

SENATE BILL NO. 122

BY SENATOR ABRAHAM

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

1 AN ACT

2 To amend and reenact R.S. 37:2150.1, 2151(A)(2), (B)(5) through (8), and (D), 2153(F)(1)
3 and (5), and (G), 2155(B) and (G)(2) and (4), 2156(A)(1), (B)(1), (E) through (M),
4 2156.1, 2156.2, 2156.3, 2157(A), the introductory paragraph of 2158(A),
5 2158(A)(2), (8), (10), (11), (13), (15) through (19), and (C), the introductory
6 paragraph of 2159(A), 2159(A)(1), (B), and (D), the introductory paragraph of
7 2159.1, 2159.1(1) and (2), 2160(B) and (C), 2161(A) and (C), 2163(A)(2) and
8 (C)(3), 2164, and 2165(B) and (C) and to enact R.S. 37:2151 (B)(9), 2153(H),
9 2155(G)(5) and 2156(N), 2156.4, 2158(A)(20) through (23), 2159(A)(6), and
10 2165(A)(6) through (8), relative to the State Licensing Board for Contractors; to
11 provide for membership, qualifications, and term limits of board members; to
12 provide for the power and duties of the board; to provide for residential contractors
13 subcommittee terms and membership; to provide for application and license
14 procedures, requirements, and applicability; to provide for license classification; to
15 provide for scope of work and licensure and classification requirements; to provide
16 for records and documents of licensee; to provide for enforcement, violations,
17 penalties, and fees; to provide for terms, conditions, procedures, exemptions, and
18 definitions; and to provide for related matters.

19 Be it enacted by the Legislature of Louisiana:

20 Section 1. R.S. 37:2150.1, 2151(A)(2), (B)(5) through (8), and (D), 2153(F)(1) and
21 (5) and (G), 2155(B) and (G)(2) and (4), 2156(A)(1), (B)(1), (E) through (M), 2156.1,
22 2156.2, 2156.3, 2157(A), the introductory paragraph of 2158(A), 2158(A)(2), (8), (10), (11),
23 (13), (15) through (19), and (C), the introductory paragraph of 2159(A), 2159(A)(1), (B), and
24 (D), the introductory paragraph of 2159.1, 2159.1(1) and (2), 2160(B) and (C), 2161(A) and
25 (C), 2163(A)(2) and (C)(3), 2164, and 2165(B) and (C) are hereby amended and reacted and
26 R.S. 37:2151(B)(9), 2153(H), 2155(G)(5), 2156(N), 2156.4, 2158(A)(20) through (23),
27 2159(A)(6), and 2165(A)(6) through (8) are hereby enacted to read as follows:

§2150.1. Definitions

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

(1) "Board" means the State Licensing Board for Contractors.

(2) "Commercial ~~purposes~~" means any construction project except residential structures intended to be primarily occupied as a residence with no more than ~~four~~ **two** separate dwelling units incorporated into one structure.

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

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

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

(ii) Any new residential structure ~~where the entire cost~~ **for which the project value** is fifty thousand dollars or more when the property is used for residential purposes.

(iii) Any improvements or repairs ~~where the entire cost exceeds seven thousand five hundred dollars~~ to an existing residential structure **for which the project value is seven thousand five hundred dollars or more.**

(iv) Any mold remediation ~~where the entire cost exceeds~~ **for which the**

1 **project value is** seven thousand five hundred dollars **or more**.

2 (b) The term "contractor" includes persons who receive an additional fee for
3 the employment or direction of labor, or any other work beyond the normal
4 architectural or engineering services.

5 (c) A contractor holding a license in the major classification of hazardous
6 materials, or any subclassifications thereunder, ~~shall be~~ **is** defined in terms of work
7 performed for which the ~~cost~~ **project value** is one dollar or more.

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

15 **(5) "Controlled access" means the complete building or facility area**
16 **under direct physical control within which an unauthorized person is denied**
17 **access.**

18 ~~(5)(6)~~ **(6)** "Electrical contractor" means any person who undertakes to, attempts
19 to, or submits a price or bid or offers to construct, supervise, superintend, oversee,
20 direct, **perform**, or in any manner assume charge of the construction, alteration,
21 repair, improvement, movement, demolition, putting up, tearing down, or furnishing
22 labor together with material and equipment, or installing the same for the wiring,
23 fixtures, or appliances for the supply of electricity to any residential, commercial, or
24 other project, ~~when the cost of the undertaking exceeds the sum of~~ **for which the**
25 **project value is** ten thousand dollars **or more**. This Paragraph ~~shall not be~~ **is not**
26 deemed or construed to limit the authority of a contractor, general contractor, or
27 residential contractor, as those terms are defined in this Section, nor to require such
28 individuals to become an electrical contractor.

29 **(7) "Employee" means a worker whose employer deducts taxes from his**
30 **wages and reports his annual earnings to the Internal Revenue Service using a**

W-2 form.

~~(6)(8)~~ "Executive director" means the person appointed by the board to serve as the chief operating officer in connection with the day-to-day operation of the board's business. The executive director ~~shall be~~ **is** the appointing authority for all employees of the board.

~~(7)(a)(9)(a)~~ "General contractor" means a person who contracts directly with the owner. The term "general contractor" ~~shall include~~ **includes** the term "primary contractor" and wherever used in this Chapter or in regulations promulgated thereunder "primary contractor" ~~shall mean~~ **means** "general contractor".

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

~~(8)(10)~~ "Home improvement ~~contracting~~" means the reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, or demolition, or the construction of an addition to any preexisting residential structure which building is used or designed to be used as a residence or dwelling unit, or to structures which are adjacent to such residence or building ~~where the project value is seven thousand five hundred dollars or more but is less than fifty thousand dollars~~ **for which the project value is seven thousand five hundred dollars or more.**

"Home improvement contracting" ~~shall not include the performance of any structural work that is integral to the structural integrity of any new or existing structure, including but not limited to footings, foundation, outside walls, skeleton, bearing columns and interior load bearing walls, and floor slabs.~~ "Home improvement contracting" ~~shall~~ **does** not include services rendered gratuitously.

