

By: Representative Warren

To: Judiciary B

## HOUSE BILL NO. 707

1 AN ACT TO REENACT SECTIONS 31-3-3 AND 31-3-5, MISSISSIPPI  
2 CODE OF 1972, WHICH PROVIDE FOR THE STATE BOARD OF CONTRACTORS AND  
3 PROVIDE FOR THE ORGANIZATION AND ADMINISTRATION OF THE BOARD; TO  
4 REENACT SECTIONS 73-59-1 THROUGH 73-59-21, MISSISSIPPI CODE OF  
5 1972, WHICH PROVIDE FOR THE LICENSING AND REGULATION OF  
6 RESIDENTIAL BUILDINGS AND REMODELERS; TO AMEND SECTION 14, CHAPTER  
7 345, LAWS OF 2000, TO EXTEND THE REPEALER ON THE STATE BOARD OF  
8 CONTRACTORS AND ON THE LICENSING AND REGULATION OF RESIDENTIAL  
9 BUILDERS AND REMODELERS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 31-3-3, Mississippi Code of 1972, is  
12 reenacted as follows:

13 31-3-3. There is hereby created the State Board of  
14 Contractors of the State of Mississippi, which shall consist of  
15 ten (10) members who shall be appointed by the Governor. All  
16 appointments to the board after July 1, 1980, shall be made with  
17 the advice and consent of the Senate. Two (2) road contractors;  
18 two (2) building contractors; two (2) residential builders as  
19 defined in Section 73-59-1; one (1) plumbing or heating and air  
20 conditioning contractor; one (1) electrical contractor; and one  
21 (1) water and sewer contractor shall compose the board. From and  
22 after July 1, 1992, the Governor shall appoint one (1) additional  
23 member who shall be a roofing contractor and whose term of office  
24 shall be five (5) years. Each member shall be an actual resident  
25 of the State of Mississippi and must have been actually engaged in  
26 the contracting business for a period of not less than ten (10)  
27 years before appointment. The initial terms of the two (2)  
28 residential builders shall be for two (2) and four (4) years,  
29 respectively, beginning July 1, 1993.

30           Upon the expiration of the term of office of any member of  
31 the board, the Governor shall appoint a new member for a term of  
32 five (5) years, such new appointments being made so as to maintain  
33 on the board two (2) building contractors; two (2) road  
34 contractors; two (2) residential builders; one (1) plumbing or  
35 heating and air conditioning contractor; one (1) electrical  
36 contractor; and one (1) water and sewer contractor; and one (1)  
37 roofing contractor. The Governor shall fill any vacancy by  
38 appointment, such appointee to serve the balance of the term of  
39 the original appointee. The Governor may remove any member of the  
40 board for misconduct, incompetency or willful neglect of duty.

41           In the event the Governor fails to appoint a member of the  
42 board within twelve (12) months of the occurrence of the vacancy,  
43 such vacancy shall be filled by majority vote of the board,  
44 subject to advice and consent of the Senate and the requirements  
45 of this section.

46           **SECTION 2.** Section 31-3-5, Mississippi Code of 1972, is  
47 reenacted as follows:

48           31-3-5. The board shall be assigned suitable office space at  
49 the seat of government and shall elect one (1) of its members as  
50 chairman and one (1) as vice chairman; and each shall perform the  
51 usual duties of such offices. The board may adopt a seal. Six  
52 (6) members of the board shall constitute a quorum, and a majority  
53 vote of those present and voting at any meeting shall be necessary  
54 for the transaction of any business coming before the board.  
55 Members must be present to cast votes on any and all business.  
56 The executive secretary shall serve as secretary of the board.  
57 The board is authorized to employ such personnel as shall be  
58 necessary in the performance of its duties including sufficient  
59 administrative and clerical staff to process and review  
60 applications for certificates of responsibility, to prepare and  
61 administer tests therefor, to investigate applications for  
62 certificates of responsibility and to inspect work performed by

63 contractors as may be necessary to enforce and carry out the  
64 purpose of this chapter.

