

By: Representatives Broomfield, Dedeaux

To: Judiciary B

HOUSE BILL NO. 771

1 AN ACT TO BRING FORWARD SECTIONS 31-3-3, 31-3-5 AND 31-3-11,
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE STATE BOARD OF
3 CONTRACTORS, PROVIDE FOR THE ORGANIZATION AND ADMINISTRATION OF
4 THE BOARD AND PROVIDE FOR AN EXECUTIVE SECRETARY FOR THE BOARD; TO
5 BRING FORWARD SECTIONS 73-59-1, 73-59-5, 73-59-7, 73-59-9,
6 73-59-17, 73-59-19 AND 73-59-21, MISSISSIPPI CODE OF 1972, WHICH
7 PROVIDE FOR THE LICENSING AND REGULATION OF RESIDENTIAL BUILDINGS
8 AND REMODELERS; TO AMEND SECTIONS 73-59-3, 73-59-11, 73-59-13 AND
9 73-59-15, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN LICENSE
10 REQUIREMENTS, POWERS AND DUTIES, HEARING PROVISIONS AND EXEMPTION
11 REGARDING RESIDENTIAL BUILDERS AND REMODELERS; TO AMEND SECTION
12 31-3-1, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS
13 FOR THE STATE BOARD OF PUBLIC CONTRACTORS; TO AMEND SECTION
14 31-3-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD TO ISSUE
15 RESTRICTED CERTIFICATES OF RESPONSIBILITY FOR CERTAIN PROJECTS; TO
16 PROHIBIT MUNICIPALITIES AND COUNTIES FROM REQUIRING ADDITIONAL
17 TESTING ONCE A CONTRACTOR HAS RECEIVED HIS OR HER CERTIFICATE OF
18 RESPONSIBILITY; TO AMEND SECTIONS 27-17-457 AND 17-25-5,
19 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
20 PURPOSES.

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

22 **SECTION 1.** Section 31-3-3, Mississippi Code of 1972, is
23 brought forward as follows:

24 31-3-3. There is hereby created the State Board of
25 Contractors of the State of Mississippi, which shall consist of
26 ten (10) members who shall be appointed by the Governor. All
27 appointments to the board after July 1, 1980, shall be made with
28 the advice and consent of the Senate. Two (2) road contractors;
29 two (2) building contractors; two (2) residential builders as
30 defined in Section 73-59-1; one (1) plumbing or heating and air
31 conditioning contractor; one (1) electrical contractor; and one
32 (1) water and sewer contractor shall compose the board. From and
33 after July 1, 1992, the Governor shall appoint one (1) additional
34 member who shall be a roofing contractor and whose term of office
35 shall be five (5) years. Each member shall be an actual resident
36 of the State of Mississippi and must have been actually engaged in

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

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

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

57 **SECTION 2.** Section 31-3-5, Mississippi Code of 1972, is
58 brought forward as follows:

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

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

76 **SECTION 3.** Section 31-3-11, Mississippi Code of 1972, is
77 brought forward as follows:

78 31-3-11. The board shall elect and fix the salary of an
79 executive secretary, and the board may terminate the employment of
80 such executive secretary at any time the board deems the same
81 advisable. The board shall require the executive secretary to
82 file bond in such amount as the board may deem necessary, and
83 shall specify the duties of such employee. The premium on any
84 such bond shall be paid from the funds provided by this chapter.

85 **SECTION 4.** Section 73-59-1, Mississippi Code of 1972, is
86 brought forward as follows:

87 73-59-1. For the purposes of this chapter, the following
88 words shall have the meanings ascribed herein:

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

91 (b) "Residential builder" means any corporation,
92 partnership or individual who constructs a building or structure
93 for sale for use by another as a residence or who, for a fixed
94 price, commission, fee, wage or other compensation, undertakes or
95 offers to undertake the construction, or superintending of the
96 construction, of any building or structure which is not more than
97 three (3) floors in height, to be used by another as a residence,
98 when the cost of the undertaking exceeds Fifty Thousand Dollars
99 (\$50,000.00).

100 (c) "Remodeler" means any corporation, partnership or
101 individual who, for a fixed price, commission, fee, wage or other
102 compensation, undertakes or offers to undertake the construction,

103 or superintending of the construction, of improvements to an
104 existing residence when the cost of the improvements exceeds Ten
105 Thousand Dollars (\$10,000.00).

106 (d) "Residential construction" means any undertaking
107 described in paragraph (b) of this section performed by a
108 residential builder.

