

2017 Regular Session

SENATE BILL NO. 165

BY SENATOR BARROW

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

CONTRACTORS. Provides for membership, qualifications and powers of the State Licensing Board for Contractors. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 37:2151(A)(3), (4), (5), (6), (7), and (9), and to enact R.S.
3 37:2153(E)(6), relative to the State Licensing Board for Contractors; to provide for
4 membership and qualifications; to provide requirements, terms, and conditions; to
5 provide for powers of the board; to provide for certain information on its website;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:2151(A)(3), (4), (5), (6), (7), and (9) are hereby amended and
9 reenacted and R.S. 37:2153(E)(6) is hereby enacted to read as follows:

10 §2151. State licensing board for contractors; membership; qualifications; tenure;
11 vacancies

12 A. There is hereby created the State Licensing Board for Contractors within
13 the office of the governor that shall consist of fifteen members appointed by the
14 governor as hereinafter set forth and who shall serve without compensation and shall
15 possess the following qualifications:

16 * * *

17 (3) At least four members shall have had the greater part of their experience

1 as a licensed contractor in the field of highway and street construction, **and shall be**
2 **chosen from a list of two names each submitted by the presidents of Louisiana**
3 **State University and Agricultural and Mechanical College and Southern**
4 **University and Agricultural and Mechanical College.**

5 (4) At least four members shall have had the greater part of their experience
6 as a licensed contractor in the fields of building or industrial construction, or both
7 fields, **and shall be chosen from a list of two names each submitted by the**
8 **presidents of the Louisiana AFL-CIO and the Louisiana Association of Business**
9 **and Industry.**

10 (5) At least one member shall have had the greater part of his experience as
11 a licensed contractor in the field of mechanical construction, **and shall have a**
12 **certification from the 8(a) Business Development Program.**

13 (6) At least one member shall have had the greater part of his experience as
14 a licensed contractor in the field of electrical construction, **and shall be chosen from**
15 **a list of names submitted by the president of the Louisiana Community and**
16 **Technical College System.**

17 (7) At least two members shall have had the greater part of their experience
18 as a subcontractor in the construction industry in fields other than electrical or
19 mechanical construction, **and shall be chosen from a list of names submitted by**
20 **the Plumbing-Heating-Cooling Contractors Association of Louisiana.**

21 * * *

22 (9) At least one member shall have had the greater experience as a licensed
23 contractor in the field of oil field construction, **and shall be chosen from a list of**
24 **names submitted by the president of the Louisiana Oil and Gas Association.**

25 * * *

26 §2153. Powers of the board

27 * * *

28 E. In addition to any other duties and powers granted by this Chapter, the
29 board shall:

* * *

(6) Create and maintain on its website public information regarding a contractor who has engaged in any of the following:

(a) A dishonest or fraudulent act as a contractor that has caused substantial damage to another, as adjudged by a court of competent jurisdiction.

(b) The willful misrepresentation of material fact in an application for licensure.

(c) The willful failure to comply with this Chapter or the rules and regulations promulgated pursuant thereto.

(d) Entering into a contract with a person not licensed by the board for work or activity requiring a license under this Chapter.

(e) Allowing his contractor's license to be used by another when such person lacks a license to perform the work for which the contract is entered.

(f) Failure to maintain a qualifying party to represent the licensee.

(g) Insolvency or involuntary cessation of business operation.

(h) Failure to continue to meet any of the requirements necessary for original licensure.

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

(j) Disqualification or debarment by any public entity.

(k) Failing to possess any insurance required by federal law.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 165 Original 2017 Regular Session Barrow

Present law creates the State Licensing Board for Contractors within the office of the governor that consists of 15 members who are appointed by the governor and who serve without compensation and possess certain qualifications.

Present law provides that each member be of full age of majority and have been a resident of the state of Louisiana for the last five successive years.

Proposed law retains present law.

Present law provides for the following:

At least four members shall have had the greater part of their experience as a licensed contractor in the field of highway and street construction.

At least four members shall have had the greater part of their experience as a licensed contractor in the fields of building or industrial construction, or both fields.

At least one member shall have had the greater part of his experience as a licensed contractor in the field of mechanical construction.

At least one member shall have had the greater part of his experience as a licensed contractor in the field of electrical construction.

At least two members shall have had the greater part of their experience as a subcontractor in the construction industry in fields other than electrical or mechanical construction.

At least one member shall have had the greater experience as a licensed contractor in the field of oil field construction.

Proposed law requires board membership as follows:

At least four members shall have had the greater part of their experience as a licensed contractor in the field of highway and street construction, and shall be chosen from a list of two names each submitted by the presidents of Louisiana State University and Agricultural and Mechanical College and Southern University and Agricultural and Mechanical College.

At least four members shall have had the greater part of their experience as a licensed contractor in the fields of building or industrial construction, or both fields, and shall be chosen from a list of two names each submitted by the presidents of the Louisiana AFL-CIO and the Louisiana Association of Business and Industry.

At least one member shall have had the greater part of his experience as a licensed contractor in the field of mechanical construction, and shall have a certification from the 8(a) Business Development Program.

At least one member shall have had the greater part of his experience as a licensed contractor in the field of electrical construction, and shall be chosen from a list of

names submitted by the president of the Louisiana Community and Technical College System.

At least two members shall have had the greater part of their experience as a subcontractor in the construction industry in fields other than electrical or mechanical construction, and shall be chosen from a list of names submitted by the Plumbing-Heating-Cooling Contractors Association of Louisiana.

At least one member shall have had the greater experience as a licensed contractor in the field of oil field construction, and shall be chosen from a list of names submitted by the president of the Louisiana Oil and Gas Association.

Proposed law also requires that the board maintains on its website certain information regarding dishonest, fraudulent or other acts of a licensed contractor.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:2151(A)(3), (4), (5), (6), (7), and (9); adds R.S. 37:2153(E)(6))