate and examine applicants for same by  
673 holding hearings and securing information, to conduct  
674 examinations, and to issue certificates of responsibility to such  
675 contractors as the board finds to be responsible. One-fourth  
676 (1/4) of the certificates scheduled for renewal on the last day of  
677 December 1980, shall be reviewed by the board on the first Tuesday  
678 in January 1981. The remaining certificates shall be subject to  
679 renewal in the following manner: one-fourth (1/4) on the first  
680 Tuesday in April 1981; one-fourth (1/4) on the first Tuesday in  
681 July 1981; and one-fourth (1/4) on the first Tuesday in October  
682 1981. The board is authorized to extend the dates of expiration  
683 of certificates to coincide with the scheduled date of review of  
684 individual contractors. Except for the certificates extended from  
685 December 31, 1980, to the first Tuesday in January 1981, the board  
686 shall charge fees for the extension of certificates as follows:

687 (i) Twenty-five Dollars (\$25.00) if the date of  
688 renewal of the extended certificate is the first Tuesday in April  
689 1981;

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

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

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

705 No certificate of responsibility or any renewal thereof shall  
706 be issued until the applicant furnishes to the board his  
707 Mississippi state sales tax number or Mississippi state use tax  
708 number and his state income tax identification numbers.

709 Additional fees may be required as provided in Section  
710 31-3-14.

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

724 undertakings less than One Hundred Thousand Dollars (\$100,000.00)  
725 on private projects, a restricted certificate of responsibility.  
726 The cost of the test and the cost of administering the test shall  
727 be paid for by applicants for certificates of responsibility at  
728 the time applications are filed. The board shall investigate  
729 thoroughly the past record of all applicants, which will include  
730 an effort toward ascertaining the qualifications of applicants in  
731 reading plans and specifications, estimating costs, construction  
732 ethics, and other similar matters. The board shall take all  
733 applicants under consideration after having examined him or them  
734 and go thoroughly into the records and examinations, prior to  
735 granting any certificate of responsibility. If the applicant is an  
736 individual, examination may be taken by his personal appearance  
737 for examination or by the appearance for examination of one or  
738 more of his responsible managing employees; and if a copartnership  
739 or corporation or any other combination or organization, by the  
740 examination of one or more of the responsible managing officers or  
741 members of the executive staff of the applicant's firm, according  
742 to its own designation.

743 (b) To conduct thorough investigations of all  
744 applicants seeking renewal of their licenses and of all complaints  
745 filed with the board concerning the performance of a contractor on  
746 a public or private project.

747 (c) To obtain information concerning the responsibility  
748 of any applicant for a certificate of responsibility or a holder  
749 of a certificate of responsibility under this chapter. Such  
750 information may be obtained by investigation, by hearings, or by  
751 any other reasonable and lawful means. The board shall keep such  
752 information appropriately filed and shall disseminate same to any  
753 interested person. The board shall have the power of subpoena.

754 (d) To maintain a list of contractors to whom  
755 certificates of responsibility are issued, refused, revoked or  
756 suspended, which list shall be available to any interested person.

757 Such list shall indicate the kind or kinds of works or projects  
758 for which a certificate of responsibility was issued, refused,  
759 revoked or suspended.

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

771 (f) To adopt rules and regulations setting forth the  
772 requirements for certificates of responsibility, the revocation or  
773 suspension thereof, and all other matters concerning same; rules  
774 and regulations governing the conduct of the business of the board  
775 and its employees; and such other rules and regulations as the  
776 board finds necessary for the proper administration of this  
777 chapter, including those for the conduct of its hearings on the  
778 revocation or suspension of certificates of responsibility. Such  
779 rules and regulations shall not conflict with the provisions of  
780 this chapter.

781 (g) The board shall have the power and responsibility  
782 to classify the kind or kinds of works or projects that a  
783 contractor is qualified and entitled to perform under the  
784 certificate of responsibility issued to him. Such classification  
785 shall be specified in the certificate of responsibility.

786 The powers of the State Board of Contractors shall not extend  
787 to fixing a maximum limit in the bid amount of any contractor, or  
788 the bonding capacity, or a maximum amount of work which a  
789 contractor may have under contract at any time, except as stated



790 in paragraph (a) of this section; and the Board of Contractors  
791 shall not have jurisdiction or the power or authority to determine  
792 the maximum bond a contractor may be capable of obtaining. The  
793 board, in determining the qualifications of any applicant for an  
794 original certificate of responsibility or any renewal thereof,  
795 shall, among other things, take into consideration the following:  
796 (1) experience and ability, (2) character, (3) the manner of  
797 performance of previous contracts, (4) financial condition, (5)  
798 equipment, (6) personnel, (7) work completed, (8) work on hand,  
799 (9) ability to perform satisfactorily work under contract at the  
800 time of an application for a certificate of responsibility or a  
801 renewal thereof, (10) default in complying with provisions of this  
802 law, or any other law of the state, and (11) the results of  
803 objective, standardized examinations. A record shall be made and  
804 preserved by the board of each examination of an applicant and the  
805 findings of the board thereon, and a certified copy of the record  
806 and findings shall be furnished to any applicant desiring to  
807 appeal from any order or decision of the board.

