

**Adopted  
AMENDMENT NO 2 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2604**

**BY: Senator(s) Carter**

1           **AMEND by inserting the following section after line 254 and**  
2 **renumbering subsequent sections accordingly:**

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

5           31-3-1. The following words, as used in this chapter, shall  
6 have the meanings specified below:

7           **"Board":** The State Board of Contractors created under this  
8 chapter.

9           **"Contractor":** Any person contracting or undertaking as prime  
10 contractor, subcontractor or sub-subcontractor of any tier to do  
11 any erection, building, construction, reconstruction, demolition,  
12 repair, maintenance or related work on any public or private  
13 project; however, "contractor" shall not include any owner of a  
14 dwelling or other structure to be constructed, altered, repaired



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

21 (a) Any contract or undertaking on a public or private  
22 project by a prime contractor, subcontractor or sub-subcontractor  
23 of any tier involving erection, building, construction,  
24 reconstruction, repair, maintenance or related work where such  
25 contract, subcontract or undertaking is less than Fifty Thousand  
26 Dollars (\$50,000.00);

27 (b) Highway construction, highway bridges, overpasses  
28 and any other project incidental to the construction of highways  
29 which are designated as federal aid projects and in which federal  
30 funds are involved;

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

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

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



39           (f) Erection of a microwave tower built for the purpose  
40 of telecommunication transmissions;

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

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

51           (i) Any contract or undertaking on a private or public  
52 project by a prime contractor, subcontractor or sub-subcontractor  
53 of any tier involving the construction, reconstruction, repair or  
54 maintenance of technically specialized installations if performed  
55 by a Mississippi contractor who has been in the business of  
56 installing fire protection sprinkler systems on or before July 1,  
57 2000; or

58           (j) Any contractor undertaking to build, construct,  
59 reconstruct, repair, demolish, perform maintenance on, or other  
60 related work, whether on the surface or subsurface, on oil or gas  
61 wells, pipelines, processing plants, or treatment facilities or  
62 other structures of facilities. Nothing herein shall be construed  
63 to limit the application or effect of Section 31-5-41.



64           (k) Any contract or undertaking by a subcontractor or  
65 sub-subcontractor of any tier involving the construction and other  
66 related work required by a licensed prime contractor in the  
67 buildout and expansion of broadband infrastructure.

68           "Certificate of responsibility": A certificate numbered and  
69 held by a contractor issued by the board under the provisions of  
70 this chapter after payment of the special privilege license tax  
71 therefor levied under this chapter.

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

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

77           "Public agency": Any board, commission, council or agency of  
78 the State of Mississippi or any district, county or municipality  
79 thereof, including school, hospital, airport and all other types  
80 of governing agencies created by or operating under the laws of  
81 this state.

82           "Public funds": Monies of public agencies, whether obtained  
83 from taxation, donation or otherwise; or monies being expended by  
84 public agencies for the purposes for which such public agencies  
85 exist.

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



89           **FURTHER, AMEND the title on line 17 by inserting the**  
90 **following after the semicolon:**

91 TO AMEND SECTION 31-3-1, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM  
92 LICENSING REQUIREMENTS UNDER THE STATE BOARD OF CONTRACTORS  
93 CERTAIN UNDERTAKINGS BY A SUBCONTRACTOR OR SUB-SUBCONTRACTOR  
94 INVOLVING THE CONSTRUCTION IN THE BUILDOUT AND EXPANSION OF  
95 BROADBAND INFRASTRUCTURE;

