

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 427

Introduced by Riepe, 12.

Read first time January 13, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Contractor Registration Act; to amend
- 2 sections 48-2103 and 48-2107, Reissue Revised Statutes of Nebraska;
- 3 to eliminate a definition and certain fees; to harmonize provisions;
- 4 and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-2103, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-2103 For purposes of the Contractor Registration Act:

4 (1) Commissioner means the Commissioner of Labor;

5 (2) Construction means work on real property and annexations,
6 including new work, additions, alterations, reconstruction,
7 installations, and repairs performed at one or more different sites which
8 may be dispersed geographically;

9 (3) Contractor means an individual, firm, partnership, limited
10 liability company, corporation, or other association of persons engaged
11 in the business of the construction, alteration, repairing, dismantling,
12 or demolition of buildings, roads, bridges, viaducts, sewers, water and
13 gas mains, streets, disposal plants, water filters, tanks and towers,
14 airports, dams, levees and canals, water wells, pipelines, transmission
15 and power lines, and every other type of structure, project, development,
16 or improvement within the definition of real property and personal
17 property, including such construction, repairing, or alteration of such
18 property to be held either for sale or rental. Contractor also includes
19 any subcontractor engaged in the business of such activities and any
20 person who is providing or arranging for labor for such activities,
21 either as an employee or as an independent contractor, for any contractor
22 or person;

23 (4) Department means the Department of Labor; and

24 ~~(5) Nonresident contractor means a contractor who neither is~~
25 ~~domiciled in nor maintains a permanent place of business in this state or~~
26 ~~who, being so domiciled or maintaining such permanent place of residence,~~
27 ~~spends in the aggregate less than six months of the year in this state;~~
28 ~~and~~

29 (5) ~~(6)~~ Working days means Mondays through Fridays but does not
30 include Saturdays, Sundays, or federal or state holidays. In computing
31 fifteen working days, the day of receipt of any notice is not included

1 and the last day of the fifteen working days is included.

2 Sec. 2. Section 48-2107, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 48-2107 (1) Each application or renewal under section 48-2105 shall
5 be signed by the applicant and accompanied by a fee not to exceed forty
6 dollars. The commissioner may adopt and promulgate rules and regulations
7 to establish the criteria for acceptability of filing documents and
8 making payments electronically. The criteria may include requirements for
9 electronic signatures. The commissioner may refuse to accept any
10 electronic filings or payments that do not meet the criteria established.
11 The fee shall not be required when an amendment to an application is
12 submitted. The commissioner shall remit the fees collected under this
13 subsection to the State Treasurer for credit to the Contractor and
14 Professional Employer Organization Registration Cash Fund.

15 (2) A contractor shall not be required to pay the fee under
16 subsection (1) of this section if (a) the contractor is self-employed and
17 does not pay more than three thousand dollars annually to employ other
18 persons in the business and the application contains a statement made
19 under oath or equivalent affirmation setting forth such information or
20 (b) the contractor only engages in the construction of water wells or
21 installation of septic systems. At any time that a contractor no longer
22 qualifies for exemption from the fee, the fee shall be paid to the
23 department. Any false statement made under subdivision (2)(a) of this
24 section shall be a violation of section 28-915.01.

25 ~~(3) The commissioner shall charge an additional fee of twenty-five~~
26 ~~dollars for the registration of each nonresident contractor and a fee of~~
27 ~~twenty-five dollars for the registration of each contract to which a~~
28 ~~nonresident contractor is a party if the total contract price or~~
29 ~~compensation to be received is more than ten thousand dollars. The~~
30 ~~commissioner shall remit the fees collected under this subsection to the~~
31 ~~State Treasurer for credit to the General Fund.~~

1 Sec. 3. Original sections 48-2103 and 48-2107, Reissue Revised
2 Statutes of Nebraska, are repealed.