

2017 Regular Session

HOUSE BILL NO. 675 (Substitute for House Bill No. 440 by Representative Davis)

BY REPRESENTATIVE DAVIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTRACTORS: Requires contractors to provide certain license, classification, and insurance information

1 AN ACT

2 To amend and reenact R.S. 37:2175.1(A)(1) and 2175.3(A)(9), to enact R.S. 37:2171.3, and
3 to repeal R.S. 37:2175.3(A)(11), relative to contractors; to require the provision of
4 name, license, classification, and insurance information to certain persons; to provide
5 for penalties; to require certain information be included in home improvement
6 contracting agreements; to provide for prohibited acts; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:2175.1(A)(1) and 2175.3(A)(9) are hereby amended and
10 reenacted and R.S. 37:2171.3 is hereby enacted to read as follows:

11 §2171.3. Notification of name, license number, and classification; evidence of
12 required insurance

13 A. Any person required to be licensed pursuant to R.S. 37:2167 or registered
14 pursuant to R.S. 37:2175.2 shall provide, in writing to the party with whom he has
15 contracted to perform contracting services, his name, contracting license number,
16 classification, and current insurance certificates evidencing the amount of liability
17 insurance maintained and proof of workers' compensation coverage, regardless of
18 whether such information is requested by the contracting party for whom the work
19 is to be performed.

1 B. Failure by any person required to be licensed pursuant to R.S. 37:2167 or
2 registered pursuant to R.S. 37:2175.2 to comply with the provisions of this Section
3 shall be deemed a willful failure to comply with the provisions of this Chapter
4 pursuant to R.S. 37:2158(A)(3).

5 C. Any person required to be licensed pursuant to R.S. 37:2167 or registered
6 pursuant to R.S. 37:2175.2 shall produce to the appropriate permitting authority
7 evidence of a license or registration in good standing prior to the issuance of any
8 permit required by law.

9 * * *

10 §2175.1. Home improvement contracting; written contract required; right to cancel

11 A. Every agreement to perform home improvement contracting services, as
12 defined by this Part, in an amount in excess of one thousand five hundred dollars, but
13 not in excess of seventy-five thousand dollars, shall be in writing and shall include
14 the following documents and information:

15 (1) The complete agreement between the owner and the contractor and a
16 clear description of any other documents which are or shall be incorporated into the
17 agreement, including current insurance certificates evidencing the amount of liability
18 insurance maintained and proof of workers' compensation coverage by any person
19 required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S.
20 37:2175.2.

21 * * *

22 §2175.3. Home improvement contracting; prohibited acts; violations

23 A. The following acts are prohibited by persons performing home
24 improvement contracting services:

25 * * *

26 (9) Failing to ~~possess any insurance required by federal law~~ provide, in
27 writing to the party with whom he has contracted to perform contracting services, his
28 name, registration number, and current insurance certificates evidencing the amount
29 of liability insurance maintained and proof of workers' compensation coverage,

1 regardless of whether such information is requested by the contracting party for
2 whom the work is to be performed.

3 * * *

4 Section 2. R.S. 37:2175.3(A)(11) is hereby repealed in its 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 675 Reengrossed

2017 Regular Session

Davis

Abstract: Requires contractors to provide the contractor's license or registration number, classification, and evidence of insurance to the contracting party for whom the work is to be performed.

Proposed law provides that any person required to be licensed or registered pursuant to present law (R.S. 37:2167 and 2175.2) shall provide, in writing, to the party with whom he has contracted to perform contracting services his name, contracting license number, classification, and current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

Proposed law further provides that failure of the person required to be licensed or registered to comply with proposed law shall be deemed a willful failure to comply with present law (R.S. 37:2158(A)(3)).

Proposed law provides that any person required to be licensed or registered pursuant to present law (R.S. 37:2167 and 2175.2) shall produce to the appropriate permitting authority evidence of a license or registration in good standing prior to the issuance of any permit required by law.

Present law provides that every agreement to perform home improvement contracting services, as defined by present law, in an amount in excess of \$1,500, but not in excess of \$75,000, shall be in writing and shall include the documents and information as required by present law. Further, present law requires, in pertinent part, that such an agreement to perform home improvement contracting services must include the complete agreement between the owner and the person required to be licensed or registered and a clear description of any other documents which are or shall be incorporated into the agreement. Proposed law further requires such an agreement to include current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage by the person required to be licensed or registered.

Present law establishes an enumerated list of acts that are prohibited for any persons performing home improvement contracting services. Proposed law deletes a provision of present law requiring persons performing home improvement contracting services to possess any insurance as required by federal law. Proposed law makes it a prohibited act for any persons performing home improvement contracting services to fail to provide, in writing to the party with whom he has contracted to perform contracting services, his name, registration number, and current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

Proposed law repeals a provision of present law requiring any persons performing home improvement contracting services to obtain any insurance required by federal law.

(Amends R.S. 37:2175.1(A)(1) and 2175.3(A)(9); Adds R.S. 37:2171.3; Repeals R.S. 37:2175.3(A)(11))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Delete provisions of proposed law that mistakenly required any person required to be licensed or registered pursuant to present law to provide current insurance certificates evidencing the "amount of worker's compensation maintained" and replace those provisions with the requirement that such persons provide current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage.