

By: Representative Lamar

To: Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1167

1 AN ACT TO AMEND SECTION 73-59-5, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE FOR AN ALTERNATIVE EXAMINATION METHOD FOR CERTAIN PERSONS  
3 OR ENTITIES APPLYING FOR A LICENSE UNDER THE LAWS REGULATING  
4 RESIDENTIAL BUILDERS AND REMODELERS; TO BRING FORWARD SECTION  
5 73-59-3, MISSISSIPPI CODE OF 1972, WHICH IS A SECTION OF THE LAWS  
6 REGULATING RESIDENTIAL BUILDERS AND REMODELERS, FOR THE PURPOSES  
7 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 73-59-5, Mississippi Code of 1972, is  
10 amended as follows:

11 73-59-5. (1) (a) Any corporation, partnership or  
12 individual seeking to be licensed and examined under this chapter  
13 shall file with the board a written application on such form as  
14 may be prescribed by the board. Such application shall be  
15 accompanied by the payment of the license fee. If the application  
16 sufficiently contains the information required pursuant to this  
17 chapter, the applicant shall be examined by the board at its next  
18 meeting using a uniform written examination prescribed by the  
19 board. The board shall administer an oral examination to  
20 applicants who are unable to take the written examination. In



21 addition, the board, in examining such applicant, shall consider  
22 the following:

23 ( \* \* \*i) Experience;

24 ( \* \* \*ii) Complaints; and

25 ( \* \* \*iii) Other pertinent information the board  
26 may require.

27 (b) If, as a result of the examination, the board finds  
28 that the applicant is qualified to engage in residential  
29 construction or residential improvement in Mississippi, the  
30 applicant shall be issued a license. Any applicant rejected by  
31 the board shall be given the opportunity to be reexamined at the  
32 next regularly scheduled examination date after a new application  
33 has been filed and the license fee has again been paid.

34 (c) The board shall make and preserve a record of each  
35 examination of an applicant and the findings of the board  
36 pertaining to such examination. A certified copy of such record,  
37 omitting confidential test questions, shall be furnished to the  
38 applicant so requesting such record upon the payment of a fee to  
39 the board that reasonably reflects the cost of furnishing such  
40 record to the applicant.

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

44 (e) Each application for a license under this chapter  
45 shall reveal any other states in which the applicant or any



46 partner or business associate of the applicant is licensed and  
47 whether the applicant, partner or business associate has had a  
48 license revoked or suspended in any other state. If the applicant  
49 fails to provide this information, the board may deny or revoke  
50 the applicant's license. If the applicant has had a license  
51 revoked in another state, the board may deny the application for a  
52 license in this state.

53 (2) As an alternative to the examinations provided for under  
54 subsection (1) of this section, an applicant who is a person or  
55 entity required to be licensed by Section 73-59-3(1) may be issued  
56 a license by the board if the applicant:

57 (a) (i) Is licensed by a municipality and/or  
58 county and submits documentation that the applicant has passed a  
59 standardized examination such as an International Code Council  
60 (ICC) examination or a municipality or county administered  
61 examination; or

62 (ii) Can demonstrate, by notarized affidavit, that  
63 the applicant has been acting in the applicable capacity described  
64 in Section 73-59-3(1)(d) for not less than five (5) years and the  
65 applicant submits all of the following:

66 1. One (1) reference letter from a building  
67 official or board licensed contractor specifying the  
68 classification of work for which the applicant is seeking a  
69 license,



70 2. One (1) reference letter from a bank or  
71 other financial institution, and

72 3. One (1) general reference letter from a  
73 project owner, architect, supplier or similar person or entity;  
74 and

75 (b) Completes any applicable video course made  
76 available by the board and submits a certificate of completion for  
77 the course to the board.

78 No person required to be licensed under Section 73-59-3(1)  
79 may be issued a license under this subsection after December 31,  
80 2023.

81 **SECTION 2.** Section 73-59-3, Mississippi Code of 1972, is  
82 brought forward as follows:

83 73-59-3. (1) Except as otherwise provided in Section  
84 73-59-15 or Section 33-1-39, the following persons or entities  
85 shall be licensed by the board annually as an active licensee or  
86 inactive licensee, as appropriate:

87 (a) Persons or entities acting in the capacity as a  
88 residential builder;

89 (b) Persons or entities acting in the capacity as a  
90 residential remodeler;

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



94 (d) Any subcontractor, of any tier, performing the  
95 following work or within the following trade, on any residential  
96 construction or residential improvement project, no matter the  
97 dollar amount of the construction or improvements:

98 (i) Electrical;

99 (ii) Plumbing;

100 (iii) Mechanical; and/or

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

102 and

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

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

108 (a) Proof of workers' compensation insurance, if  
109 required by applicable law; however, workers' compensation  
110 insurance shall not be required for inactive licensees;

111 (b) A federal employment identification number or  
112 social security number.

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

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



119 licensed, upon payment to the board of the license fee. The  
120 initial license fee shall be Fifty Dollars (\$50.00). The license  
121 fee may thereafter be increased or decreased by the board and  
122 cannot exceed One Hundred Dollars (\$100.00); however, the receipts  
123 from fees collected by the board shall be no greater than the  
124 amount required to pay all costs and expenses incurred by the  
125 board in enforcing the provisions of this chapter. Twenty-five  
126 Dollars (\$25.00) of the fee required by this section which is  
127 assessed to residential builders licensed under the provisions of  
128 Section 73-59-1 et seq. shall be deposited to the Construction  
129 Education Fund created pursuant to Section 31-3-14 and shall be  
130 distributed to the Mississippi Housing Institute. The remaining  
131 fees collected under this chapter shall be deposited into the  
132 special fund in the State Treasury known as the "State Board of  
133 Contractors Fund" created pursuant to Section 31-3-17 and shall be  
134 used for the administration and enforcement of this chapter and as  
135 provided in Section 31-3-14. Amounts in such fund shall not lapse  
136 into the State General Fund at the end of a fiscal year. Interest  
137 accrued to such fund shall remain in the fund. All expenditures  
138 from the special fund shall be by requisition to the Department of  
139 Finance and Administration, signed by the executive director of  
140 the board and countersigned by the chairman or vice chairman of  
141 the board.

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



144 or renewal and shall become invalid unless renewed. The board may  
145 notify by mail or email every licensee under this chapter of the  
146 date of the expiration of his license and the amount of the fee  
147 required for renewal of the license for one (1) year. To receive  
148 notification by email, a licensee must notify the board of his  
149 desire to receive notification by email and provide an email  
150 address. Such notice may be mailed or emailed within thirty (30)  
151 days prior to the expiration date of the license. The failure on  
152 the part of any licensee to renew his license annually in such  
153 twelfth month shall not deprive such licensee of the right of  
154 renewal, provided that renewal is effected within one hundred  
155 eighty (180) days after the expiration date of the license by  
156 payment of the license fee plus a penalty of ten percent (10%) of  
157 the license fee. A new license required to replace a revoked,  
158 lost, mutilated or destroyed license may be issued, subject to the  
159 rules of the board, for a charge of not more than Fifty Dollars  
160 (\$50.00). An inactive licensee may become an active licensee upon  
161 application meeting all the requirements of this section.

162 (6) Any person who is not a resident of the State of  
163 Mississippi who desires to perform residential construction or  
164 residential improvement shall be licensed to perform such  
165 construction or improvement as provided by this chapter.

166 **SECTION 3.** This act shall take effect and be in force from  
167 and after its passage.