~~(9)(11)~~ "Home improvement contractor" means any person who undertakes or attempts to undertake or submits a price or bid ~~on any home improvement contracting project~~ **or offers to construct, supervise, superintend, oversee, direct, perform, or in any manner assume charge of a home improvement project for**

1 which the project value is at least seven thousand five hundred dollars but less
2 than fifty thousand dollars. A home improvement contractor shall not perform
3 any structural work that is integral to the structural integrity of any new or
4 existing structure, including but not limited to footings, foundations, outside
5 walls, skeleton, bearing columns and interior load bearing walls, floor slabs, or
6 roofing systems to any type.

7 (12) "License" means any form of license or registration the board is
8 authorized to issue in accordance with this Chapter.

9 ~~(10)~~(13) "Mechanical contractor" means any person who undertakes to,
10 attempts to, or submits a price or bid or offers to construct, supervise, superintend,
11 oversee, direct, **perform**, or in any manner assume charge of the construction,
12 alteration, repair, improvement, movement, demolition, putting up, tearing down, or
13 furnishing labor, or furnishing labor together with material and equipment, or
14 installing the same for the construction, installation, maintenance, testing, and repair
15 of air conditioning, refrigeration, heating systems, and plumbing for all residential,
16 commercial, and industrial applications as well as ventilation systems, mechanical
17 work controls, boilers and other pressure vessels, steam and hot water systems and
18 piping, gas piping and fuel storage, and chilled water and condensing water systems
19 and piping, including but not limited to any type of industrial process piping and
20 related valves, fittings, and components, ~~when the cost of the undertaking exceeds~~
21 ~~the sum of~~ **for which the project value is** ten thousand dollars **or more**. This
22 Paragraph ~~shall not be~~ **is not** deemed or construed to limit the authority of a
23 contractor, general contractor, or residential contractor, as those terms are defined
24 in this Section, nor to require such individuals to become a mechanical contractor.

25 ~~(11)~~(14) "Mold remediation contractor" means any person who engages in
26 removal, cleaning, sanitizing, demolition, or other treatment, including preventative
27 activities, of mold or mold-contaminated matter that was not purposely grown at that
28 location ~~and where the costs for such labor and materials exceed~~ **for which the**
29 **project value is** seven thousand five hundred dollars **or more**. Mold remediation
30 applies only to the regulation of mold-related activities that affect indoor air quality

1 and does not apply to routine cleaning when not conducted for the purpose of mold-
2 related activities intended to affect indoor air quality.

3 ~~(12)~~**(15)** "Person" means any individual, firm, partnership, association,
4 cooperative, corporation, limited liability company, limited liability partnership, or
5 any other entity recognized by Louisiana law; and whether or not acting as a
6 principal, trustee, fiduciary, receiver, or as any other kind of legal or personal
7 representative, or as a successor in interest, assignee, agent, factor, servant,
8 employee, director, officer, or any other representative of such person; or any state
9 or local governing authority or political subdivision ~~performing a new construction~~
10 ~~project which exceeds the contract limits provided in R.S. 38:2212 and which does~~
11 ~~not constitute regular maintenance of the public facility or facilities which it has been~~
12 ~~authorized to maintain.~~

13 ~~(13)~~**(16)** "Plumbing contractor" means any person who installs, maintains,
14 and repairs potable and nonpotable tap water or sewer systems within a building
15 structure or residential structure ~~when the cost of the undertaking exceeds the sum~~
16 ~~of~~ **for which the project value is** ten thousand dollars **or more**.

17 **(17) "Principal" means an owner, shareholder, or an officer or director**
18 **of a corporation; a member or manager of a limited liability company; a**
19 **general partner of a partnership; a sole proprietor; a trustee; or a full-time**
20 **employee with similar operational control or significant influence with respect**
21 **to any person as determined by the board.**

22 ~~(14)~~**(18)** "Qualifying party" means a natural person designated by the
23 contractor to represent the contractor for the purpose of complying with the
24 provisions of this Chapter including ~~without limitation~~ **but not limited to** meeting
25 the requirements for the initial license and any continuation thereof.

26 ~~(15)~~**(19)(a)** "Residential contractor" means any person who constructs a fixed
27 building or structure for sale or use by another as a residence or who, for a price,
28 commission, fee, wage, or other compensation, undertakes or offers to undertake the
29 construction or superintending of the construction of any residential structure which
30 is not more than three floors in height, to be used by another as a residence, ~~when the~~

1 ~~cost of the undertaking~~ **for which the project value** is fifty thousand dollars or
2 ~~greater~~ **more**. The term "residential contractor" includes all persons who receive an
3 additional fee for the employment or direction of labor, or any other work beyond
4 the normal architectural or engineering services. ~~"Residential contractor" also means~~
5 ~~any person performing home improvement contracting as provided for in this Section~~
6 ~~when the cost of the undertaking is seven thousand five hundred dollars or more. It~~
7 ~~shall not include the manufactured housing industry or those persons engaged in~~
8 ~~building residential structures that are mounted on metal chassis and wheels.~~

9 **(b) "Residential contractor" includes both of the following:**

10 **(i) Any person bidding or performing home improvement for which the**
11 **project value is seven thousand five hundred dollars or more.**

12 **(ii) Any person performing the installation of a modular home with a**
13 **value equal to or greater than fifty thousand dollars for which the total project**
14 **value shall not include the cost of the component parts of the modular home in**
15 **the condition each part leaves the factory pursuant to R.S. 40:1730.71.**

16 **(c) "Residential contractor" does not include any person engaged in**
17 **building residential structures that are built to the United States Department**
18 **of Housing and Urban Development's construction standards for manufactured**
19 **housing as outlined at 42 U.S.C. 5401 et seq., or mounted on a metal chassis and**
20 **wheels.**

21 **(20) "Residential roofing" means the construction, alteration, repair,**
22 **improvement, demolition, putting up, tearing down, furnishing labor, or**
23 **furnishing labor together with materials or equipment, or the installation of**
24 **materials or equipment for any phase of roofing specific to a residential**
25 **structure for which the project value is seven thousand five hundred dollars or**
26 **more.**

27 **(21) "Residential roofing contractor" means any person who undertakes**
28 **to, attempts to, or submits a price or bid, or offers to construct, supervise,**
29 **superintend, oversee, direct, perform, or in any manner assume charge of a**
30 **residential roofing project for which the project value is seven thousand five**

1 hundred dollars or more.

