

2019 Regular Session

HOUSE BILL NO. 273

BY REPRESENTATIVE CARMODY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTRACTORS/CONSTRUCTION: Provides relevant updates and technical corrections to statutes relative to contractors

1 AN ACT

2 To amend and reenact R.S. 37:2150.1(2), (4)(a), (8), (10), and (11), 2151, 2152, 2154, 2155,

3 2156(A), (C)(1) and (2), (D), and (G), 2156.1(A)(introductory paragraph), (B)

4 through (M), 2156.2(A)(I)(29) and (II)(1), 2157, 2158(A)(introductory paragraph),

5 (1) through (5), (9), and (11), (B), (D), and (E), 2159(A) through (C), 2162(A)

6 through (E) and (I) through (L), 2163(C) and (D), 2167(A), (B)(3), (C), and (D), and

7 2186(B)(3) and (C), to enact R.S. 37:2158(A)(12), and to repeal R.S.37:2156.1(N),

8 2156.2(A)(IX), 2162(M), 2163(E), and 2167(E), relative to contractors; to provide

9 for the State Licensing Board for Contractors; to provide for members and officers

10 of the board; to provide for meeting notice; to provide with respect to licensing

11 requirements; to remove obsolete provisions and antiquated language; to make

12 technical changes; to provide definitions; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 37:2150.1(2), (4)(a), (8), (10), and (11), 2151, 2152, 2154, 2155,

15 2156(A), (C)(1) and (2), (D), and (G), 2156.1(A)(introductory paragraph), (B) through (M),

16 2156.2(A)(I)(29) and (II)(1), 2157, 2158(A)(introductory paragraph), (1) through (5), (9),

17 and (11), (B), (D), and (E), 2159(A) through (C), 2162(A) through (E) and (I) through (L),

18 2163(C) and (D), 2167(A), (B)(3), (C), and (D), and 2186(B)(3) and (C) are hereby amended

19 and reenacted and R.S. 37:2158(A)(12) is hereby enacted to read as follows:

1 §2150.1. Definitions

2 As used in this Chapter, the following words and phrases shall be defined as
3 follows:

4 * * *

5 (2) "Commercial purposes" means any construction project ~~other than~~
6 ~~residential homes, a single residential duplex, a single residential triplex, or a single~~
7 ~~residential fourplex. A construction project consisting of residential homes where~~
8 ~~the contractor has a single contract for the construction of more than two homes~~
9 ~~within the same subdivision shall be deemed a commercial undertaking except~~
10 ~~residential structures with no more than four incorporated or attached dwelling units.~~

11 * * *

12 (4)(a) "Contractor" means any person who undertakes to, attempts to, or
13 submits a price or bid or offers to construct, supervise, superintend, oversee, direct,
14 or in any manner assume charge of the construction, alteration, repair, improvement,
15 movement, demolition, putting up, tearing down, or furnishing labor, or furnishing
16 labor together with material or equipment, or installing the same for any building,
17 highway, road, railroad, sewer, grading, excavation, pipeline, public utility structure,
18 project development, housing, or housing development, improvement, or any other
19 construction undertaking for which the entire cost ~~of same~~ is fifty thousand dollars
20 or more when ~~such~~ the property is to be used for commercial purposes ~~other than a~~
21 ~~single residential duplex, a single residential triplex, or a single residential fourplex.~~
22 ~~A construction project which consists of construction of more than two single~~
23 ~~residential homes, or more than one single residential duplex, triplex, or fourplex,~~
24 ~~shall be deemed to be a commercial undertaking.~~

25 * * *

26 (8) "Home improvement contractor" means any person, including a
27 contractor or subcontractor, who undertakes or attempts to undertake or submits a
28 price or bid on any home improvement contracting project.

29 * * *

1 (10) "Qualifying party" means a natural person designated by the contractor
2 to represent the contractor for the purpose of complying with the provisions of this
3 Chapter including without limitation meeting the requirements for the initial license
4 ~~and/or~~ and any continuation thereof.

5 (11) "Residential building contractor" means any corporation, partnership,
6 or individual who constructs a fixed building or structure for sale for use by another
7 as a residence or who, for a price, commission, fee, wage, or other compensation,
8 undertakes or offers to undertake the construction or superintending of the
9 construction of any building or structure, with no more than four incorporated or
10 attached dwelling units, which is not more than three floors in height, to be used by
11 another as a residence, when the cost of the undertaking exceeds seventy-five
12 thousand dollars. The term "residential building contractor" includes all contractors,
13 subcontractors, architects, and engineers who receive an additional fee for the
14 employment or direction of labor, or any other work beyond the normal architectural
15 or engineering services. "Residential building contractor" also means any person
16 performing home improvement contracting as provided for in Paragraph ~~(7)~~ (9)
17 of this Section when the cost of the undertaking exceeds seventy-five thousand dollars.
18 It shall not include the manufactured housing industry or those persons engaged in
19 building residential structures that are mounted on metal chassis and wheels.

20 * * *

21 §2151. State licensing board for contractors; membership; qualifications; tenure;
22 vacancies

23 A. There is hereby created the State Licensing Board for Contractors within
24 the office of the ~~governor that shall consist of nineteen members appointed by the~~
25 ~~governor as hereinafter set forth and who shall serve without compensation and shall~~
26 ~~possess the following qualifications~~ governor. The members shall serve without
27 compensation.

28 (1) Each member shall be of full age of majority and shall have been a
29 resident of the state of Louisiana for the last five successive years.

1 ~~(2) All members~~ (2) Each member shall have been actively engaged as a
2 responsible contractor in the construction classification that ~~they represent~~ he
3 represents for the five-year period prior to ~~their~~ his appointment as a board member,
4 except for any member appointed pursuant to ~~Paragraph (8) of this Subsection~~
5 Paragraph (B)(6) of this Section if he represents the public at large.

6 (3) There shall be at least one board member from each congressional district
7 in the state of Louisiana.

8 B. The members shall be selected and appointed as follows:

9 ~~(3)(1)~~ (1) At least four members shall have had the greater part of their
10 experience as a licensed contractor in the field of highway and street construction.
11 Three members shall be appointed from a list of six names submitted by the
12 Louisiana Associated General Contractors. One member shall be appointed from a
13 list of three names submitted by the Louisiana Asphalt Pavement Association.

14 ~~(4)(2)~~ (2) At least six members shall have had the greater part of their
15 experience as a licensed contractor in the fields of building or industrial construction,
16 or both fields. Two members shall be appointed from a list of four names submitted
17 by the Louisiana Associated General Contractors. Four members shall be appointed
18 from a list of eight names submitted by the Associated Builders and Contractors of
19 Louisiana.

20 ~~(5)(3)~~ (3) At least one member shall have had the greater part of his experience
21 as a licensed contractor in the field of mechanical construction, and shall be
22 appointed from a list of three names submitted by the Mechanical Contractors
23 Association of Louisiana.

24 ~~(6)(4)~~ (4) At least one member shall have had the greater part of his experience
25 as a licensed contractor in the field of electrical construction, and shall be appointed
26 from a list of three names submitted by the Louisiana Council of the National
27 Electrical Contractors Association.

28 ~~(7)(5)~~ (5) At least two members shall have had the greater part of their
29 experience as a subcontractor in the construction industry in fields other than

1 electrical or mechanical construction, and shall be appointed from a list of four
2 names submitted by the American Subcontractors Association of Louisiana.

3 ~~(8)~~(6) At least three members shall be from and represent the public at large
4 and shall not earn their livelihood in a construction-related industry.

