

2022 Regular Session

HOUSE BILL NO. 602

BY REPRESENTATIVE DAVIS

CONTRACTORS: Provides relative to the Louisiana State Licensing Board for Contractors

1 AN ACT

2 To amend and reenact R.S. 37:2150.1(introductory paragraph) and (2) through (13),
3 2152(Section heading), 2153(A), (E), and (F), and 2154 through 2165, to enact R.S.
4 37:2150(14) through (18) and 2153(G), and to repeal R.S. 37:2152(C), 2166 through
5 2173, Part II of Chapter 24 of Title 37 of the Louisiana Revised Statutes of 1950,
6 comprised of R.S. 37:2175.1 through 2175.6, and Chapter 24-A of Title 37 of the
7 Louisiana Revised Statutes of 1950, comprised of R.S. 37:2181 through 2192,
8 relative to the Louisiana State Board for Contractors; to revise and reorganize
9 provisions related to contractors, generally, including home improvement contractors
10 and mold remediation contractors; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 37:2150.1(introductory paragraph) and (2) through (13), 2152(Section
13 heading), 2153(A), (E), and (F), and 2154 through 2165 are hereby amended and reenacted
14 and R.S. 37:2150(14) through (18) and 2153(G) are hereby enacted to read as follows:

15 §2150.1. Definitions

16 As used in this Chapter, the following ~~words and phrases shall be defined as~~
17 ~~follows~~ terms have the following meanings:

18 * * *

19 (2) "Commercial purposes" means any construction project except
20 residential structures ~~with no more than four incorporated or attached dwelling units.~~

1 intended to be primarily occupied as a residence with no more than four separate
2 dwelling units incorporated into one structure.

3 (3) "Contract" means an agreement to perform a scope of work that is
4 regulated by this Chapter. It includes the entire cost of the construction undertaking,
5 including labor, materials, rentals, and all direct and indirect project expenses. The
6 cost of materials, rentals, and direct and indirect expenses shall be included
7 regardless of who pays the costs or if they are donated. The "principal contract" is
8 the agreement to perform the entire scope of work for a construction project.

9 (4)(a) "Contractor" means any person who undertakes to, attempts to, or
10 submits a price or bid or offers to construct, supervise, superintend, oversee, direct,
11 or in any manner assume charge of the construction, alteration, repair, improvement,
12 movement, demolition, putting up, tearing down, ~~or~~ furnishing labor, or furnishing
13 labor together with material or equipment, or installing ~~the same for~~ material or
14 equipment for any of the following:

15 (i) Any building, highway, road, railroad, sewer, grading, excavation,
16 pipeline, public utility structure, project development, housing, or housing
17 development, improvement, or any other construction undertaking for which the
18 entire cost is fifty thousand dollars or more when the property is to be used for
19 commercial purposes.

20 (ii) Any new residential structure where the entire cost is seventy-five
21 thousand dollars or more when the property is used for residential purposes.

22 (iii) Any improvements or repairs where the entire cost exceeds seven
23 thousand five hundred dollars to an existing residential structure.

24 (iv) Any mold remediation where the entire cost exceeds seven thousand five
25 hundred dollars.

26 (b) The term "contractor" includes ~~general contractors, subcontractors,~~
27 ~~architects, and engineers~~ persons who receive an additional fee for the employment
28 or direction of labor, or any other work beyond the normal architectural or
29 engineering services.

1 (c) A contractor holding a license in the major classification of hazardous
2 materials, or any subclassifications thereunder, shall be defined in terms of work
3 performed for which the cost is one dollar or more.

4 (d) "Contractor" shall not mean any person, supplier, manufacturer, or
5 employee of such person who assembles, repairs, maintains, moves, puts up, tears
6 down, or disassembles any patented; or proprietary; ~~or patented and proprietary~~
7 ~~environmental~~ equipment supplied by such person to a contractor to be used solely
8 by the contractor for a construction undertaking. "Proprietary" shall mean specific
9 and specialized equipment installation, manufacturing processes, uses, or
10 components that are protected from disclosure to third parties by the owner or
11 manufacturer of the equipment.

12 ~~(4.1)~~ (5) "Electrical contractor" means any person who undertakes to,
13 attempts to, or submits a price or bid or offers to construct, supervise, superintend,
14 oversee, direct, or in any manner assume charge of the construction, alteration,
15 repair, improvement, movement, demolition, putting up, tearing down, or furnishing
16 labor together with material and equipment, or installing the same for the wiring,
17 fixtures, or appliances for the supply of electricity to any residential, commercial, or
18 other project, when the cost of the undertaking exceeds the sum of ten thousand
19 dollars. This Paragraph shall not be deemed or construed to limit the authority of a
20 contractor, general contractor, or residential ~~building~~ contractor, as those terms are
21 defined in this Section, nor to require such individuals to become an electrical
22 contractor.

23 ~~(5)~~ (6) "Executive director" means the person appointed by the board to
24 serve as the chief operating officer in connection with the day-to-day operation of
25 the board's business. The executive director shall be the appointing authority for all
26 employees of the board.

27 ~~(6)(a)~~ (7)(a) "General contractor" means a person who contracts directly with
28 the owner. The term "general contractor" shall include the term "primary contractor"

1 and wherever used in this Chapter or in regulations promulgated thereunder "primary
2 contractor" shall mean "general contractor".

3 (b) "General contractor" shall not mean any person, supplier, manufacturer,
4 or employee of such person who assembles, repairs, maintains, moves, puts up, tears
5 down, or disassembles any patented, ~~proprietary, or patented and~~ or proprietary
6 ~~environmental~~ equipment supplied by such person to a contractor to be used solely
7 by the contractor for a construction undertaking.

8 ~~(7)~~ (8) "Home improvement contracting" means the reconstruction,
9 alteration, renovation, repair, modernization, conversion, improvement, removal, or
10 demolition, or the construction of an addition to any pre-existing ~~owner-occupied~~
11 ~~building~~ residential structure which building is used or designed to be used as a
12 residence or dwelling unit, or to structures which are adjacent to such residence or
13 building where the project value exceeds seven thousand five hundred dollars but is
14 not greater than seventy-five thousand dollars. "Home improvement contracting"
15 shall not include services rendered gratuitously.

16 ~~(8)~~ (9) "Home improvement contractor" means any person, ~~including a~~
17 ~~contractor or subcontractor,~~ who undertakes or attempts to undertake or submits a
18 price or bid on any home improvement contracting project.

19 ~~(8.1)~~ (10) "Mechanical contractor" means any person who undertakes to,
20 attempts to, or submits a price or bid or offers to construct, supervise, superintend,
21 oversee, direct, or in any manner assume charge of the construction, alteration,
22 repair, improvement, movement, demolition, putting up, tearing down, or furnishing
23 labor, or furnishing labor together with material and equipment, or installing the
24 same for the construction, installation, maintenance, testing, and repair of air
25 conditioning, refrigeration, heating systems, and plumbing for all residential,
26 commercial, and industrial applications as well as ventilation systems, mechanical
27 work controls, boilers and other pressure vessels, steam and hot water systems and
28 piping, gas piping and fuel storage, and chilled water and condensing water systems
29 and piping, including but not limited to any type of industrial process piping and

1 related valves, fittings, and components, when the cost of the undertaking exceeds
2 the sum of ten thousand dollars. This Paragraph shall not be deemed or construed
3 to limit the authority of a contractor, general contractor, or residential ~~building~~
4 contractor, as those terms are defined in this Section, nor to require such individuals
5 to become a mechanical contractor.

6 (11) "Mold remediation contractor" means any person who engages in
7 removal, cleaning, sanitizing, demolition, or other treatment, including preventative
8 activities, of mold or mold-contaminated matter that was not purposely grown at that
9 location and where the costs for such labor and materials exceed seven thousand five
10 hundred dollars. Mold remediation applies only to the regulation of mold-related
11 activities that affect indoor air quality and does not apply to routine cleaning when
12 not conducted for the purpose of mold-related activities intended to affect indoor air
13 quality.

14 ~~(9)~~ (12) "Person" means any individual, firm, partnership, association,
15 cooperative, corporation, limited liability company, limited liability partnership, or
16 any other entity recognized by Louisiana law; and whether or not acting as a
17 principal, trustee, fiduciary, receiver, or as any other kind of legal or personal
18 representative, or as a successor in interest, assignee, agent, factor, servant,
19 employee, director, officer, or any other representative of such person; or any state
20 or local governing authority or political subdivision performing a new construction
21 project which exceeds the contract limits provided in R.S. 38:2212 and which does
22 not constitute regular maintenance of the public facility or facilities which it has been
23 authorized to maintain.

24 (13) "Plumbing contractor" means any person who installs, maintains, and
25 repairs potable and nonpotable tap water or sewer systems within a building structure
26 or residential structure when the cost of the undertaking exceeds the sum of ten
27 thousand dollars.

28 ~~(10)~~ (14) "Qualifying party" means a natural person designated by the
29 contractor to represent the contractor for the purpose of complying with the

1 provisions of this Chapter including without limitation meeting the requirements for
2 the initial license and any continuation thereof.

3 ~~(11)~~ (15) "Residential ~~building~~ contractor" means any ~~corporation,~~
4 ~~partnership, or individual~~ person who constructs a fixed building or structure for sale
5 ~~for or~~ use by another as a residence or who, for a price, commission, fee, wage, or
6 other compensation, undertakes or offers to undertake the construction or
7 superintending of the construction of any ~~building or structure, with no more than~~
8 ~~four incorporated or attached dwelling units, which is not more~~ residential structure
9 which is not more than three floors in height, to be used by another as a residence,
10 when the cost of the undertaking exceeds seventy-five thousand dollars. The term
11 "residential ~~building~~ contractor" includes all ~~contractors, subcontractors, architects,~~
12 ~~and engineers~~ persons who receive an additional fee for the employment or direction
13 of labor, or any other work beyond the normal architectural or engineering services.
14 "Residential ~~building~~ contractor" also means any person performing home
15 improvement contracting as provided for in ~~Paragraph (9)~~ of this Section when the
16 cost of the undertaking exceeds seventy-five thousand dollars. It shall not include
17 the manufactured housing industry or those persons engaged in building residential
18 structures that are mounted on metal chassis and wheels.

19 (16) "Residential structure" means a building or structure that is used
20 primarily for occupancy by a person as a residence. Such structures or buildings
21 include but are not limited to single family dwellings, duplexes, triplexes, and
22 fourplexes which are not more than three floors in height and structures that are part
23 of or adjacent to the building or structures to be used as a residence.

24 ~~(12)~~ (17) "Subcontract" means an agreement to perform a portion of the
25 scope of work contained in the principal contract including the entire cost of labor
26 and materials of that part of the principal contract which is performed by the
27 subcontractor.

28 ~~(13)(a)~~ (18)(a) "Subcontractor" means a person who contracts ~~directly with~~
29 ~~the primary contractor for the performance of a part of the principal contract or with~~

1 another contractor for the performance of a part of the principal contract. to perform
2 a scope of work that is a part of the scope of work contained in the principal contract.

3 (b) "Subcontractor" shall not ~~mean~~ include any person, supplier, or
4 ~~manufacturer, or employee of such person~~ who assembles, repairs, maintains, moves,
5 puts up, tears down, or disassembles any patented; or proprietary; ~~or patented and~~
6 ~~proprietary environmental~~ equipment supplied by such person to a contractor to be
7 used solely by the contractor for a construction undertaking.

8 * * *

9 §2152. Domicile; officers; ~~bond~~

10 * * *

11 §2153. Powers of the board

12 A. The board is hereby vested with the authority requisite and necessary to
13 carry out the intent of the provisions of this Chapter. The board shall have the power
14 to make, amend, or repeal by-laws, rules, and regulations for the proper
15 administration and enforcement of this Chapter; ~~to employ such administrative~~
16 ~~assistants as are necessary; and to fix their compensation.~~ The board is hereby
17 ~~vested with the authority requisite and necessary to carry out the intent of the~~
18 ~~provisions of this Chapter.~~ and to carry out the purposes thereof, in accordance with
19 the Administrative Procedure Act. The enumeration of specific matters which may
20 be made, and the subject of rules and regulations, shall not be construed to limit
21 general powers of the board to make all rules and regulations necessary to fully
22 effectuate the purpose of this Chapter.