2 ~~(16)~~**(22)** "Residential structure" means a building or structure that is used
3 primarily for occupancy by a person as a residence. Such structures or buildings
4 include but are not limited to single family dwellings, ~~duplexes, triplexes, and~~
5 ~~fourplexes~~ **and duplexes** which are not more than three floors in height and
6 structures that are part of or adjacent to the building or structures to be used as a
7 residence. **A residential structure more than three floors in height may be built**
8 **by a person holding a building construction and residential construction license.**

9 ~~(17)~~**(23)** "Subcontract" means an agreement to perform a portion of the scope
10 of work contained in the principal contract including the entire cost of labor and
11 materials of that part of the principal contract which is performed by the
12 subcontractor.

13 ~~(18)(a)~~**(24)(a)** "Subcontractor" means a person who contracts to perform a
14 scope of work that is a part of the scope of work contained in the principal contract.

15 (b) "Subcontractor" ~~shall~~ **does** not include any person, supplier, or
16 manufacturer who assembles, repairs, maintains, moves, puts up, tears down, or
17 disassembles any patented or proprietary equipment supplied by such person to a
18 contractor to be used solely by the contractor for a construction undertaking.

19 §2151. State licensing board for contractors; membership; qualifications; tenure;
20 vacancies; **term limits**

21 A. There is hereby created the State Licensing Board for Contractors within
22 the office of the governor. The members shall serve without compensation.

23 * * *

24 (2) Each member shall have been actively engaged as a responsible
25 contractor in the construction classification that he represents for the five-year period
26 prior to his appointment as a board member, except for any member appointed
27 pursuant to ~~Paragraph (B)(6)~~ **Paragraph (B)(7)** of this Section if he represents the
28 public at large.

29 * * *

30 B. The members shall be selected and appointed as follows:

* * *

(5)(a) There shall be one member with the greater part of his experience as a licensed concrete contractor. The speaker of the House of Representatives shall submit to the governor a list of three members of the Louisiana Concrete Association, and the governor shall appoint this member.

(b)(6) There shall be one member with the greater part of his experience as a subcontractor. The president of the Senate shall submit to the governor a list of three members of the American Subcontractors Association of Louisiana, and the governor shall appoint this member.

(c)(7) At least three members shall be from and represent the public at large and shall not earn their livelihood in a construction-related industry.

(d)(8) At least one member shall have had the greater experience as a licensed contractor in the field of oil field construction, and shall be appointed from a list of three names submitted by the Louisiana Oilfield Contractors Association.

(e)(9) There shall be one member from the National Association for the Advancement of Colored People.

* * *

D. Members shall serve terms of six years; ~~however, initially four members shall serve terms of two years, four members shall serve terms of four years, and four members shall serve terms of six years.~~ **No member appointed after August 1, 2025, shall serve more than three consecutive terms. A member may be removed by the governor for cause or at the request of the chairman for failure to attend more than half of the regularly scheduled meetings within a twelve-month period or for cause.**

* * *

§2153. Powers of the board

* * *

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

(1) Grant licenses to qualified ~~contractors~~ **persons** pursuant to this Chapter.

* * *

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

* * *

G. If a possible violation is known to the board, the board may correct it or take appropriate action without formal complaint.

H. Notwithstanding any other provisions to the contrary and to the extent deemed necessary or appropriate by the board for the efficient implementation of its responsibilities ~~under~~ **in accordance with** this Chapter, the board may delegate its powers and duties to its staff by specific resolution of the board.

* * *

§2155. Residential Contractors Subcommittee; membership; terms; powers; duties

* * *

B. The terms of office of the initial members appointed to the residential subcommittee shall be one for a three-year term, one for a two-year term, and one for a one-year term, to be determined by the governor. Thereafter, all members shall be appointed for ~~three-year~~ **six-year** terms. All terms shall commence thirty days after the appointment and all members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the residential subcommittee for any reason shall be filled by appointment by the governor for the unexpired term. ~~No person shall be appointed for more than two consecutive terms.~~

~~The governor may remove a member for cause.~~ **No member appointed after August 1, 2025, shall serve more than three consecutive terms. A member may be removed by the governor for cause or at the request of the chairman for failure to attend more than half of the regularly scheduled meetings within a twelve-month period or for cause.**

* * *

G. Subject to the approval of the board, the residential subcommittee ~~shall have~~ **has** all of the following powers and duties:

* * *

(2) To issue, suspend, ~~modify~~, or revoke licenses to do business in this state pursuant to the provisions of ~~R.S. 37:2158~~ **R.S. 37:2150 et seq.**

* * *

(4) To cause the enforcement against, and the prosecution and joinder of, all persons violating provisions of this Chapter, and rules and regulations of the board; issue fines, penalties, and other costs for violations; and incur necessary expenses ~~therefor~~ **therein**.

(5) If an alleged violation is known to the residential subcommittee, the residential subcommittee may correct it or take appropriate action without formal complaint.

§2156. Applications; licenses; fees; renewals

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

* * *

B.(1) To defray the cost of issuing licenses and of administering the provisions of this Chapter, the board shall fix reasonable fees to be assessed pursuant

1 to the provisions of this Chapter, and reasonable penalties to be assessed for late
2 applications for renewal of licenses ~~and other administrative infractions~~; however,
3 the basic license fee shall be the sum of not more than one hundred dollars and the
4 fee for additional classifications shall be a lesser amount as set by the board.

5 * * *

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

9 F.(1) The licensee shall not be permitted to bid or perform any type of work
10 not included in the classification under which his license was issued.

11 **(2) A person licensed or registered by the board shall bid, contract,**
12 **conduct all business transactions, and perform work in the name as it appears**
13 **on the current license or registration and the official records of the State**
14 **Licensing Board for Contractors.**

15 G. ~~The licensee may apply for and receive additions to or changes in his~~
16 ~~classification by applying, successfully completing the written examination, A~~
17 **licensee may add classifications to an existing license by applying, successfully**
18 **completing all requirements,** and paying the required fees. Additions or changes
19 to an existing license shall become effective ~~after completion of the requirements~~
20 ~~and~~ upon board approval.