109 (e) "Residential improvement" means any undertaking
110 described in paragraph (c) of this section performed by a
111 remodeler.

112 **SECTION 5.** Section 73-59-3, Mississippi Code of 1972, is
113 amended as follows:

114 73-59-3. (1) Except as otherwise provided in Section
115 73-59-15, persons who perform residential construction or
116 residential improvement shall be licensed by the board annually,
117 and, as a prerequisite to obtaining a license or renewal thereof,
118 each shall submit to the board:

119 (a) Proof of workers' compensation insurance, if
120 applicable;

121 (b) A federal employment identification number or
122 social security number; and

123 (c) A state tax identification number.

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

127 (3) The board shall issue or renew a license to a
128 residential builder or remodeler upon payment to the board of the
129 license fee. The initial license fee shall be Fifty Dollars
130 (\$50.00). The license fee may thereafter be increased or
131 decreased by the board and cannot exceed One Hundred Dollars
132 (\$100.00); however, the receipts from fees collected by the board
133 shall be no greater than the amount required to pay all costs and
134 expenses incurred by the board in enforcing the provisions of this
135 chapter. Twenty-five Dollars (\$25.00) of the fee required by this

136 section which is assessed to residential builders licensed under
137 the provisions of Section 73-59-1 et seq. shall be deposited to
138 the Construction Education Fund created pursuant to Section
139 31-3-14 and shall be distributed to the Mississippi Housing
140 Institute. The remaining fees collected under this chapter shall
141 be deposited into the special fund in the State Treasury known as
142 the "State Board of Contractor's Fund" created pursuant to Section
143 31-3-17 and shall be used for the administration and enforcement
144 of this chapter and as provided in Section 31-3-14. Amounts in
145 such fund shall not lapse into the State General Fund at the end
146 of a fiscal year. Interest accrued to such fund shall remain in
147 the fund. All expenditures from the special fund shall be by
148 requisition to the Department of Finance and Administration,
149 signed by the executive secretary of the board and countersigned
150 by the chairman or vice chairman of the board.

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

166 (5) Any person who is not a resident of the State of
167 Mississippi who desires to perform residential construction or

168 residential improvement shall be licensed to perform such
169 construction or improvement as provided by this chapter.

170 **SECTION 6.** Section 73-59-5, Mississippi Code of 1972, is
171 brought forward as follows:

172 73-59-5. Any corporation, partnership or individual seeking
173 to be licensed and examined under this chapter shall file with the
174 board at least thirty (30) days prior to the next meeting of the
175 board a written application on such form as may be prescribed by
176 the board. Such application shall be accompanied by the payment
177 of the license fee. If the application sufficiently contains the
178 information required pursuant to this chapter, the applicant shall
179 be examined by the board at its next meeting using a uniform
180 written examination prescribed by the board. The board shall
181 administer an oral examination to applicants who are unable to
182 take the written examination. In addition, the board, in
183 examining such applicant, shall consider the following:

- 184 (a) Experience;
- 185 (b) Complaints; and
- 186 (c) Other pertinent information the board may require.

187 If, as a result of the examination, the board finds that the
188 applicant is qualified to engage in residential construction or
189 residential improvement in Mississippi, the applicant shall be
190 issued a license. Any applicant rejected by the board shall be
191 given the opportunity to be reexamined at the next regularly
192 scheduled examination date after a new application has been filed
193 and the license fee has again been paid.

194 The board shall make and preserve a record of each
195 examination of an applicant and the findings of the board
196 pertaining to such examination. A certified copy of such record,
197 omitting confidential test questions, shall be furnished to the
198 applicant so requesting such record upon the payment of a fee to
199 the board that reasonably reflects the cost of furnishing such
200 record to the applicant.

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

204 Each application for a license under this chapter shall
205 reveal any other states in which the applicant or any partner or
206 business associate of the applicant is licensed and whether the
207 applicant, partner or business associate has had a license revoked
208 or suspended in any other state. If the applicant fails to
209 provide this information, the board may deny or revoke the
210 applicant's license. If the applicant has had a license revoked
211 in another state, the board may deny the application for a license
212 in this state.

213 **SECTION 7.** Section 73-59-7, Mississippi Code of 1972, is
214 brought forward as follows:

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

226 Within five (5) days of any applicant beginning work as a
227 residential builder or remodeler under this section, the employer
228 or person contracting with such person shall certify to the board
229 such application without being deemed in violation of this
230 chapter, provided that the board, after notice and hearing, may
231 take disciplinary action or revoke the emergency license upon
232 grounds as otherwise contained in this chapter providing for such

233 disciplinary action or revocation of a residential builder's or
234 remodeler's license.

