
HOUSE COMMITTEE AMENDMENTS

2017 Regular Session

Substitute for Original House Bill No. 440 by Representative Davis as proposed by the House Committee on Commerce

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 37:2175.1(A)(1) and 2175.3(A)(9), to enact R.S. 37:2171.3, and to repeal R.S. 37:2175.3(A)(11), relative to contractors; to require the provision of name, license, classification, and insurance information to certain persons; to provide for penalties; to require certain information be included in home improvement contracting agreements; to provide for prohibited acts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2175.1(A)(1) and 2175.3(A)(9) are hereby amended and reenacted and R.S. 37:2171.3 is hereby enacted to read as follows:

§2171.3 Notification of name, license number, and classification; evidence of required insurance

A. Any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2 shall provide, in writing to the party with whom he has contracted to perform contracting services, his name, contracting license number, classification, and current insurance certificates evidencing the amount of workers' compensation and liability insurance maintained, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

B. Failure by any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2 to comply with the provisions of this Section shall be deemed a willful failure to comply with the provisions of this Chapter pursuant to R.S. 37:2158(A)(3).

C. Any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2 shall produce to the appropriate permitting authority

evidence of a license or registration in good standing prior to the issuance of any permit required by law.

§2175.1. Home improvement contracting; written contract required; right to cancel

A. Every agreement to perform home improvement contracting services, as defined by this Part, in an amount in excess of one thousand five hundred dollars, but not in excess of seventy-five thousand dollars, shall be in writing and shall include the following documents and information:

(1) The complete agreement between the owner and the contractor and a clear description of any other documents which are or shall be incorporated into the agreement, including current insurance certificates evidencing the amount of workers' compensation and liability insurance maintained by any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2.

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§2175.3. Home improvement contracting; prohibited acts; violations

A. The following acts are prohibited by persons performing home improvement contracting services:

* * *

(9) Failing to ~~possess any insurance required by federal law~~ provide, in writing to the party with whom he has contracted to perform contracting services, his name, registration number, and current insurance certificates evidencing the amount of workers' compensation and liability insurance maintained, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

* * *

Section 2. R.S. 37:2175.3(A)(11) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Draft

2017 Regular Session

Abstract: Requires contractors to provide the contractor's license or registration number, classification, and evidence of insurance to the contracting party for whom the work is to be performed.

Proposed law provides that any person required to be licensed or registered pursuant to present law (R.S. 37:2167 and 2175.2) shall provide, in writing, to the party with whom he has contracted to perform contracting services his name, contracting license number, classification, and current insurance certificates evidencing the amount of workers' compensation and liability insurance maintained, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

Proposed law further provides that failure of the person required to be licensed or registered to comply with proposed law shall be deemed a willful failure to comply with present law (R.S. 37:2158(A)(3)).

Proposed law provides that any person required to be licensed or registered pursuant to present law (R.S. 37:2167 and 2175.2) shall produce to the appropriate permitting authority current insurance certificates evidencing the amount of workers' compensation and liability insurance maintained prior to the issuance of any permit required by law.

Present law provides that every agreement to perform home improvement contracting services, as defined by present law, in an amount in excess of \$1500, but not in excess of \$75,000, shall be in writing and shall include the documents and information as required by present law. Further, present law requires, in pertinent part, that such an agreement to perform home improvement contracting services must include the complete agreement between the owner and the person required to be licensed or registered and a clear description of any other documents which are or shall be incorporated into the agreement. Proposed law further requires such an agreement to include current insurance certificates evidencing the amount of workers' compensation and liability insurance maintained by the person required to be licensed or registered.

Present law establishes an enumerated list of acts that are prohibited for any persons performing home improvement contracting services. Proposed law deletes a provision of present law requiring persons performing home improvement contracting services to possess any insurance as required by federal law. Proposed law makes it a prohibited act for any persons performing home improvement contracting services to fail to provide, in writing to the party with whom he has contracted to perform contracting services, his name, registration number, and current insurance certificates evidencing the amount of workers' compensation and liability insurance maintained, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

Proposed law repeals another provision of present law requiring any persons performing home improvement contracting services to obtain any insurance required by federal law.

(Amends R.S. 37:2175.1(A)(1) and 2175.3(A)(9); Adds R.S. 37:2171.3; Repeals R.S. 37:2175.3(A)(11))