21 H.(1) Licenses and renewals issued pursuant to the provisions of this Chapter
22 shall expire on the anniversary of the date on which the license was originally issued.
23 Licensees shall elect upon renewal one-, two-, or three-year license renewal terms,
24 and licenses may be issued by the board on a multiple-year basis, not to exceed a
25 three-year renewal term for any license. **Licenses dependent on insurance**
26 **requirements or certifications shall not be eligible for multiple-year renewal.**

27 The license becomes invalid on the last day of the term for which it was issued
28 unless renewed; however, after a license has expired, the person to whom the license
29 was issued shall have fifteen days following the expiration date to file an application
30 for the renewal of the license without the payment of a penalty. Any person who

1 makes an application for the renewal of a license after fifteen days following the
2 expiration date of the license ~~may, at the discretion of the board, have his license~~
3 ~~renewed after paying the required license fees and a penalty,~~ **shall be charged a**
4 **delinquent fee** not exceeding the sum of fifty dollars, ~~that the board may impose.~~

5 **(2) Licenses or classifications issued based on certifications or credentials**
6 **shall expire upon the expiration date of the credential or certification.**

7 **I. All applications are considered active for a period of one year after the**
8 **date of submission. Applications not completed for any reason shall be**
9 **considered invalid after that time.**

10 **J. If a license is not renewed within a period of one year from the date of its**
11 **expiration, any application for renewal shall be considered and treated as a new**
12 **application. it is no longer eligible for renewal. An application for a new license**
13 **may be submitted and upon approval, a new license shall be issued.**

14 ~~J.(1)~~**K.(1)** The board shall assess on each license renewal issued to a
15 contractor an additional fee of one hundred dollars per year to be dedicated and
16 allocated as provided in this Subsection to any public university in this state or any
17 community college school of construction management or construction technology
18 in this state that is accredited by either the American Council for Construction
19 Education or the Accreditation Board for Engineering and Technology. The board
20 shall include on each license renewal form issued to a contractor an optional election
21 whereby the contractor may choose to not participate in the remission of the
22 additional one-hundred-dollar dedication fee.

23 (2) Each January, each accredited public university or community college
24 school of construction management or construction technology shall report to the
25 board the number of graduates from its school of construction management or
26 construction technology from the previous calendar year.

27 (3) Any and all funds collected pursuant to this Subsection shall be disbursed
28 to the accredited public university or community college schools of construction
29 management or construction technology by ~~August~~ **October** first of each year upon
30 completion of the annual audit of the board. The funds shall be used by the

1 accredited public university or community college schools of construction
2 management or construction technology solely for the benefit of their program and
3 the expenditure of such funds shall be approved by the industry advisory council or
4 board for the program. The funds collected pursuant to this Subsection shall be in
5 addition to any other monies received by such schools and are intended to
6 supplement and not replace, displace, or supplant any other funds received from the
7 state or from any other source. Any school of construction management or
8 construction technology that experiences a decrease in the funding appropriated to
9 them by the accredited public university or community college as determined by the
10 industry advisory council or board for the program shall be ineligible for
11 participation under the provisions of this Subsection, and the monies from the fund
12 for such school of construction management or construction technology shall be
13 redistributed on a pro rata basis to all other accredited and eligible schools.

14 (4) The funds collected pursuant to this Subsection shall be distributed as
15 follows:

16 (a) One-half on a pro rata basis to each accredited public university's or
17 community college's schools of construction management or construction
18 technology. However, each accredited public university shall receive twice as much
19 funds as each community college.

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

23 (5) No funds shall be allocated to any public university or community college
24 school of construction management or construction technology that does not
25 maintain current and active accreditation as required by this Subsection.

26 ~~K.L.~~ The licenses issued pursuant to the provisions of this Chapter are not
27 transferable.

28 ~~L.M. Any other provisions of this Chapter notwithstanding, no license shall~~
29 ~~be issued to any foreign corporation which has not obtained from the secretary of~~
30 ~~state~~ **No license shall be issued to any domestic or foreign entity required to be**

1 **registered with the secretary of state which does not hold** a certificate of authority
2 to do business, ~~as provided in Chapter 3 of Title 12 of the Louisiana Revised Statutes~~
3 ~~of 1950~~ **in good standing**.

4 ~~M.N.~~ Except for the licenses, fees, and assessments authorized by this
5 Chapter, and except for the occupational license taxes authorized by the constitution
6 and laws of this state, and except for permit fees charged by parishes and
7 municipalities for inspection purposes, and except for licenses required by parishes
8 and municipalities for the purpose of determining the competency of mechanical or
9 plumbing contractors, or both, and electrical contractors, no contractor shall be liable
10 for any fee or license as a condition of engaging in the contracting business.

11 §2156.1. Requirements for issuance of a license

12 A. To become licensed in accordance with the provisions of this Chapter, an
13 applicant shall make application to the board on a form adopted by the board and
14 shall state the ~~classification of work the applicant desires to perform from a list of~~
15 ~~major classifications as follows~~ **classifications for which he is applying from the**
16 **list of major classifications listed herein or from the list of subclassifications and**
17 **specialty classification as adopted by rule. The major classifications are:**

- 18 (1) Building construction.
- 19 (2) Highway, street, and bridge construction.
- 20 (3) Heavy construction.
- 21 (4) Municipal and public works construction.
- 22 (5) Electrical.
- 23 (6) Mechanical.
- 24 (7) Plumbing.
- 25 (8) Hazardous materials.
- 26 (9) Residential construction.
- 27 **(10) Mold remediation.**
- 28 **(11) Home improvement.**

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

1 ~~C.(1)(1) Commercial, residential, and mold remediation applicants shall~~
2 ~~furnish the board with a financial statement, current to within twelve months of the~~
3 ~~date of filing, prepared by an accountant, bookkeeper, or certified public accountant~~
4 ~~and signed by the applicant, stating that the statement of applicant's assets and~~
5 ~~financial condition is true and correct. The assets shall include a net worth of at least~~
6 ~~ten thousand dollars. An applicant without the net worth required by this Paragraph~~
7 ~~may also furnish the board a bond, letter of credit, or other security acceptable to the~~
8 ~~board in the amount of the net worth requirement plus the amount of the applicant's~~
9 ~~negative net worth if any, and the furnishing of the bond, letter of credit, or other~~
10 ~~security shall be deemed satisfaction of the net worth requirement for all purposes.~~
11 ~~The financial statement and any information contained therein, as well as any other~~
12 ~~financial information required to be submitted by a contractor, shall be confidential~~
13 ~~and not subject to the provisions of R.S. 44:1 through 57. **An applicant for a license**~~
14 ~~**or registration shall submit a financial statement on a form supplied by the**~~
15 ~~**board, current to within twelve months of the date of filing the application,**~~
16 ~~**prepared and signed by an accountant, bookkeeper, or certified public**~~
17 ~~**accountant and signed by the applicant, attesting the statement is true and**~~
18 ~~**correct. In lieu of a signature by a certified public accountant on the board's**~~
19 ~~**form, a current financial statement prepared by a certified public accountant**~~
20 ~~**may be attached.**~~