808 (h) The board shall enter upon its minutes an order or  
809 decision upon each application filed with it, and it may state in  
810 such order or decision the reason or reasons for its order or  
811 decision.

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

816 The holder of any valid certificate of responsibility issued  
817 by the Board of Public Contractors prior to January 1, 1986, shall  
818 be automatically issued a certificate of responsibility by the  
819 State Board of Contractors for the same classification or  
820 classifications of work which the holder was entitled to perform  
821 under the State Board of Public Contractors Act.

822           (i) (i) Notwithstanding any provision of law to the  
823 contrary, the board may issue a certificate of responsibility to  
824 any person who establishes such person's competency in any  
825 classification by successfully passing the examination, authorized  
826 under subsection (a) of this section, for measuring of industry  
827 expertise in such work that is administered by the board, and such  
828 certificate of responsibility shall authorize the holder of the  
829 certificate of responsibility to engage in contracting in this  
830 state or any of its political subdivisions.

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

834                   1. Exhibiting evidence of a current  
835 certificate of responsibility to the appropriate local officials;

836                   2. Paying any applicable local privilege  
837 fees; and

838                   3. Paying any inspection or permit fees  
839 customarily required by any county or municipality for such work.

840           No county or municipality shall require such holder of a  
841 valid certificate of responsibility or a person licensed by the  
842 State Board of Contractors as a residential builder or remodeler  
843 to pass any county or municipal test or examination; nor shall a  
844 county or municipality impose any additional requirements upon  
845 such valid holder of a certificate of responsibility, or a person  
846 licensed by the State Board of Contractors as a residential  
847 builder or remodeler, nor in any way discriminate against such  
848 holder of a certificate of responsibility on the basis of such  
849 holder's nonresidency within the county or municipality.

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

852           27-17-457. (1) Any contractor, including, but not limited  
853 to, any electrical, plumbing, heating and air conditioning, water  
854 and sewer, roofing or mechanical contractor, who is licensed by

855 any one (1) municipality or county of the State of Mississippi,  
856 which municipality or county has an examining board where there is  
857 regularly given a written examination, and who does not hold a  
858 current certificate of responsibility issued by the State Board of  
859 Public Contractors, shall be allowed to do business in any other  
860 municipality or county in the state without being required to  
861 obtain a license in such other municipality or county or to  
862 undergo any further examination provided:

863 (a) That he furnishes evidence that he has such  
864 license;

865 (b) That he furnishes evidence that he actually took  
866 and passed the written examination which qualified him for such  
867 license; however, in lieu thereof evidence that if said contractor  
868 was issued a license prior to May 1, 1972, and prior to the  
869 existence of such written examination by a county or municipality  
870 which has an examining board that does presently require written  
871 examination to qualify for a license; and

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

874 (2) Any contractor, including, but not limited to, any  
875 electrical, plumbing, heating and air conditioning, water and  
876 sewer, roofing or mechanical contractor, who is licensed by any  
877 one (1) municipality or county of the State of Mississippi, which  
878 municipality or county has an examining board where there is  
879 regularly given a written examination, and who holds a current  
880 certificate of responsibility issued by the State Board of Public  
881 Contractors shall be allowed to do business in any other  
882 municipality or county in the state without being required to  
883 obtain a separate license in such other municipality or county or  
884 to undergo any further examination provided said contractor meets  
885 the requirements of paragraphs (a) and (b) of subsection (1) of  
886 this section.

887           (3) No additional privilege license bond shall be required  
888 in order for such a contractor to do business in another  
889 municipality or county in the state as long as the contractor has  
890 obtained the bond in the municipality or county where he is  
891 licensed.

892           (4) Nothing in this Section 27-17-457 supercedes or  
893 otherwise affects the provisions of Title 31, Chapter 3, or the  
894 provisions of Title 73, Chapter 59. In the event any provision in  
895 Section 27-17-457 conflicts with any provision of Title 31,  
896 Chapter 3, or of Title 73, Chapter 59, the latter titles and  
897 chapters are hereby deemed and shall be controlling over the  
898 provisions of Section 27-17-457.