23 * * *

24 E. The board may sue and be sued and shall have the right and authority to
25 obtain, in the jurisdiction in which a violation of the provisions of this Chapter
26 occurs, upon submission of an affidavit in support, a temporary restraining order and
27 preliminary and permanent injunctions, without the necessity of posting a bond or
28 other security, restraining and prohibiting the violation of this Chapter and the
29 performance of any work then being performed or about to be performed.

1 F. In addition to any other duties and powers granted by this Chapter, the
2 board shall:

3 (1) Grant licenses to qualified contractors pursuant to this Chapter.

4 (2) ~~Make, amend, or repeal such rules and regulations as it may deem proper~~
5 ~~fully to effectuate this Chapter and carry out the purposes thereof, in accordance with~~
6 ~~the Administrative Procedure Act. The enumeration of specific matters which may~~
7 ~~be made and the subject of rules and regulations shall not be construed to limit~~
8 ~~general powers of the board to make all rules and regulations necessary fully to~~
9 ~~effectuate the purpose of this Chapter.~~ Hold hearings in accordance with the
10 provisions of R.S. 49:951 through 965.1 to consider violations of the provisions of
11 this Chapter and the rules and regulations of the board.

12 (3) ~~Enforce this Chapter and rules and regulations adopted pursuant thereto.~~

13 (4) Suspend or revoke any license for any cause described in this Chapter,
14 or for any cause prescribed by the rules and regulations, and refuse to grant any
15 license for any cause which would be grounds for revocation or suspension of a
16 license.

17 (4) Issue fines, penalties, and other costs for violations of the provisions of
18 this Chapter and the rules and regulations of the board.

19 (5) Recognize that any applicant holding a license in good standing in a
20 comparable classification in another state recognized by the respective agency as a
21 reciprocity state may have the trade portion of the examination waived upon written
22 certification from that state in which the applicant is licensed. The business law
23 course and the provisions of R.S. 37:2156.1 shall not be waived. Applicants shall
24 comply with all other licensing requirements of this state; however, for good cause,
25 the board may waive any other licensing requirement.

26 (6) Publish and distribute materials containing such information as it deems
27 proper to ~~further the accomplishment of~~ accomplish the purpose of this Chapter.

1 ~~Beginning on July 1, 2018, and each quarter thereafter, submit to the~~
2 ~~presiding officer of each house of the legislature, by electronic or other means, a~~
3 ~~report that contains all of the following information for the previous quarter:~~

4 ~~(a) A list of licensees whose license has been suspended or revoked.~~

5 ~~(b) A list of any licensees whose license was reinstated.~~

6 F. G. Notwithstanding any other provisions to the contrary and to the extent
7 deemed necessary or appropriate by the board for the efficient implementation of its
8 responsibilities under this Chapter, the board may delegate its powers and duties to
9 its staff by specific resolution of the board.

10 §2154. Meetings; compensation; quorum; ~~license application and issuance~~
11 ~~procedure~~ books and records; audit report

12 A. The board shall have at least one regular meeting per month on dates and
13 times designated by the chairman unless, for good cause, a monthly meeting cannot
14 be held. Notice of board meetings shall be posted on the board's official website and
15 at the board office at least ten days prior to the date when the board is to meet.
16 ~~Further, any person desiring actual notice of the board meeting may request in~~
17 ~~writing that the board send notification through the United States mail at least ten~~
18 ~~days prior to the board meeting date.~~

19 ~~B.(1) The board may receive applications for licenses pursuant to the~~
20 ~~provisions of this Chapter at any time. Upon initial application, the license of a~~
21 ~~contractor domiciled in the state of Louisiana shall be issued after all requirements~~
22 ~~have been met and approved by the board. Upon the initial application of a~~
23 ~~contractor domiciled outside of the state of Louisiana, except as provided herein, a~~
24 ~~period of at least sixty days must elapse between the date the application is filed and~~
25 ~~the license is issued unless waived by the board. The executive director shall~~
26 ~~compile a list of all applicants for licensure that are to be considered at a board~~
27 ~~meeting and transmit the list to each board member.~~

28 ~~(2) For purposes of this Subsection a contractor shall be considered to be~~
29 ~~"domiciled in the state" if he is either of the following:~~

1 ~~(a) An individual who has been a resident of the state of Louisiana for at~~
2 ~~least one year prior to filing an application with the board of licensing.~~

3 ~~(b) Any partnership, association, corporation, or other legal entity whose~~
4 ~~majority interest is owned by and controlled by one or more residents of the state of~~
5 ~~Louisiana.~~

6 ~~(3) For purposes of this Subsection "majority interest" shall be determined~~
7 ~~in either of the following ways:~~

8 ~~(a) In the case of corporations, on the basis of all stock, common and~~
9 ~~preferred, whether voting or nonvoting, and on the basis of all debentures, warrants,~~
10 ~~or other instruments convertible into common stock, preferred stock, or both.~~

11 ~~(b) In the case of partnerships, on the basis of all capital accounts together~~
12 ~~with any and all capital advances, loans, and debentures, whether or not convertible~~
13 ~~into capital accounts.~~

14 ~~(4) No application may be considered from any state or local governmental~~
15 ~~body including, without limitation, any agency of any state or local governmental~~
16 ~~body including any corporation or other entity owned or controlled by any state or~~
17 ~~local governing body.~~

18 ~~C.~~ Before a special meeting may be held, notice stating the time, place, and
19 purpose of the meeting shall be sent by the chairman or vice chairman of the board
20 by electronic means to the members of the board, at least three days before the date
21 of the meeting.

22 ~~D.~~ C. Each member of the board shall be reimbursed when actually in
23 attendance of a board meeting or when he is required to travel for the official
24 authorized business of the board, not more than seventy-five dollars per day plus
25 actual expenses and mileage to and from his domicile to the place of meeting at the
26 same rate of reimbursement set by the division of administration for state employees
27 under the provisions of R.S. 39:231.

1 E: D. Ten members of the board shall constitute a quorum, which shall be
2 sufficient for the board to conduct business, regardless of the total number of
3 members appointed.

4 F: E. There shall be no voting by proxy.

5 F. The treasurer shall be responsible for receiving and accounting for all
6 money derived from the operation of this Chapter.

7 G. The board shall maintain a roster showing the names and places of
8 business of all licensed contractors. The roster shall be maintained and available on
9 the board's official website.

10 H. The secretary of the board shall oversee and attest to the minutes of each
11 meeting. Copies shall be made available to each board member and to the public
12 upon adoption of the minutes at the next scheduled meeting of the board.

13 I. Within one hundred fifty days of the last day of each calendar year, a
14 certified public accounting firm approved by the state official charged with the
15 auditing of public records and accounts shall audit the financial records of the board
16 and submit the report of his audit to the legislative auditor and shall file a copy of his
17 audit with the secretary of state to be attached to the report of the board on file.

18 §2155. ~~Books and records; reports~~ Residential Contractors subcommittee;
19 membership; terms; powers; duties

20 ~~A. The treasurer shall be responsible for receiving and accounting for all~~
21 ~~money derived from the operation of this Chapter. He shall register all applicants~~
22 ~~for licenses, showing for each the date of application, the name, qualifications, place~~
23 ~~of business, place of residence, and whether license was granted or refused and the~~
24 ~~date on which such license was granted or refused.~~ There is hereby established
25 within the board the Residential Contractors Subcommittee, hereinafter referred to
26 as "residential subcommittee", consisting of five members who shall be residents of
27 this state and who have been actively engaged in residential contracting for at least
28 five years prior to appointment by the governor. Three members of the
29 subcommittee shall be appointed by the governor from a list of not less than ten

1 names submitted by the Louisiana Homebuilders Association as certified by its
2 president and secretary. One member of the subcommittee shall be from and
3 appointed to represent the first congressional district, one member shall be from and
4 appointed to represent the second congressional district, one member shall be from
5 and appointed to represent the third congressional district, one member shall be from
6 and appointed to represent the fourth and fifth congressional districts, and one
7 member shall be from and appointed to represent the sixth congressional district.

8 B. ~~The board administrator shall keep a roster, showing the names and places~~
9 ~~of business of all licensed contractors. The roster shall be maintained and available~~
10 ~~on the board's official website. The terms of office of the initial members appointed~~
11 ~~to the subcommittee shall be one for a three-year term, one for a two-year term, and~~
12 ~~one for a one-year term, to be determined by the governor. Thereafter, all members~~
13 ~~shall be appointed for three-year terms. All terms shall commence thirty days after~~
14 ~~the appointment and all members shall serve until their successors have been~~
15 ~~appointed and qualified. Vacancies occurring in the membership of the~~
16 ~~subcommittee for any reason shall be filled by appointment by the governor for the~~
17 ~~unexpired term. No person shall be appointed for more than two consecutive terms.~~
18 The governor may remove a member for cause.

19 C. ~~The secretary of the board shall keep full and complete minutes of each~~
20 ~~board meeting whether regular or special, including full information as to each~~
21 ~~application for license considered and the board's action thereon as well as all~~
22 ~~expenditures of the board that are approved. These board minutes shall be typed and~~
23 ~~attested to by the secretary and copies shall be made available to each board member~~
24 ~~and to the public upon adoption of the minutes at the next scheduled meeting of the~~
25 ~~board. The executive director of the board shall serve as executive director of the~~
26 residential subcommittee and shall not have voting privileges.

27 D.(1) ~~Within one hundred fifty days of the last day of each calendar year, a~~
28 ~~certified public accounting firm approved by the state official charged with the~~
29 ~~auditing of public records and accounts shall audit the financial records of the board~~

1 ~~and submit the report of his audit to the legislative auditor and shall file a copy of his~~
2 ~~audit with the secretary of state to be attached to the report of the board on file. An~~
3 ~~ex officio member of the board shall serve on the residential subcommittee and shall~~
4 ~~serve as the liaison between the residential subcommittee and the board. He shall be~~
5 ~~appointed by the chairman of the board and shall serve as the chairman of the~~
6 ~~residential subcommittee. His presence at a meeting of the residential subcommittee~~
7 ~~may be counted toward establishing a quorum of the residential subcommittee, and~~
8 ~~he shall only have voting privileges if either of the following circumstances exists:~~

9 (a) His presence is necessary to establish a quorum of the residential
10 subcommittee and there is a tie vote between the appointed members of the
11 residential subcommittee.

12 (b) His presence is necessary to establish a quorum of the residential
13 subcommittee, only one appointed member of the residential subcommittee is
14 present, and an additional ex officio member has been appointed pursuant to
15 Paragraph (2) of this Subsection.

16 (2) An additional ex officio member of the board shall serve on the
17 residential subcommittee only if his presence, along with the ex officio member
18 serving pursuant to Paragraph (1) of this Subsection, is required to establish a
19 quorum of the residential subcommittee. This additional ex officio member shall be
20 appointed by the chairman of the board and shall serve as the vice chairman of the
21 residential subcommittee. He shall only have voting privileges if there is a tie vote
22 between an appointed member of the residential subcommittee and the ex officio
23 member serving as chairman of the residential subcommittee.

24 (3) The board shall pay per diem and travel expenses for ex officio members.

25 E. A quorum of the residential subcommittee shall consist of a majority of
26 its members which shall be sufficient to conduct residential subcommittee business,
27 and the residential subcommittee shall meet at least once every other month to
28 conduct its business unless, for good cause, a meeting cannot be held. Notice of
29 residential subcommittee meetings shall be posted on the board's official website and

1 at the board office at least ten days prior to the date when the residential
2 subcommittee is to meet.

