

By: Representative DeLano

To: Judiciary A

HOUSE BILL NO. 745

1 AN ACT TO AMEND SECTION 73-59-1, MISSISSIPPI CODE OF 1972, TO
 2 DEFINE THE TERMS "CONSTRUCTION MANAGER" AND "RESIDENTIAL SOLAR
 3 CONTRACTOR" AS USED IN THE RESIDENTIAL BUILDERS AND REMODELERS
 4 LICENSING LAW; TO AMEND SECTION 73-59-3, MISSISSIPPI CODE OF 1972,
 5 TO REVISE THE LIST OF PERSONS REQUIRED TO BE LICENSED BY THE STATE
 6 BOARD OF CONTRACTORS UNDER THIS CHAPTER; TO AMEND SECTION 73-59-9,
 7 MISSISSIPPI CODE OF 1972, TO CLARIFY THE VIOLATIONS IN CONNECTION
 8 WITH LICENSING; TO AMEND SECTION 73-59-15, MISSISSIPPI CODE OF
 9 1972, TO CLARIFY THE PERSONS EXEMPT FROM THE CHAPTER; TO AMEND
 10 SECTION 73-59-19, MISSISSIPPI CODE OF 1972, TO REVISE THE
 11 EXEMPTION FOR LICENSEES TO WORK ON CERTAIN COMMERCIAL STRUCTURES
 12 WITHOUT AN ADDITIONAL LICENSE; TO AMEND SECTIONS 73-59-5, 73-59-7,
 13 73-59-11, 73-59-13 AND 73-59-17, MISSISSIPPI CODE OF 1972, TO
 14 CONFORM; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 73-59-1, Mississippi Code of 1972, is
 17 amended as follows:

18 73-59-1. For the purposes of this chapter, the following
 19 words shall have the meanings ascribed herein:

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

22 (b) "Residential builder" means any corporation,
 23 limited liability company, partnership or individual who
 24 constructs a building or structure for sale for use by another as



25 a residence or who, for a fixed price, commission, fee, wage or
26 other compensation, undertakes or offers to undertake the
27 construction, or superintending of the construction, of any
28 building or structure which is not more than three (3) floors in
29 height, to be used by another as a residence, when the total cost
30 of the undertaking exceeds Fifty Thousand Dollars (\$50,000.00).

31 (c) "Remodeler" means any corporation, limited
32 liability company, partnership or individual who, for a fixed
33 price, commission, fee, wage or other compensation, undertakes or
34 offers to undertake the construction, or superintending of the
35 construction, of improvements to an existing residence when the
36 total cost of the improvements exceeds Ten Thousand Dollars
37 (\$10,000.00).

38 (d) "Residential construction" means any undertaking
39 described in paragraph (b) of this section performed by a
40 residential builder.

41 (e) "Residential improvement" means any undertaking
42 described in paragraph (c) of this section performed by a
43 remodeler.

44 (f) "Active licensee" means any * * * person or entity
45 licensed under this chapter and engaged in * * * the trade
46 reflected on their certificate of licensure.

47 (g) "Inactive licensee" means any * * * person or
48 entity licensed under this chapter and not engaged in * * * the
49 trade reflected on their certificate of licensure.



50 (h) "Construction manager" means any person or entity,
51 other than a residential builder, remodeler or owner, who has a
52 contract or agreement with the owner of the property for
53 contracting work on a residential project when the total cost of
54 the undertaking exceeds Fifty Thousand Dollars (\$50,000.00) on a
55 new residential construction project or Ten Thousand Dollars
56 (\$10,000.00) on a residential improvement project, no matter if
57 that owner himself is the general contractor or a holder of a
58 building permit.

59 (i) "Residential solar contractor" means any person or
60 entity that installs, modifies, maintains and repairs thermal or
61 photovoltaic solar energy systems.

62 None of the definitions provided in this section shall
63 include or incorporate public utilities, or their agents or
64 employees, as defined in the Mississippi Public Utilities Act,
65 Section 77-3-1 et seq.

