

By: Representative Turner

To: Accountability,  
Efficiency, Transparency

HOUSE BILL NO. 1313

1 AN ACT TO REQUIRE A RESIDENTIAL ROOFER WHO INSTALLS OR  
2 REPAIRS A CERTAIN NUMBER OF ROOFS ANNUALLY AND RECEIVES PAYMENTS  
3 THROUGH AN INSURANCE BENEFITS RESIDENTIAL ROOF SYSTEM REPAIR  
4 CONTRACT TO BE LICENSED THROUGH THE BOARD OF CONTRACTORS AND  
5 REGISTERED WITH THE COMMISSIONER OF INSURANCE; TO AMEND SECTIONS  
6 31-3-1 AND 31-3-13, MISSISSIPPI CODE OF 1972, TO CONFORM THE  
7 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Any residential roofer who installs or repairs  
10 more than four (4) roofs annually and receives payment through an  
11 insurance benefits residential roof system repair contract with an  
12 insured must be licensed through the Board of Contractors and  
13 registered with the Commissioner of Insurance before work  
14 commences. Failure to comply with the provisions of this section  
15 may result in a fine up to Five Thousand Dollars (\$5,000.00) per  
16 violation.

17 **SECTION 2.** Section 31-3-1, Mississippi Code of 1972, is  
18 amended as follows:

19 31-3-1. The following words, as used in this chapter, shall  
20 have the meanings specified below:



21 "Board": The State Board of Contractors created under this  
22 chapter.

23 "Contractor": Any person contracting or undertaking as prime  
24 contractor, subcontractor or sub-subcontractor of any tier to do  
25 any erection, building, construction, reconstruction, demolition,  
26 repair, maintenance or related work on any public or private  
27 project; however, "contractor" shall not include any owner of a  
28 dwelling or other structure to be constructed, altered, repaired  
29 or improved and not for sale, lease, public use or assembly, or  
30 any person duly permitted by the Mississippi State Oil and Gas  
31 Board, pursuant to Section 53-3-11, Mississippi Code of 1972, to  
32 conduct operations within the state, and acting pursuant to said  
33 permit. Except as otherwise provided in Section 1 of this act, it  
34 is further provided that nothing herein shall apply to:

35 (a) Any contract or undertaking on a public or private  
36 project by a prime contractor, subcontractor or sub-subcontractor  
37 of any tier involving erection, building, construction,  
38 reconstruction, repair, maintenance or related work where such  
39 contract, subcontract or undertaking is less than Fifty Thousand  
40 Dollars (\$50,000.00);

41 (b) Highway construction, highway bridges, overpasses  
42 and any other project incidental to the construction of highways  
43 which are designated as federal aid projects and in which federal  
44 funds are involved;



45           (c) A residential project to be occupied by fifty (50)  
46 or fewer families and not more than three (3) stories in height;

47           (d) A residential subdivision where the contractor is  
48 developing either single-family or multifamily lots;

49           (e) A new commercial construction project not exceeding  
50 seventy-five hundred (7500) square feet and not more than two (2)  
51 stories in height undertaken by an individual or entity licensed  
52 under the provisions of Section 73-59-1 et seq.;

53           (f) Erection of a microwave tower built for the purpose  
54 of telecommunication transmissions;

55           (g) Any contract or undertaking on a public project by  
56 a prime contractor, subcontractor or sub-subcontractor of any tier  
57 involving the construction, reconstruction, repair or maintenance  
58 of fire protection systems where such contract, subcontract or  
59 undertaking is less than Five Thousand Dollars (\$5,000.00);

60           (h) Any contract or undertaking on a private project by  
61 a prime contractor, subcontractor or sub-subcontractor of any tier  
62 involving the construction, reconstruction, repair or maintenance  
63 of fire protection systems where such contract, subcontract or  
64 undertaking is less than Ten Thousand Dollars (\$10,000.00);

65           (i) Any contract or undertaking on a private or public  
66 project by a prime contractor, subcontractor or sub-subcontractor  
67 of any tier involving the construction, reconstruction, repair or  
68 maintenance of technically specialized installations if performed  
69 by a Mississippi contractor who has been in the business of



70 installing fire protection sprinkler systems on or before July 1,  
71 2000; or

72 (j) Any contractor undertaking to build, construct,  
73 reconstruct, repair, demolish, perform maintenance on, or other  
74 related work, whether on the surface or subsurface, on oil or gas  
75 wells, pipelines, processing plants, or treatment facilities or  
76 other structures of facilities. Nothing herein shall be construed  
77 to limit the application or effect of Section 31-5-41.

