
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Commerce to Original House Bill No. 199
by Representative RomeroAMENDMENT NO. 1

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

"2157, 2158(A)(15), 2159.1(introductory paragraph) and (7), and 2161(A)(2), to enact R.S. 37:2156.1(M), 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"

AMENDMENT NO. 2

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

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

AMENDMENT NO. 3

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

AMENDMENT NO. 4

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

"2157, 2158(A)(15), 2159.1(introductory paragraph) and (7), and 2161(A)(2) are hereby amended and reenacted and R.S. 37:2156.1(M) is hereby enacted to read as follows:"

AMENDMENT NO. 5On page 2, line 5, change "fifty" to "ten"AMENDMENT NO. 6

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

AMENDMENT NO. 7On page 2, line 16, change "fifty" to "ten"AMENDMENT NO. 8

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

"M. Any individual who is domiciled in this state and maintained a home improvement contractor's registration three years prior to the effective date of this Act, shall be exempt from the residential contractor trade examination requirement and issued a residential contractor's license if the individual has maintained compliance with the provisions of this Chapter, has no prior violations, and is in good standing with the board.

* * *

§2157. Exemptions

- 1 A. The provisions of this Part shall not apply to any of the following:
- 2 (1) The state or any of its political subdivisions.
- 3 (2) Any public utility providing gas, electric, or telephone service which is
4 subject to regulation by the Louisiana Public Service Commission or the council of
5 the city of New Orleans, or to any work performed by the public utility in furnishing
6 its authorized service.
- 7 (3) Owners of property who supervise, superintend, oversee, direct, or in any
8 manner assume charge of the construction, alteration, repair, improvement,
9 movement, demolition, putting up, tearing down, or maintenance of any building,
10 railroad excavation, project, development, improvement, plant facility, or any other
11 construction undertaking, on that property, for use by the owner, and which will not
12 be for sale or rent, and the control of access to which shall be controlled by the
13 owner so that only employees and nonpublic invitees are allowed access.
- 14 (4) Any person donating labor and services for the supervision and
15 construction of or for the maintenance and repair of churches.
- 16 (5) Any farmer doing construction for agricultural purposes on leased or
17 owned land.
- 18 (6) Any person bidding or performing work on any project totally owned by
19 the federal government.
- 20 (7) Any person engaged in rail or pipeline construction activities performed
21 on property he owns or leases.
- 22 (8) Any citizen volunteering labor for the construction of a project which is
23 funded by the Louisiana Community Development Block Grant, Louisiana Small
24 Towns Environment Program.
- 25 (9) Any person, supplier, or manufacturer, who assembles, repairs,
26 maintains, moves, puts up, tears down, or disassembles any patented or proprietary
27 equipment supplied to a contractor to be used solely for a construction project.
- 28 (10) The manufactured housing industry or any person engaged in any type
29 of service, warranty, repair, or home improvement work on factory-built, residential
30 dwellings that are mounted on chassis and wheels.
- 31 (11) Any person bidding or performing work on any project paid for by
32 monies from the Oilfield Site Restoration Fund or Coronavirus Aid, Relief, and
33 Economic Security (CARES) Act.
- 34 (12) Any work covering dewatering or water mitigation.
- 35 (13) Any employee of any contractor.
- 36 (14) Owners of property who supervise, superintend, oversee, direct, or in
37 any manner assume charge of the construction, alteration, repair, improvement,
38 movement, demolition, putting up, tearing down, or maintenance of their personal
39 residences, if the homeowner does not build more than one residence per year. The
40 one-year period shall commence on the date of occupancy of the residence.
41 However, an owner of property may build more than one single-family dwelling in
42 a one-year period if the construction of an additional residence occurs as a result of
43 a change in the legal marital status of the owner or change in the employment status
44 of the owner whereby the owner ~~must~~ shall relocate to another employment location,
45 which is located in excess of fifty miles from his personal residence.

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

3 (16) Any person performing as a subcontractor and who is overseen by a
4 licensed residential contractor or a homeowner who is exempted from residential
5 licensing requirements is exempt from licensure. This exemption shall not apply to
6 the following scopes of work: electrical, mechanical, plumbing, mold, asbestos, or
7 hazardous materials.

8 B. The following persons are exempt from ~~home improvement~~ residential
9 contractor licensure:

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

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

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

17 (i) ~~Landscaping.~~

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

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

20 (a) (1) A residential property owner who performs mold remediation on his
21 own property.

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

26 B. D. The provisions of this Section shall not be construed to waive local
27 and state health and life safety code requirements."

28 AMENDMENT NO. 9

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

30 "§2159.1. ~~Home improvement~~ Residential contracting; prohibited acts; property
31 insurance

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

34 * * *

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

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

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

8 * * *

9 AMENDMENT NO. 10

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

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

14 * * *

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.