66 **SECTION 2.** Section 73-59-3, Mississippi Code of 1972, is
67 amended as follows:

68 73-59-3. (1) Except as otherwise provided in Section
69 73-59-15 * * *, the following persons or entities shall be
70 licensed by the board annually as an active licensee or inactive
71 licensee, as appropriate * * *:

72 (a) Persons or entities acting in the capacity as a
73 residential builder;



74 (b) Persons or entities acting in the capacity as a
75 residential remodeler;

76 (c) Persons or entities acting in the capacity as a
77 construction manager;

78 (d) Persons or entities, of any tier, performing the
79 following work or within the following trade, on any residential
80 project, where the work exceeds Two Thousand Five Hundred Dollars
81 (\$2,500.00) in value:

82 (i) Electrical;

83 (ii) Plumbing; and

84 (iii) Heating, ventilation and/or

85 air-conditioning; and

86 (e) Persons or entities acting in the capacity as a
87 residential solar contractor.

88 (2) As a prerequisite to obtaining a license or renewal
89 thereof, each of the persons or entities in subsection (1) of this
90 section shall submit to the board:

91 (a) Proof of workers' compensation insurance, if
92 applicable; however, workers' compensation insurance shall not be
93 required for inactive licensees;

94 (b) A federal employment identification number or
95 social security number.

96 (* * *3) The board may require liability insurance to be
97 licensed under this chapter and it shall be reflected on the



98 certificate of licensure; however, liability insurance shall not
99 be required for inactive licensees.

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



123 the board and countersigned by the chairman or vice chairman of
124 the board.

125 (* * *5) Except as provided in Section 33-1-39, the license
126 shall expire on the last day of the twelfth month following its
127 issuance or renewal and shall become invalid unless renewed. The
128 board may notify by mail or e-mail every licensee under this
129 chapter of the date of the expiration of his license and the
130 amount of the fee required for renewal of the license for one (1)
131 year. To receive notification by e-mail, a licensee must notify
132 the board of his desire to receive notification by e-mail and
133 provide an e-mail address. Such notice may be mailed or e-mailed
134 within thirty (30) days prior to the expiration date of the
135 license. The failure on the part of any licensee to renew his
136 license annually in such twelfth month shall not deprive such
137 licensee of the right of renewal, provided that renewal is
138 effected within one hundred eighty (180) days after the expiration
139 date of the license by payment of the license fee plus a penalty
140 of ten percent (10%) of the license fee. A new license required
141 to replace a revoked, lost, mutilated or destroyed license may be
142 issued, subject to the rules of the board, for a charge of not
143 more than Fifty Dollars (\$50.00). An inactive licensee may become
144 an active licensee upon application meeting all the requirements
145 of this section.

146 (* * *6) Any person who is not a resident of the State of
147 Mississippi who desires to perform work on a residential * * *



148 project shall be licensed to perform such * * * work as provided
149 by this chapter.

150 **SECTION 3.** Section 73-59-9, Mississippi Code of 1972, is
151 amended as follows:

152 73-59-9. (1) Any * * * person or entity required to have a
153 license under this chapter who undertakes or attempts to undertake
154 the business of * * * construction on a residential project
155 without having a valid license as required by this chapter, or who
156 knowingly presents to the board, or files with the board, false
157 information for the purpose of obtaining such license, shall be
158 deemed guilty of a misdemeanor and, upon conviction, shall be
159 fined not less than One Hundred Dollars (\$100.00) and not more
160 than Five Thousand Dollars (\$5,000.00) or be imprisoned for not
161 less than thirty (30) nor more than sixty (60) days in the county
162 jail, or both.

163 * * *

164 (* * * 2) * * * Any person or entity required to have a
165 license under Section 73-59-3(1) who does not have the license
166 provided by this chapter at the time construction, building or
167 remodeling services are rendered may not bring any action, either
168 at law or in equity, to enforce any contract for residential
169 building or remodeling or to enforce a sales contract.

170 (* * * 3) The board shall have the authority to issue a
171 citation and may stop work of * * * any person or entity



172 performing work without having a valid license as required by this
173 chapter.

