

By: Representatives Dedeaux, Broomfield

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1479

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; TO AMEND REENACTED SECTIONS 73-59-11,
10 73-59-13 AND 73-59-15, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN
11 POWERS AND DUTIES, HEARING PROVISIONS AND EXEMPTION REGARDING
12 RESIDENTIAL BUILDERS AND REMODELERS; TO AMEND SECTION 31-3-1,
13 MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS FOR THE
14 STATE BOARD OF PUBLIC CONTRACTORS; TO AMEND SECTION 31-3-13,
15 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD TO ISSUE
16 RESTRICTED CERTIFICATES OF RESPONSIBILITY FOR CERTAIN PROJECTS; TO
17 PROHIBIT MUNICIPALITIES AND COUNTIES FROM REQUIRING ADDITIONAL
18 TESTING ONCE A CONTRACTOR HAS RECEIVED HIS OR HER CERTIFICATE OF
19 RESPONSIBILITY; TO AMEND SECTIONS 27-17-457 AND 17-25-5,
20 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
21 PURPOSES.

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

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

25 31-3-3. There is hereby created the State Board of
26 Contractors of the State of Mississippi, which shall consist of
27 ten (10) members who shall be appointed by the Governor. All
28 appointments to the board after July 1, 1980, shall be made with
29 the advice and consent of the Senate. Two (2) road contractors;
30 two (2) building contractors; two (2) residential builders as
31 defined in Section 73-59-1; one (1) plumbing or heating and air
32 conditioning contractor; one (1) electrical contractor; and one
33 (1) water and sewer contractor shall compose the board. From and
34 after July 1, 1992, the Governor shall appoint one (1) additional
35 member who shall be a roofing contractor and whose term of office
36 shall be five (5) years. Each member shall be an actual resident

37 of the State of Mississippi and must have been actually engaged in
38 the contracting business for a period of not less than ten (10)
39 years before appointment. The initial terms of the two (2)
40 residential builders shall be for two (2) and four (4) years,
41 respectively, beginning July 1, 1993.

42 Upon the expiration of the term of office of any member of
43 the board, the Governor shall appoint a new member for a term of
44 five (5) years, such new appointments being made so as to maintain
45 on the board two (2) building contractors; two (2) road
46 contractors; two (2) residential builders; one (1) plumbing or
47 heating and air conditioning contractor; one (1) electrical
48 contractor; and one (1) water and sewer contractor; and one (1)
49 roofing contractor. The Governor shall fill any vacancy by
50 appointment, such appointee to serve the balance of the term of
51 the original appointee. The Governor may remove any member of the
52 board for misconduct, incompetency or willful neglect of duty.

53 In the event the Governor fails to appoint a member of the
54 board within twelve (12) months of the occurrence of the vacancy,
55 such vacancy shall be filled by majority vote of the board,
56 subject to advice and consent of the Senate and the requirements
57 of this section.

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

60 31-3-5. The board shall be assigned suitable office space at
61 the seat of government and shall elect one (1) of its members as
62 chairman and one (1) as vice chairman; and each shall perform the
63 usual duties of such offices. The board may adopt a seal. Six
64 (6) members of the board shall constitute a quorum, and a majority
65 vote of those present and voting at any meeting shall be necessary
66 for the transaction of any business coming before the board.
67 Members must be present to cast votes on any and all business.
68 The executive secretary shall serve as secretary of the board.
69 The board is authorized to employ such personnel as shall be

70 necessary in the performance of its duties including sufficient
71 administrative and clerical staff to process and review
72 applications for certificates of responsibility, to prepare and
73 administer tests therefor, to investigate applications for
74 certificates of responsibility and to inspect work performed by
75 contractors as may be necessary to enforce and carry out the
76 purpose of this chapter.

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

79 73-59-1. For the purposes of this chapter, the following
80 words shall have the meanings ascribed herein:

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

83 (b) "Residential builder" means any corporation,
84 partnership or individual who constructs a building or structure
85 for sale for use by another as a residence or who, for a fixed
86 price, commission, fee, wage or other compensation, undertakes or
87 offers to undertake the construction, or superintending of the
88 construction, of any building or structure which is not more than
89 three (3) floors in height, to be used by another as a residence,
90 when the cost of the undertaking exceeds Fifty Thousand Dollars
91 (\$50,000.00).

92 (c) "Remodeler" means any corporation, partnership or
93 individual who, for a fixed price, commission, fee, wage or other
94 compensation, undertakes or offers to undertake the construction,
95 or superintending of the construction, of improvements to an
96 existing residence when the cost of the improvements exceeds Ten
97 Thousand Dollars (\$10,000.00).

98 (d) "Residential construction" means any undertaking
99 described in paragraph (b) of this section performed by a
100 residential builder.

101 (e) "Residential improvement" means any undertaking
102 described in paragraph (c) of this section performed by a
103 remodeler.

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

106 73-59-3. (1) Except as otherwise provided in Section
107 73-59-15, persons who perform residential construction or
108 residential improvement shall be licensed by the board annually,
109 and, as a prerequisite to obtaining a license or renewal thereof,
110 each shall submit to the board:

111 (a) Proof of workers' compensation insurance, if
112 applicable;

113 (b) A federal employment identification number or
114 social security number.

