

By: Representatives Barnett, Steverson,  
Burch

To: Business and Commerce

## HOUSE BILL NO. 1228

1 AN ACT TO AMEND SECTION 19-5-9, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW CERTAIN COUNTIES TO OPT OUT OF REQUIRING PERMITTING AS A  
3 CONDITION TO CONSTRUCTION WITHIN THE UNINCORPORATED AREAS OF A  
4 COUNTY; TO AMEND SECTION 21-19-25, MISSISSIPPI CODE OF 1972, TO  
5 ALLOW CERTAIN MUNICIPALITIES TO OPT OUT OF REQUIRING PERMITTING AS  
6 A CONDITION TO CONSTRUCTION WITHIN THE MUNICIPALITY'S  
7 JURISDICTION; TO AMEND SECTION 73-59-1, MISSISSIPPI CODE OF 1972,  
8 TO INCREASE THE MONETARY THRESHOLD OF IMPROVEMENTS TO AN EXISTING  
9 RESIDENCE A PERSON MUST MEET IN ORDER TO FALL WITHIN THE  
10 DEFINITION OF REMODELER; TO AMEND SECTION 73-59-3, MISSISSIPPI  
11 CODE OF 1972, TO ESTABLISH AN ALTERNATIVE LICENSURE PROCEDURE FOR  
12 THE STATE BOARD OF CONTRACTORS; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 19-5-9, Mississippi Code of 1972, is  
15 amended as follows:

16 19-5-9. (1) The construction codes published by a  
17 nationally recognized code group which sets minimum standards and  
18 has the proper provisions to maintain up-to-date amendments are  
19 adopted as minimum standard guides for building, plumbing,  
20 electrical, gas, sanitary, and other related codes in Mississippi.  
21 Any county within the State of Mississippi, in the discretion of  
22 the board of supervisors, may adopt building codes, plumbing  
23 codes, electrical codes, sanitary codes, or other related codes



24 dealing with general public health, safety or welfare, or a  
25 combination of the same, within but not exceeding the provisions  
26 of the construction codes published by nationally recognized code  
27 groups, by order or resolution in the manner prescribed in this  
28 section, but those codes so adopted shall apply only to the  
29 unincorporated areas of the county. However, those codes shall  
30 not apply to the erection, maintenance, repair or extension of  
31 farm buildings or farm structures, except as may be required under  
32 the terms of the "Flood Disaster Protection Act of 1973," and  
33 shall apply to a master planned community as defined in Section  
34 19-5-10 only to the extent allowed in Section 19-5-10. The  
35 provisions of this section shall not be construed to authorize the  
36 adoption of any code which applies to the installation, repair or  
37 maintenance of electric wires, pipelines, apparatus, equipment or  
38 devices by or for a utility rendering public utility services,  
39 required by it to be utilized in the rendition of its duly  
40 authorized service to the public. Before any such code shall be  
41 adopted, it shall be either printed or typewritten and shall be  
42 presented in pamphlet form to the board of supervisors at a  
43 regular meeting. The order or resolution adopting the code shall  
44 not set out the code in full, but shall merely identify the same.  
45 The vote or passage of the order or resolution shall be the same  
46 as on any other order or resolution. After its adoption, the code  
47 or codes shall be certified to by the president and clerk of the  
48 board of supervisors and shall be filed as a permanent record in



the office of the clerk who shall not be required to transcribe and record the same in the minute book as other orders and resolutions.

(2) If the board of supervisors of any county adopts or has adopted construction codes which do not have proper provisions to maintain up-to-date amendments, specifications in such codes for cements used in portland cement concrete shall be superseded by nationally recognized specifications referenced in any code adopted by the Mississippi Building Code Council.

(3) All provisions of this section shall apply to amendments and revisions of the codes mentioned in this section. The provisions of this section shall be in addition and supplemental to any existing laws authorizing the adoption, amendment or revision of county orders, resolutions or codes.

(4) Any code adopted under the provisions of this section shall not be in operation or force until sixty (60) days have elapsed from the adoption of same; however, any code adopted for the immediate preservation of the public health, safety and general welfare may be effective from and after its adoption by a unanimous vote of the members of the board. Within five (5) days after the adoption or passage of an order or resolution adopting that code or codes the clerk of the board of supervisors shall publish in a legal newspaper published in the county the full text of the order or resolution adopting and approving the code, and the publication shall be inserted at least three (3) times, and



74 shall be completed within thirty (30) days after the passage of  
75 the order or resolution.

