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 4 5	"2157, 2158(A)(15), 2159.1(introductory paragraph) and (7), and 2161(A)(2) and to repeal R.S. $37:2150.1(4)(a)(iii)$, (8), and (9), $2156(C)(5)$, 2159, and 2161(A)(3), relative to the State"
6	AMENDMENT NO. 2
7	On page 1, line 9, after "requirements;" and before "to provide" insert the following:
8 9	"to exempt certain subcontractors from licensure; to prohibit certain acts of a 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 15	"2157, 2158(A)(15), 2159.1(introductory paragraph) and (7), and 2161(A)(2) are 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.

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its authorized service.

(2) Any public utility providing gas, electric, or telephone service which is

subject to regulation by the Louisiana Public Service Commission or the council of

the city of New Orleans, or to any work performed by the public utility in furnishing

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 2 3 4 5 6 7	(3) Owners of property who supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or maintenance of any building, railroad excavation, project, development, improvement, plant facility, or any other construction undertaking, on that property, for use by the owner, and which will not be for sale or rent, and the control of access to which shall be controlled by the owner so that only employees and nonpublic invitees are allowed access.
8 9	(4) Any person donating labor and services for the supervision and construction of or for the maintenance and repair of churches.
10 11	(5) Any farmer doing construction for agricultural purposes on leased or owned land.
12 13	(6) Any person bidding or performing work on any project totally owned by the federal government.
14 15	(7) Any person engaged in rail or pipeline construction activities performed on property he owns or leases.
16 17 18	(8) Any citizen volunteering labor for the construction of a project which is funded by the Louisiana Community Development Block Grant, Louisiana Small Towns Environment Program.
19 20 21	(9) Any person, supplier, or manufacturer, who assembles, repairs, maintains, moves, puts up, tears down, or disassembles any patented or proprietary equipment supplied to a contractor to be used solely for a construction project.
22 23 24	(10) The manufactured housing industry or any person engaged in any type of service, warranty, repair, or home improvement work on factory-built, residential dwellings that are mounted on chassis and wheels.
25 26 27	(11) Any person bidding or performing work on any project paid for by monies from the Oilfield Site Restoration Fund or Coronavirus Aid, Relief, and Economic Security (CARES) Act.
28	(12) Any work covering dewatering or water mitigation.
29	(13) Any employee of any contractor.
30 31 32 33	(14) Owners of property who supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or maintenance of their personal residences, if the homeowner does not build more than one residence per year. The
34 35	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 39	of the owner whereby the owner must relocate to another employment location, which is located in excess of fifty miles from his personal residence.
40 41	(15) Persons performing the work of a residential contractor in areas or 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 or a homeowner who is exempted from residential
14	licensing requirements is exempt from licensure. This exemption shall not apply to
45	the following scopes of work: electrical, mechanical, plumbing, mold, asbestos, or

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hazardous materials.

1 2	<u>B.</u> The following persons are exempt from home improvement residential contractor licensure:
3 4 5	(a) (1) A residential property owner who physically performs the home improvement work on his personal residence. Persons who exclusively perform landscaping.
6 7	(b) (2) Persons licensed as a building construction contractor or residential contractor. Persons who exclusively perform painting or wall covering.
8 9	(c) Any person who works exclusively in any of the following home improvement areas:
10	(i) Landscaping.
11	(ii) Interior painting or wall covering.
12	(17) C. The following persons are exempt from mold remediation licensure:
13 14	$\frac{\text{(a)}}{\text{(1)}}$ A residential property owner who performs mold remediation on his own property.
15 16 17 18	(b) (2) An owner or tenant, or a managing agent or employee of an owner or tenant, who performs mold remediation on property owned or leased by the owner or tenant. This exemption does not apply if the managing agent or employee engages in the business of performing mold remediation for the public.
19 20 21	B. D. The provisions of this Section shall not be construed to waive local and state health and life safety code requirements. * * *"
22	AMENDMENT NO. 9
23	On page 4, between lines 14 and 15, insert the following:
24 25	"§2159.1. Home improvement Residential contracting; prohibited acts; property insurance
26 27	The following acts are prohibited by persons or companies performing home improvement residential contracting services:
28	* * *
29 30 31 32 33 34 35	(7)(a) Accepting an assignment of any rights, benefits, proceeds, or causes of action of an insured under a property insurance policy prior to completing the work described in the home improvement residential contract and the property insurer conducting its initial examination of the damage caused by the covered peril. The assignment of any rights, benefits, proceeds, or causes of action shall be limited to the scope of work and fees provided in the home improvement residential contract, which shall comply with the provisions of R.S. 37:2159.
36 37 38 39	(b) For the purposes of this Paragraph, home improvement residential contracting services shall include temporary repair, mitigation, reconstruction, or other repair of damage caused by a peril covered under a first-party property insurance policy.
40 41 42	(c) The provisions of this Paragraph shall not be interpreted to limit the right of a person performing home improvement residential contracting services to perfect an otherwise valid lien on the property, as provided by law.

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2	AMENDMENT NO. 10
3	On page 4, delete lines 22 through 27 in their entirety and insert in lieu thereof the following:
4 5 6	"(2) In excess of seventy-five an amount of ten thousand dollars or more for a residential construction project, shall possess a license from the board in the classification of residential construction.
7	* * *
8 9	Section 2. R.S. 37:2150.1(4)(a)(iii), (8), and (9), 2156(C)(5), 2159, and 2161(A)(3) are hereby repealed in their entirety.
10	Section 3. This Act shall become effective on January 1, 2024."