21 ~~(2) No financial statement is required for a license renewal. **Residential and**~~
22 ~~**commercial licenses, their subclassifications, and all specialty classifications**~~
23 ~~**with the exception of labor only specialty, shall have a net worth of fifty**~~
24 ~~**thousand dollars or more. Home improvement, mold remediation, and labor**~~
25 ~~**only specialties shall have a net worth of twenty-five thousand dollars or more.**~~
26 ~~**An applicant without the net worth required by this Paragraph may satisfy the**~~
27 ~~**net worth requirement for all purposes by submitting an irrevocable letter of**~~
28 ~~**credit in the amount of the net worth requirement plus the amount of the**~~
29 ~~**applicant's negative net worth if any. The financial statement and any**~~
30 ~~**information contained therein, as well as any other financial information**~~

1 required to be submitted by a contractor, shall be confidential and not subject
2 to the provisions of the Public Records Law, R.S. 44:1 et seq.

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

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

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

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

26 (d) Any partner of a partnership.

27 (e) Any member or manager of a limited liability company. The applicant,
28 each principal, and each designated qualifying party shall complete an
29 application and pass a background investigation. An applicant shall provide all
30 information or documentation requested by the board, including but not limited

1 to documentation relative to identification, criminal history, and financial
2 history. The board may deny approval of the applicant, any of its principals, or
3 any qualifying party for cause. The background investigation shall be conducted
4 in relation to all of the following:

5 (1) Fiduciary or monetary matters including but not limited to any
6 bankruptcy, judgment, insolvency, or lien.

7 (2) Any criminal offense resulting in a conviction, guilty plea, or plea of
8 nolo contendere.

9 D.(1) An applicant for licensure shall designate a qualifying party for
10 each classification and for the Louisiana business and law requirement. The
11 qualifying party shall meet all application requirements and shall satisfy any
12 examination and credential requirement.

13 (2) Any principal or full-time employee as defined in this Chapter may
14 be the qualifying party of an applicant or licensee upon the satisfaction of all
15 requirements.

16 ~~(2)(3)~~ A qualifying party for a licensed contractor may be a qualifying party
17 for any affiliated entities to the licensed contractor may also be a qualifying party
18 for any subsidiary of a licensee.

19 ~~(3)(4)~~ Upon good showing, ~~the~~ The board may exempt any qualifying party
20 from the required examinations. The board shall exempt from testing for a residential
21 construction license any person working in the residential industry who holds a
22 building construction license that was issued by the board if requested by the
23 building contractor.

24 ~~(4)(5)~~ Upon the determination that a person has engaged in deceptive
25 practices when taking or attempting to take any board examination, the person shall
26 be ineligible to serve as a qualifying party for a licensee for a period of ~~one year~~
27 three years.

28 E. Residential construction and its subclassifications, mold remediation,
29 and home improvement ~~construction applicants for licensure~~ applicants shall be
30 required to submit certificates evidencing workers' compensation coverage in

1 compliance with Title 23 of the Louisiana Revised Statutes of 1950, and liability
2 insurance in a minimum amount of one hundred thousand dollars or liability
3 protection provided by a liability trust fund as authorized by R.S. 22:46(9)(d) in a
4 minimum amount of one hundred thousand dollars.

5 F.(1) Notwithstanding any other provision of law to the contrary, any
6 residential ~~contractor~~ **home improvement or mold remediation licensee** in good
7 standing with the board ~~who has held a license to engage in residential construction~~
8 ~~issued pursuant to this Chapter~~ for not less than one consecutive year may ~~elect to~~
9 ~~place his license in an inactive license status with the board, if he applies for a~~
10 ~~transfer to inactive status~~ **apply to transfer the license to an inactive status.**

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

13 (3) An inactive licensee shall ~~be required to renew his inactive license in the~~
14 ~~same manner as provided in R.S. 37:2156(H) and by paying a renewal fee, which~~
15 ~~shall not exceed the renewal fee paid by active licensees. However, an inactive~~
16 ~~licensee shall not be required to submit insurance certificates pursuant to Subsection~~
17 ~~E of this Section or fulfill any other additional requirements that an active licensee~~
18 ~~would not be required to fulfill when renewing his license~~ **follow the same renewal**
19 **requirements as an active licensee as provided in this Chapter, including the**
20 **payment of fees, with the exception of the submission of current insurance**
21 **certificates.**

22 ~~(4)~~**(3)** An inactive licensee shall be required to fulfill all prescribed
23 continuing education requirements established for active licensees.

24 ~~(5)~~**(4)** A licensee may request transfer from inactive status to active status at
25 any time, ~~if all of the following conditions exist~~ **if**:

26 (a) The inactive license has been renewed as provided for in this Section.

27 (b) The inactive license is current at the time the request is received by the
28 board.

29 (c) The licensee submits the required insurance certificates as provided in
30 Subsection E of this Section.

1 G. ~~Mold~~ **Before a license is issued, a mold** remediation license ~~applicants~~
2 **applicant** shall be required to furnish ~~all of the following before a license is issued:~~

3 ~~(1) Evidence~~ **evidence** to the board that he has satisfactorily completed at
4 least twenty-four hours of training in mold remediation and basic mold assessment.

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

8 H.(1) ~~Upon completion of the requirements for licensure and issuance of a~~
9 ~~state license for the classification of work for which the contractor has applied;~~
10 ~~mechanical, plumbing, or~~ **Mechanical, plumbing, and** electrical contractors
11 licensed pursuant to the provisions of this Section are excluded from local,
12 municipal, or parish regulatory authority examination procedures and may bid and
13 perform work within any local jurisdiction upon paying all appropriate fees.