174 **SECTION 4.** Section 73-59-15, Mississippi Code of 1972, is
175 amended as follows:

176 73-59-15. (1) This chapter shall not apply to:

177 (a) Agricultural buildings, buildings used for
178 agricultural purposes, buildings constructed as a community
179 effort, or tenant houses;

180 (b) Any person who undertakes construction or
181 improvement on his own residence, or who acts as his own general
182 contractor in the performance of construction or improvement on
183 his own residence;

184 (c) Any person who undertakes residential construction
185 or improvement, or who acts as a general contractor in the
186 performance of residential construction or improvement, or who
187 acts under supervision of the owner-occupant with respect to
188 residential construction or improvement, when the owner of such
189 construction or improvement is related to such person by
190 consanguinity or direct affinity;

191 (d) The owners of property who supervise, superintend,
192 oversee, direct or in any manner assume charge of the
193 construction, alteration, repair, improvement, movement,
194 demolition, putting up, tearing down or maintenance of any
195 building, railroad, excavation, project, development, improvement,
196 plant facility or any other construction undertaking on such



197 property for use by such owner and which will not be for sale,
198 rent, public use or public assembly;

199 (e) Any contractor holding a valid license or
200 certificate of responsibility for * * * building construction from
201 the board;

202 * * *

203 (* * * f) Any person who constructs two (2) single
204 residences or less within a period of one (1) year in any county
205 or municipality which does not require a building permit or any
206 local certification for such construction, provided that the
207 person is not building the residences for sale, profit or
208 remuneration.

209 (2) A person specified in subsection (1)(b) or (c) shall not
210 make more than two (2) applications for a permit to construct a
211 single residence or shall not construct more than two (2) single
212 residences within a period of one (1) year. There shall be a
213 rebuttable presumption that such person intends to construct for
214 the purpose of sale, lease, rent or any similar purpose if more
215 than two (2) applications are made for a permit to construct a
216 single residence or if more than two (2) single residences are
217 constructed within a period of one (1) year.

218 **SECTION 5.** Section 73-59-19, Mississippi Code of 1972, is
219 amended as follows:

220 73-59-19. Any residential builder licensed pursuant to the
221 provisions of this chapter may, without being required to obtain



222 an additional license under any other law of this state,
223 construct, improve, repair, remodel or renovate any commercial
224 structure, provided the prescribed contract job does not exceed
225 seven thousand five hundred (7,500) square feet and two (2)
226 stories in height.

227 **SECTION 6.** Section 73-59-5, Mississippi Code of 1972, is
228 amended as follows:

229 73-59-5. Any corporation, partnership or individual seeking
230 to be licensed and examined under this chapter shall file with the
231 board a written application on such form as may be prescribed by
232 the board. Such application shall be accompanied by the payment
233 of the license fee. If the application sufficiently contains the
234 information required pursuant to this chapter, the applicant shall
235 be examined * * * using a uniform written examination prescribed
236 by the board. The board shall administer an oral examination to
237 applicants who are unable to take the written examination. In
238 addition, the board, in examining such applicant, shall consider
239 the following:

- 240 (a) Experience;
- 241 (b) Complaints; and
- 242 (c) Other pertinent information the board may require.

243 If, as a result of the examination, the board finds that the
244 applicant is qualified to engage in * * * the work specified on
245 the application for licensure in Mississippi, the applicant shall
246 be issued a license. Any applicant rejected by the board shall be



247 given the opportunity to be reexamined at the next regularly
248 scheduled examination date after a new application has been filed
249 and the license fee has again been paid.

250 The board shall make and preserve a record of each
251 examination of an applicant and the findings of the board
252 pertaining to such examination. A certified copy of such record,
253 omitting confidential test questions, shall be furnished to the
254 applicant so requesting such record upon the payment of a fee to
255 the board that reasonably reflects the cost of furnishing such
256 record to the applicant.

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

260 Each application for a license under this chapter shall
261 reveal any other states in which the applicant or any partner or
262 business associate of the applicant is licensed and whether the
263 applicant, partner or business associate has had a license revoked
264 or suspended in any other state. If the applicant fails to
265 provide this information, the board may deny or revoke the
266 applicant's license. If the applicant has had a license revoked
267 in another state, the board may deny the application for a license
268 in this state.

