

By: Cuevas

To: Business and
Financial
Institutions

SENATE BILL NO. 2750

1 AN ACT TO AMEND SECTION 73-59-15, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE EXEMPTION FROM THE RESIDENTIAL BUILDERS AND
3 REMODELERS LICENSING LAW FOR ANY PERSON WHO UNDERTAKES
4 CONSTRUCTION OR IMPROVEMENT ON HIS REAL ESTATE HOLDINGS OTHER THAN
5 HIS OWN RESIDENCE; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 73-59-15, Mississippi Code of 1972, is
8 amended as follows:[JMR1]

9 73-59-15. (1) This chapter shall not apply to:

10 (a) Agricultural buildings, buildings used for
11 agricultural purposes, buildings constructed as a community
12 effort, or tenant houses;

13 (b) Any person who undertakes construction or
14 improvement on his own residence * * * or who acts as his own
15 general contractor in the performance of construction or
16 improvement on his own residence * * * or who acts under the
17 supervision of the owner-occupant who is the general contractor;

18 (c) Any person who undertakes residential construction
19 or improvement, or who acts as a general contractor in the
20 performance of residential construction or improvement, or who
21 acts under supervision of the owner-occupant with respect to
22 residential construction or improvement, when the owner of such
23 construction or improvement is related to such person by
24 consanguinity or direct affinity;

25 (d) The owners of property who supervise, superintend,
26 oversee, direct or in any manner assume charge of the
27 construction, alteration, repair, improvement, movement,

28 demolition, putting up, tearing down, or maintenance of any
29 building, railroad, excavation, project, development, improvement,
30 plant facility or any other construction undertaking on such
31 property for use by such owner and which will not be for sale,
32 rent, public use or public assembly;

33 (e) An employee of a licensed residential builder;

34 (f) A contractor holding a valid license or certificate
35 of responsibility for general construction from the board;

36 (g) Any nonresident contractor holding a valid license
37 or certificate of responsibility for general construction;

38 (h) Any person who constructs two (2) single residences
39 or less within a period of one (1) year in any county or
40 municipality which does not require a building permit or any local
41 certification for such construction.

42 (2) A person specified in subsection (1)(b) shall not make
43 more than two (2) applications for a permit to construct a single
44 residence or shall not construct more than two (2) single
45 residences within a period of one (1) year. There shall be a
46 rebuttable presumption that such person intends to construct for
47 the purpose of resale, lease, rent or any similar purpose if more
48 than two (2) applications are made for a permit to construct a
49 single residence or if more than two (2) single residences are
50 constructed within a period of one (1) year.

51 (3) The provisions of this section shall not apply to
52 builders and remodelers who are not domiciled in the State of
53 Mississippi. Builders and remodelers who are not domiciled in the
54 State of Mississippi are not required to be licensed under the
55 provisions of this chapter if the state in which they are
56 domiciled requires licensing and the licensing state's
57 requirements are at least the equivalent of those requirements
58 provided in this chapter.

59 SECTION 2. This act shall take effect and be in force from
60 and after July 1, 2000.