3 F. Each member of the residential subcommittee shall be entitled to a per
4 diem allowance of seventy-five dollars for each meeting he attends and be
5 reimbursed for all travel expenses necessarily incurred in attending meetings.

6 G. Subject to the approval of the board, the residential subcommittee shall
7 have all of the following powers and duties:

8 (1) To adopt rules and regulations to govern residential and home
9 improvement contractors in this state.

10 (2) To issue, suspend, modify, or revoke licenses to do business in this state
11 pursuant to the provisions of R.S. 37:2158.

12 (3) To prescribe and adopt regulations and policies for continuing education.
13 However, notwithstanding any other law to the contrary, the residential
14 subcommittee shall not approve for use by licensees any continuing education
15 courses or written training programs provided by a member of the residential
16 subcommittee or legal entity in which he has a controlling interest.

17 (4) To cause the enforcement against, and the prosecution and enjoinder of,
18 all persons violating provisions of this Chapter, and rules and regulations of the
19 board; issue fines, penalties, and other costs for violations; and incur necessary
20 expenses therefor.

21 §2156. ~~Unexpired~~ Applications; licenses; fees; renewals

22 A.(1) The board may receive an application from a person pursuant to the
23 provisions of this Chapter at any time. Upon initial application, the license of a
24 person shall be issued after all requirements have been met and approved by the
25 board. The executive director shall compile a list of all applicants for licensure for
26 inclusion in the agenda that are to be considered at a board meeting.

27 (2) No application may be considered from any state or local governmental
28 body including, without limitation, any agency of any state or local governmental

1 body including any corporation or other entity owned or controlled by any state or
2 local governing body.

3 B.(1) To defray the cost of issuing licenses and of administering the
4 provisions of this Chapter, the board shall fix reasonable fees to be assessed pursuant
5 to the provisions of this Chapter, and reasonable penalties to be assessed for late
6 applications for renewal of licenses and other administrative infractions; however,
7 the basic license fee shall be the sum of not more than one hundred dollars and the
8 fee for additional classifications shall be a lesser amount as set by the board.

9 (2) All fees received by the board in accordance with this Chapter shall be
10 solely used to effectuate the provisions of this Chapter.

11 (3) All fees shall be paid prior to the issuance of a license or other changes
12 or additions to an existing license.

13 C. Fees for licenses shall not exceed the following amounts:

- 14 (1) Examination fee \$ 50.00
- 15 (2) License fee \$ 100.00
- 16 (3) Renewal fee \$ 100.00
- 17 (4) Delinquent fee \$ 50.00
- 18 (5) Home Improvement fee \$ 50.00

19 D. The board may assess an additional surcharge of not more than four
20 hundred dollars in connection with the application for and issuance of a contractor's
21 license to a contractor not domiciled in this state, to be utilized to defray the
22 additional cost of the investigation of the application of the non-Louisiana
23 contractor.

24 E. When issuing a license to any contractor, the board shall state the
25 contractor's classification on the license, according to the classification requested by
26 the contractor and for which he has completed all of the requirements.

27 F. The licensee shall not be permitted to bid or perform any type of work not
28 included in the classification under which his license was issued.

1 G. The licensee may apply for and receive additions to or changes in his
2 classification by applying, successfully completing the written examination, and
3 paying the required fees. Additions or changes to an existing license shall become
4 effective after completion of the requirements and upon board approval.

5 H. Licenses and renewals issued pursuant to the provisions of this Chapter
6 shall expire on the anniversary of the date on which the license was originally issued.
7 Licensees shall elect upon renewal one-, two-, or three-year license renewal terms,
8 and licenses may be issued by the board on a multiple-year basis, not to exceed a
9 three-year renewal term for any license. The license becomes invalid on the last day
10 of the term for which it was issued unless renewed; however, after a license has
11 expired, the person to whom the license was issued shall have fifteen days following
12 the expiration date to file an application for the renewal of the license without the
13 payment of a penalty ~~and without further examination~~. Any person who makes an
14 application for the renewal of a license after fifteen days following the expiration
15 date of the license may, at the discretion of the board, have his license renewed after
16 paying the required license fees and a penalty, not exceeding the sum of fifty dollars,
17 that the board may impose. ~~New applicants for licensing may elect upon application~~
18 ~~the renewal term of their license.~~

19 B. I. If a license is not renewed within a period of one year from the date of
20 its expiration, any application for renewal shall be considered and treated as a new
21 application.

22 ~~C.(1) To defray the cost of issuing licenses and of administering the~~
23 ~~provisions of this Chapter, the board shall fix reasonable fees to be assessed pursuant~~
24 ~~to the provisions of this Chapter, and reasonable penalties to be assessed for late~~
25 ~~applications for renewal of licenses and other administrative infractions; however,~~
26 ~~the basic license fee shall be the sum of not more than one hundred dollars and the~~
27 ~~fee for additional classifications shall be a lesser amount as set by the board.~~

28 ~~(2) The board may assess an additional surcharge of no more than four~~
29 ~~hundred dollars in connection with the application for and issuance of a contractor's~~

1 license to a contractor not domiciled in the state of Louisiana, to be utilized to defray
2 the additional cost of the investigation of the application of the non-Louisiana
3 contractor, including references supplied by the contractor, work history supplied by
4 the work contractor, and other pertinent information required by the board in
5 connection with an application for a contractor's license.

6 ~~(3)~~(a) J.(1) The board shall assess on each license renewal issued to a
7 contractor an additional fee of one hundred dollars per year to be dedicated and
8 allocated as provided in this Paragraph to any public university in this state or any
9 community college school of construction management or construction technology
10 in this state that is accredited by either the American Council for Construction
11 Education or the Accreditation Board for Engineering and Technology. The board
12 shall include on each license renewal form issued to a contractor an optional election
13 whereby the contractor may choose to not participate in the remission of the
14 additional one hundred dollar dedication fee.

15 ~~(b)~~(2) Each January, each accredited public university or community college
16 school of construction management or construction technology shall report to the
17 board the number of graduates from its school of construction management or
18 construction technology from the previous calendar year.

19 ~~(c)~~(3) Any and all funds collected pursuant to this Paragraph shall be
20 disbursed to the accredited public university or community college schools of
21 construction management or construction technology by August first of each year
22 upon completion of the annual audit of the board. The funds shall be used by the
23 accredited public university or community college schools of construction
24 management or construction technology solely for the benefit of their program and
25 the expenditure of such funds shall be approved by the industry advisory council or
26 board for the program. The funds collected pursuant to this Paragraph shall be in
27 addition to any other monies received by such schools and are intended to
28 supplement and not replace, displace, or supplant any other funds received from the
29 state or from any other source. Any school of construction management or

1 construction technology that experiences a decrease in the funding appropriated to
2 them by the accredited public university or community college as determined by the
3 industry advisory council or board for the program shall be ineligible for
4 participation under the provisions of this Paragraph, and the monies from the fund
5 for such school of construction management or construction technology shall be
6 redistributed on a pro rata basis to all other accredited and eligible schools.

7 ~~(d)~~ (4) The funds collected pursuant to this Subsection shall be distributed
8 as follows:

9 ~~(i)~~ (a) One-half on a pro rata basis to each accredited public university's or
10 community college's schools of construction management or construction
11 technology. However, each accredited public university shall receive twice as much
12 funds as each community college.

13 ~~(ii)~~ (b) One-half pro rata to each accredited public university school of
14 construction management or construction technology based on the total number of
15 graduates from the previous calendar year from each school as reported to the board.

16 ~~(e)~~ (5) No funds shall be allocated to any public university or community
17 college school of construction management or construction technology that does not
18 maintain current and active accreditation as required by this Paragraph.

19 ~~D.~~ K. The licenses issued pursuant to the provisions of this Chapter are not
20 transferable.

21 ~~E.~~ L. Any other provisions of this Chapter notwithstanding, no license shall
22 be issued to any foreign corporation which has not obtained from the secretary of
23 state a certificate of authority to do business, as provided in Chapter 3 of Title 12 of
24 the Louisiana Revised Statutes of 1950.

25 ~~F.~~ M. Except for the licenses, fees, and assessments authorized by this
26 Chapter, and except for the occupational license taxes authorized by the constitution
27 and laws of this state, and except for permit fees charged by parishes and
28 municipalities for inspection purposes, and except for licenses required by parishes
29 and municipalities for the purpose of determining the competency of mechanical or

1 plumbing contractors, or both, and electrical contractors, no contractor shall be liable
2 for any fee or license as a condition of engaging in the contracting business.

3 ~~G. No license shall be issued for the subclassification of asbestos removal
4 and abatement under the major classification of hazardous materials as provided in
5 R.S. 37:2156.2(A)(VII) until the applicant furnishes satisfactory evidence that he or
6 his qualifying party has received certification from the Department of Environmental
7 Quality to perform asbestos removal and abatement work.~~

8 §2156.1. Requirements for issuance of a license

9 A. To become licensed ~~as a contractor~~ in accordance with the provisions of
10 this Chapter, an applicant shall make application to the board on a form adopted by
11 the board and shall state the classification of work the applicant desires to perform
12 from a list of major classifications as follows:

- 13 (1) Building construction.
- 14 (2) Highway, street, and bridge construction.
- 15 (3) Heavy construction.
- 16 (4) Municipal and public works construction.
- 17 (5) Electrical ~~work~~.
- 18 (6) Mechanical ~~work~~.
- 19 (7) Plumbing ~~work~~.
- 20 (8) Hazardous materials.
- 21 (9) ~~Specialty classifications.~~
- 22 ~~(10)~~ Residential construction.

23 B. The board shall classify contractors according to the type or types of
24 work or contracts which they may perform.

25 C.(1) ~~The applicant~~ Commercial, residential, and mold remediation
26 applicants shall furnish the board with a financial statement, current to within twelve
27 months of the date of filing, prepared by an accountant, bookkeeper, or certified
28 public accountant and signed by the applicant ~~before a notary public~~, stating that the
29 statement of applicant's assets and financial condition is true and correct. The assets

1 shall include a net worth of at least ten thousand dollars. An applicant without the
2 net worth required herein may also furnish the board a bond, letter of credit, or other
3 security acceptable to the board in the amount of the net worth requirement plus the
4 amount of the applicant's negative net worth if any, and the furnishing of the bond,
5 letter of credit, or other security shall be deemed satisfaction of the net worth
6 requirement for all purposes. The financial statement and any information contained
7 therein, as well as any other financial information required to be submitted by a
8 contractor, shall be confidential and not subject to the provisions of R.S. 44:1
9 through 57.

10 (2) No financial statement is required for a license renewal.

11 D.(1) An applicant for commercial, residential, or mold remediation
12 contractor licensure shall designate a qualifying party who shall be the legal
13 representative for the contractor relative to the provisions of this Chapter. The
14 designated qualifying party shall complete an application supplied by the board and
15 pass any mandatory examination required by the board or present any credential
16 required. The board may deny approval of the qualifying party for good cause,
17 which may include the ability of the proposed principal owner or owners, principal
18 shareholder or shareholders, or qualifying party to engage in the business of
19 contracting as demonstrated by his prior contracting business experience. Evidence
20 which may be considered by the board shall be limited to any legal proceedings
21 against the qualifying party or businesses where the qualifying party was in a
22 position of control at the time a problem arose and the ultimate disposition of the
23 proceedings, any financial history of bankruptcies, unpaid judgments, insolvencies,
24 or any similar evidence. When the qualifying party terminates employment with the
25 licensee, the board shall be notified in writing within thirty days of the disassociation
26 and another qualifying party must qualify within sixty days. The persons who may
27 be a qualifying party or parties are:

28 (a) A sole proprietor or spouse of a sole proprietor.

1 (b) Any employee of an applicant who has been in full-time employment for
2 one hundred twenty consecutive days immediately preceding the application. The
3 employee may be allowed to be the qualifying party for the licensed company and
4 related entities.