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

118 (3) The board shall issue or renew a license to a
119 residential builder or remodeler upon payment to the board of the
120 license fee. The initial license fee shall be Fifty Dollars
121 (\$50.00). The license fee may thereafter be increased or
122 decreased by the board and cannot exceed One Hundred Dollars
123 (\$100.00); however, the receipts from fees collected by the board
124 shall be no greater than the amount required to pay all costs and
125 expenses incurred by the board in enforcing the provisions of this
126 chapter. Twenty-five Dollars (\$25.00) of the fee required by this
127 section which is assessed to residential builders licensed under
128 the provisions of Section 73-59-1 et seq. shall be deposited to
129 the Construction Education Fund created pursuant to Section
130 31-3-14 and shall be distributed to the Mississippi Housing
131 Institute. The remaining fees collected under this chapter shall
132 be deposited into the special fund in the State Treasury known as
133 the "State Board of Contractor's Fund" created pursuant to Section

134 31-3-17 and shall be used for the administration and enforcement
135 of this chapter and as provided in Section 31-3-14. Amounts in
136 such fund shall not lapse into the State General Fund at the end
137 of a fiscal year. Interest accrued to such fund shall remain in
138 the fund. All expenditures from the special fund shall be by
139 requisition to the Department of Finance and Administration,
140 signed by the executive secretary of the board and countersigned
141 by the chairman or vice chairman of the board.

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

157 (5) Any person who is not a resident of the State of
158 Mississippi who desires to perform residential construction or
159 residential improvement shall be licensed to perform such
160 construction or improvement as provided by this chapter.

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

163 73-59-5. Any corporation, partnership or individual seeking
164 to be licensed and examined under this chapter shall file with the
165 board at least thirty (30) days prior to the next meeting of the
166 board a written application on such form as may be prescribed by

167 the board. Such application shall be accompanied by the payment
168 of the license fee. If the application sufficiently contains the
169 information required pursuant to this chapter, the applicant shall
170 be examined by the board at its next meeting using a uniform
171 written examination prescribed by the board. The board shall
172 administer an oral examination to applicants who are unable to
173 take the written examination. In addition, the board, in
174 examining such applicant, shall consider the following:

- 175 (a) Experience;
- 176 (b) Complaints; and
- 177 (c) Other pertinent information the board may require.

178 If, as a result of the examination, the board finds that the
179 applicant is qualified to engage in residential construction or
180 residential improvement in Mississippi, the applicant shall be
181 issued a license. Any applicant rejected by the board shall be
182 given the opportunity to be reexamined at the next regularly
183 scheduled examination date after a new application has been filed
184 and the license fee has again been paid.

185 The board shall make and preserve a record of each
186 examination of an applicant and the findings of the board
187 pertaining to such examination. A certified copy of such record,
188 omitting confidential test questions, shall be furnished to the
189 applicant so requesting such record upon the payment of a fee to
190 the board that reasonably reflects the cost of furnishing such
191 record to the applicant.

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

195 Each application for a license under this chapter shall
196 reveal any other states in which the applicant or any partner or
197 business associate of the applicant is licensed and whether the
198 applicant, partner or business associate has had a license revoked
199 or suspended in any other state. If the applicant fails to

200 provide this information, the board may deny or revoke the
201 applicant's license. If the applicant has had a license revoked
202 in another state, the board may deny the application for a license
203 in this state.

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

206 73-59-7. In the event of a catastrophe or emergency which
207 arises out of a disaster, act of God, riot, civil commotion,
208 conflagration or other similar occurrence, the board, upon
209 application, may issue an emergency license to persons who are
210 residents or nonresidents of this state and who may or may not be
211 otherwise licensed residential builders or remodelers. Such
212 emergency license shall remain in force for a period not to exceed
213 ninety (90) days, unless extended for an additional period of
214 ninety (90) days by the board or until a contract to build or
215 remodel entered into during the period of the emergency license
216 has been completed.

217 Within five (5) days of any applicant beginning work as a
218 residential builder or remodeler under this section, the employer
219 or person contracting with such person shall certify to the board
220 such application without being deemed in violation of this
221 chapter, provided that the board, after notice and hearing, may
222 take disciplinary action or revoke the emergency license upon
223 grounds as otherwise contained in this chapter providing for such
224 disciplinary action or revocation of a residential builder's or
225 remodeler's license.

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

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

232 73-59-9. (1) Any residential builder who undertakes or
233 attempts to undertake the business of residential construction
234 without having a valid license as required by this chapter, or who
235 knowingly presents to the board, or files with the board, false
236 information for the purpose of obtaining such license, shall be
237 deemed guilty of a misdemeanor and upon conviction shall be fined
238 not less than One Hundred Dollars (\$100.00) and not more than Five
239 Thousand Dollars (\$5,000.00) or be imprisoned for not less than
240 thirty (30) nor more than sixty (60) days in the county jail, or
241 both.

242 (2) Any remodeler who undertakes or attempts to undertake
243 the business of residential improvement without having a valid
244 license as required by this chapter, or who knowingly presents to
245 the board, or files with the board, false information for the
246 purpose of obtaining such license, shall be deemed guilty of a
247 misdemeanor and upon conviction shall be fined not less than One
248 Hundred Dollars (\$100.00) and not more than Five Thousand Dollars
249 (\$5,000.00) or be imprisoned for not less than thirty (30) nor
250 more than sixty (60) days in the county jail, or both.

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

255 **SECTION 8.** Section 73-59-11, Mississippi Code of 1972, is
256 reenacted and amended as follows:

257 73-59-11. The board shall have the following additional
258 duties for the purposes of this chapter:

259 (a) To conduct thorough investigations of all
260 applicants seeking a license or licensees seeking renewal of their
261 licenses and of all complaints filed with the board concerning the
262 performance of a residential builder.