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

67 73-59-1. For the purposes of this chapter, the following  
68 words shall have the meanings ascribed herein:

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

71 (b) "Residential builder" means any corporation,  
72 partnership or individual who constructs a building or structure  
73 for sale for use by another as a residence or who, for a fixed  
74 price, commission, fee, wage or other compensation, undertakes or  
75 offers to undertake the construction, or superintending of the  
76 construction, of any building or structure which is not more than  
77 three (3) floors in height, to be used by another as a residence,  
78 when the cost of the undertaking exceeds Fifty Thousand Dollars  
79 (\$50,000.00).

80 (c) "Remodeler" means any corporation, partnership or  
81 individual who, for a fixed price, commission, fee, wage or other  
82 compensation, undertakes or offers to undertake the construction,  
83 or superintending of the construction, of improvements to an  
84 existing residence when the cost of the improvements exceeds Ten  
85 Thousand Dollars (\$10,000.00).

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

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

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

94 73-59-3. (1) Except as otherwise provided in Section  
95 73-59-15, persons who perform residential construction or

96 residential improvement shall be licensed by the board annually,  
97 and, as a prerequisite to obtaining a license or renewal thereof,  
98 each shall submit to the board:

99 (a) Proof of workers' compensation insurance, if  
100 applicable;

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

103 (2) The board shall not require liability insurance to be  
104 licensed under this chapter but if a licensee has liability  
105 insurance it shall be reflected on the certificate of licensure.

106 (3) The board shall issue or renew a license to a  
107 residential builder or remodeler upon payment to the board of the  
108 license fee. The initial license fee shall be Fifty Dollars  
109 (\$50.00). The license fee may thereafter be increased or  
110 decreased by the board and cannot exceed One Hundred Dollars  
111 (\$100.00); however, the receipts from fees collected by the board  
112 shall be no greater than the amount required to pay all costs and  
113 expenses incurred by the board in enforcing the provisions of this  
114 chapter. Twenty-five Dollars (\$25.00) of the fee required by this  
115 section which is assessed to residential builders licensed under  
116 the provisions of Section 73-59-1 et seq. shall be deposited to  
117 the Construction Education Fund created pursuant to Section  
118 31-3-14 and shall be distributed to the Mississippi Housing  
119 Institute. The remaining fees collected under this chapter shall  
120 be deposited into the special fund in the State Treasury known as  
121 the "State Board of Contractor's Fund" created pursuant to Section  
122 31-3-17 and shall be used for the administration and enforcement  
123 of this chapter and as provided in Section 31-3-14. Amounts in  
124 such fund shall not lapse into the State General Fund at the end  
125 of a fiscal year. Interest accrued to such fund shall remain in  
126 the fund. All expenditures from the special fund shall be by  
127 requisition to the Department of Finance and Administration,

128 signed by the executive secretary of the board and countersigned  
129 by the chairman or vice chairman of the board.

130 (4) The license shall expire on the last day of the twelfth  
131 month following its issuance or renewal and shall become invalid  
132 unless renewed. The board shall notify by mail every licensee  
133 under this chapter of the date of the expiration of his license  
134 and the amount of the fee required for renewal of the license for  
135 one (1) year. Such notice shall be mailed within thirty (30) days  
136 prior to the expiration date of the license. The failure on the  
137 part of any licensee to renew his license annually in such twelfth  
138 month shall not deprive such licensee of the right of renewal,  
139 provided that renewal is effected within one hundred twenty (120)  
140 days after the expiration date of the license by payment of the  
141 license fee plus a penalty of ten percent (10%) of the license  
142 fee. A new license required to replace a revoked, lost, mutilated  
143 or destroyed license may be issued, subject to the rules of the  
144 board, for a charge of not more than Twenty-five Dollars (\$25.00).

145 (5) Any person who is not a resident of the State of  
146 Mississippi who desires to perform residential construction or  
147 residential improvement shall be licensed to perform such  
148 construction or improvement as provided by this chapter.

149 **SECTION 5.** Section 73-59-5, Mississippi Code of 1972, is  
150 reenacted as follows:

151 73-59-5. Any corporation, partnership or individual seeking  
152 to be licensed and examined under this chapter shall file with the  
153 board at least thirty (30) days prior to the next meeting of the  
154 board a written application on such form as may be prescribed by  
155 the board. Such application shall be accompanied by the payment  
156 of the license fee. If the application sufficiently contains the  
157 information required pursuant to this chapter, the applicant shall  
158 be examined by the board at its next meeting using a uniform  
159 written examination prescribed by the board. The board shall  
160 administer an oral examination to applicants who are unable to

161 take the written examination. In addition, the board, in  
162 examining such applicant, shall consider the following:

- 163 (a) Experience;
- 164 (b) Complaints; and
- 165 (c) Other pertinent information the board may require.