5 (c) Any stockholder, officer, or incorporator of a corporation.

6 (d) Any partner of a partnership.

7 (e) Any member or manager of a limited liability company.

8 (2) A qualifying party for a licensed contractor may be a qualifying party for
9 any affiliated entities to the licensed contractor.

10 (3) Upon good showing, the board may exempt any qualifying party from
11 the required examinations. The board shall exempt from testing for a residential
12 construction license any person working in the residential industry who holds a
13 building construction license that was issued by the board if requested by the
14 building contractor.

15 (3) (4) Upon the determination that a person has engaged in deceptive
16 practices when taking or attempting to take any board examination, the person shall
17 be ineligible to serve as a qualifying party for a licensee for a period of one year.

18 E. ~~Notwithstanding any other law of this state to the contrary, a mechanical,~~
19 ~~plumbing, or electrical contractor may obtain a license to bid and perform work~~
20 ~~statewide provided the contractor has successfully passed a standardized, nationally~~
21 ~~recognized, written examination administered or approved by the State Licensing~~
22 ~~Board for Contractors. Residential construction and home improvement construction~~
23 applicants for licensure shall be required to submit certificates evidencing workers'
24 compensation coverage in compliance with Title 23 of the Louisiana Revised
25 Statutes of 1950, and liability insurance in a minimum amount of one hundred
26 thousand dollars or liability protection provided by a liability trust fund as authorized
27 by R.S. 22:46(9)(d) in a minimum amount of one hundred thousand dollars.

28 F.(1) Notwithstanding any other provision of law to the contrary, any
29 residential contractor in good standing with the board who has held a license to

1 engage in residential construction issued pursuant to this Chapter for not less than
2 one consecutive year may elect to place his license in an inactive license status with
3 the board, if he applies for a transfer to inactive status.

4 (a) During the period a license is in inactive status, the licensee shall be
5 prohibited from engaging in any activity requiring a residential contractor license.

6 (b) An inactive licensee shall be required to renew his inactive license in the
7 same manner as provided in R.S. 37:2156(H) and by paying a renewal fee, which
8 shall not exceed the renewal fee paid by active licensees. However, an inactive
9 licensee shall not be required to submit insurance certificates pursuant to Subsection
10 E of this Section or fulfill any other additional requirements that an active licensee
11 would not be required to fulfill when renewing his license.

12 (c) An inactive licensee shall be required to fulfill all prescribed continuing
13 education requirements established for active licensees.

14 (d) A licensee may request transfer from inactive status to active status at
15 any time, if all of the following conditions exist:

16 (i) The inactive license has been renewed as provided for in this Section.

17 (ii) The inactive license is current at the time the request is received by the
18 board.

19 (iii) The licensee submits the required insurance certificates as provided in
20 Subsection E of this Section.

21 G. Mold remediation license applicants shall be required to furnish all of the
22 following before a license is issued:

23 (1) Evidence to the board that he has satisfactorily completed at least twenty-
24 four hours of training in mold remediation and basic mold assessment.

25 (2) Insurance certificates evidencing workers' compensation coverage in
26 compliance with Title 23 of the Louisiana Revised Statutes of 1950 and liability
27 insurance in a minimum amount of fifty thousand dollars.

28 ~~F.(1)~~ H.(1) Upon completion of the requirements for licensure and issuance
29 of a state license for the classification of work for which the contractor has applied;

1 mechanical, plumbing, or electrical contractors licensed pursuant to the provisions
2 of this Section are excluded from local, municipal, or parish regulatory authority
3 examination procedures and may bid and perform work within any local jurisdiction
4 upon paying all appropriate fees.

5 (2) The purpose of this Subsection is to preempt local, municipal, or parish
6 regulatory examination authority for statewide-licensed mechanical, plumbing, or
7 electrical contractors bidding and performing work in multiple jurisdictions. This
8 preemption shall further exclude the employees of statewide-licensed electrical and
9 mechanical contractors from local, municipal, or parish regulatory examination or
10 certification authority as a condition to performing work for the statewide-licensed
11 electrical or mechanical contractor.

12 ~~G. Any mechanical or electrical contractor who has, prior to July 1, 1985,~~
13 ~~successfully passed both a state licensing examination administered or approved by~~
14 ~~the board and a local licensing examination in the same license classification, and~~
15 ~~who has continuously held such state and local licenses since July 1, 1985, shall be~~
16 ~~exempted from any requirement for passage of an additional test in that license~~
17 ~~classification. A mechanical or electrical contractor shall make application to the~~
18 ~~board for an exemption on a form prepared by the board. The board shall provide~~
19 ~~a date by which application for exemption forms must be filed.~~

20 H. I.(1) Any plumbing contractor who currently holds a state license Master
21 Plumber License from the State Plumbing Board of Louisiana shall be exempt from
22 any requirement for passage of an additional examination in that license
23 classification and may bid and perform plumbing work statewide after applying to
24 the board for an exemption on a form prepared by the board receiving a license from
25 this board.

26 F. (2) Nothing in this ~~Section~~ Subsection shall be construed to permit
27 plumbing contractors to perform plumbing work without first complying with the
28 licensure provisions of Chapter 16 of this Title, R.S. 37:1361 et seq.

1 ~~J. Each applicant shall pay all fees required for issuance of the license as~~
2 ~~provided for in this Chapter.~~

3 ~~K. Upon completion of the requirements for licensure, the application shall~~
4 ~~be submitted to the board for review.~~

5 J. No license shall be issued for the subclassification of asbestos removal and
6 abatement under the major classification of hazardous materials as provided in R.S.
7 37:2156.2(VIII) until the applicant furnishes satisfactory evidence that he or his
8 qualifying party has received certification from the Department of Environmental
9 Quality to perform asbestos removal and abatement work.

10 ~~L.(1)~~ K.(1) The examination requirement of this Chapter shall not apply to
11 any arborist who currently holds a valid state license issued pursuant to R.S. 3:3804
12 in the landscaping, grading, and beautification subclassification. The arborist may
13 bid and perform the arborist work described in R.S. 3:3808(A)(1)(a), statewide, after
14 applying to the board for an exemption on a form prepared by the board.

15 (2) Nothing in this Subsection shall be construed to permit arborists to
16 recommend or execute arborist work without first complying with the licensure
17 provisions of Chapter 24 of Title 3 of the Louisiana Revised Statutes of 1950, R.S.
18 3:3801 et seq.

19 ~~M. L.~~ L. The board may consolidate, add, or remove subclassifications or
20 specialties by rule as it deems appropriate.

21 §2156.2. Major categories; subclassifications; specialty classifications; requirements
22 for contractors holding major classification to perform mechanical, electric,
23 or plumbing work

24 ~~A.~~ Any contractor possessing a major classification is permitted to bid or
25 perform any of the specialty type work required to perform its scope of work for its
26 respective classification. Under each major category listed in this Subsection is a list
27 of subclassifications that a specialty contractor may obtain, as follows:

- 1 I. Building construction
- 2 Subclassifications:
- 3 1. Acoustical treatments
- 4 2. ~~Air conditioning work, ventilation, refrigeration, and duct work~~
- 5 3. ~~Electrical construction for structures~~
- 6 4. Fire sprinkler work
- 7 5. 3. Foundations for buildings, equipment, or machinery
- 8 6. 4. Incinerator construction
- 9 7. 5. Installation of equipment, machinery, and engines
- 10 8. 6. Installation of pneumatic tubes and conveyors
- 11 9. 7. Insulation for cold storage and buildings
- 12 10. 8. Insulation for pipes and boilers
- 13 11. 9. Landscaping, grading, and beautification
- 14 12. 10. Lathing, plastering, and stuccoing
- 15 13. 11. Masonry, brick, stone
- 16 14. ~~Ornamental iron and structural steel erection, steel buildings~~
- 17 15. 12. Painting and interior decorating, carpeting flooring
- 18 16. 13. Pile driving
- 19 17. ~~Plumbing~~
- 20 18. ~~Residential construction~~
- 21 19. 14. Rigging, house moving, wrecking, and dismantling
- 22 20. 15. Roof decks
- 23 21. 16. Roofing and sheet metal, siding
- 24 22. 17. Sheet metal duct work
- 25 23. 18. Steam and hot water heating in buildings or plants
- 26 19. Steel erection and installation
- 27 24. 20. Stone, granite, slate, resilient floor installations
- 28 25. 21. Swimming pools
- 29 26. 22. Tile, terrazzo, and marble

- 1 ~~27.~~ 23. Water cooling towers and accessories
- 2 ~~28.~~ 24. Drywalls
- 3 ~~29.~~ 25. Driveways, parking areas, asphalt, and concrete, exclusive of
- 4 highway and street work
- 5 ~~30.~~ 26. Fencing
- 6 27. Labor only
- 7 II. Highway, street, and bridge construction
- 8 Subclassifications:
- 9 1. Driveways, parking areas, asphalt, and concrete
- 10 2. Highway and street subsurface drainage and sewer work
- 11 3. Permanent or paved highways and streets (asphalt hot and cold plant mix)
- 12 4. Permanent or paved highways and streets (asphalt surface treatment)
- 13 5. Permanent or paved highways and streets (concrete)
- 14 6. Permanent or paved highways and streets (soil cement)
- 15 7. Secondary roads
- 16 8. Undersealing or leveling of roads
- 17 9. Earthwork, drainage, and levees
- 18 10. Clearing, grubbing, and snagging
- 19 11. Culverts and drainage structures
- 20 12. ~~Concrete bridges~~ Bridges, over and underpasses
- 21 13. ~~Steel bridges, over and underpasses~~
- 22 14. ~~Wood bridges, over and underpasses~~
- 23 15. Landscaping, grading, and beautification
- 24 ~~16.~~ 14. Fencing
- 25 ~~17.~~ 15. Furnishing and installation of movable structures or machinery,
- 26 excluding electrical and mechanical work
- 27 16. Labor only
- 28 III. Heavy construction
- 29 Subclassifications:

- 1 1. Clearing, grubbing, and snagging
- 2 2. Dams, reservoirs, and flood control work other than levees
- 3 3. Dredging
- 4 4. Electrical transmission lines
- 5 5. Foundations and pile driving
- 6 6. Industrial piping
- 7 7. Industrial plants
- 8 8. Industrial ventilation
- 9 9. Oil field construction
- 10 ~~10. Oil refineries~~
- 11 ~~11. Railroads~~
- 12 ~~12.~~ 11. Transmission pipeline construction
- 13 ~~13.~~ 12. Tunnels
- 14 ~~14.~~ 13. Wharves, docks, harbor improvements, and terminals
- 15 ~~15.~~ 14. Landscaping, grading, and beautification
- 16 ~~16.~~ 15. Fencing
- 17 16. Labor only
- 18 IV. Municipal and public works construction
- 19 Subclassifications:
- 20 1. Filter plants and water purification
- 21 2. Pipe work (gas lines)
- 22 3. Pipe work (sewer)
- 23 4. Pipe work (storm drains)
- 24 5. Pipe work (waterlines)
- 25 6. Power plants
- 26 7. Sewer plant or sewer disposal
- 27 8. Underground electrical conduit installation
- 28 9. Landscaping, grading, and beautification
- 29 10. Fencing

- 1 11. Labor only
- 2 V. Electrical ~~work~~
- 3 Subclassifications:
- 4 1. Electrical transmission lines
- 5 2. ~~Electrical work for structures~~
- 6 ~~3.~~ Underground electrical conduit installation
- 7 ~~4.~~ 3. Electrical controls
- 8 VI. Mechanical ~~Work~~
- 9 Subclassifications:
- 10 1. Heat, air conditioning, ventilation, duct work, and refrigeration
- 11 2. Industrial pipe work and insulation
- 12 3. Plumbing
- 13 4. Controls for mechanical work
- 14 VII. Plumbing
- 15 Subclassifications:
- 16 1. Potable and nonpotable water systems; construction, removal, repair, and
- 17 maintenance for buildings and premises.
- 18 2. Sanitary and nonsanitary waste and sewerage construction; removal,
- 19 repair, and maintenance for buildings and premises.
- 20 ~~VII.~~ VIII. Hazardous materials
- 21 Subclassifications:
- 22 1. Asbestos removal and abatement
- 23 2. Hazardous ~~materials cleanup and~~ waste treatment or removal
- 24 3. ~~Hazardous materials site remediation~~
- 25 ~~4.~~ Any other classification for which the Department of Environmental
- 26 Quality requires certification pursuant to law or regulation.