263 (b) To obtain information concerning the responsibility
264 of any applicant for a license or of a licensee. Such information

265 may be obtained by investigation, by hearings, or by any other
266 reasonable and lawful means. The board shall keep such
267 information appropriately filed.

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

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

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

278 (f) To adopt rules and regulations governing
279 disciplinary actions and the conduct of its hearings and to adopt
280 such other rules and regulations as the board finds necessary for
281 the proper administration of this chapter.

282 (g) To adopt rules requiring public disclosure of
283 contact and insurance information for licensees.

284 **SECTION 9.** Section 73-59-13, Mississippi Code of 1972, is
285 reenacted and amended as follows:

286 73-59-13. (1) The board, upon satisfactory proof and in
287 accordance with the provisions of this chapter and the regulations
288 of the board pertaining thereto, is authorized to take the
289 disciplinary actions provided for in this section against any
290 person for any of the following reasons:

291 (a) Violating any of the provisions of this chapter or
292 the rules or regulations of the board pertaining to the work of
293 residential building or residential improvement;

294 (b) Fraud, deceit or misrepresentation in obtaining a
295 license;

296 (c) Gross negligence or misconduct;

297 (d) Engaging in work of residential building or
298 residential improvement on an expired license or while under
299 suspension or revocation of license unless the suspension or
300 revocation be abated in accordance with this chapter;

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

302 (f) Failing to maintain workers' compensation
303 insurance, if applicable; or

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

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

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

317 The board shall send a certified inspector to inspect the
318 building or structure which is the subject of a complaint or the
319 board may use a county certified building inspector from the
320 county where the building or structure is located to inspect the
321 building or structure which is the subject of a complaint. The
322 report of the inspector shall be used in the investigation and the
323 determination of the board. The provisions above shall only apply
324 to hearings.

325 No disciplinary action may be taken until the accused has
326 been furnished both a statement of the charges against him and
327 notice of the time and place of the hearing thereon, which shall
328 be personally served on such accused or mailed by certified mail,
329 return receipt requested, to the last known business or residence

330 address of the accused not less than thirty (30) days prior to the
331 date fixed for the hearing. The complaining party shall be
332 notified of the place and time of the hearing by mail to the last
333 known business or residence address of the complaining party not
334 less than thirty (30) days prior to the date fixed for the
335 hearing.

336 (3) At any hearing held hereunder, the board shall have the
337 power to subpoena witnesses and compel their attendance and may
338 also require the production of books, papers, documents or other
339 materials which may be pertinent to the proceedings. The board
340 may designate or secure a hearing officer to conduct the hearing.
341 All evidence shall be presented under oath, which may be
342 administered by any member of the board, and thereafter the
343 proceedings may, if necessary, be transcribed in full by a court
344 reporter and filed as part of the record in the case. Copies of
345 such transcriptions may be provided to any party to the
346 proceedings at a price reflecting actual cost, to be fixed by the
347 board.

348 All witnesses who are subpoenaed and appear in any
349 proceedings before the board shall receive the same fees and
350 mileage as allowed by law to witnesses in county, circuit and
351 chancery court pursuant to Section 25-7-47, Mississippi Code of
352 1972, and all such fees shall be taxed as part of the costs in the
353 case.

354 When, in any proceeding before the board, any witness shall
355 fail or refuse to attend upon subpoena issued by the board, shall
356 refuse to testify, or shall refuse to produce any books and papers
357 the production of which is called for by the subpoena, the
358 attendance of such witness and the giving of his testimony and the
359 production of the books and papers shall be enforced by any court
360 of competent jurisdiction of this state in the manner provided for
361 the enforcement of attendance and testimony of witnesses in civil
362 cases in the courts of this state.

363 The accused and the complaining party shall have the right to
364 be present at the hearing in person, by counsel or other
365 representative, or both, and each shall be notified of this
366 privilege. The board is authorized for proper cause to continue
367 or recess the hearing as may be necessary.

368 (4) At the conclusion of the hearing, the board may either
369 decide the issue at that time or take the case under advisement
370 for further deliberation. The board shall render its decision not
371 more than ninety (90) days after the close of the hearing and
372 shall forward to the last known business or residence address of
373 the accused, by certified mail, return receipt requested, a
374 written statement of the decision of the board.

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

377 (a) Issue a public or private reprimand;

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

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

384 (6) A monetary penalty assessed and levied under this
385 section shall be paid to the board upon the expiration of the
386 period allowed for appeal of such penalties under this section or
387 may be paid sooner if the guilty party elects. Money collected by
388 the board under this section shall be deposited to the credit of
389 the State Board of Contractors' Fund.

390 When payment of a monetary penalty assessed and levied by the
391 board in accordance with this section is not paid when due, the
392 board shall have the power to institute and maintain proceedings
393 in its name for enforcement of payment in the chancery court of
394 the county of residence of the delinquent party; however, if the
395 delinquent party is a nonresident of the State of Mississippi,

396 such proceedings shall be in the Chancery Court of the First
397 Judicial District of Hinds County, Mississippi.

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

405 (8) The board shall not assess any of the costs of
406 disciplinary proceedings conducted pursuant to this section
407 against the prevailing party.

