

SENATE BILL NO. 392

BY SENATOR ABRAHAM

1 AN ACT

2 To amend and reenact R.S. 37:2150.1(4)(a)(ii), (8), and (15), the introductory paragraph of
3 2159(A), and 2161(A) and to enact R.S. 37:2157(A)(18) and (19), relative to
4 contractors; to provide for types of contracting services; to provide for costs
5 thresholds for licensure associated with new residential structures and improvements
6 and repairs of residential structures; to provide relative to terms, conditions, and
7 procedures; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:2150.1(4)(a)(ii), (8), and (15), the introductory paragraph of
10 2159(A), and 2161(A) are hereby amended and reenacted and R.S. 37:2157 (A)(18) and (19)
11 are hereby enacted to read as follows:

12 §2150.1. Definitions

13 As used in this Chapter, the following terms have the following meanings:

14 * * *

15 (4)(a) "Contractor" means any person who undertakes to, attempts to, or
16 submits a price or bid or offers to construct, supervise, superintend, oversee, direct,
17 or in any manner assume charge of the construction, alteration, repair, improvement,
18 movement, demolition, putting up, tearing down, furnishing labor, or furnishing
19 labor together with material or equipment, or installing material or equipment for any
20 of the following:

21 * * *

22 (ii) Any new residential structure where the entire cost is ~~seventy-five~~ **fifty**
23 thousand dollars or more when the property is used for residential purposes.

24 * * *

25 (8) "Home improvement contracting" means the reconstruction, alteration,
26 renovation, repair, modernization, conversion, improvement, removal, or demolition,
27 or the construction of an addition to any preexisting residential structure which

1 building is used or designed to be used as a residence or dwelling unit, or to
 2 structures which are adjacent to such residence or building where the project value
 3 ~~exceeds is~~ seven thousand five hundred dollars ~~but is not greater than~~ or more but
 4 is less than ~~seventy-five~~ fifty thousand dollars. "Home improvement contracting"
 5 shall not include the performance of any structural work that is integral to the
 6 structural integrity of any new or existing structure including but not limited
 7 to footings, foundation, outside walls, skeleton, bearing columns and interior
 8 load bearing walls, and floor slabs. "Home improvement contracting" shall not
 9 include services rendered gratuitously.

10 * * *

11 (15) "Residential contractor" means any person who constructs a fixed
 12 building or structure for sale or use by another as a residence or who, for a price,
 13 commission, fee, wage, or other compensation, undertakes or offers to undertake the
 14 construction or superintending of the construction of any residential structure which
 15 is not more than three floors in height, to be used by another as a residence, when the
 16 cost of the undertaking ~~exceeds is~~ ~~seventy-five~~ fifty thousand dollars or greater. The
 17 term "residential contractor" includes all persons who receive an additional fee for
 18 the employment or direction of labor, or any other work beyond the normal
 19 architectural or engineering services. "Residential contractor" also means any person
 20 performing home improvement contracting as provided for in this Section when the
 21 cost of the undertaking ~~exceeds seventy-five thousand dollars~~ is seven thousand five
 22 hundred dollars or more. It shall not include the manufactured housing industry or
 23 those persons engaged in building residential structures that are mounted on metal
 24 chassis and wheels.

25 * * *

26 §2157. Exemptions

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

28 * * *

29 (18) Any person performing work as a subcontractor for a residential
 30 construction license holder, except for electrical, mechanical, plumbing, mold

1 remediation, asbestos, or hazardous materials scopes of work.

2 (19) Any person performing home improvement work for a building
3 construction license holder, except for electrical, mechanical, plumbing, mold
4 remediation, asbestos, or hazardous material scopes of work.

5 * * *

6 §2159. Home improvement contracting; written contract required; claims of
7 unlicensed persons

8 A. Every agreement for any licensee to perform home improvement
9 contracting services, as defined by this Chapter, in an amount ~~in excess~~ of seven
10 thousand five hundred dollars or more, but ~~not in excess of~~ less than ~~seventy-five~~
11 fifty thousand dollars, shall be in writing and shall include the following documents
12 and information:

13 * * *

14 §2161. Construction management

15 A. Any person who performs, attempts to perform, or submits a price, bid,
16 or offer to perform work in construction management whose scope of authority and
17 responsibility include supervision, oversight, direction, or in any manner assumes
18 charge for the construction services provided to an owner by a contractor or
19 contractors, in which the value of the construction project is:

20 (1) ~~In excess of fifty~~ Fifty thousand dollars or more for a commercial
21 construction project, shall possess a license from the board in the major classification
22 applicable to the type of work being performed on the construction project.

23 (2) ~~In excess of seventy-five~~ Fifty thousand dollars or more for a residential
24 construction project, shall possess a license from the board in the classification of
25 residential construction.

26 (3) ~~In excess of seven thousand five hundred~~ Seven thousand five hundred
27 dollars or more for a home improvement project, shall possess a license from the
28 board in the classification of home improvement ~~construction~~ contracting.

29 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____