76 (5) Any person or persons objecting to the code or codes may  
77 object in writing to the provisions of the code or codes within  
78 sixty (60) days after the passage of the order or resolution  
79 approving same, and if the board of supervisors adjudicates that  
80 ten percent (10%) or more of the qualified electors residing in  
81 the affected unincorporated areas of the county have objected in  
82 writing to the code or codes, then in such event the code shall be  
83 inoperative and not in effect unless adopted for the immediate  
84 preservation of the public health, safety and general welfare  
85 until approved by a special election called by the board of  
86 supervisors as other special elections are called and conducted by  
87 the election commissioners of the county as other special  
88 elections are conducted, the special election to be participated  
89 in by all the qualified electors of the county residing in the  
90 unincorporated areas of the county. If the voters approve the  
91 code or codes in the special election it shall be in force and in  
92 operation thereafter until amended or modified as provided in this  
93 section. If the majority of the qualified electors voting in the  
94 special election vote against the code or codes, then, in such  
95 event, the code or codes shall be void and of no force and effect,  
96 and no other code or codes dealing with that subject shall be  
97 adopted under the provisions of this section until at least two  
98 (2) years thereafter.



99           (6) After any such code shall take effect the board of  
100 supervisors is authorized to employ such directors and other  
101 personnel as the board, in its discretion, deems necessary and to  
102 expend general county funds or any other funds available to the  
103 board to fulfill the purposes of this section.

104           (7) For the purpose of promoting health, safety, morals or  
105 the general welfare of the community, the governing authority of  
106 any municipality, and, with respect to the unincorporated part of  
107 any county, the governing authority of any county, in its  
108 discretion, is empowered to regulate the height, number of stories  
109 and size of building and other structures, the percentage of lot  
110 that may be occupied, the size of the yards, courts and other open  
111 spaces, the density or population, and the location and use of  
112 buildings, structures and land for trade, industry, residence or  
113 other purposes, but no permits shall be required except as may be  
114 required under the terms of the "Flood Disaster Protection Act of  
115 1973" for the erection, maintenance, repair or extension of farm  
116 buildings or farm structures outside the corporate limits of  
117 municipalities.

118           (8) The authority granted in this section is cumulative and  
119 supplemental to any other authority granted by law.

120           (9) Notwithstanding any provision of this section to the  
121 contrary, any code adopted by a county before or after April 12,  
122 2001, is subject to the provisions of Section 41-26-14(10).



123           (10) Notwithstanding any provision of this section to the  
124 contrary, the Boards of Supervisors of Jackson, Harrison, Hancock,  
125 Stone and Pearl River Counties shall enforce the requirements  
126 imposed under Section 17-2-1 as provided in such section.

127           (11) Regardless of whether a county adopts or has adopted  
128 codes, as set forth in this section, each and every county in this  
129 state shall require permitting as a condition to construction  
130 within the unincorporated areas of the county \* \* \* provided,  
131 however, that each county with a population under twenty-two  
132 thousand five hundred (22,500) according to the most recent  
133 federal decennial census may opt out of requiring such permitting  
134 by a majority vote of the board of supervisors made before  
135 December 31, 2025. Such an opt out shall only be effective until  
136 July 1, 2030. If a county is eligible to opt out but does not do  
137 so, or if the county is not eligible to opt out, the required  
138 permits shall contain, on their face, in conspicuous print, (a)  
139 the contractor's material purchase certificate number to the  
140 extent furnished by the Department of Revenue pursuant to Section  
141 27-65-21(3) or the contractor's Taxpayer Identification Number as  
142 furnished by the Internal Revenue Service, and either a copy of  
143 such material purchase certificate furnished by the Department of  
144 Revenue pursuant to Section 27-65-21(3), or a copy of the  
145 contractor's W-9, as the case may be, shall be required to be  
146 provided to the county as part of the prime contractor's  
147 application for such permit, prior to the issuance of such permit,



and (b) the contractor's license or certificate of responsibility number as required by either Section 31-3-14 et seq., 51-5-1 et seq. or 73-59-1 et seq.

