

2020 Regular Session

SENATE BILL NO. 163

BY SENATOR CATHEY AND REPRESENTATIVE MCFARLAND

HORTICULTURE. Provides an exemption for certain contractors to the licensure requirements of the Horticulture Commission. (gov sig)

1 AN ACT

2 To enact R.S. 3:3816(8), relative to the Horticulture Commission; to provide relative to

3 professions regulated by the Horticulture Commission; to provide relative to

4 licensure requirements; to provide an exemption for certain contractors to licensure

5 requirements; to provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 3:3816(8) is hereby enacted to read as follows:

8 §3816. Special provisions

9 The following provisions shall supersede the requirements and provisions of

10 this Chapter:

11 \* \* \*

12 **(8) A contractor that is licensed pursuant to R.S. 37:2156.1 and is**

13 **performing repair work within a right-of-way that costs less than ten thousand**

14 **dollars shall not be required to obtain any license required by this Chapter. For**

15 **the purposes of this Section, "repair work" means the restoration or**

16 **replacement of sod disrupted during the course of performing work within the**

17 **scope of a construction contract or permit.**

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

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

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## DIGEST

SB 163 Engrossed

2020 Regular Session

Cathey

Present law (R.S. 3:3801 et seq.) creates the Horticulture Commission which regulates the following professions:

- (1) Arborist.
- (2) Retail florist.
- (3) Wholesale florist.
- (4) Landscape horticulturist.
- (5) Landscape architect.
- (6) Utility arborist.
- (7) Landscape irrigation contractors.

Proposed law retains present law.

Present law prohibits a person from receiving fees for engaging in a regulated profession, or advertising as engaged in a regulated profession, or soliciting business in a regulated profession, unless the person holds a valid appropriate license issued by the commissioner of agriculture and forestry, or has a regular employee who holds a valid appropriate license issued by the commissioner of agriculture and forestry, or is employed by or is working under the direct supervision of a person who holds a valid appropriate license issued by the commissioner of agriculture and forestry.

Proposed law retains present law.

Proposed law exempts a licensed contractor that is performing repair work within a right-of-way that costs less than \$10,000 from the licensure requirements of present law.

Proposed law defines "repair work" as the restoration or replacement of sod disrupted during the course of performing work within the scope of a construction contract or permit.

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

(Adds R.S. 3:3816(8))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Agriculture, Forestry,  
Aquaculture, and Rural Development to the original bill

1. Changes the cap on the value of the repair work from less than 5% of the total value of a construction contract to less than \$10,000.