5 ~~(9)~~(7) At least one member shall have had the greater experience as a
6 licensed contractor in the field of oil field construction, and shall be appointed from
7 a list of three names submitted by the Louisiana Oilfield Contractors Association.

8 ~~(10)~~ There shall be at least one board member from each congressional
9 district in the state of Louisiana.

10 ~~(11)~~(8) There shall be one member from the National Association for the
11 Advancement of Colored People.

12 B.C. All vacancies ~~that shall occur~~ shall be filled within ninety days of the
13 vacancy, by appointment of the governor within the classification of area and
14 qualification where the vacancy shall occur.

15 E.D. ~~On and after January 1, 1996, the members~~ Members shall serve terms
16 of six years; however, initially four members shall serve terms of two years, four
17 members shall serve terms of four years, and four members shall serve terms of six
18 years.

19 §2152. ~~Initial appointments; oaths; panel of names; domicile; officer;~~ Domicile;
20 officers; bond

21 ~~A. Each member of the board shall serve at the pleasure of the governor.~~
22 ~~Each appointment by the governor shall be submitted to the Senate for confirmation.~~
23 ~~Each member shall take and file with the secretary of state the constitutional oath of~~
24 ~~office before entering upon the discharge of his duties. Any member appointed to~~
25 ~~fill a vacancy occurring prior to the expiration of the term of his predecessor shall~~
26 ~~be appointed for the remainder of the unexpired term from among residents of the~~
27 ~~same congressional district as that of the member whose office was vacated.~~
28 ~~However, if there are no qualified applicants from the congressional district of the~~
29 ~~member whose office was vacated, the governor shall appoint a qualified applicant~~

1 ~~from any congressional district to fill the vacancy. In making the appointments~~
2 ~~provided for in this Section, the governor shall appoint at least one person who is~~
3 ~~nominated by the National Association for the Advancement of Colored People, and~~
4 ~~at least one person who is nominated by the Louisiana Business League.~~

5 ~~(1) Original appointments to the board and appointments to fill vacancies by~~
6 ~~reason of the expiration of the term for which appointed or by reason of death,~~
7 ~~resignation, or otherwise, to fill that qualification of board membership who is~~
8 ~~experienced in the field of highway and street construction, shall be made by the~~
9 ~~governor as follows:~~

10 ~~(a) The board of directors of the Louisiana Associated General Contractors,~~
11 ~~Inc. shall submit a list of not less than ten names, by certification of its president and~~
12 ~~secretary, to the secretary of state at the state capitol within fifteen days from the~~
13 ~~effective date of this Section. Annually between June first and June thirtieth, the~~
14 ~~organization shall be authorized to make a new certification to the secretary of state;~~
15 ~~however, after one certificate is made, the list originally submitted shall be included~~
16 ~~on the panel hereinafter established by the secretary of state until changed by the~~
17 ~~group submitting the same. It shall be the duty of the secretary of state to compile~~
18 ~~a panel of names so submitted and to keep same on file in his office as a public~~
19 ~~record for use as contemplated herein.~~

20 ~~(b) From this list of names, the governor shall appoint the board member or~~
21 ~~board members to fill that class of board members who are experienced in the field~~
22 ~~of highway and street construction.~~

23 ~~(2) Original appointments to the board and appointment to fill any vacancies~~
24 ~~that may occur to fill that qualification of board membership who is experienced in~~
25 ~~the field of building construction shall be made by the governor as follows:~~

26 ~~(a)(i) The Board of Directors of the Louisiana A.G.C., Inc., shall submit a~~
27 ~~list of not less than ten names by certification of its president and secretary to the~~
28 ~~secretary of state at the state capitol within fifteen days from September 9, 1988.~~

1 ~~(ii) Annually between June first and June thirtieth, the organization shall be~~
2 ~~authorized to make new certification to the secretary of state; provided that after one~~
3 ~~certification is made, the list originally submitted shall be included on the panel~~
4 ~~hereinafter established by the secretary of state until changed by the group~~
5 ~~submitting the same.~~

6 ~~(iii) It shall be the duty of the secretary of state to compile a panel of names~~
7 ~~so submitted and to keep same on file in his office as a public record for use as~~
8 ~~contemplated herein.~~

9 ~~(b)(i) The board of directors of the Louisiana Associated General~~
10 ~~Contractors Inc., shall submit a list of not less than ten names by certification of its~~
11 ~~president and secretary to the secretary of state at the state capitol within fifteen days~~
12 ~~from September 9, 1988.~~

13 ~~(ii) Annually between June first and June thirtieth, the organization shall be~~
14 ~~authorized to make new certification to the secretary of state; provided that after one~~
15 ~~certification is made, the list originally submitted shall be included on the panel~~
16 ~~hereinafter established by the secretary of state until changed by the group~~
17 ~~submitting the same.~~

18 ~~(iii) It shall be the duty of the secretary of state to compile a panel of names~~
19 ~~so submitted and to keep same on file in his office as public record for use as~~
20 ~~contemplated herein.~~

21 ~~(c)(i) The board of directors of the Louisiana Associated Builders and~~
22 ~~Contractors, Inc., shall submit a list of no less than ten names certified by its~~
23 ~~president and secretary to the secretary of state at the state capitol within fifteen days~~
24 ~~from September 9, 1988.~~

25 ~~(ii) Annually between June first and June thirtieth, the organization shall be~~
26 ~~authorized to make new certification to the secretary of state; provided that after one~~
27 ~~certification is made, the list originally submitted shall be included on the panel~~
28 ~~hereinafter established by the secretary of state until changed by the group~~
29 ~~submitting the same.~~

1 ~~(iii) It shall be the duty of the secretary of state to compile a panel of names~~
2 ~~so submitted and to keep same on file in his office as public record for use as~~
3 ~~contemplated herein.~~

4 ~~(d) The governor shall appoint one board member from the list submitted~~
5 ~~pursuant to Subparagraph (a) of this Paragraph, one board member from the list~~
6 ~~submitted pursuant to Subparagraph (b) of this Paragraph, and four board members~~
7 ~~from the list submitted pursuant to Subparagraph (c) of this Paragraph, to fill that~~
8 ~~class of board members who are experienced in the fields of building or industrial~~
9 ~~construction, or both.~~

10 ~~(3) Original appointments to the board and appointments to fill any~~
11 ~~vacancies that may occur by reason of expiration of the term for which appointed or~~
12 ~~by reason of death, resignation, or otherwise in the office of the member required to~~
13 ~~be experienced in the field of mechanical construction shall be made by the governor~~
14 ~~as follows:~~

15 ~~(a) The president and secretary of the Mechanical Contractors Association~~
16 ~~of Louisiana, Inc. shall submit a list of not less than three names by certification to~~
17 ~~the secretary of state at the state capitol annually between June first and June~~
18 ~~thirtieth. It shall be the duty of the secretary of state to compile a panel of the names~~
19 ~~so submitted and to keep same on file in his office as a public record for use as~~
20 ~~contemplated herein.~~

21 ~~(b) From this list of names the governor shall appoint the board member to~~
22 ~~fill that class of board member who is required to be experienced in the field of~~
23 ~~mechanical construction.~~

24 ~~(4) Original appointments to the board and appointments to fill any~~
25 ~~vacancies that may occur by reason of expiration of term for which appointed or~~
26 ~~reason of death, resignation, or otherwise in the office of the member required to be~~
27 ~~experienced in the field of the electrical construction shall be made by the governor~~
28 ~~as follows:~~