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

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

415 (11) Any person aggrieved by any order or decision of the
416 board may appeal within fifteen (15) days from the date of
417 adjournment of the session at which the board rendered such order
418 or decision, and may embody the facts, order and decision in a
419 bill of exceptions which shall be signed by the person acting as
420 chairman of the board. The board shall transmit the bill of
421 exceptions to either the chancery court of the county of residence
422 of the appellant, or the Chancery Court of the First Judicial
423 District of Hinds County, at the election of the appellant, and
424 the court or chancellor shall hear and determine the same either
425 in termtime or in vacation, on the case as presented by the bill
426 of exceptions, as an appellant court, and shall affirm or reverse
427 the judgment. If the judgment be reversed, the chancery court or
428 chancellor shall render such order or judgment as the board ought

429 to have rendered, and certify the same to the board; and costs
430 shall be awarded as in other cases. The board may employ counsel
431 to defend such appeals, to be paid out of the funds in the State
432 Board of Contractors' Fund.

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

437 (12) Any political subdivision or agency of this state which
438 receives a complaint against a residential builder or remodeler
439 shall, in addition to exercising whatever authority such political
440 subdivision or agency has been given over such complaint, forward
441 the complaint to the board.

442 (13) In addition to the reasons specified in subsection (1)
443 of this section, the board shall be authorized to suspend the
444 license of any licensee for being out of compliance with an order
445 for support, as defined in Section 93-11-153. The procedure for
446 suspension of a license for being out of compliance with an order
447 for support, and the procedure for the reissuance or reinstatement
448 of a license suspended for that purpose, and the payment of any
449 fees for the reissuance or reinstatement of a license suspended
450 for that purpose, shall be governed by Section 93-11-157 or
451 93-11-163, as the case may be. Actions taken by the board in
452 suspending a license when required by Section 93-11-157 or
453 93-11-163 are not actions from which an appeal may be taken under
454 this section. Any appeal of a license suspension that is required
455 by Section 93-11-157 or 93-11-163 shall be taken in accordance
456 with the appeal procedure specified in Section 93-11-157 or
457 93-11-163, as the case may be, rather than the procedure specified
458 in this section. If there is any conflict between any provision
459 of Section 93-11-157 or 93-11-163 and any provision of this
460 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
461 case may be, shall control.

462 **SECTION 10.** Section 73-59-15, Mississippi Code of 1972, is
463 reenacted and amended as follows:

464 73-59-15. (1) This chapter shall not apply to:

465 (a) Agricultural buildings, buildings used for
466 agricultural purposes, buildings constructed as a community
467 effort, or tenant houses;

468 (b) Any person who undertakes construction or
469 improvement on his own residence, or who acts as his own general
470 contractor in the performance of construction or improvement on
471 his own residence, or who acts under the supervision of the
472 owner-occupant who is the general contractor, provided that such
473 person has not exceeded the limits set forth in paragraph (h);

474 (c) Any person who undertakes residential construction
475 or improvement, or who acts as a general contractor in the
476 performance of residential construction or improvement, or who
477 acts under supervision of the owner-occupant with respect to
478 residential construction or improvement, when the owner of such
479 construction or improvement is related to such person by
480 consanguinity or direct affinity;

481 (d) The owners of property who supervise, superintend,
482 oversee, direct or in any manner assume charge of the
483 construction, alteration, repair, improvement, movement,
484 demolition, putting up, tearing down, or maintenance of any
485 building, railroad, excavation, project, development, improvement,
486 plant facility or any other construction undertaking on such
487 property for use by such owner and which will not be for sale,
488 rent, public use or public assembly;

489 (e) An employee of a licensed residential builder or
490 remodeler;

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

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

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

499 (2) A person specified in subsection (1)(b) shall not make
500 more than two (2) applications for a permit to construct a single
501 residence or shall not construct more than two (2) single
502 residences within a period of one (1) year. There shall be a
503 rebuttable presumption that such person intends to construct for
504 the purpose of resale, lease, rent or any similar purpose if more
505 than two (2) applications are made for a permit to construct a
506 single residence or if more than two (2) single residences are
507 constructed within a period of one (1) year.

508 (3) The provisions of this section shall not apply to
509 builders and remodelers who are not domiciled in the State of
510 Mississippi. Builders and remodelers who are not domiciled in the
511 State of Mississippi are not required to be licensed under the
512 provisions of this chapter if the state in which they are
513 domiciled requires licensing and the licensing state's
514 requirements are at least the equivalent of those requirements
515 provided in this chapter.

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

518 73-59-17. The building official, or other authority charged
519 with the duty of issuing building or similar permits, of any
520 municipality or county, shall refuse to issue a permit for any
521 undertaking which would classify the applicant as a residential
522 builder or remodeler under this chapter unless the applicant has
523 furnished evidence that he is either licensed as required by this
524 chapter or exempt from the requirements of this chapter. The
525 building official, or other authority charged with the duty of
526 issuing building or similar permits, shall also report to the
527 board the name and address of any person who, in his opinion, has

528 violated this chapter by accepting, or contracting to accomplish,
529 work which would classify the person as a residential builder or
530 remodeler under this chapter without a license or acknowledgement.

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

533 73-59-19. Any residential builder or remodeler licensed
534 pursuant to the provisions of this chapter may, without being
535 required to obtain an additional license under any other law of
536 this state, construct, improve, repair, remodel or renovate any
537 commercial structure, provided the prescribed contract job does
538 not exceed seven thousand five hundred (7,500) square feet.