1 ~~VIII. Plumbing~~

2 ~~Subclassifications:~~

3 ~~1. Potable and nonpotable water systems; construction, removal, repair, and~~
4 ~~maintenance for buildings and premises.~~

5 ~~2. Sanitary and nonsanitary waste and sewerage construction, removal,~~
6 ~~repair, and maintenance for buildings and premises.~~

7 IX. Residential construction

8 1. Foundations

9 2. Framing

10 3. Roofing

11 4. Masonry and stucco

12 5. Swimming pools

13 6. Pile-driving

14 7. Labor only

15 ~~B. Any contractor who holds a major classification which permits that~~
16 ~~contractor to bid mechanical or electrical work, prior to the performance of such~~
17 ~~work under his license, shall designate a qualifying party to successfully pass the~~
18 ~~standardized nationally recognized test administered by the board for the work to be~~
19 ~~performed. All time limitations shall be waived and any designated qualifying party~~
20 ~~who has successfully completed the examination shall not be required to retake the~~
21 ~~examination.~~

22 ~~C. Any contractor who holds a major classification which permits the~~
23 ~~contractor to bid and perform plumbing work, prior to the performance of such work,~~
24 ~~shall comply with the provisions of Chapter 16 of this Title, R.S. 37:1361 et seq. All~~
25 ~~time limitations shall be waived.~~

26 ~~D. The board may grant or renew licenses for mechanical, electrical, or~~
27 ~~plumbing contractors and restrict such licenses to the bidding and performance of~~
28 ~~work within specified areas of this state as the board shall designate. Such license~~
29 ~~shall be issued with a notation of the applicable restriction.~~

1 §2156.3. Installation of solar energy equipment and systems

2 A. No licensed contractor shall install solar energy equipment or solar
3 energy systems on or after February 1, 2015, unless he is in compliance with the
4 provisions of this Section and any rules adopted by the board in accordance with the
5 provisions of this Section.

6 ~~B.(1) Notwithstanding any provision of law to the contrary, no later than~~
7 ~~January 1, 2015, the board shall adopt rules in accordance with the Administrative~~
8 ~~Procedure Act regulating the installation of solar energy equipment or solar energy~~
9 ~~systems by licensed contractors. Such rules shall, at a minimum, include the~~
10 ~~requirement of passage of a separate written examination that evidences the~~
11 ~~contractor's knowledge and understanding of best practices as related to the~~
12 ~~installation and maintenance of solar energy equipment or solar energy systems by~~
13 ~~any contractor who does not hold a current Solar PV Installer certification for solar~~
14 ~~electric systems, or a current Solar Heating Installer certification for solar thermal~~
15 ~~hot water systems as issued by the North American Board of Certified Energy~~
16 ~~Practitioners.~~

17 (2) Any contractor licensed in this state as of August 1, 2014, holding the
18 major classification of Building Construction, Electrical Work (Statewide), or
19 Mechanical Work (Statewide), shall be deemed to have met the examination
20 requirement pursuant to this Subsection.

21 C. Contractors applying for the classification of Solar Energy Equipment,
22 shall, in addition to all other application or licensing requirements, ~~meet the~~
23 ~~following requirements prior to issuance of this classification:~~

24 (1) ~~Hold~~ hold one or more of the following major classifications:

25 (a) ~~(1)~~ (1) Building Construction.

26 (b) ~~(2)~~ (2) Electrical ~~Work~~.

27 (c) ~~(3)~~ (3) Mechanical ~~Work~~.

28 (d) ~~(4)~~ (4) Residential ~~Building Contractor Construction~~.

1 ~~(2) Complete training in the design of solar energy systems by an entity and~~
2 ~~course approved by the board.~~

3 D. Any work performed to connect wiring or hookups for any photovoltaic
4 panel or system wherein the panel or system is of a value, including labor, materials,
5 rentals, and all direct and indirect project expenses, of ten thousand dollars or more
6 shall be performed only by a contractor or subcontractor who holds the classification
7 of to perform Electrical Work ~~or who may perform electrical work pursuant to the~~
8 ~~provisions of R.S. 37:2156.2(B).~~

9 E. Any work performed to connect piping or equipment for any solar thermal
10 system wherein the system is of a value, including labor, materials, rentals, and all
11 direct and indirect project expenses, of ten thousand dollars or more shall be
12 performed only by a contractor or subcontractor who holds the classification of to
13 perform Mechanical Work ~~or who may perform mechanical work pursuant to the~~
14 ~~provisions of R.S. 37:2156.2(B).~~

15 F. The provisions of this Section shall be applicable to entities engaging in
16 the business of selling, leasing, installing, servicing, or monitoring solar energy
17 equipment. Nothing in this Section shall be construed to impose civil or criminal
18 liability on homeowners or on any third party whose involvement is financing to the
19 homeowner, financing for installation, or purchasing the tax credits described in this
20 Section from any homeowner or contractor. Entities engaged in the business of
21 arranging agreements for the lease or sale of solar energy systems or acquiring
22 customers for financing entities shall not be exempt from the provisions of this
23 Section.

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

1 the city of New Orleans, or to any work performed by the public utility in furnishing
2 its authorized service.

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

10 ~~(3)~~ (4) Any person donating labor and services for the supervision and
11 construction of or for the maintenance and repair of churches.

12 ~~(4)~~ (5) Any farmer doing construction for agricultural purposes on leased
13 or owned land.

14 ~~(5)~~ (6) Any person bidding or performing work on any project totally owned
15 by the federal government.

16 ~~(6)~~ (7) Any person engaged in rail or pipeline construction activities
17 performed on property he owns or leases.

18 ~~(7)~~ (8) Any citizen volunteering labor for the construction of a project which
19 is funded by the Louisiana Community Development Block Grant, Louisiana Small
20 Towns Environment Program.

21 ~~(8)~~ (9) Any person, supplier, or manufacturer, ~~or the employee of the person,~~
22 ~~supplier, or manufacturer~~ who assembles, repairs, maintains, moves, puts up, tears
23 down, or disassembles any patented or proprietary ~~environmental~~ equipment ~~he~~
24 ~~supplies~~ supplied to a contractor to be used solely ~~by the contractor~~ for a construction
25 ~~undertaking project~~.

26 ~~(9)~~ (10) The manufactured housing industry or any person engaged in any
27 type of service, warranty, repair, or home improvement work on factory-built,
28 residential dwellings that are mounted on chassis and wheels.

1 ~~(10)~~ (11) Any person bidding or performing work on any project paid for by
2 monies from the Oilfield Site Restoration Fund or Coronavirus Aid, Relief, and
3 Economic Security (CARES) Act.

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

5 (13) Any employee of any contractor.

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

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

18 (16) The following persons are exempt from home improvement licensure:

19 (a) A residential property owner who physically performs the home
20 improvement work on his personal residence.

21 (b) Persons licensed as a building construction contractor or residential
22 contractor.

23 (c) Any person who works exclusively in any of the following home
24 improvement areas:

25 (i) Landscaping.

26 (ii) Interior painting or wall covering.

27 (17) The following persons are exempt from mold remediation licensure:

28 (a) A residential property owner who performs mold remediation on his own
29 property.

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

5 ~~B. However, the provisions of this Chapter shall apply to any contractor~~
6 ~~employed by any party exempted by this Section.~~ The provisions of this Section
7 shall not be construed to waive local and state health and life safety code
8 requirements.

9 §2158. ~~Revocation, suspension, and renewal~~ and suspension of licenses; issuance
10 of cease and desist orders; debarment; violations; penalty; criminal penalty

11 A. No person may engage in the business of contracting, or act as a
12 contractor as defined in this Chapter, unless he holds an active license as a contractor
13 in accordance with the provisions of this Chapter. The board and residential
14 subcommittee may revoke, suspend, or refuse to renew a license; issue cease and
15 desist orders to stop work; issue fines and penalties; or debar any person or licensee
16 licensed pursuant to the provisions of this Chapter for any of the following ~~causes~~
17 violations:

18 (1) Undertaking, attempting to, or submitting a price or bid; offering to
19 construct, supervise, superintend, oversee, direct, or in any manner assume charge
20 of the construction, alteration, repair, improvement, movement, demolition, putting
21 up, tearing down; furnishing labor or furnishing labor together with material or
22 equipment; or installing material or equipment for any building, highway, road,
23 railroad, sewer grading, excavation, pipeline, public utility structure, project
24 development, housing, or housing development, improvement, or any other
25 construction undertaking without possessing a license for which a license is required
26 or without possessing a license with the proper classification.

27 (2) Falsely representing or advertising regarding the person's license status
28 or classification.

1 (3) Any dishonest or fraudulent act as a contractor which has caused damage
2 to another, as adjudged by a court of competent jurisdiction.

3 ~~(2) Willful misrepresentation of fact by an applicant in obtaining a license.~~

4 (4) Bidding on, quoting, estimating, or performing a job for which a license
5 is required, the licensee shall hold the classification for the majority of work
6 performed.

7 (5) Misrepresentation of fact by an applicant in obtaining a license;
8 misrepresentation of fact by an applicant or licensee in providing information,
9 statements, or documents to the staff or board; deception by omission; and providing
10 false testimony to the board.

11 ~~(3)~~ (6) ~~Willful failure~~ Failure to comply with the provisions of this Chapter
12 or the rules and regulations promulgated pursuant thereto.

13 ~~(4)~~ (7) Entering into a contract with an unlicensed contractor involving work
14 or activity for the performance of which a license is required by this Chapter.

15 ~~(5)~~ (8) Permitting the contractor's license to be used by another contractor
16 when the other contractor does not hold a license for the classification of work for
17 which the contract is entered.

18 ~~(6)~~ (9) Failure to maintain a qualifying party to represent the licensee.

19 ~~(7) Insolvency or involuntary cessation of business operation.~~

20 ~~(8)~~ (10) Failure to continue to fulfill any of the requirements for original
21 licensure.

22 ~~(9)~~ (11) Problems relating to the ability of the contractor, its qualifying party,
23 or any of its principal owners or principal shareholders to engage in the business of
24 contracting, as demonstrated by their contracting business history or experience.

25 ~~(10)~~ (12) Disqualification or debarment by any public entity.

26 ~~(11) Failure to possess any insurance required by federal law.~~

27 ~~(12)~~ (13) Failure to ~~timely~~ notify the board of any change in corporate name,
28 company name, address of the licensee, or any other contact information as required.

29 (14) Assisting a person to circumvent the provisions of this Chapter.

1 (15) Failure of a contractor performing residential or home improvement
2 construction in accordance with this Chapter to provide, in writing to the party with
3 whom he has contracted to perform contracting services, his name, contracting
4 license number, classification, and current insurance certificates evidencing the
5 amount of liability insurance maintained and proof of workers' compensation
6 coverage when requested by the contracting party for whom the work is to be
7 performed.

8 (16) Abandoning or failing to perform, without justification, any contract or
9 project engaged in or undertaken by any licensee or deviating from or disregarding
10 plans or specifications in any material respect without the consent of the owner.

11 (17) Conviction of a crime or the entering of a plea of guilty or nolo
12 contendere to a criminal charge under the laws of the United States or any other state
13 related to the construction business involving dishonesty or causing physical harm
14 or damages to another person.

15 (18) Efforts to deceive or defraud the public.