1 ~~(a) The board of directors of the Louisiana Council of the National Electrical~~
2 ~~Contractors Association, Inc., acting through that organization's duly elected~~
3 ~~president, shall submit a list of not less than three names by certification to the~~
4 ~~secretary of state at the state capitol annually between June first and June thirtieth.~~
5 ~~It shall be the duty of the secretary of state to compile a panel of names so submitted~~
6 ~~and to keep same on file in his office as a public record for use as contemplated~~
7 ~~herein.~~

8 ~~(b) From this list of names the governor shall appoint the board member to~~
9 ~~fill that class of board member who is required to be experienced in the field of~~
10 ~~electrical construction.~~

11 ~~(5) Original appointments to the board and appointments to fill any~~
12 ~~vacancies that may occur by reason of expiration of the term for which appointed or~~
13 ~~by reason of death, resignation, or otherwise in the office of the members the greater~~
14 ~~part of whose experience is required to be as a licensed subcontractor in a field other~~
15 ~~than electrical or mechanical construction shall be made by the governor as follows:~~

16 ~~(a) The presidents and secretaries of the chartered American Subcontractors~~
17 ~~Associations of the state of Louisiana shall submit a list of not less than three names~~
18 ~~by certification to the secretary of state at the State Capitol within fifteen days from~~
19 ~~July 26, 1976. Annually thereafter, between June 1 and June 30, that organization~~
20 ~~shall certify a new list to the secretary of state provided, however, that after one~~
21 ~~certification is made, the list originally submitted shall be included on the panel~~
22 ~~hereinafter required to be established by the secretary until changed by the~~
23 ~~associations submitting the same. It shall be the duty of the secretary of state to~~
24 ~~compile a panel of the names so submitted and to keep same on file in his office as~~
25 ~~a public record for use as contemplated herein.~~

26 ~~(b) From this list of names the governor shall appoint the two board~~
27 ~~members who are required to be experienced as licensed subcontractors in a field~~
28 ~~other than electrical or mechanical construction.~~

1 ~~(6) Original appointments to the board and appointments to fill any~~
2 ~~vacancies that may occur by reason of expiration of the term for which appointed or~~
3 ~~by reason of death, resignation, or otherwise in the office of the member the greater~~
4 ~~part of whose experience is required to be a licensed contractor in the field of oil~~
5 ~~field construction shall be made by the governor as follows:~~

6 ~~(a) The board of directors of the Louisiana Oil Field Contractors~~
7 ~~Association, Inc. shall submit a list of not less than ten names by certification to the~~
8 ~~secretary of state at the state capitol within fifteen days from July 26th, 1985.~~
9 ~~Annually thereafter, between June 1st and June 30th, that organization shall certify~~
10 ~~a new list to the secretary of state provided, however, after one certificate is made,~~
11 ~~the list originally submitted shall be included on the panel hereinafter established by~~
12 ~~the secretary of state until changed by the group submitting the same. It shall be the~~
13 ~~duty of the secretary of state to compile a panel of names so submitted and to keep~~
14 ~~same on file in his office as a public record for use as contemplated herein.~~

15 ~~(b) From the list of names, the governor shall appoint the board member to~~
16 ~~fill that class of board members who is required to be experienced as a licensed~~
17 ~~contractor in the field of oil field construction.~~

18 ~~(7) Original appointments to the board and appointments to fill any vacancy~~
19 ~~that may occur by reason of expiration of the term for which appointed or by reason~~
20 ~~of death, resignation, or otherwise in the office of the member the greater part of~~
21 ~~whose experience is required to be a licensed contractor in the field of highway and~~
22 ~~street construction and whose experience is in the field of asphalt pavement shall be~~
23 ~~made by the governor as follows:~~

24 ~~(a) The Board of Directors of the Louisiana Asphalt Pavement Association,~~
25 ~~Inc. shall submit a list of not less than three names for certification to the secretary~~
26 ~~of state at the capitol within fifteen days from January 1, 1992. Annually thereafter,~~
27 ~~between June first and June thirtieth, that organization shall certify two new lists to~~
28 ~~the secretary of state provided, however, after the certification is made, the list~~
29 ~~originally submitted shall be included in the panel hereinafter established by the~~

1 ~~secretary of state until changed by the group submitting the same. It shall be the~~
2 ~~duty of the secretary of state to compile a panel of names so submitting the same.~~
3 ~~It shall be the duty of the secretary of state to compile a panel of names so submitted~~
4 ~~and to keep same on file in his office as a public record for use as contemplated~~
5 ~~herein.~~

6 ~~(b) From the list of names, the governor shall appoint the board member to~~
7 ~~fill that class of board member who is required to be experienced as a licensed~~
8 ~~contractor in the field of highway and street construction.~~

9 ~~(8) Appointments to the board, both original and to fill any vacancy which~~
10 ~~may occur, in the offices of the members whose qualifications are provided for in~~
11 ~~R.S. 37:2151(A)(8) shall be made by the governor at his discretion.~~

12 ~~B.(1)(a) If at any time appointment is to be made to fill a vacancy and the~~
13 ~~panel of names kept by the secretary of state does not contain names of qualified and~~
14 ~~recommended persons from which the appointment is to be made, the appointment~~
15 ~~shall be delayed for a period of fifteen days.~~

16 ~~(b) The secretary of state shall contact the organization concerned which~~
17 ~~shall submit, within ten days after such notice, the names of qualified and~~
18 ~~recommended persons to be included on the list from which the governor shall select~~
19 ~~the board members to be appointed.~~

20 ~~(2) A person shall be eligible for appointment as a member of the board only~~
21 ~~if he holds an unexpired license as a contractor under the provisions of this Chapter;~~
22 ~~however, this provision shall not apply to the person pursuant to R.S. 37:2151(A)(8)~~
23 ~~if he represents the public at large.~~

24 ~~(3) After the board shall have qualified, it A.(1) The board shall meet in the~~
25 ~~city of Baton Rouge which place is hereby fixed as the domicile of the board.~~

26 ~~(2) The board may hold meetings outside of Baton Rouge at such location~~
27 ~~after proper notice has been provided to the public.~~

28 ~~(4)(a) B.(1) The governor shall designate one member of the board to serve~~
29 ~~as chairman.~~

1 ~~(b)~~(2) The members shall, by a majority vote, designate a member to serve
2 as vice chairman, a member to serve as secretary, and a member to serve as
3 ~~secretary-treasurer~~ treasurer.

4 ~~(c)~~C. The ~~secretary-treasurer~~ treasurer and any administrative employee who
5 shall handle the funds of the board shall furnish bond, in such amount as is fixed by
6 the board, of a surety company qualified to do and doing business in the state of
7 Louisiana. The bond shall be conditioned upon the faithful performance of the duties
8 of office and of the proper accounting of funds coming into his possession.

9 * * *

10 §2154. Meetings; compensation; quorum; license application and issuance
11 procedure

12 A.~~(1)~~ The board shall have at least one regular meeting per month on dates
13 and times designated by the chairman. Notice of ~~such~~ board meetings shall be
14 posted on the board's official website and at the board office at least ten days prior
15 to the date when the board is to meet. Further, any person desiring actual notice of
16 the board meeting may request in writing that the board send notification through the
17 United States mail at least ten days prior to the board meeting date.