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

541 73-59-21. (1) There is hereby created the Standing
542 Committee on Residential Builders and Remodelers which shall be
543 subordinate to the State Board of Contractors as set forth in
544 Section 31-3-3. The standing committee shall be composed of the
545 two (2) residential builders who serve as members of the State
546 Board of Contractors and three (3) additional residential builders
547 as defined in Section 73-59-1 to be appointed by the Governor.
548 The terms of the ex officio members shall be concurrent with their
549 terms as members of the State Board of Contractors. The initial
550 terms of the three (3) additional residential builders on the
551 Standing Committee on Residential Builders and Remodelers shall be
552 one (1), three (3) and five (5) years, respectively, beginning
553 July 1, 2000. Upon the expiration of the initial term of any
554 member not serving ex officio, his or her successor shall be
555 appointed for a term of five (5) years.

556 (2) The Governor shall appoint one (1) of the two (2) ex
557 officio members as Chairman of the Standing Committee on
558 Residential Builders and Remodelers. The Executive Secretary of
559 the State Board of Contractors as set forth in Section 31-3-11
560 shall serve as secretary of the standing committee. The standing

561 committee shall meet no less than once per quarter of each year at
562 a date and time to be set by its chairman upon at least five (5)
563 business days' notice by regular mail. The members of the
564 standing committee shall be entitled to receive a per diem as
565 provided in Section 31-3-9.

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

570 (4) The Standing Committee on Residential Builders and
571 Remodelers shall have the power to make recommendations to the
572 State Board of Contractors pertaining to all duties set forth in
573 Sections 73-59-11 and 73-59-13. The standing committee shall have
574 only the power to make recommendations to the State Board of
575 Contractors and the State Board of Contractors shall have the
576 power and authority to accept or reject any recommendation made by
577 the standing committee. Hearings regarding residential builders
578 and remodelers shall be exclusively under the jurisdiction of the
579 Standing Committee on Residential Builders and Remodelers.

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

582 Section 14. This act shall take effect and be in force from
583 and after its passage, and shall stand repealed on July 1, 2009.

584 **SECTION 15.** Section 31-3-1, Mississippi Code of 1972, is
585 amended as follows:

586 31-3-1. The following words, as used in this chapter, shall
587 have the meanings specified below:

588 "Board": The State Board of Contractors created under this
589 chapter.

590 "Contractor": Any person contracting or undertaking as prime
591 contractor, subcontractor or sub-subcontractor of any tier to do
592 any erection, building, construction, reconstruction, repair,
593 maintenance or related work on any public or private project;

594 however, "contractor" shall not include any owner of a dwelling or
595 other structure to be constructed, altered, repaired or improved
596 and not for sale, lease, public use or assembly. It is further
597 provided that nothing herein shall apply to:

598 (a) Except for those who obtain a restricted
599 certificate of responsibility for undertakings that are less than
600 Fifty Thousand Dollars (\$50,000.00) on a public project, any
601 contract or undertaking on a public project by a prime contractor,
602 subcontractor or sub-subcontractor of any tier involving erection,
603 building, construction, reconstruction, repair, maintenance or
604 related work where such contract, subcontract or undertaking is
605 less than Fifty Thousand Dollars (\$50,000.00);

606 (b) Except for those who obtain a restricted
607 certificate of responsibility for undertakings that are less than
608 One Hundred Thousand Dollars (\$100,000.00) on a private project,
609 any contract or undertaking on a private project by a prime
610 contractor, subcontractor or sub-subcontractor of any tier
611 involving erection, building, construction, reconstruction,
612 repair, maintenance or related work where such contract,
613 subcontract or undertaking is less than One Hundred Thousand
614 Dollars (\$100,000.00);

615 (c) Highway construction, highway bridges, overpasses
616 and any other project incidental to the construction of highways
617 which are designated as federal aid projects and in which federal
618 funds are involved;

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

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

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

627 (g) Erection of a microwave tower built for the purpose
628 of telecommunication transmissions;

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

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

639 (j) Any contract or undertaking on a private or public
640 project by a prime contractor, subcontractor or sub-subcontractor
641 of any tier involving the construction, reconstruction, repair or
642 maintenance of technically specialized installations if performed
643 by a Mississippi contractor who has been in the business of
644 installing fire protection sprinkler systems on or before July 1,
645 2000.

646 "Certificate of responsibility": A certificate numbered and
647 held by a contractor issued by the board under the provisions of
648 this chapter after payment of the special privilege license tax
649 therefor levied under this chapter.

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

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

655 "Public agency": Any board, commission, council or agency of
656 the State of Mississippi or any district, county or municipality
657 thereof, including school, hospital, airport and all other types
658 of governing agencies created by or operating under the laws of
659 this state.

660 "Public funds": Monies of public agencies, whether obtained
661 from taxation, donation or otherwise; or monies being expended by
662 public agencies for the purposes for which such public agencies
663 exist.