166 If, as a result of the examination, the board finds that the  
167 applicant is qualified to engage in residential construction or  
168 residential improvement in Mississippi, the applicant shall be  
169 issued a license. Any applicant rejected by the board shall be  
170 given the opportunity to be reexamined at the next regularly  
171 scheduled examination date after a new application has been filed  
172 and the license fee has again been paid.

173 The board shall make and preserve a record of each  
174 examination of an applicant and the findings of the board  
175 pertaining to such examination. A certified copy of such record,  
176 omitting confidential test questions, shall be furnished to the  
177 applicant so requesting such record upon the payment of a fee to  
178 the board that reasonably reflects the cost of furnishing such  
179 record to the applicant.

180 Each application or filing made under this section shall  
181 include the social security number(s) of the applicant in  
182 accordance with Section 93-11-64, Mississippi Code of 1972.

183 Each application for a license under this chapter shall  
184 reveal any other states in which the applicant or any partner or  
185 business associate of the applicant is licensed and whether the  
186 applicant, partner or business associate has had a license revoked  
187 or suspended in any other state. If the applicant fails to  
188 provide this information, the board may deny or revoke the  
189 applicant's license. If the applicant has had a license revoked  
190 in another state, the board may deny the application for a license  
191 in this state.

192 **SECTION 6.** Section 73-59-7, Mississippi Code of 1972, is  
193 reenacted as follows:

194           73-59-7. In the event of a catastrophe or emergency which  
195 arises out of a disaster, act of God, riot, civil commotion,  
196 conflagration or other similar occurrence, the board, upon  
197 application, may issue an emergency license to persons who are  
198 residents or nonresidents of this state and who may or may not be  
199 otherwise licensed residential builders or remodelers. Such  
200 emergency license shall remain in force for a period not to exceed  
201 ninety (90) days, unless extended for an additional period of  
202 ninety (90) days by the board or until a contract to build or  
203 remodel entered into during the period of the emergency license  
204 has been completed.

205           Within five (5) days of any applicant beginning work as a  
206 residential builder or remodeler under this section, the employer  
207 or person contracting with such person shall certify to the board  
208 such application without being deemed in violation of this  
209 chapter, provided that the board, after notice and hearing, may  
210 take disciplinary action or revoke the emergency license upon  
211 grounds as otherwise contained in this chapter providing for such  
212 disciplinary action or revocation of a residential builder's or  
213 remodeler's license.

214           The fee for an emergency license shall be in an amount not to  
215 exceed Fifty Dollars (\$50.00) as determined by the board and shall  
216 be due and payable at the time of the issuance of such emergency  
217 license.

218           **SECTION 7.** Section 73-59-9, Mississippi Code of 1972, is  
219 reenacted as follows:

220           73-59-9. (1) Any residential builder who undertakes or  
221 attempts to undertake the business of residential construction  
222 without having a valid license as required by this chapter, or who  
223 knowingly presents to the board, or files with the board, false  
224 information for the purpose of obtaining such license, shall be  
225 deemed guilty of a misdemeanor and upon conviction shall be fined  
226 not less than One Hundred Dollars (\$100.00) and not more than Five

227 Thousand Dollars (\$5,000.00) or be imprisoned for not less than  
228 thirty (30) nor more than sixty (60) days in the county jail, or  
229 both.

230 (2) Any remodeler who undertakes or attempts to undertake  
231 the business of residential improvement without having a valid  
232 license as required by this chapter, or who knowingly presents to  
233 the board, or files with the board, false information for the  
234 purpose of obtaining such license, shall be deemed guilty of a  
235 misdemeanor and upon conviction shall be fined not less than One  
236 Hundred Dollars (\$100.00) and not more than Five Thousand Dollars  
237 (\$5,000.00) or be imprisoned for not less than thirty (30) nor  
238 more than sixty (60) days in the county jail, or both.