18 ~~(2)~~ B.(1) The board may receive applications for licenses ~~under~~ pursuant to
19 the provisions of this Chapter at any time. Upon initial application, the license of a
20 contractor domiciled in the state of Louisiana shall be issued after all requirements
21 have been met and approved by the board ~~at its next regularly scheduled meeting~~.
22 Upon the initial application of a contractor domiciled outside of the state of
23 Louisiana, except as provided herein, a period of at least sixty days must elapse
24 between the date the application is filed and the license is issued unless waived by
25 the board. The executive director shall compile a list of all applicants for licensure
26 that are to be considered at a board meeting and ~~mail such~~ transmit the list to each
27 board member ~~at least ten days prior to the meeting~~. ~~The executive director shall~~
28 ~~certify that the list contains only the names of applicants who have fulfilled all~~
29 ~~licensure requirements and the board shall only consider applications on such list.~~

1 ~~(a)~~(2) For purposes of this ~~Paragraph~~ Subsection a contractor shall be
2 considered to be "domiciled in the state" if he is either of the following:

3 ~~(i)~~(a) An individual who has been a resident of the state of Louisiana for at
4 least one year prior to ~~his~~ filing an application with the board of licensing.

5 ~~(ii)~~(b) Any partnership, association, corporation, or other legal entity whose
6 majority interest is owned by and controlled by one or more residents of the state of
7 Louisiana.

8 ~~(b)~~(3) For purposes of this ~~Paragraph~~ Subsection "majority interest" shall be
9 determined in either of the following ways:

10 ~~(i)~~(a) In the case of corporations, on the basis of all stock, common and
11 preferred, whether voting or nonvoting, and on the basis of all debentures, warrants,
12 or other instruments convertible into common stock, preferred stock, or both.

13 ~~(ii)~~(b) In the case of partnerships, on the basis of all capital accounts together
14 with any and all capital advances, loans, and debentures, whether or not convertible
15 into capital accounts.

16 ~~(3)~~ No application may be considered at special meetings of the board.

17 (4) No application may be considered from any state or local governmental
18 body including, without limitation, any agency of any ~~such~~ state or local
19 governmental body including any corporation or other entity owned, ~~controlled~~, or
20 owned and controlled by any ~~such~~ state or local governing body.

21 ~~(5)C.~~ All meetings of the board shall be held in the city of Baton Rouge,
22 Louisiana, unless otherwise provided for in the bylaws of the board. Before a special
23 meeting may be held, notice thereof stating the time, place, and purpose of ~~said~~ the
24 meeting shall be sent by the chairman or vice chairman of the board by ~~registered~~
25 ~~mail or telegram~~ electronic means to the members thereof, ~~addressed to their mailing~~
26 ~~addresses on file with~~ of the board, at least three days before the date of the meeting.
27 No board meeting shall be recessed from one calendar day to another.

28 ~~B:D.~~ Each member of the board shall be reimbursed when actually in
29 attendance of a board meeting or when he is required to travel for the official

1 authorized business of the board, not more than seventy-five dollars per day plus
2 actual expenses and mileage to and from his domicile to the place of meeting at the
3 same rate of reimbursement set by the division of administration for state employees
4 under the provisions of R.S. 39:231.

5 ~~E.~~ E. Ten members of the board shall constitute a quorum, which shall be
6 sufficient for the board to conduct of business, regardless of the total number of
7 members appointed.

8 ~~D.~~ F. There shall be no voting by proxy.
9 §2155. Books and records; ~~evidence~~; reports

10 A. The ~~secretary-treasurer~~ treasurer shall be responsible for receiving and
11 accounting for all money derived from the operation of this Chapter. He shall
12 register all applicants for licenses, showing for each the date of application, the
13 name, qualifications, place of business, place of residence, and whether license was
14 granted or refused and the date on which such license was granted or refused.

15 B. ~~The book and register of this board shall be prima facie evidence of all~~
16 ~~matters recorded therein; and a certified copy of such book or register, or any part~~
17 ~~thereof, attested by the secretary-treasurer, shall be received in evidence in all courts~~
18 ~~of this state in lieu of the original.~~

19 ~~C. The secretary-treasurer thereof~~ The board administrator shall keep a
20 roster, showing the names and places of business of all licensed contractors, ~~and~~
21 ~~shall file same with the secretary of state on or before the first day of March of each~~
22 ~~year. The roster shall be maintained and available on the board's official website.~~

23 ~~D. The secretary-treasurer~~ C. The secretary of the board shall keep full and
24 complete minutes of each board meeting whether regular or special, including full
25 information as to each application for license considered and the board's action
26 thereon as well as all expenditures of the board that are approved. These board
27 minutes shall be typed and attested to by the ~~secretary-treasurer~~ secretary and copies
28 ~~thereof~~ shall be made available to each board member and to the public ~~within a~~

1 ~~period of twenty-one days after the adjournment of said meeting~~ upon adoption of
2 the minutes at the next scheduled meeting of the board.

3 E.D. Within one hundred fifty days of the last day of each calendar year, a
4 certified public accounting firm approved by the state official charged with the
5 auditing of public records and accounts shall audit the financial records of the board
6 and submit the report of his audit to the legislative auditor and shall file a copy of his
7 audit with the secretary of state to be attached to the report of the board on file.

8 §2156. Unexpired licenses; fees; renewals

9 A. Licenses and renewals issued ~~under~~ pursuant to the provisions of this
10 Chapter shall expire on the anniversary of the date on which the license was
11 originally issued. Licensees shall elect upon renewal one-, two-, or three-year
12 license renewal terms, and licenses may be issued by the board on a multiple-year
13 basis, not to exceed a three-year renewal term for any license. The license becomes
14 invalid on the last day of the term for which it was issued unless renewed; however,
15 after a license has expired, the person to whom ~~such~~ the license was issued shall have
16 fifteen days following the expiration date to file an application for the renewal of
17 ~~such~~ the license without the payment of a penalty and without further ~~examination,~~
18 ~~and any~~ examination. Any person who makes an application for the renewal of a
19 license after fifteen days following the expiration date of the license may, at the
20 discretion of the board, have his license renewed after paying the required license
21 fees and ~~such~~ a penalty, not exceeding the sum of fifty dollars, that the board may
22 impose. New applicants for licensing may elect upon application the renewal term
23 of their license.

24 * * *

25 C.(1) To defray the cost of issuing licenses and of administering the
26 provisions of this Chapter, the board shall fix reasonable fees to be assessed ~~under~~
27 pursuant to the provisions of this Chapter, and reasonable penalties to be assessed for
28 late applications for renewal of licenses and other administrative infractions;
29 however, the basic license fee shall be the sum of not more than one hundred dollars

1 and the fee for additional classifications shall be ~~such a~~ a lesser amount as set by the
2 board.

3 (2) The board ~~shall have the authority to~~ may assess an additional surcharge
4 of no more than four hundred dollars in connection with the application for and
5 issuance of a contractor's license to a contractor not domiciled in the state of
6 Louisiana, to be utilized to defray the additional cost of the investigation of the
7 application of the non-Louisiana contractor, including references supplied by the
8 contractor, work history supplied by the work contractor, and other pertinent
9 information required by the board in connection with an application for a contractor's
10 license.

11 * * *

12 D. The licenses issued ~~under~~ pursuant to the provisions of this Chapter are
13 not transferable.

14 * * *

15 G. No license shall be issued for the subclassification of asbestos removal
16 and abatement under the major classification of hazardous materials as provided in
17 ~~R.S. 37:2156.2(VIII)~~ R.S. 37:2156.2(A)(VII) until the applicant furnishes
18 satisfactory evidence that he or his qualifying party has received certification from
19 the Department of Environmental Quality to perform asbestos removal and
20 abatement work.

21 §2156.1. Requirements for issuance of a license

22 A. ~~All persons who desire to~~ To become licensed as a contractor, an
23 applicant shall make application to the board on a form adopted by the board and
24 shall state the classification of work the applicant desires to perform from a list of
25 major classifications as follows:

26 * * *

27 B. The board shall classify contractors according to the type or types of work
28 or contracts which they may perform.