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

667 **SECTION 16.** Section 31-3-13, Mississippi Code of 1972, is
668 amended as follows:

669 31-3-13. The board shall have the following powers and
670 responsibilities:

671 (a) To receive applications for certificates of
672 responsibility, to investigate and examine applicants for same by
673 holding hearings and securing information, to conduct
674 examinations, and to issue certificates of responsibility to such
675 contractors as the board finds to be responsible. One-fourth
676 (1/4) of the certificates scheduled for renewal on the last day of
677 December 1980, shall be reviewed by the board on the first Tuesday
678 in January 1981. The remaining certificates shall be subject to
679 renewal in the following manner: one-fourth (1/4) on the first
680 Tuesday in April 1981; one-fourth (1/4) on the first Tuesday in
681 July 1981; and one-fourth (1/4) on the first Tuesday in October
682 1981. The board is authorized to extend the dates of expiration
683 of certificates to coincide with the scheduled date of review of
684 individual contractors. Except for the certificates extended from
685 December 31, 1980, to the first Tuesday in January 1981, the board
686 shall charge fees for the extension of certificates as follows:

687 (i) Twenty-five Dollars (\$25.00) if the date of
688 renewal of the extended certificate is the first Tuesday in April
689 1981;

690 (ii) Fifty Dollars (\$50.00) if the date of renewal
691 of the extended certificate is the first Tuesday in July 1981; and

692 (iii) Seventy-five Dollars (\$75.00) if the date of
693 renewal of the extended certificate is the first Tuesday in
694 October 1981.

695 The extended certificates renewed in compliance with this
696 paragraph (a) and all original certificates and renewals thereof
697 issued on or after July 1, 1980, shall expire one (1) year from
698 the date of issuance. No certificate or any renewal thereof shall
699 be issued until the application has been on file with the board
700 for at least thirty (30) days. Application for renewal of
701 certificates of responsibility, together with the payment of a
702 special privilege license tax as provided under this chapter,
703 shall serve to extend the current certificate until the board
704 either renews the certificate or denies the application.

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

709 Additional fees may be required as provided in Section
710 31-3-14.

711 The board shall conduct an objective, standardized
712 examination of an applicant for a certificate to ascertain the
713 ability of the applicant to make practical application of his
714 knowledge of the profession or business of construction in the
715 category or categories for which he has applied for a certificate
716 of responsibility. The following are the types of certificates of
717 responsibility that a contractor may be tested on: (a)
718 undertakings greater than Fifty Thousand Dollars (\$50,000.00) on
719 public projects, a regular certificate of responsibility; (b)
720 undertakings less than Fifty Thousand Dollars (\$50,000.00), a
721 restricted certificate of responsibility; (c) undertakings greater
722 than One Hundred Thousand Dollars (\$100,000.00) on private
723 projects, a regular certificate of responsibility; and (d)

724 undertakings less than One Hundred Thousand Dollars (\$100,000.00)
725 on private projects, a restricted certificate of responsibility.
726 The cost of the test and the cost of administering the test shall
727 be paid for by applicants for certificates of responsibility at
728 the time applications are filed. The board shall investigate
729 thoroughly the past record of all applicants, which will include
730 an effort toward ascertaining the qualifications of applicants in
731 reading plans and specifications, estimating costs, construction
732 ethics, and other similar matters. The board shall take all
733 applicants under consideration after having examined him or them
734 and go thoroughly into the records and examinations, prior to
735 granting any certificate of responsibility. If the applicant is an
736 individual, examination may be taken by his personal appearance
737 for examination or by the appearance for examination of one or
738 more of his responsible managing employees; and if a copartnership
739 or corporation or any other combination or organization, by the
740 examination of one or more of the responsible managing officers or
741 members of the executive staff of the applicant's firm, according
742 to its own designation.

743 (b) To conduct thorough investigations of all
744 applicants seeking renewal of their licenses and of all complaints
745 filed with the board concerning the performance of a contractor on
746 a public or private project.

747 (c) To obtain information concerning the responsibility
748 of any applicant for a certificate of responsibility or a holder
749 of a certificate of responsibility under this chapter. Such
750 information may be obtained by investigation, by hearings, or by
751 any other reasonable and lawful means. The board shall keep such
752 information appropriately filed and shall disseminate same to any
753 interested person. The board shall have the power of subpoena.

754 (d) To maintain a list of contractors to whom
755 certificates of responsibility are issued, refused, revoked or
756 suspended, which list shall be available to any interested person.

757 Such list shall indicate the kind or kinds of works or projects
758 for which a certificate of responsibility was issued, refused,
759 revoked or suspended.

760 (e) To revoke by order entered on its minutes a
761 certificate of responsibility upon a finding by the board that a
762 particular contractor is not responsible, and to suspend such
763 certificate of responsibility in particular cases pending
764 investigation, upon cause to be stated in the board's order of
765 suspension. No such revocation or suspension shall be ordered
766 without a hearing conducted upon not less than ten (10) days'
767 notice to such certificate holder by certified or registered mail,
768 wherein the holder of the certificate of responsibility shall be
769 given an opportunity to present all lawful evidence which he may
770 offer.

771 (f) To adopt rules and regulations setting forth the
772 requirements for certificates of responsibility, the revocation or
773 suspension thereof, and all other matters concerning same; rules
774 and regulations governing the conduct of the business of the board
775 and its employees; and such other rules and regulations as the
776 board finds necessary for the proper administration of this
777 chapter, including those for the conduct of its hearings on the
778 revocation or suspension of certificates of responsibility. Such
779 rules and regulations shall not conflict with the provisions of
780 this chapter.

781 (g) The board shall have the power and responsibility
782 to classify the kind or kinds of works or projects that a
783 contractor is qualified and entitled to perform under the
784 certificate of responsibility issued to him. Such classification
785 shall be specified in the certificate of responsibility.