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

239 **SECTION 8.** Section 73-59-9, Mississippi Code of 1972, is
240 brought forward as follows:

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

251 (2) Any remodeler who undertakes or attempts to undertake
252 the business of residential improvement without having a valid
253 license as required by this chapter, or who knowingly presents to
254 the board, or files with the board, false information for the
255 purpose of obtaining such license, shall be deemed guilty of a
256 misdemeanor and upon conviction shall be fined not less than One
257 Hundred Dollars (\$100.00) and not more than Five Thousand Dollars
258 (\$5,000.00) or be imprisoned for not less than thirty (30) nor
259 more than sixty (60) days in the county jail, or both.

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

264 **SECTION 9.** Section 73-59-11, Mississippi Code of 1972, is
265 amended as follows:

266 73-59-11. The board shall have the following additional
267 duties for the purposes of this chapter:

268 (a) To conduct thorough investigations of all
269 applicants seeking a license or licensees seeking renewal of their
270 licenses and of all complaints filed with the board concerning the
271 performance of a residential builder.

272 (b) To obtain information concerning the responsibility
273 of any applicant for a license or of a licensee. Such information
274 may be obtained by investigation, by hearings, or by any other
275 reasonable and lawful means. The board shall keep such
276 information appropriately filed.

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

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

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

287 (f) To adopt rules and regulations governing
288 disciplinary actions and the conduct of its hearings and to adopt
289 such other rules and regulations as the board finds necessary for
290 the proper administration of this chapter.

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

293 **SECTION 10.** Section 73-59-13, Mississippi Code of 1972, is
294 amended as follows:

295 73-59-13. (1) The board, upon satisfactory proof and in
296 accordance with the provisions of this chapter and the regulations
297 of the board pertaining thereto, is authorized to take the

298 disciplinary actions provided for in this section against any
299 person for any of the following reasons:

300 (a) Violating any of the provisions of this chapter or
301 the rules or regulations of the board pertaining to the work of
302 residential building or residential improvement;

303 (b) Fraud, deceit or misrepresentation in obtaining a
304 license;

305 (c) Gross negligence or misconduct;

306 (d) Engaging in work of residential building or
307 residential improvement on an expired license or while under
308 suspension or revocation of license unless the suspension or
309 revocation be abated in accordance with this chapter;

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

311 (f) Failing to maintain workers' compensation
312 insurance, if applicable; or

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

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

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

326 The board shall send a certified inspector to inspect the
327 building or structure which is the subject of a complaint or the
328 board may use a county certified building inspector from the
329 county where the building or structure is located to inspect the
330 building or structure which is the subject of a complaint. The

331 report of the inspector shall be used in the investigation and the
332 determination of the board. The provisions above shall only apply
333 to hearings.

334 No disciplinary action may be taken until the accused has
335 been furnished both a statement of the charges against him and
336 notice of the time and place of the hearing thereon, which shall
337 be personally served on such accused or mailed by certified mail,
338 return receipt requested, to the last known business or residence
339 address of the accused not less than thirty (30) days prior to the
340 date fixed for the hearing. The complaining party shall be
341 notified of the place and time of the hearing by mail to the last
342 known business or residence address of the complaining party not
343 less than thirty (30) days prior to the date fixed for the
344 hearing.

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

357 All witnesses who are subpoenaed and appear in any
358 proceedings before the board shall receive the same fees and
359 mileage as allowed by law to witnesses in county, circuit and
360 chancery court pursuant to Section 25-7-47, Mississippi Code of
361 1972, and all such fees shall be taxed as part of the costs in the
362 case.

363 When, in any proceeding before the board, any witness shall
364 fail or refuse to attend upon subpoena issued by the board, shall
365 refuse to testify, or shall refuse to produce any books and papers
366 the production of which is called for by the subpoena, the
367 attendance of such witness and the giving of his testimony and the
368 production of the books and papers shall be enforced by any court
369 of competent jurisdiction of this state in the manner provided for
370 the enforcement of attendance and testimony of witnesses in civil
371 cases in the courts of this state.

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

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

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

386 (a) Issue a public or private reprimand;
387 (b) Suspend or revoke the license of the accused; or
388 (c) In lieu of or in addition to any reprimand,
389 suspension or revocation, assess and levy upon the guilty party a
390 monetary penalty of not less than One Hundred Dollars (\$100.00)
391 nor more than Five Thousand Dollars (\$5,000.00) for each
392 violation.