1 C.(1) The applicant shall furnish the board with a financial statement, current
2 to within twelve months of the date of filing, prepared by an ~~independent auditor~~
3 accountant, bookkeeper, or certified public accountant and signed by the applicant
4 and ~~auditor~~ before a notary public, stating that the statement of applicant's assets of
5 ~~the applicant, to be used by the board to determine the financial responsibility of the~~
6 ~~applicant to perform work on a construction undertaking, the entire cost of which is~~
7 ~~fifty thousand dollars or more. Such and financial condition is true and correct. The~~
8 assets shall include a net worth of at least ten thousand dollars. An applicant without
9 the net worth required herein may furnish the board a bond, letter of credit, or other
10 security acceptable to the board in the amount of ~~such~~ the net worth requirement plus
11 the amount of the applicant's negative net worth if any, and the furnishing of ~~such~~
12 the bond, letter of credit, or other security shall be deemed satisfaction of ~~such~~ the
13 net worth requirement for all purposes. The financial statement and any information
14 contained therein, as well as any other financial information required to be submitted
15 by a contractor, shall be confidential and not subject to the provisions of R.S. 44:1
16 through 37, inclusive. ~~Nothing contained in this Subsection shall be construed to~~
17 ~~require a licensed contractor to provide a financial statement in connection with the~~
18 ~~renewal of an existing license~~ 57.

19 (2) No financial statement is required for a license renewal.

20 D.(1) The applicant for licensure shall designate a qualifying party who shall
21 be the legal representative for the contractor relative to the provisions of this
22 Chapter. The designated qualifying party shall complete an application supplied by
23 the board and pass any examination required by the board. The board may deny
24 approval of the qualifying party for good cause, which may include the ability of the
25 proposed principal owner or owners, principal shareholder or shareholders, or
26 qualifying party to engage in the business of contracting as demonstrated by his prior
27 contracting business experience. Evidence which may be considered by the board
28 shall be limited to any legal proceedings against the qualifying party or businesses
29 where the qualifying party was in a position of control at the time a problem arose

1 and the ultimate disposition of ~~such~~ the proceedings, any financial history of
2 bankruptcies, unpaid judgments, insolvencies, or any similar evidence. When the
3 qualifying party terminates employment with the licensee, the board shall be notified
4 in writing within thirty days of the disassociation and another qualifying party must
5 qualify within sixty days. The qualifying party or parties are:

6 (a) ~~Any individual contractor or copartner~~ Sole proprietor or spouse of a sole
7 proprietor.

8 (b) Any employee of ~~said~~ an applicant who has been in full-time
9 employment for one hundred twenty consecutive days immediately preceding the
10 application. ~~Such~~ The employee ~~shall not~~ may be allowed to be the qualifying party
11 for ~~more than one company and two subsidiaries~~ the licensed company and related
12 entities.

13 (c) Any stockholder, officer, or incorporator of a corporation ~~who was an~~
14 ~~original incorporator or original stockholder as shown in the articles of~~
15 ~~incorporation.~~

16 (d) Any partner of a partnership.

17 (e) Any member or manager of a limited liability company.

18 (2) Upon good showing, the board may ~~waive the required examinations for~~
19 ~~any person~~ exempt any qualifying party from the required examinations.

20 (3) Upon the determination that a person has engaged in deceptive practices
21 when taking or attempting to take any board examination, ~~such~~ the person shall be
22 ineligible to serve as a qualifying party for a licensee for a period of one year.

23 E. Notwithstanding any other law of this state to the contrary, a mechanical,
24 plumbing, or electrical contractor may obtain a license to bid and perform work
25 statewide provided ~~such~~ the contractor has successfully passed a standardized,
26 nationally recognized, written examination ~~which is~~ administered or approved by the
27 State Licensing Board for Contractors, ~~which examination shall be a standardized,~~
28 ~~nationally recognized test.~~

1 F.(1) Upon completion of the ~~above~~, requirements for licensure and issuance
2 of a state license for the classification of work for which the contractor ~~desires to~~
3 ~~perform and contract~~, has applied; mechanical, plumbing, or electrical contractors
4 licensed ~~under~~ pursuant to the provisions of this Section are excluded from local,
5 municipal, or parish regulatory authority examination procedures and may bid and
6 perform work within any local jurisdiction upon paying all appropriate fees.

7 (2) The purpose of this Subsection is ~~preemption of~~ to preempt local,
8 municipal, or parish regulatory examination authority for statewide-licensed
9 mechanical, plumbing, or electrical contractors bidding and performing work in
10 multiple jurisdictions. ~~Furthermore, this~~ This ~~preemption shall further exclude the~~
11 ~~employees of statewide-licensed electrical and mechanical contractors from local,~~
12 ~~municipal, or parish regulatory examination or certification authority as a condition~~
13 ~~to performing work for the statewide-licensed electrical or mechanical contractor.~~

14 G. ~~The board shall prepare and maintain a list of local equivalent~~
15 ~~examinations. Each such local equivalent examination shall be a standardized,~~
16 ~~nationally recognized test similar to the Block test, which is administered by a local~~
17 ~~regulatory authority.~~

18 H. Any mechanical or electrical contractor who has, prior to July 1, 1985,
19 successfully passed both a state licensing examination administered or approved by
20 the board and a local licensing examination in the same license classification, and
21 who has continuously held such state and local licenses since July 1, 1985, shall be
22 exempted from any requirement ~~herein~~ for passage of an additional test in that
23 license classification. A mechanical or electrical contractor shall make application
24 to the board for ~~such exemptions~~ an exemption on a form prepared by the board.
25 The board shall provide ~~for~~ a date by which application for exemption forms must
26 be filed.

27 ~~H.~~ Any plumbing contractor who currently holds a state license shall be
28 exempt from any requirement ~~herein~~ for passage of an additional examination in that
29 license classification and may bid and perform plumbing work statewide after

1 ~~making application applying~~ to the board for ~~such an~~ exemption on a form prepared
2 by the board.

3 J.I. Nothing ~~herein in this Section~~ shall be construed to permit plumbing
4 contractors to perform plumbing work without first complying with the licensure
5 provisions of Chapter 16 of this Title, R.S. 37:1361 et seq.

6 ~~K.J.~~ Each applicant shall pay all fees required for issuance of the license as
7 provided for in this Chapter.

8 L.K. Upon completion of ~~the above~~ the requirements for licensure, the
9 application shall be submitted to the board for review ~~at its next regularly scheduled~~
10 ~~meeting.~~

11 ~~M.~~ The board shall waive the examination required and grant a mechanical
12 contractor or an electrical contractor license to any person working in the electrical
13 or mechanical construction industry who meets at least one of the following
14 requirements:

15 ~~(1) Holds either a mechanical or an electrical contractor's license which was~~
16 ~~issued prior to July 1, 2008, by a local municipality after having passed an~~
17 ~~examination administered or written by a national testing company approved by the~~
18 ~~board.~~

19 ~~(2) Submits five original building permits, issued within the last three years,~~
20 ~~as proof that he has actually been engaged in either the mechanical or electrical~~
21 ~~construction building industry prior to July 1, 2008.~~

22 ~~(3) Has completed six mechanical or electrical construction projects within~~
23 ~~the ten-year period prior to July 1, 2008, or has constructed one such project for~~
24 ~~another person within the five-year period prior to July 1, 2008.~~

25 ~~N.(1) Any~~ L.(1) The examination requirement of this Chapter shall not apply
26 to any arborist who currently holds a valid state license issued pursuant to R.S.
27 3:3804 shall be exempt from any requirement herein for passage of an additional
28 examination in the landscaping, grading, and beautification subclassification and
29 subclassification. The arborist may bid and perform the arborist work described in

1 R.S. 3:3808(A)(1)(a)₂ statewide₂ after ~~making application~~ applying to the board for
2 ~~such an~~ exemption on a form prepared by the board.

