

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.