78 "Certificate of responsibility": A certificate numbered and  
79 held by a contractor issued by the board under the provisions of  
80 this chapter after payment of the special privilege license tax  
81 therefor levied under this chapter.

82 "Person": Any person, firm, corporation, joint venture or  
83 partnership, association or other type of business entity.

84 "Private project": Any project for erection, building,  
85 construction, reconstruction, repair, maintenance or related work  
86 which is not funded in whole or in part with public funds.

87 "Public agency": Any board, commission, council or agency of  
88 the State of Mississippi or any district, county or municipality  
89 thereof, including school, hospital, airport and all other types  
90 of governing agencies created by or operating under the laws of  
91 this state.

92 "Public funds": Monies of public agencies, whether obtained  
93 from taxation, donation or otherwise; or monies being expended by



public agencies for the purposes for which such public agencies exist.

"Public project": Any project for erection, building, construction, reconstruction, repair, maintenance or related work which is funded in whole or in part with public funds.

**SECTION 3.** Section 31-3-13, Mississippi Code of 1972, is amended as follows:

31-3-13. The board shall have the following powers and responsibilities:

(a) To receive applications for certificates of responsibility, to investigate and examine applicants for same by holding hearings and securing information, to conduct examinations, and to issue certificates of responsibility to such contractors as the board finds to be responsible.

All original certificates and renewals shall expire one (1) year from the date of issuance. Application for renewal of certificates of responsibility, together with the payment of a special privilege license tax as provided under this chapter, shall serve to extend the current certificate until the board either renews the certificate or denies the application.

No certificate of responsibility or any renewal thereof shall be issued until the applicant furnishes to the board his Mississippi state sales tax number or Mississippi state use tax number and his state income tax identification numbers.



Additional fees may be required as provided in Section 31-3-14.

The board shall conduct an objective, standardized examination of an applicant for a certificate to ascertain the ability of the applicant to make practical application of his knowledge of the profession or business of construction in the category or categories for which he has applied for a certificate of responsibility. The board may administer an oral examination to applicants who are unable to take the written examination. The cost of the test and the cost of administering the test shall be paid for by applicants for certificates of responsibility at the time applications are filed. The board shall investigate thoroughly the past record of all applicants, which will include an effort toward ascertaining the qualifications of applicants in reading plans and specifications, estimating costs, construction ethics, and other similar matters. The board shall take all applicants under consideration after having examined him or them and go thoroughly into the records and examinations, prior to granting any certificate of responsibility. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible managing employees; and if a copartnership or corporation or any other combination or organization, by the examination of one or more of the responsible managing officers or members of the executive staff of the applicant's firm, according



143 to its own designation, and such person shall be known as the  
144 qualifying party. A qualifying party may serve no more than three  
145 (3) separate entities as the qualifying party without first  
146 appearing before the board and being granted special permission.

147 (b) To conduct thorough investigations of all  
148 applicants seeking renewal of their licenses and of all complaints  
149 filed with the board concerning the performance of a contractor on  
150 a public or private project.

151 (c) To obtain information concerning the responsibility  
152 of any applicant for a certificate of responsibility or a holder  
153 of a certificate of responsibility under this chapter. Such  
154 information may be obtained by investigation, by hearings, or by  
155 any other reasonable and lawful means. The board shall keep such  
156 information appropriately filed and shall disseminate same to any  
157 interested person. The board shall have the power of subpoena.

