

By: Representative Lamar

To: Ways and Means

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)(d) may be
56 issued 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 **SECTION 2.** Section 73-59-3, Mississippi Code of 1972, is
79 brought forward as follows:

80 73-59-3. (1) Except as otherwise provided in Section
81 73-59-15 or Section 33-1-39, the following persons or entities
82 shall be licensed by the board annually as an active licensee or
83 inactive licensee, as appropriate:

84 (a) Persons or entities acting in the capacity as a
85 residential builder;

86 (b) Persons or entities acting in the capacity as a
87 residential remodeler;

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

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



95 (i) Electrical;
96 (ii) Plumbing;
97 (iii) Mechanical; and/or
98 (iv) Heating, ventilation and/or air conditioning;
99 and

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

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

105 (a) Proof of workers' compensation insurance, if
106 required by applicable law; however, workers' compensation
107 insurance shall not be required for inactive licensees;

108 (b) A federal employment identification number or
109 social security number.

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

114 (4) The board shall issue or renew a license to persons or
115 entities required by subsection (1) of this section to be
116 licensed, upon payment to the board of the license fee. The
117 initial license fee shall be Fifty Dollars (\$50.00). The license
118 fee may thereafter be increased or decreased by the board and
119 cannot exceed One Hundred Dollars (\$100.00); however, the receipts



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

139 (5) Except as provided in Section 33-1-39, the license shall
140 expire on the last day of the twelfth month following its issuance
141 or renewal and shall become invalid unless renewed. The board may
142 notify by mail or email every licensee under this chapter of the
143 date of the expiration of his license and the amount of the fee
144 required for renewal of the license for one (1) year. To receive



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

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

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