239 (3) A residential builder or remodeler who does not have the  
240 license provided by this chapter may not bring any action, either  
241 at law or in equity, to enforce any contract for residential  
242 building or remodeling or to enforce a sales contract.

243 **SECTION 8.** Section 73-59-11, Mississippi Code of 1972, is  
244 reenacted as follows:

245 73-59-11. The board shall have the following additional  
246 duties for the purposes of this chapter:

247 (a) To conduct thorough investigations of all  
248 applicants seeking a license or licensees seeking renewal of their  
249 licenses and of all complaints filed with the board concerning the  
250 performance of a residential builder.

251 (b) To obtain information concerning the responsibility  
252 of any applicant for a license or of a licensee. Such information  
253 may be obtained by investigation, by hearings, or by any other  
254 reasonable and lawful means. The board shall keep such  
255 information appropriately filed.

256 (c) To maintain a list of residential builders and  
257 remodelers to whom licenses are issued, refused, revoked or  
258 suspended, which list shall be available to any interested person.



259           (d) To prepare annually a complete roster that shows  
260 all the names and places of business of the residential builders  
261 and remodelers licensed by the board during the preceding year and  
262 to forward a copy of the roster to each municipality and county in  
263 the state and to file the roster with the Secretary of State.

264           (e) To take disciplinary actions pursuant to the  
265 provisions of Section 73-59-13.

266           (f) To adopt rules and regulations governing  
267 disciplinary actions and the conduct of its hearings and to adopt  
268 such other rules and regulations as the board finds necessary for  
269 the proper administration of this chapter.

270           **SECTION 9.** Section 73-59-13, Mississippi Code of 1972, is  
271 reenacted as follows:

272           73-59-13. (1) The board, upon satisfactory proof and in  
273 accordance with the provisions of this chapter and the regulations  
274 of the board pertaining thereto, is authorized to take the  
275 disciplinary actions provided for in this section against any  
276 person for any of the following reasons:

277           (a) Violating any of the provisions of this chapter or  
278 the rules or regulations of the board pertaining to the work of  
279 residential building or residential improvement;

280           (b) Fraud, deceit or misrepresentation in obtaining a  
281 license;

282           (c) Gross negligence or misconduct;

283           (d) Engaging in work of residential building or  
284 residential improvement on an expired license or while under  
285 suspension or revocation of license unless the suspension or  
286 revocation be abated in accordance with this chapter;

287           (e) Loaning a license to an unlicensed person;

288           (f) Failing to maintain workers' compensation  
289 insurance, if applicable; or

290           (g) Failing to pay for goods or services for which the  
291 builder is contractually bound.

292           (2) Any person, including members of the board, may prefer  
293 charges against any other person for committing any of the acts  
294 set forth in subsection (1) of this section. Such charges shall  
295 be sworn to, either upon actual knowledge or upon information and  
296 belief, and shall be filed with the board.

297           The board shall investigate all charges filed with it and,  
298 upon finding reasonable cause to believe that the charges are not  
299 frivolous, unfounded or filed in bad faith, may, in its  
300 discretion, cause a hearing to be held, at a time and place fixed  
301 by the board, regarding the charges and may compel the accused by  
302 subpoena to appear before the board to respond to such charges.

303           The board shall send a certified inspector to inspect the  
304 building or structure which is the subject of a complaint or the  
305 board may use a county certified building inspector from the  
306 county where the building or structure is located to inspect the  
307 building or structure which is the subject of a complaint. The  
308 report of the inspector shall be used in the investigation and the  
309 determination of the board. The provisions above shall only apply  
310 to hearings.

311           No disciplinary action may be taken until the accused has  
312 been furnished both a statement of the charges against him and  
313 notice of the time and place of the hearing thereon, which shall  
314 be personally served on such accused or mailed by certified mail,  
315 return receipt requested, to the last known business or residence  
316 address of the accused not less than thirty (30) days prior to the  
317 date fixed for the hearing. The complaining party shall be  
318 notified of the place and time of the hearing by mail to the last  
319 known business or residence address of the complaining party not  
320 less than thirty (30) days prior to the date fixed for the  
321 hearing.