393 (6) A monetary penalty assessed and levied under this
394 section shall be paid to the board upon the expiration of the
395 period allowed for appeal of such penalties under this section or

396 may be paid sooner if the guilty party elects. Money collected by
397 the board under this section shall be deposited to the credit of
398 the State Board of Contractors' Fund.

399 When payment of a monetary penalty assessed and levied by the
400 board in accordance with this section is not paid when due, the
401 board shall have the power to institute and maintain proceedings
402 in its name for enforcement of payment in the chancery court of
403 the county of residence of the delinquent party; however, if the
404 delinquent party is a nonresident of the State of Mississippi,
405 such proceedings shall be in the Chancery Court of the First
406 Judicial District of Hinds County, Mississippi.

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

414 (8) The board shall not assess any of the costs of
415 disciplinary proceedings conducted pursuant to this section
416 against the prevailing party.

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

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

424 (11) Any person aggrieved by any order or decision of the
425 board may appeal within fifteen (15) days from the date of
426 adjournment of the session at which the board rendered such order
427 or decision, and may embody the facts, order and decision in a
428 bill of exceptions which shall be signed by the person acting as

429 chairman of the board. The board shall transmit the bill of
430 exceptions to either the chancery court of the county of residence
431 of the appellant, or the Chancery Court of the First Judicial
432 District of Hinds County, at the election of the appellant, and
433 the court or chancellor shall hear and determine the same either
434 in termtime or in vacation, on the case as presented by the bill
435 of exceptions, as an appellant court, and shall affirm or reverse
436 the judgment. If the judgment be reversed, the chancery court or
437 chancellor shall render such order or judgment as the board ought
438 to have rendered, and certify the same to the board; and costs
439 shall be awarded as in other cases. The board may employ counsel
440 to defend such appeals, to be paid out of the funds in the State
441 Board of Contractors' Fund.

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

446 (12) Any political subdivision or agency of this state which
447 receives a complaint against a residential builder or remodeler
448 shall, in addition to exercising whatever authority such political
449 subdivision or agency has been given over such complaint, forward
450 the complaint to the board.

451 (13) In addition to the reasons specified in subsection (1)
452 of this section, the board shall be authorized to suspend the
453 license of any licensee for being out of compliance with an order
454 for support, as defined in Section 93-11-153. The procedure for
455 suspension of a license for being out of compliance with an order
456 for support, and the procedure for the reissuance or reinstatement
457 of a license suspended for that purpose, and the payment of any
458 fees for the reissuance or reinstatement of a license suspended
459 for that purpose, shall be governed by Section 93-11-157 or
460 93-11-163, as the case may be. Actions taken by the board in
461 suspending a license when required by Section 93-11-157 or

462 93-11-163 are not actions from which an appeal may be taken under
463 this section. Any appeal of a license suspension that is required
464 by Section 93-11-157 or 93-11-163 shall be taken in accordance
465 with the appeal procedure specified in Section 93-11-157 or
466 93-11-163, as the case may be, rather than the procedure specified
467 in this section. If there is any conflict between any provision
468 of Section 93-11-157 or 93-11-163 and any provision of this
469 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
470 case may be, shall control.

471 **SECTION 11.** Section 73-59-15, Mississippi Code of 1972, is
472 amended as follows:

473 73-59-15. (1) This chapter shall not apply to:

474 (a) Agricultural buildings, buildings used for
475 agricultural purposes, buildings constructed as a community
476 effort, or tenant houses;

477 (b) Any person who undertakes construction or
478 improvement on his own residence, or who acts as his own general
479 contractor in the performance of construction or improvement on
480 his own residence, or who acts under the supervision of the
481 owner-occupant who is the general contractor, provided that such
482 person has not exceeded the limits set forth in paragraph (h);

483 (c) Any person who undertakes residential construction
484 or improvement, or who acts as a general contractor in the
485 performance of residential construction or improvement, or who
486 acts under supervision of the owner-occupant with respect to
487 residential construction or improvement, when the owner of such
488 construction or improvement is related to such person by
489 consanguinity or direct affinity;

490 (d) The owners of property who supervise, superintend,
491 oversee, direct or in any manner assume charge of the
492 construction, alteration, repair, improvement, movement,
493 demolition, putting up, tearing down or maintenance of any
494 building, railroad, excavation, project, development, improvement,

495 plant facility or any other construction undertaking on such
496 property for use by such owner and which will not be for sale,
497 rent, public use or public assembly;

498 (e) An employee of a licensed residential builder or
499 remodeler;

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

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

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

508 (2) A person specified in subsection (1)(b) shall not make
509 more than two (2) applications for a permit to construct a single
510 residence or shall not construct more than two (2) single
511 residences within a period of one (1) year. There shall be a
512 rebuttable presumption that such person intends to construct for
513 the purpose of resale, lease, rent or any similar purpose if more
514 than two (2) applications are made for a permit to construct a
515 single residence or if more than two (2) single residences are
516 constructed within a period of one (1) year.

