

1 SB232  
2 162599-2  
3 By Senator Marsh  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 12-MAR-15

1 SB232

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4 ENROLLED, An Act,

5 To amend Section 34-8-7, Code of Alabama 1975,  
6 relating to the licensing and regulation of general  
7 contractors, and exemptions from the application of Chapter 8  
8 of Title 34, Code of Alabama 1975; to clarify that the  
9 exemption for owners of property improving the property may  
10 not be altered or restricted by a municipal governing or  
11 regulatory body, and to repeal any conflicting municipal  
12 ordinance or regulation.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 34-8-7, Code of Alabama 1975, is  
15 amended to read as follows:

16 "§34-8-7.

17 "(a) The following shall be exempted from this  
18 chapter:

19 "(1) The practice of general contracting, as defined  
20 in Section 34-8-1, by an authorized representative or  
21 representatives of the United States Government, State of  
22 Alabama, incorporated town, city, or county in this state,  
23 which is under the supervision of a licensed architect or  
24 engineer provided any work contracted out by the

1 representative shall comply with the provisions of this  
2 chapter for "general contractor."

3 "(2) The construction of any residence or private  
4 dwelling.

5 "(3) A person, firm, or corporation constructing a  
6 building or other improvements on his, her, or its own  
7 property provided that any of the work contracted out complies  
8 with the definition in this chapter for "general contractor."  
9 A municipal governing body or municipal regulatory body may  
10 not enact any ordinance or law restricting or altering this  
11 exemption. Any municipal ordinance or regulation that  
12 conflicts with this exemption is repealed upon the effective  
13 date of the act amending this subdivision.

14 "(4) The installation, repair, maintenance, or  
15 removal of facilities, equipment, or systems used in or  
16 substantially related to the generation, transmission, or  
17 distribution of electric power, natural gas, or  
18 telecommunications in an emergency by a utility regulated by  
19 the Public Service Commission, or any entity engaged in the  
20 generation, transmission, or distribution of electric power,  
21 natural gas, or telecommunications, or any of their respective  
22 general contractors or subcontractors, provided the work is  
23 performed under the supervision of a licensed architect or  
24 engineer. For purposes of this subdivision, the term  
25 "emergency" is defined as a situation whereby service to the

1 consumer has been interrupted or may be interrupted if work to  
2 remedy the emergency is not performed and completed within 60  
3 days, and such other situations that are determined to be an  
4 emergency in the discretion of the board.

5 "(5) The repair, maintenance, replacement,  
6 reinstallation, or removal of facilities, equipment, or  
7 systems used in or substantially related to the generation,  
8 transmission, or distribution of electric power, natural gas,  
9 or telecommunications on a routine, regular, or recurring  
10 basis by a utility regulated by the Public Service Commission  
11 or any entity engaged in the generation, transmission, or  
12 distribution of electric power, natural gas, or  
13 telecommunications or any of their respective general  
14 contractors or subcontractors, provided the work is performed  
15 under the supervision of a licensed architect or engineer.

16 "(6) Routine or regular maintenance, repair,  
17 replacement, reinstallation, or removal of equipment,  
18 specialized technological processes, or equipment facility  
19 systems as determined by the board with regard to scope,  
20 frequency, and speciality of the work to be performed.

21 "(b) The aforementioned exemptions shall exclude a  
22 swimming pool contractor. Provided, however, a person, firm,  
23 or corporation constructing a swimming pool on his, her, or  
24 its own property shall be exempted from this chapter.

1           "(c) A subcontractor, as defined in subsection (c)  
2 of Section 34-8-1, is subject to and shall comply with all the  
3 provisions of this chapter as specified for general contractor  
4 except as follows:

5           "(1) A subcontractor shall pay one-half the fees as  
6 required in this chapter for general contractor.

7           "(2) No bid limits shall be established for a  
8 subcontractor.

9           "(3) A subcontractor shall submit with license  
10 application and renewals a statement of financial condition as  
11 prescribed by the board.

12           "(4) A subcontractor shall furnish three references  
13 from any combination of the following: Licensed general  
14 contractors, registered professional engineers, or registered  
15 architects, or qualified person, as declared by the board, for  
16 whom they have worked. If a subcontractor has only been  
17 employed by one company, the subcontractor shall provide the  
18 following: Three or more jobs he or she has worked on, the  
19 amounts of the contracts, the time period of the contracts,  
20 the location of the contracts, and a statement of experience.

21           "(5) A subcontractor is not required to be licensed  
22 at the time a project is bid, but must be licensed with the  
23 board prior to beginning work on the project.

1                   "(6) A general contractor license and license number  
2 issued by the board to subcontractors shall denote  
3 subcontractor status.

4                   "(7) A subcontractor is not required to sit for any  
5 examination before being licensed."

6                   Section 2. This act shall become effective  
7 immediately following its passage and approval by the  
8 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB232

Senate 02-APR-15

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 04-JUN-15

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By: Senator Marsh