322           (3) At any hearing held hereunder, the board shall have the  
323 power to subpoena witnesses and compel their attendance and may  
324 also require the production of books, papers, documents or other

325 materials which may be pertinent to the proceedings. The board  
326 may designate or secure a hearing officer to conduct the hearing.  
327 All evidence shall be presented under oath, which may be  
328 administered by any member of the board, and thereafter the  
329 proceedings may, if necessary, be transcribed in full by a court  
330 reporter and filed as part of the record in the case. Copies of  
331 such transcriptions may be provided to any party to the  
332 proceedings at a price reflecting actual cost, to be fixed by the  
333 board.

334 All witnesses who are subpoenaed and appear in any  
335 proceedings before the board shall receive the same fees and  
336 mileage as allowed by law to witnesses in county, circuit and  
337 chancery court pursuant to Section 25-7-47, Mississippi Code of  
338 1972, and all such fees shall be taxed as part of the costs in the  
339 case.

340 When, in any proceeding before the board, any witness shall  
341 fail or refuse to attend upon subpoena issued by the board, shall  
342 refuse to testify, or shall refuse to produce any books and papers  
343 the production of which is called for by the subpoena, the  
344 attendance of such witness and the giving of his testimony and the  
345 production of the books and papers shall be enforced by any court  
346 of competent jurisdiction of this state in the manner provided for  
347 the enforcement of attendance and testimony of witnesses in civil  
348 cases in the courts of this state.

349 The accused and the complaining party shall have the right to  
350 be present at the hearing in person, by counsel or other  
351 representative, or both. The board is authorized for proper cause  
352 to continue or recess the hearing as may be necessary.

353 (4) At the conclusion of the hearing, the board may either  
354 decide the issue at that time or take the case under advisement  
355 for further deliberation. The board shall render its decision not  
356 more than ninety (90) days after the close of the hearing and  
357 shall forward to the last known business or residence address of

358 the accused, by certified mail, return receipt requested, a  
359 written statement of the decision of the board.

360 (5) If a majority of the board finds the accused guilty of  
361 the charges filed, the board may:

362 (a) Issue a public or private reprimand;

363 (b) Suspend or revoke the license of the accused; or

364 (c) In lieu of or in addition to any reprimand,  
365 suspension or revocation, assess and levy upon the guilty party a  
366 monetary penalty of not less than One Hundred Dollars (\$100.00)  
367 nor more than Five Thousand Dollars (\$5,000.00) for each  
368 violation.

369 (6) A monetary penalty assessed and levied under this  
370 section shall be paid to the board upon the expiration of the  
371 period allowed for appeal of such penalties under this section or  
372 may be paid sooner if the guilty party elects. Money collected by  
373 the board under this section shall be deposited to the credit of  
374 the State Board of Contractors' Fund.

375 When payment of a monetary penalty assessed and levied by the  
376 board in accordance with this section is not paid when due, the  
377 board shall have the power to institute and maintain proceedings  
378 in its name for enforcement of payment in the chancery court of  
379 the county of residence of the delinquent party; however, if the  
380 delinquent party is a nonresident of the State of Mississippi,  
381 such proceedings shall be in the Chancery Court of the First  
382 Judicial District of Hinds County, Mississippi.

383 (7) When the board has taken a disciplinary action under  
384 this section, the board may, in its discretion, stay such action  
385 and place the guilty party on probation for a period not to exceed  
386 one (1) year upon the condition that such party shall not further  
387 violate either the laws of the State of Mississippi pertaining to  
388 the practice of residential construction or residential remodeling  
389 or the bylaws, rules or regulations promulgated by the board.

390           (8) The board shall not assess any of the costs of  
391 disciplinary proceedings conducted pursuant to this section  
392 against the prevailing party.

393           (9) The power and authority of the board to assess and levy  
394 the monetary penalties provided for in this section shall not be  
395 affected or diminished by any other proceedings, civil or  
396 criminal, concerning the same violation or violations except as  
397 provided in this section.

398           (10) The board, for sufficient cause, may reissue a revoked  
399 license whenever a majority of the board members vote to do so.