269 **SECTION 7.** Section 73-59-7, Mississippi Code of 1972, is
270 amended as follows:



271 73-59-7. In the event of a catastrophe or emergency which
272 arises out of a disaster, act of God, riot, civil commotion,
273 conflagration or other similar occurrence, the board, upon
274 application, may issue an emergency license to persons who are
275 residents or nonresidents of this state and who may or may not be
276 otherwise licensed residential * * * builder, remodeler,
277 construction manager, residential solar contractor or residential
278 trade contractor as specified in Section 73-59-3(d). Such
279 emergency license shall remain in force for a period not to exceed
280 ninety (90) days, unless extended for an additional period of
281 ninety (90) days by the board or until a contract to build or
282 remodel entered into during the period of the emergency license
283 has been completed.

284 Within five (5) days of any applicant beginning work * * *
285 requiring a license under this * * * chapter, the employer or
286 person contracting with such person shall certify to the board
287 such application without being deemed in violation of this
288 chapter, provided that the board, after notice and hearing, may
289 take disciplinary action or revoke the emergency license upon
290 grounds as otherwise contained in this chapter providing for such
291 disciplinary action or revocation of a * * * license.

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



296 **SECTION 8.** Section 73-59-11, Mississippi Code of 1972, is
297 amended as follows:

298 73-59-11. The board shall have the following additional
299 duties for the purposes of this chapter:

300 (a) To conduct thorough investigations of all
301 applicants seeking a license or licensees seeking renewal of their
302 licenses and of all complaints filed with the board concerning the
303 performance of * * * any person or entity required to be licensed
304 by this chapter.

305 (b) To obtain information concerning the responsibility
306 of any applicant for a license or of a licensee. Such information
307 may be obtained by investigation, by hearings, or by any other
308 reasonable and lawful means. The board shall keep such
309 information appropriately filed.

310 (c) To maintain a list of residential * * * license
311 holders to whom licenses are issued, refused, revoked or
312 suspended, which list shall be available to any interested person.

313 (d) To prepare annually a complete roster that shows
314 all the names and places of business of the residential * * *
315 license holders licensed by the board during the preceding year
316 and to * * * make a copy of the roster available to each
317 municipality and county in the state and the Mississippi Secretary
318 of State.

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



321 (f) To adopt rules and regulations governing
322 disciplinary actions and the conduct of its hearings and to adopt
323 such other rules and regulations as the board finds necessary for
324 the proper administration of this chapter.

325 (g) The board may require continuing education for any
326 residential builder * * *, remodeler, construction manager, or
327 residential solar contractor licensed under this chapter;
328 provided, however, that any residential builder or remodeler who
329 has held a valid license under this chapter before July 1, 2015,
330 or any residential trade contractor specified in Section
331 73-59-3(d) shall be exempt from any continuing education
332 requirements. No more than two (2) hours of continuing education
333 shall be required by the board per year.

334 The holder of a valid license shall disclose to the owner or
335 other person with whom the holder is contracting at the signing of
336 a contract or the initial agreement to perform work whether the
337 holder carries general liability insurance. The disclosure shall
338 be written, the structure and composition of which shall be
339 determined by the State Board of Contractors, and shall be placed
340 immediately before the space reserved in the contract for the
341 signature of the purchaser. The disclosure shall be boldfaced and
342 conspicuous type which is larger than the type of the remaining
343 text of the contract.

344 **SECTION 9.** Section 73-59-13, Mississippi Code of 1972, is
345 amended as follows:



346 73-59-13. (1) The board, upon satisfactory proof and in
347 accordance with the provisions of this chapter and the regulations
348 of the board pertaining thereto, is authorized to take the
349 disciplinary actions provided for in this section against any
350 person for any of the following reasons:

351 (a) Violating any of the provisions of this chapter or
352 the rules or regulations of the board * * *;

353 (b) Fraud, deceit or misrepresentation in obtaining a
354 license;

355 (c) Gross negligence or misconduct;

356 (d) Engaging in work * * * on an expired license or
357 while under suspension or revocation of license unless the
358 suspension or revocation be abated in accordance with this
359 chapter;

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

361 (f) Failing to maintain workers' compensation
362 insurance, if applicable; or

363 (g) Failing to pay for goods or services for which
364 the * * * residential license holder is contractually bound.