3 (2) Nothing in this Subsection shall be construed to permit arborists to
4 recommend or execute arborist work without first complying with the licensure
5 provisions of Chapter 24 of Title 3 of the Louisiana Revised Statutes of 1950, R.S.
6 3:3801 et seq.

7 M. The board may consolidate subclassifications or specialties by rule as it
8 deems appropriate.

9 §2156.2. Major categories; subclassifications; specialty classifications; requirements
10 for contractors holding major classification to perform mechanical, electric,
11 or plumbing work

12 A. Under each major category is a list of subclassifications that a specialty
13 contractor may obtain, as follows:

14 I. Building construction

15 Subclassifications:

16 * * *

17 29. Driveways, parking areas, ~~etc., asphalt and/or~~ asphalt, and concrete,
18 exclusive of highway and street work

19 * * *

20 II. Highway, street, and bridge construction

21 Subclassifications:

22 1. Driveways, parking areas, ~~etc., asphalt and/or~~ asphalt, and concrete

23 * * *

24 §2157. Exemptions

25 A. ~~There are excepted from the~~ The provisions of this Chapter Part shall not
26 apply to any of the following:

27 (1) Any public utility providing gas, electric, or telephone service which is
28 subject to regulation by the Louisiana Public Service Commission or the council of

1 the city of New Orleans, or to any work performed by ~~such~~ the public utility in
2 furnishing its authorized service.

3 (2) Owners of property who supervise, superintend, oversee, direct, or in any
4 manner assume charge of the construction, alteration, repair, improvement,
5 movement, demolition, putting up, tearing down, or maintenance of any building,
6 railroad excavation, project, development, improvement, plan facility, or any other
7 construction undertaking, on ~~such~~ that property, for use by ~~such~~ the owner, and
8 which will not be for sale or rent, and the control of access to which shall be
9 controlled by the owner so that only employees and nonpublic invitees are allowed
10 access.

11 (3) ~~Persons~~ Any person donating labor and services for the supervision and
12 construction of or for the maintenance and repair of churches.

13 (4) ~~Farmers~~ Any farmer doing construction for agricultural purposes on
14 leased or owned land.

15 (5) ~~Persons~~ Any person bidding or performing work on any project totally
16 owned by the federal government.

17 ~~(7) Persons~~ (6) Any person engaged in ~~the rail or pipeline industry with~~
18 ~~respect to~~ rail or pipeline construction activities performed on property ~~owned or~~
19 ~~leased by such persons~~ he owns or leases.

20 ~~(8) Citizens~~ (7) Any citizen volunteering labor for the construction of a
21 project which is funded by the Louisiana Community Development Block Grant,
22 Louisiana Small Towns Environment Program.

23 ~~(9) Persons, suppliers, manufacturers, or employees of such persons who~~
24 ~~assemble, repair, maintain, move, put up, tear down, or disassemble~~ (8) Any person,
25 supplier, or manufacturer, or the employee of the person, supplier, or manufacturer
26 who assembles, repairs, maintains, moves, puts up, tears down, or disassembles any
27 patented, ~~proprietary,~~ or patented and proprietary environmental equipment ~~supplied~~
28 ~~by such persons~~ he supplies to a contractor to be used solely by the contractor for a
29 construction undertaking.

1 (9) Problems relating to the ability of the contractor, its qualifying party, or
2 any of its principal owners or principal shareholders to engage in the business of
3 contracting, as demonstrated by their ~~prior~~ contracting business experience.

4 * * *

5 (11) ~~Failing~~ Failure to possess any insurance required by federal law.

6 (12) Failure to timely notify the board of any change in corporate name,
7 company name, address of the licensee, or any other contact information as required.

8 B.(1) In order to enforce the provisions of this Chapter, the board may
9 conduct hearings in accordance with the provisions of R.S. 49:951 ~~et seq~~ through
10 965.1. The board shall maintain and make available a record of all persons or
11 licensees who have been disqualified by any public entity pursuant to ~~R.S.~~
12 ~~38:2212(J)~~ R.S. 39:1672. If any person or licensee has been disqualified more than
13 once in a twelve-month period, the board shall hold a debarment hearing.

14 (2) After the hearing, if the board rules that a person has violated any
15 provision of this Chapter, or that a person or licensee has been appropriately
16 disqualified more than once in a twelve-month period, in lieu of revoking or
17 suspending the license, the board may order ~~said~~ the person to immediately
18 discontinue ~~immediately~~ all work of every type and nature whatsoever on the
19 construction project which is the subject of the ~~hearing, and/or the board may~~
20 hearing, debar a person or licensee from bidding on projects for any public entity for
21 up to three years, or both. Additionally, the board may require the licensee to pay
22 the actual costs incurred by the board in connection with the investigation and
23 ~~conduction of~~ to conduct the hearing. In accordance with R.S. 49:964, the board
24 may grant a stay of the enforcement of its order for good cause.

25 (3) Any party to the proceeding who is aggrieved by the action of the board
26 may appeal the decision in accordance with ~~law~~ R.S. 49:951 through 965.1.

27 * * *

28 D. ~~Any contractor~~ In accordance with the provisions of R.S. 49:951 through
29 965.1, any person who applies for and is denied a license by the board, or whose

1 license has been revoked, rescinded, or suspended, may ~~within six months after the~~
 2 ~~action of the board denying, revoking, rescinding, or suspending the said license,~~
 3 apply to the Nineteenth Judicial District Court in and for the parish of East Baton
 4 Rouge, ~~state of Louisiana, and there have determined~~ to determine whether ~~or not~~ the
 5 board has abused its discretion ~~and judgment in failing to abide by the intent of this~~
 6 ~~Chapter, and have rendered such judgment as will do justice between the parties.~~

7 E. In addition to actions taken by the board, it shall be unlawful for any
 8 person to engage in the business of contracting without authority as provided for in
 9 R.S. 37:2160.

10 §2159. Classification; bidding and performing work within a classification

11 A. ~~The board before~~ Before issuing a license to any contractor, the board
 12 shall state the contractor's classification on ~~such~~ the license, according to the
 13 classification requested by ~~said~~ the contractor and for which he has completed all of
 14 the requirements.

15 B. ~~After classification, the~~ The licensee shall not be permitted to bid or
 16 perform any type ~~or types~~ of work not included in the classification under which his
 17 license was issued.

18 C. ~~After classification as above provided for, the~~ The licensee may apply for
 19 and receive additions to or changes in his classification by ~~making application~~
 20 ~~therefor~~ applying, successfully completing the written examination, and paying the
 21 required fees. Additions or changes to an existing license shall become effective
 22 after completion of the ~~above~~ requirements; and upon board approval ~~at the next~~
 23 ~~regularly scheduled meeting.~~

24 * * *

25 §2162. Violations; civil penalty

26 A. Any person who violates any provision of this Chapter shall, after notice
 27 and a hearing, be liable to the board for a fine of up to ~~one thousand dollars plus ten~~
 28 percent of the total contract or the value of the work being performed for which there
 29 is a violation. In addition to the fine, the board may impose costs and attorney fees

1 for each offense. If the board brings an action against a person pursuant to this
2 Section and fails to prove its case, ~~then~~ it shall be liable to ~~such~~ the person for the
3 payment of his reasonable litigation expenses as defined in R.S. 49:965.1(D)(1).

