

By: Representative Broomfield

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 101

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 license numbers, 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. \* \* \*

681 \* \* \* Certificates renewed in compliance with this paragraph  
682 (a) and all original certificates and renewals thereof issued on  
683 or after July 1, 1980, shall expire one (1) year from the date of  
684 issuance. No certificate or any renewal thereof shall be issued  
685 until the application has been on file with the board for at least  
686 thirty (30) days. Application for renewal of certificates of  
687 responsibility, together with the payment of a special privilege  
688 license tax as provided under this chapter, shall serve to extend

689 the current certificate until the board either renews the  
690 certificate or denies the application.

691 No certificate of responsibility or any renewal thereof shall  
692 be issued until the applicant furnishes to the board his  
693 Mississippi state sales tax number or Mississippi state use tax  
694 number and his state income tax identification numbers.

695 Additional fees may be required as provided in Section  
696 31-3-14.

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

712 The cost of the test and the cost of administering the test shall  
713 be paid for by applicants for certificates of responsibility at  
714 the time applications are filed. The board shall investigate  
715 thoroughly the past record of all applicants, which will include  
716 an effort toward ascertaining the qualifications of applicants in  
717 reading plans and specifications, estimating costs, construction  
718 ethics, and other similar matters. The board shall take all  
719 applicants under consideration after having examined him or them  
720 and go thoroughly into the records and examinations, prior to  
721 granting any certificate of responsibility. If the applicant is an

722 individual, examination may be taken by his personal appearance  
723 for examination or by the appearance for examination of one or  
724 more of his responsible managing employees; and if a copartnership  
725 or corporation or any other combination or organization, by the  
726 examination of one or more of the responsible managing officers or  
727 members of the executive staff of the applicant's firm, according  
728 to its own designation.

729 (b) To conduct thorough investigations of all  
730 applicants seeking renewal of their licenses and of all complaints  
731 filed with the board concerning the performance of a contractor on  
732 a public or private project.

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

740 (d) To maintain a list of contractors to whom  
741 certificates of responsibility are issued, refused, revoked or  
742 suspended, which list shall be available to any interested person.  
743 Such list shall indicate the kind or kinds of works or projects  
744 for which a certificate of responsibility was issued, refused,  
745 revoked or suspended.

746 (e) To revoke by order entered on its minutes a  
747 certificate of responsibility upon a finding by the board that a  
748 particular contractor is not responsible, and to suspend such  
749 certificate of responsibility in particular cases pending  
750 investigation, upon cause to be stated in the board's order of  
751 suspension. No such revocation or suspension shall be ordered  
752 without a hearing conducted upon not less than ten (10) days'  
753 notice to such certificate holder by certified or registered mail,  
754 wherein the holder of the certificate of responsibility shall be

755 given an opportunity to present all lawful evidence which he may  
756 offer.

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

767           (g) The board shall have the power and responsibility  
768 to classify the kind or kinds of works or projects that a  
769 contractor is qualified and entitled to perform under the  
770 certificate of responsibility issued to him. Such classification  
771 shall be specified in the certificate of responsibility.

772           The powers of the State Board of Contractors shall not extend  
773 to fixing a maximum limit in the bid amount of any contractor, or  
774 the bonding capacity, or a maximum amount of work which a  
775 contractor may have under contract at any time, except as stated  
776 in paragraph (a) of this section; and the Board of Contractors  
777 shall not have jurisdiction or the power or authority to determine  
778 the maximum bond a contractor may be capable of obtaining. The  
779 board, in determining the qualifications of any applicant for an  
780 original certificate of responsibility or any renewal thereof,  
781 shall, among other things, take into consideration the following:  
782 (1) experience and ability, (2) character, (3) the manner of  
783 performance of previous contracts, (4) financial condition, (5)  
784 equipment, (6) personnel, (7) work completed, (8) work on hand,  
785 (9) ability to perform satisfactorily work under contract at the  
786 time of an application for a certificate of responsibility or a  
787 renewal thereof, (10) default in complying with provisions of this



788 law, or any other law of the state, and (11) the results of  
789 objective, standardized examinations. A record shall be made and  
790 preserved by the board of each examination of an applicant and the  
791 findings of the board thereon, and a certified copy of the record  
792 and findings shall be furnished to any applicant desiring to  
793 appeal from any order or decision of the board.

794 (h) The board shall enter upon its minutes an order or  
795 decision upon each application filed with it, and it may state in  
796 such order or decision the reason or reasons for its order or  
797 decision.

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

802 The holder of any valid certificate of responsibility issued  
803 by the Board of Public Contractors prior to January 1, 1986, shall  
804 be automatically issued a certificate of responsibility by the  
805 State Board of Contractors for the same classification or  
806 classifications of work which the holder was entitled to perform  
807 under the State Board of Public Contractors Act.