786 The powers of the State Board of Contractors shall not extend
787 to fixing a maximum limit in the bid amount of any contractor, or
788 the bonding capacity, or a maximum amount of work which a
789 contractor may have under contract at any time, except as stated

790 in paragraph (a) of this section; and the Board of Contractors
791 shall not have jurisdiction or the power or authority to determine
792 the maximum bond a contractor may be capable of obtaining. The
793 board, in determining the qualifications of any applicant for an
794 original certificate of responsibility or any renewal thereof,
795 shall, among other things, take into consideration the following:
796 (1) experience and ability, (2) character, (3) the manner of
797 performance of previous contracts, (4) financial condition, (5)
798 equipment, (6) personnel, (7) work completed, (8) work on hand,
799 (9) ability to perform satisfactorily work under contract at the
800 time of an application for a certificate of responsibility or a
801 renewal thereof, (10) default in complying with provisions of this
802 law, or any other law of the state, and (11) the results of
803 objective, standardized examinations. A record shall be made and
804 preserved by the board of each examination of an applicant and the
805 findings of the board thereon, and a certified copy of the record
806 and findings shall be furnished to any applicant desiring to
807 appeal from any order or decision of the board.

808 (h) The board shall enter upon its minutes an order or
809 decision upon each application filed with it, and it may state in
810 such order or decision the reason or reasons for its order or
811 decision.

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

816 The holder of any valid certificate of responsibility issued
817 by the Board of Public Contractors prior to January 1, 1986, shall
818 be automatically issued a certificate of responsibility by the
819 State Board of Contractors for the same classification or
820 classifications of work which the holder was entitled to perform
821 under the State Board of Public Contractors Act.

822 (i) (i) Notwithstanding any provision of law to the
823 contrary, the board may issue a certificate of responsibility to
824 any person who establishes such person's competency in any
825 classification by successfully passing the examination, authorized
826 under subsection (a) of this section, for measuring of industry
827 expertise in such work that is administered by the board, and such
828 certificate of responsibility shall authorize the holder of the
829 certificate of responsibility to engage in contracting in this
830 state or any of its political subdivisions.

831 (ii) Such holder of a valid certificate of
832 responsibility shall be eligible to contract for such work in any
833 county or municipality upon:

- 834 1. Exhibiting evidence of a current
835 certificate of responsibility to the appropriate local officials;
836 2. Paying any local privilege fees; and
837 3. Paying any inspection or permit fees
838 customarily required by any county or municipality for such work.

839 No county or municipality shall require such holder of a
840 valid certificate of responsibility or a person licensed by the
841 State Board of Contractors as a residential builder or remodeler
842 to pass any county or municipal test or examination; nor shall a
843 county or municipality impose any additional requirements upon
844 such valid holder of a certificate of responsibility or its
845 employees, or a person licensed by the State Board of Contractors
846 as a residential builder or remodeler, nor in any way discriminate
847 against such holder of a certificate of responsibility on the
848 basis of such holder's nonresidency within the county or
849 municipality.

850 **SECTION 17.** Section 27-17-457, Mississippi Code of 1972, is
851 amended as follows:

852 27-17-457. (1) Any contractor, including, but not limited
853 to, any electrical, plumbing, heating and air conditioning, water
854 and sewer, roofing or mechanical contractor, who is licensed by

855 any one (1) municipality or county of the State of Mississippi,
856 which municipality or county has an examining board where there is
857 regularly given a written examination, and who does not hold a
858 current certificate of responsibility issued by the State Board of
859 Public Contractors, shall be allowed to do business in any other
860 municipality or county in the state without being required to
861 obtain a license in such other municipality or county or to
862 undergo any further examination provided:

863 (a) That he furnishes evidence that he has such
864 license;

865 (b) That he furnishes evidence that he actually took
866 and passed the written examination which qualified him for such
867 license; however, in lieu thereof evidence that if said contractor
868 was issued a license prior to May 1, 1972, and prior to the
869 existence of such written examination by a county or municipality
870 which has an examining board that does presently require written
871 examination to qualify for a license; and

872 (c) That he is not operating a separate place of
873 business located in such other municipality or county.

874 (2) Any contractor, including, but not limited to, any
875 electrical, plumbing, heating and air conditioning, water and
876 sewer, roofing or mechanical contractor, who is licensed by any
877 one (1) municipality or county of the State of Mississippi, which
878 municipality or county has an examining board where there is
879 regularly given a written examination, and who holds a current
880 certificate of responsibility issued by the State Board of Public
881 Contractors shall be allowed to do business in any other
882 municipality or county in the state without being required to
883 obtain a separate license in such other municipality or county or
884 to undergo any further examination provided said contractor meets
885 the requirements of paragraphs (a) and (b) of subsection (1) of
886 this section.

887 (3) No additional privilege license bond shall be required
888 in order for such a contractor to do business in another
889 municipality or county in the state as long as the contractor has
890 obtained the bond in the municipality or county where he is
891 licensed.

892 (4) Nothing in this Section 27-17-457 supercedes or
893 otherwise affects the provisions of Title 31, Chapter 3, or the
894 provisions of Title 73, Chapter 59. In the event any provision in
895 Section 27-17-457 conflicts with any provision of Title 31,
896 Chapter 3, or of Title 73, Chapter 59, the latter titles and
897 chapters are hereby deemed and shall be controlling over the
898 provisions of Section 27-17-457.

899 (5) This Section 27-17-457 is intended to apply only to the
900 Local Privilege Tax Law, and is not intended to apply to or
901 restrict the powers and authority granted to municipalities and
902 counties in Sections 21-19-25 and 19-5-9, or any powers or
903 authority derived from said sections related to permits and permit
904 bonds, and the issuance, denial or requirements thereof.