517 (3) The provisions of this section shall not apply to
518 builders and remodelers who are not domiciled in the State of
519 Mississippi. Builders and remodelers who are not domiciled in the
520 State of Mississippi are not required to be licensed under the
521 provisions of this chapter if the state in which they are
522 domiciled requires licensing and the licensing state's
523 requirements are at least the equivalent of those requirements
524 provided in this chapter.

525 **SECTION 12.** Section 73-59-17, Mississippi Code of 1972, is
526 brought forward as follows:

527 73-59-17. The building official, or other authority charged
528 with the duty of issuing building or similar permits, of any
529 municipality or county, shall refuse to issue a permit for any
530 undertaking which would classify the applicant as a residential
531 builder or remodeler under this chapter unless the applicant has
532 furnished evidence that he is either licensed as required by this
533 chapter or exempt from the requirements of this chapter. The
534 building official, or other authority charged with the duty of
535 issuing building or similar permits, shall also report to the
536 board the name and address of any person who, in his opinion, has
537 violated this chapter by accepting, or contracting to accomplish,
538 work which would classify the person as a residential builder or
539 remodeler under this chapter without a license or acknowledgement.

540 **SECTION 13.** Section 73-59-19, Mississippi Code of 1972, is
541 brought forward as follows:

542 73-59-19. Any residential builder or remodeler licensed
543 pursuant to the provisions of this chapter may, without being
544 required to obtain an additional license under any other law of
545 this state, construct, improve, repair, remodel or renovate any
546 commercial structure, provided the prescribed contract job does
547 not exceed seven thousand five hundred (7,500) square feet.

548 **SECTION 14.** Section 73-59-21, Mississippi Code of 1972, is
549 brought forward as follows:

550 73-59-21. (1) There is hereby created the Standing
551 Committee on Residential Builders and Remodelers which shall be
552 subordinate to the State Board of Contractors as set forth in
553 Section 31-3-3. The standing committee shall be composed of the
554 two (2) residential builders who serve as members of the State
555 Board of Contractors and three (3) additional residential builders
556 as defined in Section 73-59-1 to be appointed by the Governor.
557 The terms of the ex officio members shall be concurrent with their
558 terms as members of the State Board of Contractors. The initial
559 terms of the three (3) additional residential builders on the

560 Standing Committee on Residential Builders and Remodelers shall be
561 one (1), three (3) and five (5) years, respectively, beginning
562 July 1, 2000. Upon the expiration of the initial term of any
563 member not serving ex officio, his or her successor shall be
564 appointed for a term of five (5) years.

565 (2) The Governor shall appoint one (1) of the two (2) ex
566 officio members as Chairman of the Standing Committee on
567 Residential Builders and Remodelers. The Executive Secretary of
568 the State Board of Contractors as set forth in Section 31-3-11
569 shall serve as secretary of the standing committee. The standing
570 committee shall meet no less than once per quarter of each year at
571 a date and time to be set by its chairman upon at least five (5)
572 business days' notice by regular mail. The members of the
573 standing committee shall be entitled to receive a per diem as
574 provided in Section 31-3-9.

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

579 (4) The Standing Committee on Residential Builders and
580 Remodelers shall have the power to make recommendations to the
581 State Board of Contractors pertaining to all duties set forth in
582 Sections 73-59-11 and 73-59-13. The standing committee shall have
583 only the power to make recommendations to the State Board of
584 Contractors and the State Board of Contractors shall have the
585 power and authority to accept or reject any recommendation made by
586 the standing committee. Hearings regarding residential builders
587 and remodelers shall be exclusively under the jurisdiction of the
588 Standing Committee on Residential Builders and Remodelers.

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

591 31-3-1. The following words, as used in this chapter, shall
592 have the meanings specified below:

593 "Board": The State Board of Contractors created under this
594 chapter.