400           (11) Any person aggrieved by any order or decision of the  
401 board may appeal within ten (10) days from the date of adjournment  
402 of the session at which the board rendered such order or decision,  
403 and may embody the facts, order and decision in a bill of  
404 exceptions which shall be signed by the person acting as chairman  
405 of the board. The board shall transmit the bill of exceptions to  
406 either the chancery court of the county of residence of the  
407 appellant, or the Chancery Court of the First Judicial District of  
408 Hinds County, at the election of the appellant, and the court or  
409 chancellor shall hear and determine the same either in termtime or  
410 in vacation, on the case as presented by the bill of exceptions,  
411 as an appellant court, and shall affirm or reverse the judgment.  
412 If the judgment be reversed, the chancery court or chancellor  
413 shall render such order or judgment as the board ought to have  
414 rendered, and certify the same to the board; and costs shall be  
415 awarded as in other cases. The board may employ counsel to defend  
416 such appeals, to be paid out of the funds in the State Board of  
417 Contractors' Fund.

418           The remedies provided under this chapter for any aggrieved  
419 applicant shall not be exclusive, but shall be cumulative of and  
420 supplemental to any other remedies which he may otherwise have in  
421 law or in equity, whether by injunction or otherwise.

422 (12) Any political subdivision or agency of this state which  
423 receives a complaint against a residential builder or remodeler  
424 shall, in addition to exercising whatever authority such political  
425 subdivision or agency has been given over such complaint, forward  
426 the complaint to the board.

427 (13) In addition to the reasons specified in subsection (1)  
428 of this section, the board shall be authorized to suspend the  
429 license of any licensee for being out of compliance with an order  
430 for support, as defined in Section 93-11-153. The procedure for  
431 suspension of a license for being out of compliance with an order  
432 for support, and the procedure for the reissuance or reinstatement  
433 of a license suspended for that purpose, and the payment of any  
434 fees for the reissuance or reinstatement of a license suspended  
435 for that purpose, shall be governed by Section 93-11-157 or  
436 93-11-163, as the case may be. Actions taken by the board in  
437 suspending a license when required by Section 93-11-157 or  
438 93-11-163 are not actions from which an appeal may be taken under  
439 this section. Any appeal of a license suspension that is required  
440 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
441 with the appeal procedure specified in Section 93-11-157 or  
442 93-11-163, as the case may be, rather than the procedure specified  
443 in this section. If there is any conflict between any provision  
444 of Section 93-11-157 or 93-11-163 and any provision of this  
445 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
446 case may be, shall control.

447 **SECTION 10.** Section 73-59-15, Mississippi Code of 1972, is  
448 reenacted as follows:

449 73-59-15. (1) This chapter shall not apply to:

450 (a) Agricultural buildings, buildings used for  
451 agricultural purposes, buildings constructed as a community  
452 effort, or tenant houses;

453 (b) Any person who undertakes construction or  
454 improvement on his own residence, or who acts as his own general

455 contractor in the performance of construction or improvement on  
456 his own residence, or who acts under the supervision of the  
457 owner-occupant who is the general contractor;

458 (c) Any person who undertakes residential construction  
459 or improvement, or who acts as a general contractor in the  
460 performance of residential construction or improvement, or who  
461 acts under supervision of the owner-occupant with respect to  
462 residential construction or improvement, when the owner of such  
463 construction or improvement is related to such person by  
464 consanguinity or direct affinity;

465 (d) The owners of property who supervise, superintend,  
466 oversee, direct or in any manner assume charge of the  
467 construction, alteration, repair, improvement, movement,  
468 demolition, putting up, tearing down, or maintenance of any  
469 building, railroad, excavation, project, development, improvement,  
470 plant facility or any other construction undertaking on such  
471 property for use by such owner and which will not be for sale,  
472 rent, public use or public assembly;

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

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

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

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

482 (2) A person specified in subsection (1)(b) shall not make  
483 more than two (2) applications for a permit to construct a single  
484 residence or shall not construct more than two (2) single  
485 residences within a period of one (1) year. There shall be a  
486 rebuttable presumption that such person intends to construct for  
487 the purpose of resale, lease, rent or any similar purpose if more

488 than two (2) applications are made for a permit to construct a  
489 single residence or if more than two (2) single residences are  
490 constructed within a period of one (1) year.