16 (19) It is a violation for a mold remediation contractor to:

17 (a) Fail to provide a written report to each person for whom he performs
18 such services for compensation.

19 (b) Render, submit, subscribe, or verify false, deceptive, misleading or
20 unfounded opinions or reports.

21 (c) Perform both mold assessment and mold remediation on the same
22 property.

23 (d) Own an interest in both the entity which performs mold assessment
24 services and the entity which performs mold remediation services on the same
25 property.

26 ~~B.(1) In order to enforce the provisions of this Chapter, the board may~~
27 ~~conduct hearings in accordance with the provisions of R.S. 49:951 through 965.1.~~
28 ~~The board shall maintain and make available a record of all persons or licensees who~~
29 ~~have been disqualified by any public entity pursuant to R.S. 39:1672. If any person~~

1 ~~or licensee has been disqualified more than once in a twelve-month period, the board~~
2 ~~shall hold a debarment hearing.~~ In determining the value of a project, any division
3 of a contract or scope of work into parts which would avoid the necessity of a license
4 to bid, contract, or perform the work, will be disregarded, and the divided parts of
5 the contract or scope of work will be treated as one contract or scope of work for
6 purposes of determining whether a license is required.

7 (2) ~~After the hearing, if the board rules that a person has violated any~~
8 ~~provision of this Chapter, or that a person or licensee has been appropriately~~
9 ~~disqualified more than once in a twelve-month period, in lieu of revoking or~~
10 ~~suspending the license, the board may order the person to immediately discontinue~~
11 ~~all work on the construction project which is the subject of the hearing, debar a~~
12 ~~person or licensee from bidding on projects for any public entity for up to three~~
13 ~~years, or both. Additionally, the board may require the licensee to pay the actual~~
14 ~~costs incurred by the board in connection with the investigation and to conduct the~~
15 ~~hearing. In accordance with R.S. 49:964, the board may grant a stay of the~~
16 ~~enforcement of its order for good cause.~~ For the purpose of determining a scope of
17 work, the board shall review whether the contract or contracts in question constitute
18 a single scope of work or whether they constitute separate scopes of work. The
19 board may be guided in this interpretation by a review of the drawings, plot plans,
20 blueprints, architectural plans, site maps, technical drawings, engineering designs,
21 sketches, diagrams, black lines, blue lines, drafts, or other renderings depicting the
22 total scope of work.

23 C. In the event of a revocation of a license or a qualifying party status, the
24 person or qualifying party shall be ineligible to apply for a license or qualifying party
25 status for one year following the revocation.

26 D. The board may refuse to license any entity that has been debarred
27 pursuant to R.S. 39:1672. Further, the board may hold a hearing for any licensee
28 debarred pursuant to R.S. 39:1672 and suspend or revoke a license, order the licensee

1 to discontinue all work on a construction project, or further debar a person or
2 licensee from bidding on projects for any public entity for up to three years.

3 (3) E. Any party to the proceeding who is aggrieved by the action of the
4 board may appeal the decision in accordance with R.S. 49:951 through 965.1.

5 ~~C. The board may sue and be sued and, to that end, shall have the authority~~
6 ~~to apply to a court of competent jurisdiction for a temporary restraining order and a~~
7 ~~writ of injunction to restrain and prohibit any violation of this Chapter and the~~
8 ~~performance of any work then being done or about to commence.~~

9 ~~D. F.~~ In accordance with the provisions of R.S. 49:951 through 965.1, any
10 person who applies for and is denied a license by the board, or whose license has
11 been revoked, rescinded, or suspended, may ~~apply~~ appeal to the Nineteenth Judicial
12 District Court in and for the parish of East Baton Rouge to determine whether the
13 board has abused its discretion.

14 ~~E. In addition to actions taken by the board, it shall be unlawful for any~~
15 ~~person to engage in the business of contracting without authority as provided in R.S.~~
16 ~~37:2160.~~

17 ~~§2159. Classification; bidding and performing work within a classification~~ Home
18 improvement contracting; written contract required; claims of unlicensed
19 persons

20 ~~A. Before issuing a license to any contractor, the board shall state the~~
21 ~~contractor's classification on the license, according to the classification requested by~~
22 ~~the contractor and for which he has completed all of the requirements. Every~~
23 agreement for any licensee to perform home improvement contracting services, as
24 defined by this Chapter, in an amount in excess of seven thousand five hundred
25 dollars, but not in excess of seventy-five thousand dollars, shall be in writing and
26 shall include the following documents and information:

27 (1) The complete agreement between the owner and the contractor and a
28 clear description of any other documents which are or shall be incorporated into the
29 agreement, including current insurance certificates evidencing the amount of liability

1 insurance maintained and proof of workers' compensation coverage by any person
2 required to be as a home improvement contractor.

3 (2) The full names, addresses, and the license number of the contractor.

4 (3) A description of the work to be performed.

5 (4)(a) The total amount agreed to be paid for the work to be performed under
6 the contract.

7 (b) An approximation of the cost expected to be borne by the owner under
8 a cost-plus contract or a time-and-materials contract.

9 (5) The signature of all parties.

10 B. ~~The licensee shall not be permitted to bid or perform any type of work not~~
11 ~~included in the classification under which his license was issued.~~ At the time of
12 signing, the owner shall be furnished with a copy of the contract signed by both the
13 home improvement contractor and the owner. No work shall begin prior to the
14 signing of the contract and transmittal to the owner of a copy of the contract.

15 C. ~~The licensee may apply for and receive additions to or changes in his~~
16 ~~classification by applying, successfully completing the written examination, and~~
17 ~~paying the required fees. Additions or changes to an existing license shall become~~
18 ~~effective after completion of the requirements and upon board approval.~~ Contracts
19 which fail to comply with the requirements of this Section shall not be invalid solely
20 because of noncompliance.

21 D. ~~Nothing in this Chapter is to be construed to mean that the board has any~~
22 ~~authority to determine or fix or suggest the amount of a contractor's bid limit.~~ No
23 home improvement contractor who fails to obtain a license as provided for in this
24 Chapter shall be entitled to file a statement of claim or a statement of lien or
25 privilege with respect to monetary sums allegedly owed under any contract, whether
26 express, implied, or otherwise, when any provision of this Chapter requires that the
27 home improvement contractor possess a home improvement license issued by the
28 residential subcommittee in order to have properly entered into such a contract.

1 §2160. ~~Engaging in business of contracting without authority prohibited; penalty~~
2 Local regulatory authority; permit offices; staff; building permits

3 A.(1) ~~It shall be unlawful for any person to engage or to continue in this state~~
4 ~~in the business of contracting, or to act as a contractor as defined in this Chapter,~~
5 ~~unless he holds an active license as a contractor under the provisions of this Chapter.~~

6 (2) ~~It shall be unlawful for any contractor, licensed or unlicensed, who~~
7 ~~advertises in any form or in any news medium, to advertise that he is a licensed~~
8 ~~contractor without specifying the type of license to which he is referring. Each month~~
9 ~~the staff of the board may inspect the list of permits issued by each local building~~
10 ~~permit official in this state to ensure that no person is working as a contractor~~
11 ~~without an active license. Upon request, parish and municipal permitting authorities~~
12 ~~shall provide to board staff, all unredacted documents relating to building permits,~~
13 ~~applications, and inspections.~~

14 B. ~~It shall be sufficient for the indictment, affidavit, or complaint to allege~~
15 ~~that the accused unlawfully engaged in business as a contractor without authority~~
16 ~~from the State Licensing Board for Contractors. Prior to the issuance of any building~~
17 ~~permit, the local building permit official shall require that the applicant for such~~
18 ~~permit produce proof that the applicant possesses an appropriate, applicable~~
19 ~~contractor's license issued by the board, or that the applicant's proposed building~~
20 ~~activity is exempt from such licensure in accordance with this Chapter.~~

21 C.(1) ~~Anyone violating this Section of this Chapter shall be guilty of a~~
22 ~~misdemeanor and, upon conviction, shall be fined a sum not to exceed five hundred~~
23 ~~dollars per day of violation, or three months in prison, or both.~~

24 (2) ~~Notwithstanding any action taken by the board, any person, who does not~~
25 ~~possess a license from the board, and who violates any of the provisions of this~~
26 ~~Section, and causes harm or damage to another in excess of three hundred dollars,~~
27 ~~upon conviction, shall be fined not less than five hundred dollars nor more than five~~
28 ~~thousand dollars, or imprisoned, with or without hard labor, for not less than six~~
29 ~~months nor more than five years, or both.~~

1 ~~(3) Any fine so assessed and collected shall be remitted to the contractor's~~
2 ~~educational trust fund provided for in R.S. 37:2162(J). The local building permit~~
3 ~~official shall require any applicant claiming an exemption for residential construction~~
4 ~~activities to execute an affidavit attesting to the claimed exemption. Such affidavit~~
5 ~~shall be submitted to the local building permit official prior to the issuance of a~~
6 ~~permit. Such affidavit shall be executed on a form provided by the board.~~

7 D. ~~The district attorney, in whose jurisdiction the violation occurs, shall have~~
8 ~~sole authority to prosecute criminal actions pursuant to this Section. The provisions~~
9 ~~of this Chapter shall preempt any municipal or other local regulatory examination~~
10 ~~authority over all licensees. If the governing authority or any municipality or parish~~
11 ~~finds that the state minimum standards do not meet its needs, the local government~~
12 ~~may provide requirements not less stringent than those specified by the state.~~

13 ~~§2161. Power to sue and be sued; injunction; restraining orders~~ Construction
14 ~~management~~

15 ~~The board may sue and be sued and, to that end, shall have the right to go~~
16 ~~into court in the jurisdiction in which the provisions of this Chapter are being~~
17 ~~violated, and upon affidavit, secure a temporary restraining order and a writ of~~
18 ~~injunction restraining and prohibiting the violation of this Chapter and the~~
19 ~~performance of any work then being done or about to be commenced.~~

20 A.(1) Any person who performs, attempts to perform, or submits a price, bid,
21 or offer to perform work in construction management whose scope of authority and
22 responsibility include supervision, oversight, direction, or in any manner assumes
23 charge for the construction services provided to an owner by a contractor or
24 contractors, in which the value of the construction project is:

25 (a) In excess of fifty thousand dollars for a commercial construction project,
26 shall possess a license from the board in the major classification applicable to the
27 type of work being performed on the construction project.

1 (b) In excess of seventy-five thousand dollars for a residential construction
2 project, shall possess a license from the board in the classification of residential
3 construction.

4 (c) In excess of seven thousand five hundred dollars for a home
5 improvement project, shall possess a license from the board in the classification of
6 home improvement construction.

7 (2) An architect or engineer ensuring compliance with the plans and
8 specifications for the construction project on behalf of the owner, or construction
9 manager whose scope of authority and responsibilities do not include any of the tasks
10 provided for in this Subsection and does not subcontract actual construction work,
11 is not required to obtain a contractor's license.

12 (3) An employee of the owner who supervises the construction or ensures
13 compliance with the plans and specifications on behalf of the owner but does not bid
14 or perform construction work for which a license is required does not have to be
15 licensed.