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



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

376 The board may send a certified inspector to inspect the
377 building or structure which is the subject of a complaint or the
378 board may use a county certified building inspector from the
379 county where the building or structure is located to inspect the
380 building or structure which is the subject of a complaint. The
381 report of the inspector shall be used in the investigation and the
382 determination of the board. The provisions above shall only apply
383 to hearings.

384 No disciplinary action may be taken until the accused has
385 been furnished both a statement of the charges against him and
386 notice of the time and place of the hearing thereon, which shall
387 be personally served on such accused or mailed by certified mail,
388 return receipt requested, to the last-known business or residence
389 address of the accused not less than thirty (30) days prior to the
390 date fixed for the hearing. The complaining party shall be
391 notified of the place and time of the hearing by mail to the
392 last-known business or residence address of the complaining party
393 not less than thirty (30) days prior to the date fixed for the
394 hearing.



395 (3) At any hearing held hereunder, the board shall have the
396 power to subpoena witnesses and compel their attendance and may
397 also require the production of books, papers, documents or other
398 materials which may be pertinent to the proceedings. The board
399 may designate or secure a hearing officer to conduct the hearing.
400 All evidence shall be presented under oath, which may be
401 administered by any member of the board, and thereafter the
402 proceedings may, if necessary, be transcribed in full by a court
403 reporter and filed as part of the record in the case. Copies of
404 such transcriptions may be provided to any party to the
405 proceedings at a price reflecting actual cost, to be fixed by the
406 board.

407 All witnesses who are subpoenaed and appear in any
408 proceedings before the board shall receive the same fees and
409 mileage as allowed by law to witnesses in county, circuit and
410 chancery court pursuant to Section 25-7-47, Mississippi Code of
411 1972, and all such fees shall be taxed as part of the costs in the
412 case.

413 When, in any proceeding before the board, any witness shall
414 fail or refuse to attend upon subpoena issued by the board, shall
415 refuse to testify, or shall refuse to produce any books and papers
416 the production of which is called for by the subpoena, the
417 attendance of such witness and the giving of his testimony and the
418 production of the books and papers shall be enforced by any court
419 of competent jurisdiction of this state in the manner provided for



420 the enforcement of attendance and testimony of witnesses in civil
421 cases in the courts of this state.

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

426 (4) At the conclusion of the hearing, the board may either
427 decide the issue at that time or take the case under advisement
428 for further deliberation. The board shall render its decision not
429 more than ninety (90) days after the close of the hearing and
430 shall forward to the last-known business or residence address of
431 the accused, by certified mail, return receipt requested, a
432 written statement of the decision of the board.

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

435 (a) Issue a public or private reprimand;
436 (b) Suspend or revoke the license of the accused;
437 (c) Order completion of an additional educational
438 requirement prescribed by the board not to exceed two (2) hours
439 per violation; or

440 (d) In lieu of or in addition to any reprimand,
441 suspension, revocation, or education requirement, assess and levy
442 upon the guilty party a monetary penalty of not less than One
443 Hundred Dollars (\$100.00) nor more than Five Thousand Dollars
444 (\$5,000.00) for each violation.



445 (6) A monetary penalty assessed and levied under this
446 section shall be paid to the board upon the expiration of the
447 period allowed for appeal of such penalties under this section or
448 may be paid sooner if the guilty party elects. Money collected by
449 the board under this section shall be deposited to the credit of
450 the State Board of Contractors Fund.

451 When payment of a monetary penalty assessed and levied by the
452 board in accordance with this section is not paid when due, the
453 board shall have the power to institute and maintain proceedings
454 in its name for enforcement of payment in the chancery court of
455 the county of residence of the delinquent party; however, if the
456 delinquent party is a nonresident of the State of Mississippi,
457 such proceedings shall be in the Chancery Court of the First
458 Judicial District of Hinds County, Mississippi.

459 (7) When the board has taken a disciplinary action under
460 this section, the board may, in its discretion, stay such action
461 and place the guilty party on probation for a period not to exceed
462 one (1) year upon the condition that such party shall not further
463 violate either the laws of the State of Mississippi pertaining
464 to * * * construction work on a residential project or the bylaws,
465 rules or regulations promulgated by the board.