14 (2) The purpose of this Subsection is to preempt local, municipal, or parish
15 regulatory examination authority for statewide-licensed mechanical, plumbing, or
16 electrical contractors bidding and performing work in multiple jurisdictions. The
17 preemption shall further exclude the employees of statewide-licensed electrical and
18 mechanical contractors from local, municipal, or parish regulatory examination or
19 certification authority as a condition to performing work for the statewide-licensed
20 electrical or mechanical contractor.

21 I.(1) Any plumbing contractor who currently holds a Master Plumber License
22 from the State Plumbing Board of Louisiana shall be exempt from any **trade**
23 **examination** ~~requirement for passage of an additional examination in that license~~
24 ~~classification and may bid and perform plumbing work statewide after receiving a~~
25 ~~license from this board.~~

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

29 J. ~~No license shall be issued for the subclassification of asbestos removal and~~
30 ~~abatement under the major classification of hazardous materials as provided in R.S.~~

1 ~~37:2156.2(VIII) until the applicant furnishes satisfactory evidence that he or his~~
2 ~~qualifying party has received certification from the Department of Environmental~~
3 ~~Quality to perform asbestos removal and abatement work.~~

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

9 ~~(2) Nothing in this Subsection shall be construed to permit arborists to~~
10 ~~recommend or execute arborist work without first complying with the licensure~~
11 ~~provisions of Chapter 24 of Title 3 of the Louisiana Revised Statutes of 1950, R.S.~~
12 ~~3:3801 et seq.~~

13 ~~E.~~ The board may consolidate, add, or remove subclassifications or
14 specialties by rule as it deems appropriate.

15 §2156.2. Major categories; subclassifications; specialty classifications; requirements
16 for contractors holding major classification to perform mechanical;
17 electric, or plumbing work **Requirements of a licensee; record**
18 **keeping; duty to report**

19 ~~Any contractor possessing a major classification is permitted to bid or~~
20 ~~perform any of the specialty type work required to perform its scope of work for its~~
21 ~~respective classification. Under each major category listed in this Section is a list of~~
22 ~~subclassifications that a specialty contractor may obtain, as follows:~~

23 I. Building construction

24 Subclassifications:

25 1. Acoustical treatments

26 2. Fire sprinkler work

27 3. Foundations for buildings, equipment, or machinery

28 4. Incinerator construction

29 5. Installation of equipment, machinery, and engines

30 6. Installation of pneumatic tubes and conveyors

- 1 ~~7. Insulation for cold storage and buildings~~
- 2 ~~8. Insulation for pipes and boilers~~
- 3 ~~9. Landscaping, grading, and beautification~~
- 4 ~~10. Lathing, plastering, and stuccoing~~
- 5 ~~11. Masonry, brick, stone~~
- 6 ~~12. Painting and flooring~~
- 7 ~~13. Pile driving~~
- 8 ~~14. Rigging, house moving, wrecking, and dismantling~~
- 9 ~~15. Roof decks~~
- 10 ~~16. Roofing and sheet metal, siding~~
- 11 ~~17. Sheet metal duct work~~
- 12 ~~18. Steam and hot water heating in buildings or plants~~
- 13 ~~19. Steel erection and installation~~
- 14 ~~20. Stone, granite, slate, resilient floor installations~~
- 15 ~~21. Swimming pools~~
- 16 ~~22. Tile, terrazzo, and marble~~
- 17 ~~23. Water cooling towers and accessories~~
- 18 ~~24. Drywall~~
- 19 ~~25. Driveways, parking areas, asphalt, and concrete, exclusive of highway~~
- 20 ~~and street work~~
- 21 ~~26. Fencing~~
- 22 ~~27. Labor only~~
- 23 ~~H. Highway, street, and bridge construction~~
- 24 ~~Subclassifications:~~
- 25 ~~1. Driveways, parking areas, asphalt, and concrete~~
- 26 ~~2. Highway and street subsurface drainage and sewer work~~
- 27 ~~3. Permanent or paved highways and streets (asphalt hot and cold plant mix)~~
- 28 ~~4. Permanent or paved highways and streets (asphalt surface treatment)~~
- 29 ~~5. Permanent or paved highways and streets (concrete)~~
- 30 ~~6. Permanent or paved highways and streets (soil cement)~~

- 1 ~~7. Secondary roads~~
- 2 ~~8. Undersealing or leveling of roads~~
- 3 ~~9. Earthwork, drainage, and levees~~
- 4 ~~10. Clearing, grubbing, and snagging~~
- 5 ~~11. Culverts and drainage structures~~
- 6 ~~12. Bridges, over and underpasses~~
- 7 ~~13. Landscaping, grading, and beautification~~
- 8 ~~14. Fencing~~
- 9 ~~15. Furnishing and installation of movable structures or machinery, excluding~~
- 10 ~~electrical and mechanical work~~
- 11 ~~16. Labor only~~
- 12 ~~III. Heavy construction~~
- 13 ~~Subclassifications:~~
- 14 ~~1. Clearing, grubbing, and snagging~~
- 15 ~~2. Dams, reservoirs, and flood control work other than levees~~
- 16 ~~3. Dredging~~
- 17 ~~4. Electrical transmission lines~~
- 18 ~~5. Foundations and pile driving~~
- 19 ~~6. Industrial piping~~
- 20 ~~7. Industrial plants~~
- 21 ~~8. Industrial ventilation~~
- 22 ~~9. Oil field construction~~
- 23 ~~10. Railroads~~
- 24 ~~11. Transmission pipeline construction~~
- 25 ~~12. Tunnels~~
- 26 ~~13. Wharves, docks, harbor improvements, and terminals~~
- 27 ~~14. Landscaping, grading, and beautification~~
- 28 ~~15. Fencing~~
- 29 ~~16. Labor only~~
- 30 ~~IV. Municipal and public works construction~~

Subclassifications:

- ~~1. Filter plants and water purification~~
- ~~2. Pipe work (gas lines)~~
- ~~3. Pipe work (sewer)~~
- ~~4. Pipe work (storm drains)~~
- ~~5. Pipe work (waterlines)~~
- ~~6. Power plants~~
- ~~7. Sewer plant or sewer disposal~~
- ~~8. Underground electrical conduit installation~~
- ~~9. Landscaping, grading, and beautification~~
- ~~10. Fencing~~
- ~~11. Labor only~~

~~V. Electrical~~

Subclassifications:

