

By: Senator(s) Jackson

To: Business and Financial
Institutions

SENATE BILL NO. 2724

1 AN ACT TO AMEND SECTION 31-3-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "CONTRACTOR" AS IT RELATES TO
3 THE JURISDICTION OF THE STATE BOARD OF CONTRACTORS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 31-3-1, Mississippi Code of 1972, is
7 amended as follows:

8 31-3-1. The following words, as used in this chapter, shall
9 have the meanings specified below:

10 "Board": The State Board of Contractors created under this
11 chapter.

12 "Contractor": Any person contracting or undertaking as prime
13 contractor, subcontractor or sub-subcontractor of any tier to do
14 any erection, building, construction, reconstruction, repair,
15 maintenance or related work on any public or private project;
16 however, "contractor" shall not include any owner of a dwelling or
17 other structure to be constructed, altered, repaired or improved
18 and not for sale, lease, public use or assembly. It is further
19 provided that nothing herein shall apply to:

20 (a) Any contract or undertaking on a public project by
21 a prime contractor, subcontractor or sub-subcontractor of any tier
22 involving erection, building, construction, reconstruction,
23 repair, maintenance or related work where such contract,
24 subcontract or undertaking is less than Fifty Thousand Dollars
25 (\$50,000.00);

26 (b) Any contract or undertaking on a private project by
27 a prime contractor, subcontractor or sub-subcontractor of any tier
28 involving erection, building, construction, reconstruction,



29 repair, maintenance or related work where such contract,
30 subcontract or undertaking is less than One Hundred Thousand
31 Dollars (\$100,000.00);

32 (c) Highway construction, highway bridges, overpasses
33 and any other project incidental to the construction of highways
34 which are designated as federal aid projects and in which federal
35 funds are involved;

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

38 (e) A residential subdivision where the contractor is
39 developing either single-family or multi-family lots;

40 (f) A new commercial construction project not exceeding
41 five thousand (5,000) square feet and not more than two (2)
42 stories in height;

43 (g) Erection of a microwave tower built for the purpose
44 of telecommunication transmissions;

45 (h) Any contract or undertaking on a public project by
46 a prime contractor, subcontractor or sub-subcontractor of any tier
47 involving the construction, reconstruction, repair or maintenance
48 of fire protection systems where such contract, subcontract or
49 undertaking is less than Five Thousand Dollars (\$5,000.00);

50 (i) Any contract or undertaking on a private project by
51 a prime contractor, subcontractor or sub-subcontractor of any tier
52 involving the construction, reconstruction, repair or maintenance
53 of fire protection systems where such contract, subcontract or
54 undertaking is less than Ten Thousand Dollars (\$10,000.00); or

55 (j) Any contract or undertaking on a private or public
56 project by a prime contractor, subcontractor or sub-subcontractor
57 of any tier involving the construction, reconstruction, repair or
58 maintenance of technically specialized installations if performed
59 by a Mississippi contractor who has been in the business of
60 installing fire protection sprinkler systems on or before July 1,
61 2000.



62 "Certificate of responsibility": A certificate numbered and
63 held by a contractor issued by the board under the provisions of
64 this chapter after payment of the special privilege license tax
65 therefor levied under this chapter.

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

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

71 "Public agency": Any board, commission, council or agency of
72 the State of Mississippi or any district, county or municipality
73 thereof, including school, hospital, airport and all other types
74 of governing agencies created by or operating under the laws of
75 this state.

76 "Public funds": Monies of public agencies, whether obtained
77 from taxation, donation or otherwise; or monies being expended by
78 public agencies for the purposes for which such public agencies
79 exist.

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

83 **SECTION 2.** This act shall take effect and be in force from
84 and after July 1, 2002.