595 "Contractor": Any person contracting or undertaking as prime
596 contractor, subcontractor or sub-subcontractor of any tier to do
597 any erection, building, construction, reconstruction, repair,
598 maintenance or related work on any public or private project;
599 however, "contractor" shall not include any owner of a dwelling or
600 other structure to be constructed, altered, repaired or improved
601 and not for sale, lease, public use or assembly. It is further
602 provided that nothing herein shall apply to:

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

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

620 (c) Highway construction, highway bridges, overpasses
621 and any other project incidental to the construction of highways
622 which are designated as federal aid projects and in which federal
623 funds are involved;

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

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

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

632 (g) Erection of a microwave tower built for the purpose
633 of telecommunication transmissions;

634 (h) Any contract or undertaking on a public 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 Five Thousand Dollars (\$5,000.00);

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

644 (j) Any contract or undertaking on a private or public
645 project by a prime contractor, subcontractor or sub-subcontractor
646 of any tier involving the construction, reconstruction, repair or
647 maintenance of technically specialized installations if performed
648 by a Mississippi contractor who has been in the business of
649 installing fire protection sprinkler systems on or before July 1,
650 2000.

651 "Certificate of responsibility": A certificate numbered and
652 held by a contractor issued by the board under the provisions of
653 this chapter after payment of the special privilege license tax
654 therefor levied under this chapter.

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

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

660 "Public agency": Any board, commission, council or agency of
661 the State of Mississippi or any district, county or municipality
662 thereof, including school, hospital, airport and all other types
663 of governing agencies created by or operating under the laws of
664 this state.

665 "Public funds": Monies of public agencies, whether obtained
666 from taxation, donation or otherwise; or monies being expended by
667 public agencies for the purposes for which such public agencies
668 exist.

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

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

674 31-3-13. The board shall have the following powers and
675 responsibilities:

676 (a) To receive applications for certificates of
677 responsibility, to investigate and examine applicants for same by
678 holding hearings and securing information, to conduct
679 examinations, and to issue certificates of responsibility to such
680 contractors as the board finds to be responsible. One-fourth
681 (1/4) of the certificates scheduled for renewal on the last day of
682 December 1980, shall be reviewed by the board on the first Tuesday
683 in January 1981. The remaining certificates shall be subject to
684 renewal in the following manner: one-fourth (1/4) on the first
685 Tuesday in April 1981; one-fourth (1/4) on the first Tuesday in
686 July 1981; and one-fourth (1/4) on the first Tuesday in October
687 1981. The board is authorized to extend the dates of expiration
688 of certificates to coincide with the scheduled date of review of
689 individual contractors. Except for the certificates extended from

690 December 31, 1980, to the first Tuesday in January 1981, the board
691 shall charge fees for the extension of certificates as follows:

692 (i) Twenty-five Dollars (\$25.00) if the date of
693 renewal of the extended certificate is the first Tuesday in April
694 1981;

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

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

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

710 No certificate of responsibility or any renewal thereof shall
711 be issued until the applicant furnishes to the board his
712 Mississippi state sales tax number or Mississippi state use tax
713 number and his state income tax identification numbers.

714 Additional fees may be required as provided in Section
715 31-3-14.

716 The board shall conduct an objective, standardized
717 examination of an applicant for a certificate to ascertain the
718 ability of the applicant to make practical application of his
719 knowledge of the profession or business of construction in the
720 category or categories for which he has applied for a certificate
721 of responsibility. The following are the types of certificates of
722 responsibility that a contractor may be tested on: (a)

723 undertakings greater than Fifty Thousand Dollars (\$50,000.00) on
724 public projects, a regular certificate of responsibility; (b)
725 undertakings less than Fifty Thousand Dollars (\$50,000.00), a
726 restricted certificate of responsibility; (c) undertakings greater
727 than One Hundred Thousand Dollars (\$100,000.00) on private
728 projects, a regular certificate of responsibility; and (d)
729 undertakings less than One Hundred Thousand Dollars (\$100,000.00)
730 on private projects, a restricted certificate of responsibility.

731 The cost of the test and the cost of administering the test shall
732 be paid for by applicants for certificates of responsibility at
733 the time applications are filed. The board shall investigate
734 thoroughly the past record of all applicants, which will include
735 an effort toward ascertaining the qualifications of applicants in
736 reading plans and specifications, estimating costs, construction
737 ethics, and other similar matters. The board shall take all
738 applicants under consideration after having examined him or them
739 and go thoroughly into the records and examinations, prior to
740 granting any certificate of responsibility. If the applicant is an
741 individual, examination may be taken by his personal appearance
742 for examination or by the appearance for examination of one or
743 more of his responsible managing employees; and if a copartnership
744 or corporation or any other combination or organization, by the
745 examination of one or more of the responsible managing officers or
746 members of the executive staff of the applicant's firm, according
747 to its own designation.