4 B. In addition to or in lieu of the criminal penalties and administrative
5 sanctions provided in this Chapter, the board ~~is empowered to~~ may issue an order to
6 cease and desist to any person or firm engaged in any activity, conduct, or practice
7 constituting a violation of any provision of this ~~Chapter, directing such person or~~
8 ~~firm to forthwith cease and desist from such activity, conduct, or practice. Such~~
9 Chapter. The order shall be issued in the name of the state of Louisiana under the
10 official seal of the board.

11 C. If the person or firm to whom the board directs a cease and desist order
12 does not cease or desist the proscribed activity, conduct, or practice immediately, the
13 board may cause to issue in any court of competent jurisdiction and proper venue,
14 a writ of injunction enjoining ~~such~~ the person or firm from engaging in any activity,
15 conduct, or practice prohibited by this Chapter.

16 D. Upon proper showing by the board that ~~such a~~ a person or firm has engaged
17 or is engaged in any activity, conduct, or practice prohibited by this Chapter, the
18 courts shall issue a temporary restraining order restraining the person or firm from
19 engaging in ~~such the~~ the unlawful activity, conduct, or practice pending the hearing on
20 a preliminary ~~injunction, and in~~ injunction. In due course, a permanent injunction
21 shall ~~issue~~ be issued after a hearing, commanding the cessation of the unlawful
22 activity, conduct, or practice ~~complained of, all~~ without ~~the necessity of~~ the board
23 having to give bond. A temporary restraining order, preliminary injunction, or
24 permanent injunction issued ~~hereunder~~ pursuant to the provisions of this Section
25 shall not be subject to being released upon bond.

26 E. In the suit for an injunction, the board may demand of the defendant a
27 penalty as provided in Subsection A of this Section. A judgment for penalty,
28 attorney fees, and costs may be rendered in the same judgment in which the
29 injunction is made absolute. If the board brings an action against a person pursuant

1 to the provisions of this Section and fails to prove its case, then it shall be liable to
2 ~~such~~ the person for the payment of his attorney fees and costs.

3 * * *

4 I. ~~In addition to any other penalties provided for in this Chapter, the board~~
5 ~~may, after notice and hearing, issue an order directing the contractor to cease and~~
6 ~~desist all actions constituting a violation until such time as a contractor complies~~
7 ~~with the requirements of this Chapter, and to pay to the board a civil penalty of not~~
8 ~~more than ten percent of the total contract being performed.~~

9 J. All fines or penalties collected by the board pursuant to the provisions of
10 this Section for violations of any provision of this Chapter shall, annually, at each
11 audit of the board, be transferred to a separate contractor's educational trust fund to
12 be used for educational purposes as determined by the board.

13 ~~K.~~J. Upon the expiration of the delays set forth in the Administrative
14 Procedure Act for an aggrieved party to appeal any fine or penalty assessed by the
15 board, if ~~such~~ an appeal has not been so filed, the board may initiate civil
16 proceedings against ~~such~~ the party seeking to obtain a judgment against that party
17 in an amount equivalent to the amount of the fine ~~so~~ assessed, together with legal
18 interest and all reasonable attorney fees incurred by the board in bringing ~~such~~ the
19 action. ~~Such~~ The proceedings shall be conducted on a summary basis, with the ~~only~~
20 ~~defenses that may be raised by the~~ defendant being limited to any the defense of lack
21 of notice ~~having been afforded to him~~ as to the meeting of the board during which
22 the fine was assessed. Venue for all proceedings brought pursuant to the provisions
23 of this Subsection shall lie in the Nineteenth Judicial District Court for the parish of
24 East Baton Rouge.

25 ~~L.~~K. In addition to all other authority granted to the board ~~under~~ by the
26 provisions of this Chapter, the board shall have the authority to cause to be issued to
27 any person who is alleged to have violated any of the provisions of this Chapter a
28 citation setting forth the nature of the alleged violation, ~~and further providing~~ which
29 provides to that person the option of either pleading no contest to the charge and

1 paying ~~to the board~~ a fine to the board prescribed by any provision of this Chapter
2 or appearing at an administrative hearing ~~to be~~ conducted by the board ~~as to~~
3 regarding the alleged violation. ~~Such~~ The citations may be issued by any authorized
4 employee of the board, and may be issued either in person or via the United States
5 Postal Service, postage prepaid and properly addressed. This Subsection shall not
6 be applicable to any criminal enforcement action brought ~~under~~ pursuant to the
7 provisions of this Chapter.

8 M.L. Any person registered or licensed ~~under~~ pursuant to the provisions of
9 this Chapter who is the subject of two or more complaints received by the board
10 within a six month period shall have his name and the nature of each complaint
11 received posted on the board's website.

12 §2163. Bid procedures; penalty

13 * * *

14 C. ~~Nothing in this Section shall be construed as prohibiting the issuance of~~
15 ~~plans and specifications to recognized plan rooms, or material suppliers, or both~~
16 ~~when said plans and specifications will be used only to prepare proposals which will~~
17 ~~be incorporated in the bid prepared by the contractor or the issuance of plans to the~~
18 ~~contractor except in connection with federal aid or other projects as set forth in R.S.~~
19 ~~37:2157(A)(6).~~

20 D. ~~It shall be the obligation of the~~ The architect, engineer, or awarding
21 authority ~~to~~ shall classify public projects. Once the project is classified, any
22 interested person may object by sending a certified letter to both the board and ~~to~~ the
23 architect, engineer, or awarding authority. ~~Said~~ stating with particularity the reasons
24 for the objection. The objection shall be received by the board and by the architect,
25 engineer, or awarding authority at least ten working days prior to the date on which
26 bids are to be opened. ~~The objection shall state with particularity the reasons for the~~
27 ~~objection.~~ ~~The objection shall be~~ and then submitted to a committee for
28 determination. The chairman of the board shall appoint the committee which shall
29 consist of board members. The committee ~~shall have the power to~~ may approve the

1 project classification or add an additional classification by vote of a majority of the
2 members of the committee. The matter shall be resolved and the board shall notify
3 the architect, engineer, and awarding authority no less than five days prior to the time
4 when bids are to be opened, unless all parties agree that a delay will not cause harm
5 to others.

6 ~~E.(1)~~ D.(1) Any awarding authority or its agent who violates the provisions
7 of this Section shall be deemed guilty of a misdemeanor and, upon conviction, be
8 punished by a fine of not less than one hundred dollars or more than two hundred
9 dollars or imprisonment in the parish jail for not less than thirty days nor more than
10 sixty days, ~~or both, such~~ both. Any fine and imprisonment are at the discretion of
11 the court.

12 (2) In addition, the board may, after notice and a hearing, impose a fine upon
13 any awarding authority or its agent who intentionally violates the provisions of this
14 Section. The board may not impose any fine as authorized by this Paragraph on the
15 state, its agencies, boards, or commissions, or any political subdivision thereof.

16 * * *

17 §2167. Licensure required; qualifications; examination; waivers

18 A. No person shall work as a residential building contractor, ~~as defined in~~
19 ~~this Chapter~~, in this state unless he holds an active license in accordance with the
20 provisions of this Chapter.

21 B. In order to obtain a license as a residential building contractor an
22 applicant shall demonstrate to the subcommittee that he:

23 * * *

24 (3) Has submitted a financial statement prepared by an ~~independent auditor~~
25 accountant, bookkeeper, or certified public accountant and signed by the applicant
26 ~~and auditor~~ before a notary public, indicating a net worth of at least ten thousand
27 dollars, and stating that the ~~applicant has a net worth of at least ten thousand dollars~~
28 statement of applicant's assets and financial condition is true and correct.