**SECTION 2.** Section 21-19-25, Mississippi Code of 1972, is amended as follows:

21-19-25. (1) Any municipality within the State of Mississippi may, in the discretion of its governing authority, adopt building codes, plumbing codes, electrical codes, gas codes, sanitary codes, or any other codes dealing with general public health, safety or welfare, or a combination of the same, by ordinance, in the manner prescribed in this section. Before any such code shall be adopted, it shall be either printed or typewritten, and it shall be presented in pamphlet form to the governing authority of the municipality at a regular meeting. The ordinance adopting the code shall not set out the code in full, but shall merely identify the same. The vote on passage of the ordinance shall be the same as on any other ordinances. After its adoption, the code shall be certified to by the mayor and clerk of the municipality, and shall be filed as a permanent record in the office of the clerk, who shall not be required to transcribe and record the same in the ordinance book as other ordinances. It shall not be necessary that the ordinance adopting the code or the code itself be published in full, but notice of the adoption of the code shall be given by publication in some newspaper of the municipality for one (1) time, or if there be no such newspaper,



by posting at three (3) or more public places within the corporate limits, a notice in substantially the following form:

Notice is given that the city (or town or village) of \_\_\_\_\_, on the (give date of ordinance adopting code), adopted (state type of code and other information serving to identify the same) code.

(2) If the governing authority of any municipality adopts or has adopted construction codes which do not have proper provisions to maintain up-to-date amendments, specifications in such codes for cements used in portland cement concrete shall be superseded by nationally recognized specifications referenced in any code adopted by the Mississippi Building Code Council.

(3) All the provisions of this section shall apply to amendments and revisions of the code mentioned in this section. Any code adopted in accordance with this section shall not be in force for one (1) month after its passage, unless the municipal authorities in the ordinance authorize to the contrary. The provisions of this section shall be in addition and supplemental to any existing laws authorizing the adoption, amendment or revision of municipal ordinances or codes.

(4) Notwithstanding any provision of this section to the contrary, any code adopted by a municipality before or after April 12, 2001, is subject to the provisions of Section 41-26-14(10).

(5) Notwithstanding any provision of this section to the contrary, the governing authorities of each municipality in





Jackson, Harrison, Hancock, Stone and Pearl River Counties shall enforce the requirements imposed under Section 17-2-1 as provided in such section.

(6) Regardless of whether the governing authority of any municipality adopts or has adopted construction codes, as set forth in this section, each and every governing authority of any municipality shall require permitting as a condition to construction within the municipality's jurisdiction \* \* \*;  
provided, however, that each municipality with a population under seven thousand five hundred (7,500) according to the most recent federal decennial census may opt out of requiring such permitting by a majority vote of the governing authority made by December 31, 2026. Such an opt out shall only be effective until July 1, 2030. If a municipality is eligible to opt out but does not do so, or is ineligible to opt out, all such permits shall contain on their faces, in conspicuous print, (a) the contractor's material purchase certificate number to the extent one is furnished by the Department of Revenue pursuant to Section 27-65-21(3) or the contractor's Taxpayer Identification Number as furnished by the Internal Revenue Service, and either a copy of such material purchase certificate furnished by the Department of Revenue pursuant to Section 27-65-21(3), or a copy of the contractor's W-9, as the case may be, shall be required to be provided to the governing authority of such municipality as part of the contractor's application for such permit, prior to the issuance of



such permit, and (b) the contractor's license or certificate of responsibility number as required by either Section 31-3-14 et seq., 51-5-1 et seq. or 73-59-1 et seq.

(7) The provisions of this section shall apply to all municipalities of this state, whether operating under the code charter, a special charter, commission form, or other form of government.

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

73-59-1. For the purposes of this chapter, the following words shall have the meanings ascribed herein:

(a) "Board" means the State Board of Contractors created in Section 31-3-3, Mississippi Code of 1972.

(b) "Residential builder" means any corporation, partnership or individual who constructs a building or structure for sale for use by another as a residence or who, for a fixed price, commission, fee, wage or other compensation, undertakes or offers to undertake the construction, or superintending of the construction, of any building or structure which is not more than three (3) floors in height, to be used by another as a residence, when the total cost of the undertaking exceeds Fifty Thousand Dollars (\$50,000.00).

(c) "Remodeler" means any corporation, partnership or individual who, for a fixed price, commission, fee, wage or other compensation, undertakes or offers to undertake the construction,



or superintending of the construction, of improvements to an existing residence when the total cost of the improvements exceeds \* \* \* Twelve Thousand Five Hundred Dollars (\$12,500.00).

(d) "Residential construction" means any undertaking described in paragraph (b) of this section performed by a residential builder.

