

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;

(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

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

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

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

101 31-3-13. The board shall have the following powers and
102 responsibilities:

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

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

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

118 Additional fees may be required as provided in Section
119 31-3-14.

120 The board shall conduct an objective, standardized
121 examination of an applicant for a certificate to ascertain the
122 ability of the applicant to make practical application of his
123 knowledge of the profession or business of construction in the
124 category or categories for which he has applied for a certificate
125 of responsibility. The board may administer an oral examination
126 to applicants who are unable to take the written examination. The
127 cost of the test and the cost of administering the test shall be
128 paid for by applicants for certificates of responsibility at the
129 time applications are filed. The board shall investigate
130 thoroughly the past record of all applicants, which will include
131 an effort toward ascertaining the qualifications of applicants in
132 reading plans and specifications, estimating costs, construction
133 ethics, and other similar matters. The board shall take all
134 applicants under consideration after having examined him or them
135 and go thoroughly into the records and examinations, prior to
136 granting any certificate of responsibility. If the applicant is
137 an individual, examination may be taken by his personal appearance
138 for examination or by the appearance for examination of one or
139 more of his responsible managing employees; and if a copartnership
140 or corporation or any other combination or organization, by the
141 examination of one or more of the responsible managing officers or
142 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.



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.