808 (i) (i) Notwithstanding any provision of law to the  
809 contrary, the board may issue a certificate of responsibility to  
810 any person who establishes such person's competency in any  
811 classification by successfully passing the examination, authorized  
812 under subsection (a) of this section, for measuring of industry  
813 expertise in such work that is administered by the board, and such  
814 certificate of responsibility shall authorize the holder of the  
815 certificate of responsibility to engage in contracting in this  
816 state or any of its political subdivisions.

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

- 820                   1. Exhibiting evidence of a current  
821 certificate of responsibility to the appropriate local officials;  
822                   2. Paying any applicable local privilege  
823 fees; and  
824                   3. Paying any inspection or permit fees  
825 customarily required by any county or municipality for such work.

826           No county or municipality shall require such holder of a  
827 valid certificate of responsibility or a person licensed by the  
828 State Board of Contractors as a residential builder or remodeler  
829 to pass any county or municipal test or examination; nor shall a  
830 county or municipality impose any additional licensure  
831 requirements upon such valid holder of a certificate of  
832 responsibility, or a person licensed by the State Board of  
833 Contractors as a residential builder or remodeler, nor in any way  
834 discriminate against such holder of a certificate of  
835 responsibility on the basis of such holder's nonresidency within  
836 the county or municipality.

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

839           27-17-457. (1) Any contractor including, but not limited  
840 to, any electrical, plumbing, heating and air conditioning, water  
841 and sewer, roofing or mechanical contractor, who is licensed by  
842 any one (1) municipality or county of the State of Mississippi,  
843 which municipality or county has an examining board where there is  
844 regularly given a written examination, and who does not hold a  
845 current certificate of responsibility issued by the State Board of  
846 Public Contractors, shall be allowed to do business in any other  
847 municipality or county in the state without being required to  
848 obtain a license in such other municipality or county or to  
849 undergo any further examination provided:

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

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

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

861           (d) That he furnishes his state tax identification  
862 number.

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

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

881           (4) Nothing in this Section 27-17-457 supercedes or  
882 otherwise affects the provisions of Title 31, Chapter 3, or the  
883 provisions of Title 73, Chapter 59. In the event any provision in  
884 Section 27-17-457 conflicts with any provision of Title 31,

885 Chapter 3, or of Title 73, Chapter 59, the latter titles and  
886 chapters are hereby deemed and shall be controlling over the  
887 provisions of Section 27-17-457.

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

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

911 (7) (a) Notwithstanding any provision of law to the  
912 contrary, the board may issue a certificate of responsibility to  
913 any person who establishes such person's competency in any  
914 classification by successfully passing the examination, authorized  
915 under Section 31-3-13, for measuring of industry expertise in such  
916 work that is administered by the board, and such certificate of  
917 responsibility shall authorize the holder of the certificate of

918 responsibility to engage in contracting in this state or any of  
919 its political subdivisions.

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

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

925 (ii) Paying any applicable local privilege fees;  
926 and

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

929 No county or municipality shall require such holder of a  
930 valid certificate of responsibility or a person licensed by the  
931 State Board of Contractors as a residential builder or remodeler  
932 to pass any county or municipal test or examination; nor shall a  
933 county or municipality impose any additional licensure  
934 requirements upon such valid holder of a certificate of  
935 responsibility, or a person licensed by the State Board of  
936 Contractors as a residential builder or remodeler, nor in any way  
937 discriminate against such holder of a certificate of  
938 responsibility on the basis of such holder's nonresidency within  
939 the county or municipality.

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

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

949 (a) That the contractor furnishes evidence that he has  
950 a license issued on the basis of a competency examination

951 administered in one (1) municipality or county of the State of  
952 Mississippi which has an examining board that regularly gives a  
953 written examination which has been approved by the State Board of  
954 Public Contractors or the Building Officials Association of  
955 Mississippi;

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

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

965 (d) That he has held a license for his business for one  
966 (1) year or more; \* \* \*

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

972 (f) That he furnishes his state tax identification  
973 number.

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

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

981 (3) (a) Notwithstanding any provision of law to the  
982 contrary, the board may issue a certificate of responsibility to  
983 any person who establishes such person's competency in any

984 classification by successfully passing the examination, authorized  
985 under Section 31-3-13, for measuring of industry expertise in such  
986 work that is administered by the board, and such certificate of  
987 responsibility shall authorize the holder of the certificate of  
988 responsibility to engage in contracting in this state or any of  
989 its political subdivisions.

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

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

995 (ii) Paying any applicable local privilege fees;  
996 and

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

999 No county or municipality shall require such holder of a  
1000 valid certificate of responsibility or a person licensed by the  
1001 State Board of Contractors as a residential builder or remodeler  
1002 to pass any county or municipal test or examination; nor shall a  
1003 county or municipality impose any additional licensure  
1004 requirements upon such valid holder of a certificate of  
1005 responsibility, or a person licensed by the State Board of  
1006 Contractors as a residential builder or remodeler, nor in any way  
1007 discriminate against such holder of a certificate of  
1008 responsibility on the basis of such holder's nonresidency within  
1009 the county or municipality.

1010 **SECTION 19.** This act shall take effect and be in force from  
1011 and after July 1, 2007.