1 C. The State Licensing Board for Contractors shall set the time and location
 2 and administer an examination for licensure of residential building contractors at
 3 ~~such times and places as it shall determine~~ in accordance with the testing procedures
 4 of the board. The examination shall test the applicant's knowledge of ~~such~~ subjects
 5 as that the subcommittee ~~may consider~~ considers useful ~~in determining~~ to determine
 6 the applicant's fitness to be a licensed residential building contractor. The
 7 subcommittee shall determine the criteria for satisfactory performance.

8 D. The subcommittee shall waive the examination and grant a residential
 9 building contractor's license to any person working in the residential building
 10 industry who ~~meets at least one of the following requirements:~~

11 ~~(1) Holds~~ holds a builder construction license that was issued by the State
 12 Licensing Board for Contractors prior to February 1, 1996.

13 * * *

14 §2186. Qualifications for licensure; application; fees

15 * * *

16 B. An applicant for a license to perform mold remediation shall meet the
 17 following requirements:

18 * * *

19 (3) Present evidence to the board that he has satisfactorily completed at least
 20 ~~the following board-approved course work:~~

21 ~~(a) Twenty-four~~ twenty-four hours of training in mold remediation and basic
 22 mold assessment.

23 ~~(b) Four hours of instruction in Louisiana's "Unfair Trade Practices and~~
 24 ~~Consumer Protection Law".~~

25 * * *

26 C.(1) An applicant shall furnish the board with a financial statement, current
 27 to within twelve months of the date of filing, prepared by an ~~independent auditor~~
 28 accountant, bookkeeper, or certified public accountant and signed by the applicant
 29 ~~and auditor~~ before a notary public, stating ~~the assets of the applicant, to be used by~~

or structure, not more than three floors in height, to be used by another as a residence and exceeds the cost of \$75,000.

Proposed law changes the definition by also requiring that the structure has no more than four incorporated or attached dwelling units.

Proposed law creates a definition for "cost of project" and defines the term to mean the value of all labor, materials, subcontractors, overhead, and supervision.

Present law provides a procedure for the appointment of nineteen members to the State Licensing Board for Contractors (the board). The procedure set forth in present law is for initial appointments to require the nominations to be submitted to the secretary of state. Present law includes antiquated dates by which the submissions shall be made.

Proposed law retains the number of members allotted to the board and the sources of the appointments. Proposed law deletes obsolete dates and outdated procedures, and moves present law so that the organizations that submit the nominees and the number of nominees presented are in a different location in present law for easier readability with present law.

Present law provides for the officers of the board and specifies that there shall be a secretary-treasurer. Proposed law breaks the position into two positions, creating both a secretary and a treasurer.

Present law requires that the board meet once a month in Baton Rouge and that the meeting notice be posted at the board office at least ten days in advance. Proposed law adds a requirement that the notice be posted on the board's website, and that the board may meet in another location if that information is indicated on the notice. Proposed law otherwise retains present law.

Present law requires that a time period of sixty days must elapse after an out-of-state contractor applies for a license before the license is issued. Proposed law allows the board to waive the sixty-day time period.

Present law provides that if the board would like to hold a special meeting, that the chairman or vice chairman notify the members by registered mail or telegram at least three days before the meeting. Proposed law deletes registered mail and telegram as means of notification and instead requires electronic notification.

Proposed law clarifies the number of members required to constitute a quorum and conduct business. Present law provides that 10 members constitute a quorum and proposed law adds that 10 is sufficient regardless of the total number of members appointed.

Present law requires the secretary-treasurer to furnish a bond, handle money, and register all applicants for licenses and their pertinent information in a register book, keeping a roster. Proposed law splits the duties to require that the newly created treasurer furnish a bond and handle the finances and that the board administrator keep a roster online. Proposed law deletes the requirement that a register book be maintained.

Present law requires the secretary-treasurer to keep minutes of the meetings and make them available to members and to the public within 21 days of the meeting. Proposed law gives the responsibility to the secretary and provides that meeting minutes shall be prepared and made available when they are adopted at the next meeting; removing the 21 day time period.

Present law requires that a list of applicants for licensure be mailed to each member of the board. Proposed law deletes the mailing requirement and instead requires the executive director of the board to transmit the list of applicants.

Present law requires each applicant to furnish a financial statement to the board that has been prepared by an independent auditor. Proposed law deletes the requirement that an auditor prepare the records, instead allowing that an accountant, bookkeeper, or certified public accountant may prepare them. Proposed law further requires that the applicant sign the financial statement before a notary public to attest to its correctness.

Present law requires every applicant for licensure to designate a qualifying party as his legal representative. Present law requires the qualifying party to complete an application. Proposed law retains present law and further requires the qualifying party to pass an examination.

Present law sets out a list of qualifying parties including: any individual contractor or copartner, an employee of an applicant, or any stockholder of a corporation where the applicant was an original incorporator or original stockholder. Proposed law deletes individual contractor or copartner and adds sole proprietor or spouse or a sole proprietor, any partner of a partnership, and any member or manager of an LLC.

Present law provides that the state examination preempts any local examination for licensure. Proposed law deletes the requirement that the board prepare and maintain a list of local examinations.

Present law requires the board to waive examination and grant a mechanical contractor or an electrical contractor license in certain circumstances. Proposed law deletes the waiver requirement.

Proposed law allows the board to consolidate subclassifications or specialties by rule.

Proposed law deletes the option of obtaining a license in a specialty classification under a listed subclassification or in unlisted specialty work.

Present law allows the board to revoke or suspend a license for a number of reasons. Proposed law retains the list of revocable offenses and further allows the board to revoke the license of a party who fails to timely notify the board of any change of company name, address, or other contact information.

Present law allows a licensee to apply for additions or changes to his classification by applying, passing an examination, and paying the required fees. Present law specifies that the board will approve any changes at its next scheduled meeting. Proposed law deletes the requirement that the changes be approved at the next meeting.

Present law provides that nothing in present law prohibits the issuance of plans and specifications to recognized plan rooms or material suppliers when the plans and specifications will only be used to prepare proposals to be incorporated in the bid in connection with federal aid. Proposed law deletes present law.

Present law requires an applicant for a license to perform mold remediation to present evidence that he has completed at least 24 hours of training in mold remediation and basic mold assessment and four hours of instruction in Louisiana's "Unfair Trade Practices and Consumer Protection Law". Proposed law removes the requirement of four hours of instruction in Louisiana's "Unfair Trade Practices and Consumer Protection Law".

Proposed law makes technical changes.

(Amends R.S. 37:2150.1(2), (4)(a), (8), (10), and (11), 2151, 2152, 2154, 2155, 2156(A), (C)(1) and (2), (D), and (G), 2156.1(A)(intro. para.), (B)-(M), 2156.2(A)(I)(29) and (II)(1), 2157, 2158(A)(intro. para.), (1)-(5), (9), and (11), (B), (D), and (E), 2159(A)-(C), 2162(A)-(E), and (I)-(L), 2163(C) and (D), 2167(A), (B)(3), (C), and (D), and 2186(B)(3) and (C);

Adds R.S. 37:2158(A)(12); Repeals R.S. 37:2156.1(N), 2156.2(A)(IX), 2162(M), 2163(E), and 2167(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Remove a four-hour instruction requirement in Louisiana's "Unfair Trade Practices and Consumer Protection Law" for applicants for a license to perform mold remediation.
2. Make technical changes.