

By: Representative Staples

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 792

1 AN ACT TO AMEND SECTION 31-3-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ANY CONTRACT OR UNDERTAKING ON A PRIVATE OR PUBLIC
3 PROJECT BY A PRIME CONTRACTOR, SUBCONTRACTOR OR SUB-SUBCONTRACTOR
4 OF ANY TIER INVOLVING ERECTION, BUILDING, CONSTRUCTION,
5 RECONSTRUCTION, REPAIR, MAINTENANCE OR RELATED WORK FOR NONPROFIT
6 CORPORATIONS, ASSOCIATIONS OR CHURCHES SHALL BE EXEMPT FROM THE
7 LICENSING PROVISIONS OF THE STATE BOARD OF PUBLIC CONTRACTORS; AND
8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 31-3-1, Mississippi Code of 1972, is
11 amended as follows:

12 31-3-1. The following words, as used in this chapter, shall
13 have the meanings specified below:

14 "Board": The State Board of Contractors created under this
15 chapter.

16 "Contractor": Any person contracting or undertaking as prime
17 contractor, subcontractor or sub-subcontractor of any tier to do
18 any erection, building, construction, reconstruction, demolition,
19 repair, maintenance or related work on any public or private
20 project; however, "contractor" shall not include any owner of a
21 dwelling or other structure to be constructed, altered, repaired



22 or improved and not for sale, lease, public use or assembly, or
23 any person duly permitted by the Mississippi State Oil and Gas
24 Board, pursuant to Section 53-3-11, Mississippi Code of 1972, to
25 conduct operations within the state, and acting pursuant to said
26 permit. It is further provided that nothing herein shall apply
27 to:

28 (a) Any contract or undertaking on a public or private
29 project by a prime contractor, subcontractor or sub-subcontractor
30 of any tier involving erection, building, construction,
31 reconstruction, repair, maintenance or related work where such
32 contract, subcontract or undertaking is less than Fifty Thousand
33 Dollars (\$50,000.00);

34 (b) Highway construction, highway bridges, overpasses
35 and any other project incidental to the construction of highways
36 which are designated as federal aid projects and in which federal
37 funds are involved;

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

40 (d) A residential subdivision where the contractor is
41 developing either single-family or multifamily lots;

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



46 (f) Erection of a microwave tower built for the purpose
47 of telecommunication transmissions;

48 (g) Any contract or undertaking on a public project by
49 a prime contractor, subcontractor or sub-subcontractor of any tier
50 involving the construction, reconstruction, repair or maintenance
51 of fire protection systems where such contract, subcontract or
52 undertaking is less than Five Thousand Dollars (\$5,000.00);

53 (h) Any contract or undertaking on a private project by
54 a prime contractor, subcontractor or sub-subcontractor of any tier
55 involving the construction, reconstruction, repair or maintenance
56 of fire protection systems where such contract, subcontract or
57 undertaking is less than Ten Thousand Dollars (\$10,000.00);

58 (i) Any contract or undertaking on a private or public
59 project by a prime contractor, subcontractor or sub-subcontractor
60 of any tier involving the construction, reconstruction, repair or
61 maintenance of technically specialized installations if performed
62 by a Mississippi contractor who has been in the business of
63 installing fire protection sprinkler systems on or before July 1,
64 2000; * * *

65 (j) Any contractor undertaking to build, construct,
66 reconstruct, repair, demolish, perform maintenance on, or other
67 related work, whether on the surface or subsurface, on oil or gas
68 wells, pipelines, processing plants, or treatment facilities or
69 other structures of facilities. Nothing herein shall be construed
70 to limit the application or effect of Section 31-5-41 * * *; or



71 (k) Any contract or undertaking on a private or public
72 project by a prime contractor, subcontractor or sub-subcontractor
73 of any tier involving erection, building, construction,
74 reconstruction, repair, maintenance or related work for nonprofit
75 corporations, associations or churches.

76 "Certificate of responsibility": A certificate numbered and
77 held by a contractor issued by the board under the provisions of
78 this chapter after payment of the special privilege license tax
79 therefor levied under this chapter.

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

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

85 "Public agency": Any board, commission, council or agency of
86 the State of Mississippi or any district, county or municipality
87 thereof, including school, hospital, airport and all other types
88 of governing agencies created by or operating under the laws of
89 this state.

90 "Public funds": Monies of public agencies, whether obtained
91 from taxation, donation or otherwise; or monies being expended by
92 public agencies for the purposes for which such public agencies
93 exist.



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

97 **SECTION 2.** This act shall take effect and be in force from
98 and after July 1, 2019.