491 (3) The provisions of this section shall not apply to  
492 builders and remodelers who are not domiciled in the State of  
493 Mississippi. Builders and remodelers who are not domiciled in the  
494 State of Mississippi are not required to be licensed under the  
495 provisions of this chapter if the state in which they are  
496 domiciled requires licensing and the licensing state's  
497 requirements are at least the equivalent of those requirements  
498 provided in this chapter.

499 **SECTION 11.** Section 73-59-17, Mississippi Code of 1972, is  
500 reenacted as follows:

501 73-59-17. The building official, or other authority charged  
502 with the duty of issuing building or similar permits, of any  
503 municipality or county, shall refuse to issue a permit for any  
504 undertaking which would classify the applicant as a residential  
505 builder or remodeler under this chapter unless the applicant has  
506 furnished evidence that he is either licensed as required by this  
507 chapter or exempt from the requirements of this chapter. The  
508 building official, or other authority charged with the duty of  
509 issuing building or similar permits, shall also report to the  
510 board the name and address of any person who, in his opinion, has  
511 violated this chapter by accepting, or contracting to accomplish,  
512 work which would classify the person as a residential builder or  
513 remodeler under this chapter without a license or acknowledgement.

514 **SECTION 12.** Section 73-59-19, Mississippi Code of 1972, is  
515 reenacted as follows:

516 73-59-19. Any residential builder or remodeler licensed  
517 pursuant to the provisions of this chapter may, without being  
518 required to obtain an additional license under any other law of  
519 this state, construct, improve, repair, remodel or renovate any



520 commercial structure, provided the prescribed contract job does  
521 not exceed seven thousand five hundred (7,500) square feet.

522 **SECTION 13.** Section 73-59-21, Mississippi Code of 1972, is  
523 reenacted as follows:

524 73-59-21. (1) There is hereby created the Standing  
525 Committee on Residential Builders and Remodelers which shall be  
526 subordinate to the State Board of Contractors as set forth in  
527 Section 31-3-3. The standing committee shall be composed of the  
528 two (2) residential builders who serve as members of the State  
529 Board of Contractors and three (3) additional residential builders  
530 as defined in Section 73-59-1 to be appointed by the Governor.  
531 The terms of the ex officio members shall be concurrent with their  
532 terms as members of the State Board of Contractors. The initial  
533 terms of the three (3) additional residential builders on the  
534 Standing Committee on Residential Builders and Remodelers shall be  
535 one (1), three (3) and five (5) years, respectively, beginning  
536 July 1, 2000. Upon the expiration of the initial term of any  
537 member not serving ex officio, his or her successor shall be  
538 appointed for a term of five (5) years.

539 (2) The Governor shall appoint one (1) of the two (2) ex  
540 officio members as Chairman of the Standing Committee on  
541 Residential Builders and Remodelers. The Executive Secretary of  
542 the State Board of Contractors as set forth in Section 31-3-11  
543 shall serve as secretary of the standing committee. The standing  
544 committee shall meet no less than once per quarter of each year at  
545 a date and time to be set by its chairman upon at least five (5)  
546 business days' notice by regular mail. The members of the  
547 standing committee shall be entitled to receive a per diem as  
548 provided in Section 31-3-9.

549 (3) Three (3) members of the Standing Committee on  
550 Residential Builders and Remodelers shall constitute a quorum and  
551 a majority vote of those present and voting at any meeting shall  
552 be necessary to transact business.

553           (4) The Standing Committee on Residential Builders and  
554 Remodelers shall have the power to make recommendations to the  
555 State Board of Contractors pertaining to all duties set forth in  
556 Sections 73-59-11 and 73-59-13. The standing committee shall have  
557 only the power to make recommendations to the State Board of  
558 Contractors and the State Board of Contractors shall have the  
559 power and authority to accept or reject any recommendation made by  
560 the standing committee. Hearings regarding residential builders  
561 and remodelers shall be exclusively under the jurisdiction of the  
562 Standing Committee on Residential Builders and Remodelers.

563           **SECTION 14.** Section 14, Chapter 345, Laws of 2000, is  
564 amended as follows:

565           Section 14. This act shall take effect and be in force from  
566 and after its passage, and shall stand repealed on July 1, 2007.

567           **SECTION 15.** This act shall take effect and be in force from  
568 and after July 1, 2005.