
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Commerce to Original House Bill No. 199
by Representative Romero

1 AMENDMENT NO. 1

2 On page 1, delete lines 3 and 4 in their entirety and insert in lieu thereof the following:

3 "2157, 2158(A)(15), 2159.1(introductory paragraph) and (7), and 2161(A)(2) and to
4 repeal R.S. 37:2150.1(4)(a)(iii), (8), and (9), 2156(C)(5), 2159, and 2161(A)(3), relative to
5 the State"

6 AMENDMENT NO. 2

7 On page 1, line 9, after "requirements;" and before "to provide" insert the following:

8 "to exempt certain subcontractors from licensure; to prohibit certain acts of a
9 residential contractor with respect to property insurance;"

10 AMENDMENT NO. 3

11 On page 1, line 10, after "projects;" insert "to provide for effectiveness;"

12 AMENDMENT NO. 4

13 On page 1, delete line 13 in its entirety and insert in lieu thereof the following:

14 "2157, 2158(A)(15), 2159.1(introductory paragraph) and (7), and 2161(A)(2) are
15 hereby amended and reenacted to read as follows:"

16 AMENDMENT NO. 5

17 On page 2, line 5, change "fifty" to "ten"

18 AMENDMENT NO. 6

19 On page 2, line 15, after "used" delete "by another"

20 AMENDMENT NO. 7

21 On page 2, line 16, change "fifty" to "ten"

22 AMENDMENT NO. 8

23 On page 3, between lines 25 and 26, insert the following:

24 "§2157. Exemptions

25 A. The provisions of this Part shall not apply to any of the following:

26 (1) The state or any of its political subdivisions.

27 (2) 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
29 the city of New Orleans, or to any work performed by the public utility in furnishing
30 its authorized service.

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

8 (4) Any person donating labor and services for the supervision and
 9 construction of or for the maintenance and repair of churches.

10 (5) Any farmer doing construction for agricultural purposes on leased or
 11 owned land.

12 (6) Any person bidding or performing work on any project totally owned by
 13 the federal government.

14 (7) Any person engaged in rail or pipeline construction activities performed
 15 on property he owns or leases.

16 (8) Any citizen volunteering labor for the construction of a project which is
 17 funded by the Louisiana Community Development Block Grant, Louisiana Small
 18 Towns Environment Program.

19 (9) Any person, supplier, or manufacturer, who assembles, repairs,
 20 maintains, moves, puts up, tears down, or disassembles any patented or proprietary
 21 equipment supplied to a contractor to be used solely for a construction project.

22 (10) The manufactured housing industry or any person engaged in any type
 23 of service, warranty, repair, or home improvement work on factory-built, residential
 24 dwellings that are mounted on chassis and wheels.

25 (11) Any person bidding or performing work on any project paid for by
 26 monies from the Oilfield Site Restoration Fund or Coronavirus Aid, Relief, and
 27 Economic Security (CARES) Act.

28 (12) Any work covering dewatering or water mitigation.

29 (13) Any employee of any contractor.

30 (14) Owners of property who supervise, superintend, oversee, direct, or in
 31 any manner assume charge of the construction, alteration, repair, improvement,
 32 movement, demolition, putting up, tearing down, or maintenance of their personal
 33 residences, if the homeowner does not build more than one residence per year. The
 34 one-year period shall commence on the date of occupancy of the residence.
 35 However, an owner of property may build more than one single-family dwelling in
 36 a one-year period if the construction of an additional residence occurs as a result of
 37 a change in the legal marital status of the owner or change in the employment status
 38 of the owner whereby the owner must relocate to another employment location,
 39 which is located in excess of fifty miles from his personal residence.

40 (15) Persons performing the work of a residential contractor in areas or
 41 municipalities that do not have a permitting procedure.

42 (16) Any person performing as a subcontractor and who is overseen by a
 43 licensed residential contractor except a person performing electrical, mechanical,
 44 plumbing, mold, asbestos, or hazardous material scopes of work. A contractor shall
 45 be licensed as provided in this Chapter if the contractor works for an owner of
 46 property as provided in Paragraph (14) of this Subsection.

1 ~~B.~~ B. The following persons are exempt from ~~home improvement~~ residential
2 contractor licensure:

3 ~~(a) (1) A residential property owner who physically performs the home~~
4 ~~improvement work on his personal residence. Persons who exclusively perform~~
5 ~~landscaping.~~

6 ~~(b) (2) Persons licensed as a building construction contractor or residential~~
7 ~~contractor. Persons who exclusively perform painting or wall covering.~~

8 ~~(c) Any person who works exclusively in any of the following home~~
9 ~~improvement areas:~~

10 ~~(i) Landscaping.~~

11 ~~(ii) Interior painting or wall covering.~~

12 ~~(17) C.~~ C. The following persons are exempt from mold remediation licensure:

13 ~~(a) (1) A residential property owner who performs mold remediation on his~~
14 ~~own property.~~

15 ~~(b) (2) An owner or tenant, or a managing agent or employee of an owner or~~
16 ~~tenant, who performs mold remediation on property owned or leased by the owner~~
17 ~~or tenant. This exemption does not apply if the managing agent or employee~~
18 ~~engages in the business of performing mold remediation for the public.~~

19 ~~B. D.~~ D. The provisions of this Section shall not be construed to waive local and
20 state health and life safety code requirements.

21 * * *"

22 AMENDMENT NO. 9

23 On page 4, between lines 14 and 15, insert the following:

24 "§2159.1. ~~Home improvement~~ Residential contracting; prohibited acts; property
25 insurance

26 The following acts are prohibited by persons or companies performing ~~home~~
27 improvement residential contracting services:

28 * * *

29 (7)(a) Accepting an assignment of any rights, benefits, proceeds, or causes
30 of action of an insured under a property insurance policy prior to completing the
31 work described in the ~~home improvement~~ residential contract and the property
32 insurer conducting its initial examination of the damage caused by the covered peril.
33 The assignment of any rights, benefits, proceeds, or causes of action shall be limited
34 to the scope of work and fees provided in the ~~home improvement~~ residential contract;
35 ~~which shall comply with the provisions of R.S. 37:2159.~~

36 (b) For the purposes of this Paragraph, ~~home improvement~~ residential
37 contracting services shall include temporary repair, mitigation, reconstruction, or
38 other repair of damage caused by a peril covered under a first-party property
39 insurance policy.

1 (c) The provisions of this Paragraph shall not be interpreted to limit the right
2 of a person performing ~~home improvement~~ residential contracting services to perfect
3 an otherwise valid lien on the property, as provided by law.

4 * * *

5 AMENDMENT NO. 10

6 On page 4, delete lines 22 through 27 in their entirety and insert in lieu thereof the following:

7 "(2) In ~~excess of seventy-five~~ an amount of ten thousand dollars or more for
8 a residential construction project, shall possess a license from the board in the
9 classification of residential construction.

10 * * *

11 Section 2. R.S. 37:2150.1(4)(a)(iii), (8), and (9), 2156(C)(5), 2159, and 2161(A)(3)
12 are hereby repealed in their entirety.

13 Section 3. This Act shall become effective on January 1, 2024."