16 ~~§2162. Violations; civil penalty; jurisdiction~~ Joint venture

17 ~~A. Any person who violates any provision of this Chapter shall, after notice~~
18 ~~and a hearing, be liable to the board for a fine of up to ten percent of the total~~
19 ~~contract or the value of the work being performed for which there is a violation. In~~
20 ~~addition to the fine, the board may impose costs and attorney fees for each offense.~~
21 ~~If the board brings an action against a person pursuant to this Section and fails to~~
22 ~~prove its case, it shall be liable to the person for the payment of his reasonable~~
23 ~~litigation expenses as defined in R.S. 49:965.1(D).~~

24 ~~B. In addition to or in lieu of the criminal penalties and administrative~~
25 ~~sanctions provided in this Chapter, the board may issue an order to cease and desist~~
26 ~~to any person or firm engaged in any activity, conduct, or practice constituting a~~
27 ~~violation of any provision of this Chapter. The order shall be issued in the name of~~
28 ~~the state of Louisiana under the official seal of the board.~~

1 ~~C. If the person or firm to whom the board directs a cease and desist order~~
2 ~~does not cease or desist the proscribed activity, conduct, or practice immediately, the~~
3 ~~board may cause to issue in any court of competent jurisdiction and proper venue,~~
4 ~~a writ of injunction enjoining the person or firm from engaging in any activity,~~
5 ~~conduct, or practice prohibited by this Chapter.~~

6 ~~D. Upon proper showing by the board that a person or firm has engaged or~~
7 ~~is engaged in any activity, conduct, or practice prohibited by this Chapter, the courts~~
8 ~~shall issue a temporary restraining order restraining the person or firm from engaging~~
9 ~~in the unlawful activity, conduct, or practice pending the hearing on a preliminary~~
10 ~~injunction. In due course, a permanent injunction shall be issued after a hearing,~~
11 ~~commanding the cessation of the unlawful activity, conduct, or practice without the~~
12 ~~board having to give bond. A temporary restraining order, preliminary injunction,~~
13 ~~or permanent injunction issued pursuant to the provisions of this Section shall not be~~
14 ~~subject to being released upon bond.~~

15 ~~E. In the suit for an injunction, the board may demand of the defendant a~~
16 ~~penalty as provided in Subsection A of this Section. A judgment for penalty,~~
17 ~~attorney fees, and costs may be rendered in the same judgment in which the~~
18 ~~injunction is made absolute. If the board brings an action against a person pursuant~~
19 ~~to the provisions of this Section and fails to prove its case, then it shall be liable to~~
20 ~~the person for the payment of his attorney fees and costs.~~

21 ~~F. The trial of the proceeding by injunction shall be summary and by the~~
22 ~~judge without a jury.*~~

23 ~~G. Anyone violating this Chapter who fails to cease work, after proper~~
24 ~~hearing and notification from the board, shall not be eligible to apply for a~~
25 ~~contractor's license for a period not to exceed one year from the date of official~~
26 ~~notification to cease work.~~

27 ~~H. It shall be within the power of the board to withhold approval, for up to~~
28 ~~six months, of any application from anyone who, prior to said application, has been~~
29 ~~found in violation of this Chapter.~~

1 ~~I. All fines or penalties collected by the board pursuant to the provisions of~~
2 ~~this Section for violations of any provision of this Chapter shall, annually, at each~~
3 ~~audit of the board, be transferred to a separate contractor's educational trust fund to~~
4 ~~be used for educational purposes as determined by the board.~~

5 ~~J. Upon the expiration of the delays set forth in the Administrative Procedure~~
6 ~~Act for an aggrieved party to appeal any fine or penalty assessed by the board, if an~~
7 ~~appeal has not been so filed, the board may initiate civil proceedings against the~~
8 ~~party seeking to obtain a judgment against that party in an amount equivalent to the~~
9 ~~amount of the fine assessed, together with legal interest and all reasonable attorney~~
10 ~~fees incurred by the board in bringing the action. The proceedings shall be~~
11 ~~conducted on a summary basis, with the defendant being limited to the defense of~~
12 ~~lack of notice as to the meeting of the board during which the fine was assessed. All~~
13 ~~proceedings brought pursuant to the provisions of this Subsection shall lie in any~~
14 ~~court of competent jurisdiction in this state.~~

15 ~~K. In addition to all other authority granted to the board by the provisions of~~
16 ~~this Chapter, the board shall have the authority to cause to be issued to any person~~
17 ~~who is alleged to have violated any of the provisions of this Chapter a citation setting~~
18 ~~forth the nature of the alleged violation, which provides to that person the option of~~
19 ~~either pleading no contest to the charge and paying a fine to the board prescribed by~~
20 ~~any provision of this Chapter or appearing at an administrative hearing conducted by~~
21 ~~the board regarding the alleged violation. The citations may be issued by any~~
22 ~~authorized employee of the board, and may be issued either in person or via the~~
23 ~~United States Postal Service, postage prepaid and properly addressed. This~~
24 ~~Subsection shall not be applicable to any criminal enforcement action brought~~
25 ~~pursuant to the provisions of this Chapter.~~

26 ~~L. Any person registered or licensed pursuant to the provisions of this~~
27 ~~Chapter who is the subject of two or more complaints received by the board within~~
28 ~~a six month period shall have his name and the nature of each complaint received~~
29 ~~posted on the board's website.~~

1 When two or more persons bid, contract, or perform construction work as a
2 joint venture on any project for which a contractor's license is required, the joint
3 venture is required to be properly licensed by the board at the time of bid, contract,
4 and performance of work in the classification for which the joint venture will
5 perform work. This requirement applies to but is not limited to a corporation,
6 limited liability company, limited liability partnership, general partnership, and any
7 other entity operating as a joint venture on a project for which a contractor's license
8 is required from this board. This licensing requirement is required before persons
9 or contractors are permitted to bid, contract, or perform work on a project for which
10 a license is required regardless of whether they intended to operate as a joint venture.

11 §2163. ~~Bid procedures; penalty~~ Engaging in business of contracting without
12 authority prohibited; penalty

13 A.(1) ~~It is the intent of this Section that only contractors who hold an active~~
14 ~~license be awarded contracts either by bid or through negotiation. All architects,~~
15 ~~engineers, and awarding authorities shall place in their bid specifications the~~
16 ~~requirement that a contractor shall certify that he holds an active license under the~~
17 ~~provisions of this Chapter by displaying his license number on the bid envelope. In~~
18 ~~the case of an electronic bid proposal, a contractor may submit an authentic digital~~
19 ~~signature on the electronic bid proposal accompanied by the contractor's license~~
20 ~~number in order to meet the requirements of this Paragraph. Except as otherwise~~
21 ~~provided herein, if the bid does not display the contractor's license number on the bid~~
22 ~~envelope, the bid shall be automatically rejected, shall be returned to the bidder~~
23 ~~marked "Rejected", and shall not be read aloud. It shall be unlawful for any person~~
24 ~~to engage or to continue in this state in the business of contracting, or to act as a~~
25 ~~contractor as defined in this Chapter, unless he holds an active license as a contractor~~
26 ~~in accordance with the provisions of this Chapter.~~

27 (2) ~~Any bid that does not require the contractor to hold an active license shall~~
28 ~~state the exemption on the bid envelope and shall be treated as a lawful bid for the~~
29 ~~purpose of this Section. It shall be unlawful for any contractor, licensed or~~

1 unlicensed, who advertises in any form or in any news medium, to advertise that he
2 is a licensed contractor without specifying the type of license to which he is
3 referring.

4 B. It shall be sufficient for the indictment, affidavit, or complaint to allege
5 that the accused unlawfully engaged in business as a contractor without authority
6 from the board.

7 C.(1) Anyone found to be in violation of this Section shall be guilty of a
8 misdemeanor and, upon conviction, shall be fined a sum not to exceed five hundred
9 dollars per day of violation, or three months in prison, or both.

10 (2) Notwithstanding any action taken by the board, any person who does not
11 possess a license from the board and violates any of the provisions of this Section,
12 and causes harm or damage to another in excess of three hundred dollars, upon
13 conviction, shall be fined not less than five hundred dollars nor more than five
14 thousand dollars, or imprisoned, with or without hard labor, for not less than six
15 months nor more than five years, or both.

16 ~~(3) On any project that has been classified by the architect or engineer, prior~~
17 ~~to the bid, as a plumbing project, bids may only be accepted from those who have as~~
18 ~~a qualifying party a person who has complied with the provisions of Chapter 16 of~~
19 ~~this Title, R.S. 37:1361 et seq. Any fine assessed and collected in accordance with~~
20 ~~the provisions of this Section shall be remitted to the contractor's educational trust~~
21 ~~fund provided for in R.S. 37:2164(I).~~

22 ~~(4) Any contractor who submits a bid for a type of construction for which~~
23 ~~he does not hold an active license to perform shall be acting in violation of this~~
24 ~~Section and shall be subject to all provisions for violations and penalties thereof.~~

25 ~~(5) Any subcontractor who submits a bid or quotes a price to any unlicensed~~
26 ~~or inactive prime contractor shall be subject to all provisions for violations and~~
27 ~~penalties thereof.~~

28 ~~B. In no event shall proposal forms be issued later than twenty-four hours~~
29 ~~prior to the hour and date set for receiving proposals.~~

1 ~~C. The architect, engineer, or awarding authority shall classify public~~
2 ~~projects. Once the project is classified, any interested person may object by sending~~
3 ~~a certified letter to both the board and the architect, engineer, or awarding authority~~
4 ~~stating with particularity the reasons for the objection. The objection shall be~~
5 ~~received by the board and by the architect, engineer, or awarding authority at least~~
6 ~~ten working days prior to the date on which bids are to be opened and then submitted~~
7 ~~to a committee for determination. The chairman of the board shall appoint the~~
8 ~~committee which shall consist of board members. The committee may approve the~~
9 ~~project classification or add an additional classification by vote of a majority of the~~
10 ~~members of the committee. The matter shall be resolved and the board shall notify~~
11 ~~the architect, engineer, and awarding authority no less than five days prior to the time~~
12 ~~when bids are to be opened, unless all parties agree that a delay will not cause harm~~
13 ~~to others.~~

14 ~~D.(1) Any awarding authority or its agent who violates the provisions of this~~
15 ~~Section shall be deemed guilty of a misdemeanor and, upon conviction, be punished~~
16 ~~by a fine of not less than one hundred dollars or more than two hundred dollars or~~
17 ~~imprisonment in the parish jail for not less than thirty days nor more than sixty days,~~
18 ~~or both. Any fine and imprisonment are at the discretion of the court.~~

19 ~~(2) In addition, the board may, after notice and a hearing, impose a fine upon~~
20 ~~any awarding authority or its agent who intentionally violates the provisions of this~~
21 ~~Section. The board may not impose any fine as authorized by this Paragraph on the~~
22 ~~state, its agencies, boards, or commissions, or any political subdivision thereof.~~

23 ~~The district attorney in whose jurisdiction the violation occurs shall have sole~~
24 ~~authority to prosecute criminal actions pursuant to this Section.~~

25 ~~§2164. Reciprocity Violations; civil penalty; jurisdiction~~

26 ~~Any applicant holding a license in good standing in a comparable~~
27 ~~classification in another state recognized by the respective agency as a reciprocity~~
28 ~~state may have the trade portion of the examination waived upon written certification~~
29 ~~from that state in which the applicant is licensed. The business law portion of the~~

1 ~~examination and the provisions of R.S. 37:2156.1 shall not be waived. Applicants~~
2 ~~shall comply with all other licensing requirements of this state; however, for good~~
3 ~~cause, the board may waive any other licensing requirement.~~

4 A. Any person who violates any provision of this Chapter shall, after notice
5 and a hearing, be liable to the board for a fine of up to ten percent of the total
6 contract or the value of the work bid or being performed for which there is a
7 violation. In addition to the fine, the board may impose administrative costs and
8 attorney fees for each offense. In determining whether to impose an administrative
9 penalty, the board or residential subcommittee shall consider the seriousness of the
10 violation, cooperation on the part of the contractor, and the history of previous
11 violations.

12 B. In addition to or in lieu of the criminal penalties and administrative
13 sanctions provided in this Chapter, the board may issue an order to cease and desist
14 to any person or firm engaged in any activity, conduct, or practice constituting a
15 violation of any provision of this Chapter. The order shall be issued in the name of
16 the state of Louisiana under the official seal of the board.

17 C. If the person or firm to whom the board directs a cease and desist order
18 does not cease or desist the proscribed activity, conduct, or practice immediately, the
19 board may cause to issue in any court of competent jurisdiction and proper venue,
20 a writ of injunction enjoining the person or firm from engaging in any activity,
21 conduct, or practice prohibited by this Chapter.