- ~~1. Electrical transmission lines~~
- ~~2. Underground electrical conduit installation~~
- ~~3. Electrical controls~~

~~VI. Mechanical~~

Subclassifications:

- ~~1. Heat, air conditioning, ventilation, duct work, and refrigeration~~
- ~~2. Industrial pipe work and insulation~~
- ~~3. Plumbing~~
- ~~4. Controls for mechanical work~~

~~VII. Plumbing~~

Subclassifications:

- ~~1. Potable and nonpotable water systems; construction, removal, repair, and maintenance for buildings and premises.~~
- ~~2. Sanitary and nonsanitary waste and sewerage construction; removal, repair, and maintenance for buildings and premises.~~

~~VIII. Hazardous materials~~

Subclassifications:

~~1. Asbestos removal and abatement~~

~~2. Hazardous waste treatment or removal~~

~~3. Any other classification for which the Department of Environmental Quality requires certification pursuant to law or regulation.~~

~~IX. Residential construction~~

A.(1) A licensee shall maintain and provide upon request by the board all unredacted records, documents, and other such information as the board may require to ensure the licensee is in compliance with the law. These records shall be maintained for five years.

(2) A licensee shall provide records upon request by the board or any employee of the board within five business days of receipt of the request.

B. A licensee shall have a continuing duty to provide written notification to the board within thirty calendar days of both of the following:

(1) Any change to the information provided in the original application or any amendments thereto.

(2) Any criminal, civil, or administrative actions instituted or pending in any jurisdiction against or involving the licensee or any principal of the licensee.

§2156.3. Installation of solar energy equipment and systems

~~A. No licensed contractor shall install solar energy equipment or solar energy systems on or after February 1, 2015, unless he is in compliance with the provisions of this Section and any rules adopted by the board in accordance with the provisions of this Section~~ A Solar Energy Equipment license shall be required to install solar energy equipment or solar energy systems for which the project value is ten thousand dollars or more.

~~B. Contractors applying for the classification of~~ An applicant for Solar Energy Equipment, shall, ~~in addition to all other application or licensing requirements,~~ hold one or more of the following major license classifications:

(1) Building Construction.

(2) Electrical.

1 (3) Mechanical.

2 (4) Residential Construction.

3 C. ~~Any work performed~~ **An Electrical license is required** to connect wiring
4 or hookups for any photovoltaic panel or system ~~wherein the panel or system is of~~
5 ~~a value, including labor, materials, rentals, and all direct and indirect project~~
6 ~~expenses, of~~ **for which the project value is** ten thousand dollars or more ~~shall be~~
7 ~~performed only by a contractor or subcontractor who holds the classification to~~
8 ~~perform Electrical Work.~~

9 D. ~~Any work performed~~ **A Mechanical license is required** to connect piping
10 or equipment for any solar thermal system ~~wherein the system is of a value,~~
11 ~~including labor, materials, rentals, and all direct and indirect project expenses, of~~ **for**
12 **which the project value is** ten thousand dollars or more ~~shall be performed only by~~
13 ~~a contractor or subcontractor who holds the classification to perform Mechanical~~
14 ~~Work or who may perform mechanical work.~~

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

24 **§2156.4. Residential roofing**

25 **A. On and after January 1, 2026, any person who advertises, solicits,**
26 **undertakes, attempts, offers, or submits a price, bid, quote or estimate to**
27 **construct, supervise, direct, oversee, or perform any construction, modification,**
28 **repair, or maintenance of any portion of a roofing system on a residential**
29 **structure for which the project value is seven thousand five hundred dollars or**
30 **more shall hold the classification of Residential Roofing or Residential**

1 **Construction.**

2 **B. A residential roofing contractor shall pass the residential roofing**
3 **trade examination and meet all other licensure requirements of a residential**
4 **contractor.**

5 **C. Residential roofing is a subclassification of residential construction.**

6 §2157. Exemptions

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

8 (1) ~~The state or any of its political subdivisions.~~

9 (2) Any public utility providing gas, electric, or telephone service which is
10 subject to regulation by the Louisiana Public Service Commission or the council of
11 the city of New Orleans, or to any work performed by the public utility in furnishing
12 its authorized service.

13 (3)(2) Owners of property who supervise, superintend, oversee, direct, or in
14 any manner assume charge of the construction, alteration, repair, improvement,
15 movement, demolition, putting up, tearing down, or maintenance of any building,
16 railroad excavation, project, development, improvement, plant facility, or any other
17 construction undertaking, on that property, for use by the owner, and which will not
18 be for sale or rent, and the control of access to which shall be controlled by the
19 owner so that only employees and nonpublic invitees are allowed access.

20 (4)(3) Any person donating labor and services for the supervision and
21 construction of or for the maintenance and repair of ~~churches~~ **a building dedicated**
22 **to worship owned by a legally established church. An affidavit of exemption**
23 **shall be provided to obtain the building permit on a form provided by the**
24 **board.**

25 (5)(4) Any farmer doing construction for agricultural purposes on leased or
26 owned land.

27 (6)(5) Any person bidding or performing work on any project totally owned
28 by the federal government.

29 (7)(6) Any person engaged in rail or pipeline construction activities
30 performed on property he owns or leases.

1 ~~(8)~~(7) Any ~~citizen~~ **person** volunteering labor for the construction of a project
2 which is funded by the Louisiana Community Development Block Grant, Louisiana
3 Small Towns Environment Program.

4 ~~(9)~~(8) Any person, supplier, or manufacturer who assembles, repairs,
5 maintains, moves, puts up, tears down, or disassembles any patented or proprietary
6 equipment supplied to a contractor to be used solely for a construction project.

7 ~~(10)~~(9) The manufactured housing industry or any person engaged in any
8 type of service, warranty, repair, or home improvement work on factory-built,
9 residential dwellings that are mounted on chassis and wheels.

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

13 ~~(12)~~(11) Any work covering dewatering or water mitigation.

14 ~~(13)~~(12) Any employee of any ~~contractor~~ **licensee**.