466 (8) The board shall not assess any of the costs of
467 disciplinary proceedings conducted pursuant to this section
468 against the prevailing party.



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

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

476 (11) Within ten (10) days after any order, judgment or
477 action of the board, any person aggrieved thereby may appeal such
478 order, judgment or action either to the chancery court of the
479 county wherein the appellant resides or to the Chancery Court of
480 the First Judicial District of Hinds County, Mississippi, upon
481 giving bond with sufficient security in the amount of Two Hundred
482 Fifty Dollars (\$250.00), approved by the clerk of the chancery
483 court and conditioned to pay any costs which may be adjudged
484 against such person. In lieu of the bond, the appellant may post
485 Two Hundred Fifty Dollars (\$250.00) with the clerk of the chancery
486 court and conditioned to pay any costs which may be adjudged
487 against such person.

488 Notice of appeal shall be filed in the office of the clerk of
489 the chancery clerk, who shall issue a writ of certiorari directed
490 to the board commanding it within forty-five (45) days after
491 service thereof to certify to such court its entire record in the
492 matter in which the appeal has been taken. The appeal shall
493 thereupon be heard in due course by the court, and the court shall



494 review the record and shall affirm or reverse the judgment. If
495 the judgment is reversed, the chancery court or chancellor shall
496 render such order or judgment as the board ought to have rendered,
497 and certify the same to the board; and costs shall be awarded as
498 in other cases.

499 Appeals may be had to the Supreme Court of the State of
500 Mississippi as provided by law from any final action of the
501 chancery court. The board may employ counsel to defend all such
502 appeals, to be paid out of the funds in the State Board of
503 Contractors Fund.

504 On appeal, any order, judgment or action of the board
505 revoking a certificate of responsibility or residential license
506 shall remain in full force unless the chancery court or Supreme
507 Court reverses such order, judgment or action of the board.

508 The remedies provided under this chapter for any aggrieved
509 person shall not be exclusive, but shall be cumulative of and
510 supplemental to any other remedies which he may otherwise have in
511 law or in equity, whether by injunction or otherwise.

512 (12) Any political subdivision or agency of this state which
513 receives a complaint against * * * any person or entity required
514 to be licensed by this chapter shall, in addition to exercising
515 whatever authority such political subdivision or agency has been
516 given over such complaint, forward the complaint to the board.

517 (13) In addition to the reasons specified in subsection (1)
518 of this section, the board shall be authorized to suspend the



519 license of any licensee for being out of compliance with an order
520 for support, as defined in Section 93-11-153. The procedure for
521 suspension of a license for being out of compliance with an order
522 for support, and the procedure for the reissuance or reinstatement
523 of a license suspended for that purpose, and the payment of any
524 fees for the reissuance or reinstatement of a license suspended
525 for that purpose, shall be governed by Section 93-11-157 or
526 93-11-163, as the case may be. Actions taken by the board in
527 suspending a license when required by Section 93-11-157 or
528 93-11-163 are not actions from which an appeal may be taken under
529 this section. Any appeal of a license suspension that is required
530 by Section 93-11-157 or 93-11-163 shall be taken in accordance
531 with the appeal procedure specified in Section 93-11-157 or
532 93-11-163, as the case may be, rather than the procedure specified
533 in this section. If there is any conflict between any provision
534 of Section 93-11-157 or 93-11-163 and any provision of this
535 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
536 case may be, shall control.

537 **SECTION 10.** Section 73-59-17, Mississippi Code of 1972, is
538 amended as follows:

539 73-59-17. The building official, or other authority charged
540 with the duty of issuing building or similar permits, of any
541 municipality or county, shall refuse to issue a permit for any
542 undertaking which * * * requires a license under this chapter
543 unless the applicant has furnished evidence that he is either



544 licensed as required by this chapter or exempt from the
545 requirements of this chapter. The building official, or other
546 authority charged with the duty of issuing building or similar
547 permits, shall also report to the board the name and address of
548 any person who, in his opinion, has violated this chapter by
549 accepting, or contracting to accomplish, work which would * * *
550 require a license under this chapter * * *.

551 **SECTION 11.** This act shall take effect and be in force from
552 and after July 1, 2018.