22 D. Upon proper showing by the board that a person or firm has engaged or
23 is engaged in any activity, conduct, or practice prohibited by this Chapter, the court
24 shall issue a temporary restraining order restraining the person or firm from engaging
25 in the unlawful activity, conduct, or practice pending the hearing on a preliminary
26 injunction. In due course, a permanent injunction shall be issued after a hearing,
27 commanding the cessation of the unlawful activity, conduct, or practice without the
28 board having to give bond. A temporary restraining order, preliminary injunction,

1 or permanent injunction issued pursuant to the provisions of this Section shall not be
2 subject to being released upon bond.

3 E. In the suit for an injunction, the board may demand of the defendant a
4 penalty as provided in Subsection A of this Section. A judgment for penalty,
5 attorney fees, and costs may be rendered in the same judgment in which the
6 injunction is made absolute. If the board brings an action against a person pursuant
7 to the provisions of this Section and fails to prove its case, then it shall be liable to
8 the person for the payment of his attorney fees and costs.

9 F. The trial of the proceeding by injunction shall be summary and by the
10 judge without a jury.

11 G. Anyone violating this Chapter who fails to cease work, after proper
12 hearing and notification from the board, shall not be eligible to apply for a
13 contractor's license for a period not to exceed one year from the date of official
14 notification to cease work.

15 H. It shall be within the power of the board to withhold approval, for up to
16 one year, of any application from anyone who, prior to the application, has had his
17 license revoked by the board or residential subcommittee.

18 I. All fines or penalties collected by the board pursuant to the provisions of
19 this Section for violations of any provision of this Chapter shall, annually, at each
20 audit of the board, be transferred to a separate contractor's educational trust fund to
21 be used for educational purposes as determined by the trustees of the fund. The
22 Construction Education Trust Fund shall make an audited financial report to the
23 board annually.

24 J. Upon the expiration of the delays set forth in the Administrative Procedure
25 Act for an aggrieved party to appeal any fine or penalty assessed by the board, if an
26 appeal has not been so filed, the board may initiate civil proceedings against the
27 party seeking to obtain a judgment against that party in an amount equivalent to the
28 amount of the fine assessed, together with legal interest and all reasonable attorney
29 fees incurred by the board in bringing the action. The proceedings shall be

1 conducted on a summary basis, with the defendant being limited to the defense of
2 lack of notice as to the meeting of the board during which the fine was assessed. All
3 proceedings brought pursuant to the provisions of this Subsection shall lie in any
4 court of competent jurisdiction in this state.

5 K. In addition to all other authority granted to the board by the provisions of
6 this Chapter, the board shall have the authority to cause to be issued to any person
7 who is alleged to have violated any of the provisions of this Chapter a citation setting
8 forth the nature of the alleged violation, which provides to that person the option of
9 either pleading no contest to the charge and paying a fine to the board prescribed by
10 any provision of this Chapter or appearing at an administrative hearing conducted by
11 the board regarding the alleged violation. The citations may be issued by any
12 authorized employee of the board, and may be issued either in person, by certified
13 mail with a return receipt, or by email with a read receipt from the noticed person.
14 This Subsection shall not be applicable to any criminal enforcement action brought
15 pursuant to the provisions of this Chapter.

16 ~~§2165. Residential Building Contractors Subcommittee; membership; terms~~ Bid
17 procedures; penalty

18 ~~A.(1) There is hereby established within the State Licensing Board for~~
19 ~~Contractors the Residential Building Contractors Subcommittee, consisting of five~~
20 ~~members who shall be residents of the state of Louisiana and who have been actively~~
21 ~~engaged in residential contracting for at least five years prior to appointment by the~~
22 ~~governor. Three members of the subcommittee shall be appointed by the governor~~
23 ~~from a list of not less than ten names submitted by the Louisiana Homebuilders~~
24 ~~Association as certified by its president and secretary. One member of the~~
25 ~~subcommittee shall be appointed to represent congressional district one, one member~~
26 ~~to represent congressional districts four and five, one member to represent~~
27 ~~congressional district three, one member to represent congressional district two, and~~
28 ~~one member to represent congressional district six. It is the intent of this Section that~~
29 only contractors who hold an appropriate active license be awarded contracts either

1 by bid or through negotiation. All architects, engineers, and awarding authorities
2 shall place in their bid specifications the requirement that a contractor shall certify
3 that he holds an active license in accordance with the provisions of this Chapter by
4 displaying his license number on the bid envelope. In the case of an electronic bid
5 proposal, a contractor may submit an authentic digital signature on the electronic bid
6 proposal accompanied by the contractor's license number in order to meet the
7 requirements of this Paragraph. Except as otherwise provided herein, if the bid does
8 not display the contractor's license number on the bid envelope, the bid shall be
9 automatically rejected, returned to the bidder marked "Rejected", and not be read
10 aloud.

11 (2) Any bid that does not require the contractor to hold an active license shall
12 state the exemption on the bid envelope and shall be treated as a lawful bid for the
13 purposes of this Section.

14 (3) On any project that has been classified by the architect or engineer, prior
15 to the bid, as a plumbing project, bids may only be accepted from those who have as
16 a qualifying party a person who has complied with the provisions of Chapter 16 of
17 this Title, R.S. 37:1361 et seq.

18 (4) Any contractor who submits a bid for a type of construction for which
19 he does not hold an active license to perform shall be acting in violation of this
20 Section and shall be subject to all provisions for violations and penalties thereof.

21 (5) Any subcontractor who submits a bid or quotes a price to any unlicensed
22 or inactive prime contractor shall be subject to all provisions for violations and
23 penalties thereof.

24 ~~B. The terms of office of the initial members appointed to the subcommittee~~
25 ~~shall be one for a three-year term, one for a two-year term, and one for a one-year~~
26 ~~term, to be determined by the governor. Thereafter, all members shall be appointed~~
27 ~~for three-year terms. All terms shall commence thirty days after the appointment and~~
28 ~~all members shall serve until their successors have been appointed and qualified.~~
29 ~~Vacancies occurring in the membership of the subcommittee for any reason shall be~~

1 ~~filled by appointment by the governor for the unexpired term. No person shall be~~
2 ~~appointed for more than two consecutive terms. The governor may remove a~~
3 ~~member for cause.~~ In no event shall proposal forms be issued later than twenty-four
4 hours prior to the hour and date set for receiving proposals.

5 C. ~~The executive director of the State Licensing Board for Contractors shall~~
6 ~~serve as executive director of the subcommittee and shall not have voting privileges.~~
7 The architect, engineer, or awarding authority shall classify public projects. Once
8 the project is classified, any interested person may object by sending a certified letter
9 to both the board and the architect, engineer, or awarding authority stating with
10 particularity the reasons for the objection. The objection shall be submitted to the
11 board and the architect, engineer, or awarding authority in writing by certified mail
12 at least ten working days prior to the date on which bids are to be opened. Upon
13 receipt of the protest for the project classification, the Licensing Board Compliance
14 and Administrative staff will review the scope of work and offer a recommendation
15 for the proper classification to the architect, engineer, or awarding authority within
16 five working days after receipt of the objection. Any objection to the classification
17 not made in accordance with this Section shall be considered waived.

18 D.(1) ~~An ex officio member of the State Licensing Board for Contractors~~
19 ~~shall serve on the subcommittee and shall serve as the liaison between the~~
20 ~~subcommittee and the board. He shall be appointed by the chairman of the State~~
21 ~~Licensing Board for Contractors and shall serve as the chairman of the~~
22 ~~subcommittee. His presence at a meeting of the subcommittee may be counted~~
23 ~~toward establishing a quorum of the subcommittee, and he shall only have voting~~
24 ~~privileges if either of the following circumstances exists:~~

25 (a) ~~His presence is necessary to establish a quorum of the subcommittee and~~
26 ~~there is a tie vote between the appointed members of the subcommittee.~~

27 (b) ~~His presence is necessary to establish a quorum of the subcommittee,~~
28 ~~only one appointed member of the subcommittee is present, and an additional ex~~
29 ~~officio member has been appointed pursuant to Paragraph (2) of this Subsection.~~

1 Any awarding authority or its agent who violates the provisions of this Section shall
2 be deemed guilty of a misdemeanor and, upon conviction, be punished by a fine of
3 not less than one hundred dollars or more than two hundred dollars or imprisonment
4 in the parish jail for not less than thirty days nor more than sixty days, or both. Any
5 fine and imprisonment are at the discretion of the court.

6 (2) ~~An additional ex officio member of the State Licensing Board for~~
7 ~~Contractors shall serve on the subcommittee only if his presence, along with the ex~~
8 ~~officio member serving pursuant to Paragraph (1) of this Subsection, is required to~~
9 ~~establish a quorum of the subcommittee. This additional ex officio member shall be~~
10 ~~appointed by the chairman of the State Licensing Board for Contractors and shall~~
11 ~~serve as the vice chairman of the subcommittee. He shall only have voting privileges~~
12 ~~if there is a tie vote between an appointed member of the subcommittee and the ex~~
13 ~~officio member serving as chairman of the subcommittee. In addition to Paragraph~~
14 ~~(1) of this Subsection, the board may, after notice and a hearing, impose a fine upon~~
15 ~~any awarding authority or its agent who intentionally violates the provisions of this~~
16 ~~Section. The board may not impose any fine as authorized by this Paragraph on the~~
17 ~~state, its agencies, boards, or commissions, or any political subdivision thereof.~~

18 (3) ~~The State Licensing Board for Contractors shall pay per diem and travel~~
19 ~~expenses for ex officio members.~~

20 E. ~~A quorum of the subcommittee shall consist of a majority of its members~~
21 ~~and the subcommittee shall meet at least once every other month to conduct its~~
22 ~~business. The executive director shall give written notice to each member of the~~
23 ~~time and place of each meeting at least ten days prior to the scheduled date of the~~
24 ~~meeting.~~

25 F. ~~Each member of the subcommittee shall be entitled to a per diem~~
26 ~~allowance of seventy-five dollars for each meeting they attend and be reimbursed for~~
27 ~~all travel expenses necessarily incurred in attending meetings.~~

1 Section 2. R.S. 37:2152(C), 2166 through 2173, Part II of Chapter 24 of Title 37 of
 2 the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2175.1 through 2175.6, and
 3 Chapter 24-A of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S.
 4 37:2181 through 2192, are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 602 Engrossed

2022 Regular Session

Davis

Abstract: Revises and reorganizes provisions of Title 37 of the La. Revised Statutes of 1950 relative to the La. State Licensing Board for Contractors.

Present law, through Chapter 24 of Title 37 of the La. Revised Statutes of 1950, governs state law related to contracting and creates the La. State Licensing Board for Contractors (LSLBC) to oversee the occupation of contracting in this state.

Present law provides that the board shall oversee home improvement contracting and those present law provisions related to home improvement contracting are designated within Part II of Chapter 24.

Present law regulates the occupation of mold remediation and pertinent statutes are designated as Chapter 24-A of Title 37 in present law.

Present law also delegates the board as the authority which regulates persons who perform mold remediation in this state.

Proposed law reorganizes and consolidates present law provisions related to contracting, home improvement contracting, and mold remediation.

Proposed law relocates the provisions of present law relative to home improvement contracting and mold remediation, and incorporates them into the general provisions regarding contracting and the duties and responsibilities of the LSLBC in Chapter 24 of present law.

Proposed law deletes duplicative language in present law.

Proposed law deletes section numbers of present law and those provisions have been redesignated in proposed law.

(Amends R.S. 37:2150.1(intro. para.) and (2)-(13), 2152(Section heading), 2153(A), (E), and (F), and 2154-2165; Adds R.S. 37:2150(14)-(18) and 2153(G); Repeals R.S. 37:2152(C), 2166-2173, 2175.1-2175.6, and 2181-2192)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.