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

905           (6) No taxpayer receiving a privilege license under this  
906 Section 27-17-457 shall be authorized to advertise to the public  
907 that they are "licensed" unless said taxpayer is currently in  
908 compliance with paragraph (b) of subsection (1) of this section,  
909 or holds a current license or certificate of responsibility from  
910 the State Board of Contractors. Any officer collecting the tax  
911 may suspend the issuance or renewal of a privilege license granted  
912 under this section until such time as said officer finds that such  
913 taxpayer is in compliance with the provisions of this subsection.  
914 If any taxpayer receiving a privilege license under this section  
915 presents themselves to the public as "licensed" then said taxpayer  
916 must state to the public that they are "licensed by the city of"  
917 and/or "county of" followed by the name or names of the  
918 appropriate city and/or county from which such taxpayer is  
919 currently in compliance with paragraph (b) of subsection (1) of

920 this section; or, if otherwise appropriate, "licensed by the State  
921 Board of Contractors."

922 (7) (a) Notwithstanding any provision of law to the  
923 contrary, the board may issue a certificate of responsibility to  
924 any person who establishes such person's competency in any  
925 classification by successfully passing the examination, authorized  
926 under Section 31-3-13, for measuring of industry expertise in such  
927 work that is administered by the board, and such certificate of  
928 responsibility shall authorize the holder of the certificate of  
929 responsibility to engage in contracting in this state or any of  
930 its political subdivisions.

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

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

936 (ii) Paying any applicable local privilege fees;  
937 and

938 (iii) Paying any inspection or permit fees  
939 customarily required by any county or municipality for such work.

940 No county or municipality shall require such holder of a  
941 valid certificate of responsibility or a person licensed by the  
942 State Board of Contractors as a residential builder or remodeler  
943 to pass any county or municipal test or examination; nor shall a  
944 county or municipality impose any additional requirements upon  
945 such valid holder of a certificate of responsibility, or a person  
946 licensed by the State Board of Contractors as a residential  
947 builder or remodeler, nor in any way discriminate against such  
948 holder of a certificate of responsibility on the basis of such  
949 holder's nonresidency within the county or municipality.

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

952           17-25-5. (1) Every municipality and county of the State of  
953 Mississippi shall grant competency examination reciprocity to any  
954 contractor, including, but not limited to, any electrical,  
955 plumbing, heating and air conditioning, water and sewer, roofing  
956 or mechanical contractor, who is licensed by another municipality  
957 or county of this state without imposing any further competency  
958 examination requirements provided:

959           (a) That the contractor furnishes evidence that he has  
960 a license issued on the basis of a competency examination  
961 administered in one (1) municipality or county of the State of  
962 Mississippi which has an examining board that regularly gives a  
963 written examination which has been approved by the State Board of  
964 Public Contractors or the Building Officials Association of  
965 Mississippi;

966           (b) That he furnishes evidence that he actually took  
967 and passed the written examination which qualified him for such  
968 license; however, in lieu thereof, he may furnish evidence that  
969 he was issued a license prior to May 1, 1972, and prior to the  
970 existence of a written examination by a county or municipality  
971 which has an examining board that requires written examination to  
972 qualify for a license;

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

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

977           (e) That he pays the license fee to the municipality or  
978 county to which application is made for a license unless he holds  
979 a current certificate of responsibility issued by the State Board  
980 of Public Contractors, in which case no license fee shall be  
981 collected.

982           (2) (a) Any contractor who operates more than one (1)  
983 separate place of business within the state must obtain the

984 appropriate privilege license and pay the privilege license fee  
985 for each location if required by the local jurisdiction.

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

989 (3) (a) Notwithstanding any provision of law to the  
990 contrary, the board may issue a certificate of responsibility to  
991 any person who establishes such person's competency in any  
992 classification by successfully passing the examination, authorized  
993 under Section 31-3-13, for measuring of industry expertise in such  
994 work that is administered by the board, and such certificate of  
995 responsibility shall authorize the holder of the certificate of  
996 responsibility to engage in contracting in this state or any of  
997 its political subdivisions.

998 (b) Such holder of a valid certificate of  
999 responsibility shall be eligible to contract for such work in any  
1000 county or municipality upon:

1001 (i) Exhibiting evidence of a current certificate  
1002 of responsibility to the appropriate local officials;

1003 (ii) Paying any applicable local privilege fees;  
1004 and

1005 (iii) Paying any inspection or permit fees  
1006 customarily required by any county or municipality for such work.

1007 No county or municipality shall require such holder of a  
1008 valid certificate of responsibility or a person licensed by the  
1009 State Board of Contractors as a residential builder or remodeler  
1010 to pass any county or municipal test or examination; nor shall a  
1011 county or municipality impose any additional requirements upon  
1012 such valid holder of a certificate of responsibility, or a person  
1013 licensed by the State Board of Contractors as a residential  
1014 builder or remodeler, nor in any way discriminate against such  
1015 holder of a certificate of responsibility on the basis of such  
1016 holder's nonresidency within the county or municipality.

1017           **SECTION 19.** This act shall take effect and be in force from  
1018 and after July 1, 2005.