158 (d) To maintain a list of contractors to whom  
159 certificates of responsibility are issued, refused, revoked or  
160 suspended, which list shall be available to any interested person.  
161 Such list shall indicate the kind or kinds of works or projects  
162 for which a certificate of responsibility was issued, refused,  
163 revoked or suspended.

164 (e) To issue a citation to anyone performing work  
165 without having a valid certificate of responsibility as required  
166 by this chapter.



167 (f) To revoke by order entered on its minutes a  
168 certificate of responsibility upon a finding by the board that a  
169 particular contractor or qualifying party is not responsible, and  
170 to suspend such certificate of responsibility in particular cases  
171 pending investigation, upon cause to be stated in the board's  
172 order of suspension. No such revocation or suspension shall be  
173 ordered without a hearing conducted upon not less than ten (10)  
174 days' notice to such certificate holder by certified or registered  
175 mail, wherein the holder of the certificate of responsibility  
176 shall be given an opportunity to present all lawful evidence which  
177 he may offer.

178 (g) To adopt rules and regulations setting forth the  
179 requirements for certificates of responsibility, the revocation or  
180 suspension thereof, and all other matters concerning same; rules  
181 and regulations governing the conduct of the business of the board  
182 and its employees; and such other rules and regulations as the  
183 board finds necessary for the proper administration of this  
184 chapter, including those for the conduct of its hearings on the  
185 revocation or suspension of certificates of responsibility. Such  
186 rules and regulations shall not conflict with the provisions of  
187 this chapter.

188 (h) To provide licenses to residential roofers as  
189 provided in Section 1 of this act.

190 ( \* \* \*i) The board shall have the power and  
191 responsibility to classify the kind or kinds of works or projects





192 that a contractor is qualified and entitled to perform under the  
193 certificate of responsibility issued to him. Such classification  
194 shall be specified in the certificate of responsibility.

195 The powers of the State Board of Contractors shall not extend  
196 to fixing a maximum limit in the bid amount of any contractor, or  
197 the bonding capacity, or a maximum amount of work which a  
198 contractor may have under contract at any time, except as stated  
199 in paragraph (a) of this section; and the Board of Contractors  
200 shall not have jurisdiction or the power or authority to determine  
201 the maximum bond a contractor may be capable of obtaining. The  
202 board, in determining the qualifications of any applicant for an  
203 original certificate of responsibility or any renewal thereof,  
204 shall, among other things, take into consideration the following:  
205 (i) experience and ability, (ii) character, (iii) the manner of  
206 performance of previous contracts, (iv) financial condition, (v)  
207 equipment, (vi) personnel, (vii) work completed, (viii) work on  
208 hand, (ix) ability to perform satisfactorily work under contract  
209 at the time of an application for a certificate of responsibility  
210 or a renewal thereof, (x) default in complying with provisions of  
211 this law, or any other law of the state, and (xi) the results of  
212 objective, standardized examinations. A record shall be made and  
213 preserved by the board of each examination of an applicant and the  
214 findings of the board thereon, and a certified copy of the record  
215 and findings shall be furnished to any applicant desiring to  
216 appeal from any order or decision of the board.



217 ( \* \* \*j) The board shall enter upon its minutes an  
218 order or decision upon each application filed with it, and it may  
219 state in such order or decision the reason or reasons for its  
220 order or decision.

221 Upon failure of the board to enter an order or decision upon  
222 its minutes as to any application within one hundred eighty (180)  
223 days from the date of filing such application, the applicant shall  
224 have the right of appeal as otherwise provided by this chapter.

225 The holder of a valid certificate of responsibility shall  
226 disclose to the owner or other person with whom the holder is  
227 contracting at the signing of a contract or the initial agreement  
228 to perform work whether the holder carries general liability  
229 insurance. The disclosure shall be written, the structure and  
230 composition of which shall be determined by the State Board of  
231 Contractors, and shall be placed immediately before the space  
232 reserved in the contract for the signature of the purchaser. The  
233 disclosure shall be boldfaced and conspicuous type which is larger  
234 than the type of the remaining text of the contract.

235 **SECTION 4.** This act shall take effect and be in force from  
236 and after July 1, 2025.

