

By: Representative Gunn

To: Ways and Means

HOUSE BILL NO. 847

1 AN ACT TO AMEND SECTION 73-59-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE TIME WITHIN WHICH CERTAIN PERSONS OR ENTITIES REQUIRED
3 TO HAVE A LICENSE UNDER THE LAWS REGULATING RESIDENTIAL BUILDERS
4 AND REMODELERS MAY OBTAIN A LICENSE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-59-3, Mississippi Code of 1972, is
7 amended as follows:

8 73-59-3. (1) Except as otherwise provided in Section
9 73-59-15 or Section 33-1-39, the following persons or entities
10 shall be licensed by the board annually as an active licensee or
11 inactive licensee, as appropriate:

12 (a) Persons or entities acting in the capacity as a
13 residential builder;

14 (b) Persons or entities acting in the capacity as a
15 residential remodeler;

16 (c) Persons or entities acting in the capacity as a
17 construction manager through a contract or an agreement with the
18 owner of the property being improved or constructed upon;



19 (d) Any subcontractor, of any tier, performing the
20 following work or within the following trade, on any residential
21 construction or residential improvement project, no matter the
22 dollar amount of the construction or improvements:

23 (i) Electrical;

24 (ii) Plumbing;

25 (iii) Mechanical; and/or

26 (iv) Heating, ventilation and/or air conditioning;

27 and

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

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

33 (a) Proof of workers' compensation insurance, if
34 required by applicable law; however, workers' compensation
35 insurance shall not be required for inactive licensees;

36 (b) A federal employment identification number or
37 social security number.

38 (3) The board may require liability insurance to be licensed
39 under this chapter and it shall be reflected on the certificate of
40 licensure; however, liability insurance shall not be required for
41 inactive licensees.

42 (4) The board shall issue or renew a license to persons or
43 entities required by subsection (1) of this section to be



44 licensed, upon payment to the board of the license fee. The
45 initial license fee shall be Fifty Dollars (\$50.00). The license
46 fee may thereafter be increased or decreased by the board and
47 cannot exceed One Hundred Dollars (\$100.00); however, the receipts
48 from fees collected by the board shall be no greater than the
49 amount required to pay all costs and expenses incurred by the
50 board in enforcing the provisions of this chapter. Twenty-five
51 Dollars (\$25.00) of the fee required by this section which is
52 assessed to residential builders licensed under the provisions of
53 Section 73-59-1 et seq. shall be deposited to the Construction
54 Education Fund created pursuant to Section 31-3-14 and shall be
55 distributed to the Mississippi Housing Institute. The remaining
56 fees collected under this chapter shall be deposited into the
57 special fund in the State Treasury known as the "State Board of
58 Contractors Fund" created pursuant to Section 31-3-17 and shall be
59 used for the administration and enforcement of this chapter and as
60 provided in Section 31-3-14. Amounts in such fund shall not lapse
61 into the State General Fund at the end of a fiscal year. Interest
62 accrued to such fund shall remain in the fund. All expenditures
63 from the special fund shall be by requisition to the Department of
64 Finance and Administration, signed by the executive director of
65 the board and countersigned by the chairman or vice chairman of
66 the board.

67 (5) Except as provided in Section 33-1-39, the license shall
68 expire on the last day of the twelfth month following its issuance



69 or renewal and shall become invalid unless renewed. The board may
70 notify by mail or email every licensee under this chapter of the
71 date of the expiration of his license and the amount of the fee
72 required for renewal of the license for one (1) year. To receive
73 notification by email, a licensee must notify the board of his
74 desire to receive notification by email and provide an email
75 address. Such notice may be mailed or emailed within thirty (30)
76 days prior to the expiration date of the license. The failure on
77 the part of any licensee to renew his license annually in such
78 twelfth month shall not deprive such licensee of the right of
79 renewal, provided that renewal is effected within one hundred
80 eighty (180) days after the expiration date of the license by
81 payment of the license fee plus a penalty of ten percent (10%) of
82 the license fee. A new license required to replace a revoked,
83 lost, mutilated or destroyed license may be issued, subject to the
84 rules of the board, for a charge of not more than Fifty Dollars
85 (\$50.00). An inactive licensee may become an active licensee upon
86 application meeting all the requirements of this section.

87 (6) Any person who is not a resident of the State of
88 Mississippi who desires to perform residential construction or
89 residential improvement shall be licensed to perform such
90 construction or improvement as provided by this chapter.

91 (7) If a person or entity required to be licensed by
92 subsection (1)(d) of this section is or was acting in such
93 capacity before the effective date of this act, and has not been



94 issued a license before the effective date of this act, then the
95 person or entity must satisfy the license requirement not later
96 than July 1, 2023.

97 **SECTION 2.** This act shall take effect and be in force from
98 and after its passage.