(e) "Residential improvement" means any undertaking described in paragraph (c) of this section performed by a remodeler.

(f) "Active licensee" means any builder or remodeler licensed under this chapter and engaged in building and remodeling.

(g) "Inactive licensee" means any builder or remodeler licensed under this chapter and not engaged in building or remodeling.

(h) "Construction manager" means any person or entity, other than a residential builder, remodeler or owner, who has a contract or agreement with the owner of the property for residential construction or residential improvement, no matter if that owner himself is the general contractor or a holder of a building permit.

(i) "Residential solar contractor" means any person or entity who installs, modifies, maintains, and repairs thermal and photovoltaic solar energy systems.



**SECTION 4.** Section 73-59-3, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

(i) Electrical;

(ii) Plumbing;

(iii) Mechanical; and/or

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

and

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



(2) As an alternative to examination provided for under Section 73-59-5, an applicant who is a person or entity required to be licensed by subsection (1)(c) and (d) of this section may be issued a license by the board if the applicant:

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

(ii) Can demonstrate, by notarized affidavit, that the applicant has been acting in the applicable capacity described in subsection (1)(d) of this section for not less than five (5) years and the applicant submits all of the following:

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

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

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

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



No person required to be licensed under subsection (1)(c) and (d) of this section may be issued a license under this subsection after June 30, 2026.

( \* \* \*3) As a prerequisite to obtaining a license or renewal thereof, each of the persons or entities in subsection (1) of this section shall submit to the board:

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

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

( \* \* \*4) The board may require liability insurance to be licensed under this chapter and it shall be reflected on the certificate of licensure; however, liability insurance shall not be required for inactive licensees.

( \* \* \*5) The board shall issue or renew a license to persons or entities required by subsection (1) of this section to be licensed, upon payment to the board of the license fee. The initial license fee shall be Fifty Dollars (\$50.00). The license fee may thereafter be increased or decreased by the board and cannot exceed One Hundred Dollars (\$100.00); however, the receipts from fees collected by the board shall be no greater than the amount required to pay all costs and expenses incurred by the board in enforcing the provisions of this chapter. Twenty-five Dollars (\$25.00) of the fee required by this section which is



assessed to residential builders licensed under the provisions of  
Section 73-59-1 et seq. shall be deposited to the Construction  
Education Fund created pursuant to Section 31-3-14 and shall be  
distributed to the Mississippi Housing Institute. The remaining  
fees collected under this chapter shall be deposited into the  
special fund in the State Treasury known as the "State Board of  
Contractors Fund" created pursuant to Section 31-3-17 and shall be  
used for the administration and enforcement of this chapter and as  
provided in Section 31-3-14. Amounts in such fund shall not lapse  
into the State General Fund at the end of a fiscal year. Interest  
accrued to such fund shall remain in the fund. All expenditures  
from the special fund shall be by requisition to the Department of  
Finance and Administration, signed by the executive director of  
the board and countersigned by the chairman or vice chairman of  
the board.

( \* \* \*6) Except as provided in Section 33-1-39, the license  
shall expire on the last day of the twelfth month following its  
issuance or renewal and shall become invalid unless renewed. The  
board may notify by mail or email every licensee under this  
chapter of the date of the expiration of his license and the  
amount of the fee required for renewal of the license for one (1)  
year. To receive notification by email, a licensee must notify  
the board of his desire to receive notification by email and  
provide an email address. Such notice may be mailed or emailed  
within thirty (30) days prior to the expiration date of the



371 license. The failure on the part of any licensee to renew his  
372 license annually in such twelfth month shall not deprive such  
373 licensee of the right of renewal, provided that renewal is  
374 effected within one hundred eighty (180) days after the expiration  
375 date of the license by payment of the license fee plus a penalty  
376 of ten percent (10%) of the license fee. A new license required  
377 to replace a revoked, lost, mutilated or destroyed license may be  
378 issued, subject to the rules of the board, for a charge of not  
379 more than Fifty Dollars (\$50.00). An inactive licensee may become  
380 an active licensee upon application meeting all the requirements  
381 of this section.

382 ( \* \* \*7) Any person who is not a resident of the State of  
383 Mississippi who desires to perform residential construction or  
384 residential improvement shall be licensed to perform such  
385 construction or improvement as provided by this chapter.

386 **SECTION 5.** This act shall take effect and be in force from  
387 and after July 1, 2025.