748 (b) To conduct thorough investigations of all
749 applicants seeking renewal of their licenses and of all complaints
750 filed with the board concerning the performance of a contractor on
751 a public or private project.

752 (c) To obtain information concerning the responsibility
753 of any applicant for a certificate of responsibility or a holder
754 of a certificate of responsibility under this chapter. Such
755 information may be obtained by investigation, by hearings, or by

756 any other reasonable and lawful means. The board shall keep such
757 information appropriately filed and shall disseminate same to any
758 interested person. The board shall have the power of subpoena.

759 (d) To maintain a list of contractors to whom
760 certificates of responsibility are issued, refused, revoked or
761 suspended, which list shall be available to any interested person.
762 Such list shall indicate the kind or kinds of works or projects
763 for which a certificate of responsibility was issued, refused,
764 revoked or suspended.

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

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

786 (g) The board shall have the power and responsibility
787 to classify the kind or kinds of works or projects that a
788 contractor is qualified and entitled to perform under the

789 certificate of responsibility issued to him. Such classification
790 shall be specified in the certificate of responsibility.

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

813 (h) The board shall enter upon its minutes an order or
814 decision upon each application filed with it, and it may state in
815 such order or decision the reason or reasons for its order or
816 decision.

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

821 The holder of any valid certificate of responsibility issued
822 by the Board of Public Contractors prior to January 1, 1986, shall
823 be automatically issued a certificate of responsibility by the
824 State Board of Contractors for the same classification or
825 classifications of work which the holder was entitled to perform
826 under the State Board of Public Contractors Act.

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

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

839 1. Exhibiting evidence of a current
840 certificate of responsibility to the appropriate local officials;

841 2. Paying any applicable local privilege
842 fees; and

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

845 No county or municipality shall require such holder of a
846 valid certificate of responsibility or a person licensed by the
847 State Board of Contractors as a residential builder or remodeler
848 to pass any county or municipal test or examination; nor shall a
849 county or municipality impose any additional requirements upon
850 such valid holder of a certificate of responsibility, or a person
851 licensed by the State Board of Contractors as a residential
852 builder or remodeler, nor in any way discriminate against such

853 holder of a certificate of responsibility on the basis of such
854 holder's nonresidency within the county or municipality.

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

857 27-17-457. (1) Any contractor including, but not limited
858 to, any electrical, plumbing, heating and air conditioning, water
859 and sewer, roofing or mechanical contractor, who is licensed by
860 any one (1) municipality or county of the State of Mississippi,
861 which municipality or county has an examining board where there is
862 regularly given a written examination, and who does not hold a
863 current certificate of responsibility issued by the State Board of
864 Public Contractors, shall be allowed to do business in any other
865 municipality or county in the state without being required to
866 obtain a license in such other municipality or county or to
867 undergo any further examination provided:

868 (a) That he furnishes evidence that he has such
869 license;

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

877 (c) That he is not operating a separate place of
878 business located in such other municipality or county; and

879 (d) That he furnishes his state tax identification
880 number.

881 (2) Any contractor including, but not limited to, any
882 electrical, plumbing, heating and air conditioning, water and
883 sewer, roofing or mechanical contractor, who is licensed by any
884 one (1) municipality or county of the State of Mississippi, which
885 municipality or county has an examining board where there is

886 regularly given a written examination, and who holds a current
887 certificate of responsibility issued by the State Board of Public
888 Contractors shall be allowed to do business in any other
889 municipality or county in the state without being required to
890 obtain a separate license in such other municipality or county or
891 to undergo any further examination provided said contractor meets
892 the requirements of paragraphs (a) and (b) of subsection (1) of
893 this section.

894 (3) No additional privilege license bond shall be required
895 in order for such a contractor to do business in another
896 municipality or county in the state as long as the contractor has
897 obtained the bond in the municipality or county where he is
898 licensed.

899 (4) Nothing in this Section 27-17-457 supercedes or
900 otherwise affects the provisions of Title 31, Chapter 3, or the
901 provisions of Title 73, Chapter 59. In the event any provision in
902 Section 27-17-457 conflicts with any provision of Title 31,
903 Chapter 3, or of Title 73, Chapter 59, the latter titles and
904 chapters are hereby deemed and shall be controlling over the
905 provisions of Section 27-17-457.