905 (6) No taxpayer receiving a privilege license under this
906 Section 27-17-457 shall be authorized to advertise to the public
907 that they are "licensed" unless said taxpayer is currently in
908 compliance with paragraph (b) of subsection (1) of this section,
909 or holds a current license or certificate of responsibility from
910 the State Board of Contractors. Any officer collecting the tax
911 may suspend the issuance or renewal of a privilege license granted
912 under this section until such time as said officer finds that such
913 taxpayer is in compliance with the provisions of this subsection.
914 If any taxpayer receiving a privilege license under this section
915 presents themselves to the public as "licensed" then said taxpayer
916 must state to the public that they are "licensed by the city of"
917 and/or "county of" followed by the name or names of the
918 appropriate city and/or county from which such taxpayer is
919 currently in compliance with paragraph (b) of subsection (1) of

920 this section; or, if otherwise appropriate, "licensed by the State
921 Board of Contractors."

922 (7) (a) Notwithstanding any provision of law to the
923 contrary, the board may issue a certificate of responsibility to
924 any person who establishes such person's competency in any
925 classification by successfully passing the examination, authorized
926 under Section 31-3-13, for measuring of industry expertise in such
927 work that is administered by the board, and such certificate of
928 responsibility shall authorize the holder of the certificate of
929 responsibility to engage in contracting in this state or any of
930 its political subdivisions.

931 (b) Such holder of a valid certificate of
932 responsibility shall be eligible to contract for such work in any
933 county or municipality upon:

934 (i) Exhibiting evidence of a current certificate
935 of responsibility to the appropriate local officials;
936 (ii) Paying any local privilege fees; and
937 (iii) Paying any inspection or permit fees
938 customarily required by any county or municipality for such work.

939 No county or municipality shall require such holder of a
940 valid certificate of responsibility or a person licensed by the
941 State Board of Contractors as a residential builder or remodeler
942 to pass any county or municipal test or examination; nor shall a
943 county or municipality impose any additional requirements upon
944 such valid holder of a certificate of responsibility or its
945 employees, or a person licensed by the State Board of Contractors
946 as a residential builder or remodeler, nor in any way discriminate
947 against such holder of a certificate of responsibility on the
948 basis of such holder's nonresidency within the county or
949 municipality.

950 **SECTION 18.** Section 17-25-5, Mississippi Code of 1972, is
951 amended as follows:

952 17-25-5. (1) Every municipality and county of the State of
953 Mississippi shall grant competency examination reciprocity to any
954 contractor, including, but not limited to, any electrical,
955 plumbing, heating and air conditioning, water and sewer, roofing
956 or mechanical contractor, who is licensed by another municipality
957 or county of this state without imposing any further competency
958 examination requirements provided:

959 (a) That the contractor furnishes evidence that he has
960 a license issued on the basis of a competency examination
961 administered in one (1) municipality or county of the State of
962 Mississippi which has an examining board that regularly gives a
963 written examination which has been approved by the State Board of
964 Public Contractors or the Building Officials Association of
965 Mississippi;

966 (b) That he furnishes evidence that he actually took
967 and passed the written examination which qualified him for such
968 license; however, in lieu thereof, he may furnish evidence that
969 he was issued a license prior to May 1, 1972, and prior to the
970 existence of a written examination by a county or municipality
971 which has an examining board that requires written examination to
972 qualify for a license;

973 (c) That he has been actively engaged in the business
974 for which he is licensed for two (2) years or more;

975 (d) That he has held a license for his business for one
976 (1) year or more; and

977 (e) That he pays the license fee to the municipality or
978 county to which application is made for a license unless he holds
979 a current certificate of responsibility issued by the State Board
980 of Public Contractors, in which case no license fee shall be
981 collected.

982 (2) (a) Any contractor who operates more than one (1)
983 separate place of business within the state must obtain the

984 appropriate privilege license and pay the privilege license fee
985 for each location if required by the local jurisdiction.

986 (b) Every jurisdiction in which a contractor does
987 business may impose its own separate bonding requirements on the
988 contractor desiring to do business there.

989 (3) (a) Notwithstanding any provision of law to the
990 contrary, the board may issue a certificate of responsibility to
991 any person who establishes such person's competency in any
992 classification by successfully passing the examination, authorized
993 under Section 31-3-13, for measuring of industry expertise in such
994 work that is administered by the board, and such certificate of
995 responsibility shall authorize the holder of the certificate of
996 responsibility to engage in contracting in this state or any of
997 its political subdivisions.

998 (b) Such holder of a valid certificate of
999 responsibility shall be eligible to contract for such work in any
1000 county or municipality upon:

1001 (i) Exhibiting evidence of a current certificate
1002 of responsibility to the appropriate local officials;

1003 (ii) Paying any local privilege fees; and

1004 (iii) Paying any inspection or permit fees
1005 customarily required by any county or municipality for such work.

1006 No county or municipality shall require such holder of a
1007 valid certificate of responsibility or a person licensed by the
1008 State Board of Contractors as a residential builder or remodeler
1009 to pass any county or municipal test or examination; nor shall a
1010 county or municipality impose any additional requirements upon
1011 such valid holder of a certificate of responsibility or its
1012 employees, or a person licensed by the State Board of Contractors
1013 as a residential builder or remodeler, nor in any way discriminate
1014 against such holder of a certificate of responsibility on the
1015 basis of such holder's nonresidency within the county or
1016 municipality.

1017 **SECTION 19.** This act shall take effect and be in force from
1018 and after July 1, 2005.