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

912 (6) No taxpayer receiving a privilege license under this
913 Section 27-17-457 shall be authorized to advertise to the public
914 that they are "licensed" unless said taxpayer is currently in
915 compliance with paragraph (b) of subsection (1) of this section,
916 or holds a current license or certificate of responsibility from
917 the State Board of Contractors. Any officer collecting the tax
918 may suspend the issuance or renewal of a privilege license granted

919 under this section until such time as said officer finds that such
920 taxpayer is in compliance with the provisions of this subsection.
921 If any taxpayer receiving a privilege license under this section
922 presents themselves to the public as "licensed" then said taxpayer
923 must state to the public that they are "licensed by the city of"
924 and/or "county of" followed by the name or names of the
925 appropriate city and/or county from which such taxpayer is
926 currently in compliance with paragraph (b) of subsection (1) of
927 this section; or, if otherwise appropriate, "licensed by the State
928 Board of Contractors."

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

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

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

943 (ii) Paying any applicable local privilege fees;
944 and

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

947 No county or municipality shall require such holder of a
948 valid certificate of responsibility or a person licensed by the
949 State Board of Contractors as a residential builder or remodeler
950 to pass any county or municipal test or examination; nor shall a
951 county or municipality impose any additional requirements upon

952 such valid holder of a certificate of responsibility, or a person
953 licensed by the State Board of Contractors as a residential
954 builder or remodeler, nor in any way discriminate against such
955 holder of a certificate of responsibility on the basis of such
956 holder's nonresidency within the county or municipality.

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

959 17-25-5. (1) Every municipality and county of the State of
960 Mississippi shall grant competency examination reciprocity to any
961 contractor, including, but not limited to, any electrical,
962 plumbing, heating and air conditioning, water and sewer, roofing
963 or mechanical contractor, who is licensed by another municipality
964 or county of this state without imposing any further competency
965 examination requirements provided:

966 (a) That the contractor furnishes evidence that he has
967 a license issued on the basis of a competency examination
968 administered in one (1) municipality or county of the State of
969 Mississippi which has an examining board that regularly gives a
970 written examination which has been approved by the State Board of
971 Public Contractors or the Building Officials Association of
972 Mississippi;

973 (b) That he furnishes evidence that he actually took
974 and passed the written examination which qualified him for such
975 license; however, in lieu thereof, he may furnish evidence that
976 he was issued a license prior to May 1, 1972, and prior to the
977 existence of a written examination by a county or municipality
978 which has an examining board that requires written examination to
979 qualify for a license;

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

982 (d) That he has held a license for his business for one
983 (1) year or more; * * *

984 (e) That he pays the license fee to the municipality or
985 county to which application is made for a license unless he holds
986 a current certificate of responsibility issued by the State Board
987 of Public Contractors, in which case no license fee shall be
988 collected; and

989 (f) That he furnishes his state tax identification
990 number.

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

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

998 (3) (a) Notwithstanding any provision of law to the
999 contrary, the board may issue a certificate of responsibility to
1000 any person who establishes such person's competency in any
1001 classification by successfully passing the examination, authorized
1002 under Section 31-3-13, for measuring of industry expertise in such
1003 work that is administered by the board, and such certificate of
1004 responsibility shall authorize the holder of the certificate of
1005 responsibility to engage in contracting in this state or any of
1006 its political subdivisions.

1007 (b) Such holder of a valid certificate of
1008 responsibility shall be eligible to contract for such work in any
1009 county or municipality upon:

1010 (i) Exhibiting evidence of a current certificate
1011 of responsibility to the appropriate local officials;

1012 (ii) Paying any applicable local privilege fees;
1013 and

1014 (iii) Paying any inspection or permit fees
1015 customarily required by any county or municipality for such work.

1016 No county or municipality shall require such holder of a
1017 valid certificate of responsibility or a person licensed by the
1018 State Board of Contractors as a residential builder or remodeler
1019 to pass any county or municipal test or examination; nor shall a
1020 county or municipality impose any additional requirements upon
1021 such valid holder of a certificate of responsibility, or a person
1022 licensed by the State Board of Contractors as a residential
1023 builder or remodeler, nor in any way discriminate against such
1024 holder of a certificate of responsibility on the basis of such
1025 holder's nonresidency within the county or municipality.

1026 **SECTION 19.** This act shall take effect and be in force from
1027 and after July 1, 2006.