15 ~~(14)~~(13) Owners of property who supervise, superintend, oversee, direct, or
16 in any manner assume charge of the construction, alteration, repair, improvement,
17 movement, demolition, putting up, tearing down, or maintenance of their personal
18 residences, if the homeowner does not build more than one residence per year. The
19 one-year period shall commence on the date of **issuance of the certificate of**
20 **occupancy of the residence**. However, an owner of property may build more than one
21 single-family dwelling in a one-year period if the construction of an additional
22 residence occurs as a result of a change in the legal marital status of the owner or
23 change in the employment status of the owner whereby the owner must relocate to
24 another employment location, which is located in excess of fifty miles from his
25 personal residence. **An affidavit of exemption shall be provided to obtain the**
26 **building permit on a form provided by the board.**

27 ~~(15)~~(14) Persons performing the work of a residential contractor in areas or
28 municipalities that do not have a permitting procedure.

29 ~~(16)~~(15) The following persons are exempt from home improvement
30 licensure:

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

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

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

(i) Landscaping.

(ii) Interior painting or wall covering.

~~(17)~~**(16)** The following persons are exempt from mold remediation licensure:

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

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

~~(18)~~**(17)** Any person performing work as a subcontractor for a residential construction license holder, except for electrical, mechanical, plumbing, mold remediation, asbestos, or hazardous materials scopes of work.

~~(19)~~**(18)** Any person performing home improvement work for a building construction license holder, except for electrical, mechanical, plumbing, mold remediation, asbestos, or hazardous material scopes of work.

(19) Electrical, mechanical, and plumbing licensees who are acting exclusively within the scope of their classification.

* * *

§2158. Revocation and suspension of licenses; issuance of cease and desist orders; debarment; violations; penalty; criminal penalty

A. No person may engage in the business of contracting, or act as a contractor as defined in this Chapter, unless he holds an active license as a contractor in accordance with the provisions of this Chapter. The board and residential subcommittee may revoke, suspend, or refuse to renew a license; issue cease and

desist orders to stop work; issue fines and penalties; or debar any person ~~or licensee~~
licensed pursuant to the provisions of this Chapter for any of the following
violations:

* * *

(2) ~~Falsely representing or advertising regarding the~~ **Publishing,**
transmitting, distributing, or otherwise publicly circulating a misleading or
false claim related to a person's license status or classification **in any medium,**
including but not limited to digital platforms.

* * *

(8)~~(a)~~ Permitting ~~the contractor's~~ a license to be used by another contractor
when the other contractor does not hold a license for the classification of work for
which the contract is entered **for any purpose by any person other than the person**
to whom the license is issued.

(b) Misrepresentation or fraudulent use of a license for any purpose by
any person other than the person to whom the license is issued.

* * *

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

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

* * *

(13)~~(a)~~ Failure to notify the board of any change in corporate name, company
name, address of the licensee, or any other contact information as required **provide**
written notification to the board of any change to the information provided in
the original application and any amendments thereto within thirty calendar
days.

(b) Failure to provide written notification to the board of a criminal,
civil, or administrative action instituted or pending in another jurisdiction

1 against or involving the licensee or a principal of the licensee within thirty days.

2 * * *

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

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

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

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

19 ~~(19)~~ (18) Failure to obtain a permit to perform work or beginning work
20 prior to the issuance of a permit in the jurisdiction as required or
21 misrepresenting the value or scope of work.

22 (19) Failure to obtain inspections as required by law.

23 (20) Failure to have a written contract signed and dated by all parties.

24 (21) Failure to bid, contract, or perform work in the name as it appears
25 on the current license or registration and the official records of the board.

26 (22) Failure to maintain and provide to the board requested records,
27 documents, and other information as required within five business days of
28 receipt of request.

29 (23) It is a violation for a mold remediation contractor to:

30 (a) Fail to provide a written report to each person for whom he performs such

1 services for compensation.

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

4 (c) Perform both mold assessment and mold remediation on the same
5 property.

6 (d) Own an interest in both the entity which performs mold assessment
7 services and the entity which performs mold remediation services on the same
8 property.

9 * * *

10 C. In the event of a revocation of a license or a qualifying party status, the
11 person or qualifying party shall be ineligible to apply for a license or qualifying party
12 status for ~~one year~~ **three years** following the revocation.

13 * * *

14 §2159. ~~Home improvement contracting; written~~ **Written** contract required; claims
15 of unlicensed persons

16 A. Every agreement ~~for any licensee to perform home improvement~~
17 contracting services **that requires licensure or registration** as defined by this
18 Chapter ~~in an amount of seven thousand five hundred dollars or more, but less than~~
19 ~~fifty thousand dollars, shall be in writing and~~ shall include **all of** the following
20 documents and information:

21 (1) The complete agreement between the ~~owner and the contractor and~~
22 **parties, including** a clear description of any other documents which are or shall be
23 incorporated into the agreement, ~~including current insurance certificates evidencing~~
24 ~~the amount of liability insurance maintained and proof of workers' compensation~~
25 ~~coverage by any person required to be as a home improvement contractor.~~

26 * * *

27 **(6) Current certificates of insurance providing proof of workers'**
28 **compensation coverage and the amount of liability coverage maintained for any**
29 **licensee for which insurance is a requirement.**

30 B. At the time of signing, ~~the owner~~ **all parties** shall be furnished with a copy

1 of the **signed** contract ~~signed by both the home improvement contractor and the~~
 2 ~~owner~~. No work shall begin prior to the signing of the contract ~~and transmittal to the~~
 3 ~~owner of a copy of the contract~~ **by all parties**.

4 * * *

5 D. No ~~home improvement~~ contractor who fails to obtain a license as provided
 6 for in this Chapter shall be entitled to file a statement of claim or a statement of lien
 7 or privilege with respect to monetary sums allegedly owed under any contract,
 8 whether express, implied, or otherwise, when any provision of this Chapter requires
 9 that the ~~home improvement~~ contractor possess a ~~home improvement~~ license issued
 10 ~~by the residential subcommittee~~ in order to have properly entered into such a
 11 contract.

12 §2159.1. ~~Home improvement contracting~~ **Contracting**; prohibited acts; property
 13 insurance

14 The following acts are prohibited by persons ~~or companies~~ performing ~~home~~
 15 ~~improvement~~ contracting services:

16 (1) Interpreting insurance policy provisions regarding coverage or duties
 17 under an insured's property insurance policy **or advertising or soliciting such**
 18 **services**. A contractor shall be considered to have violated the provisions of this
 19 Paragraph if a person working on behalf of the contractor including but not limited
 20 to a compensated employee or a nonemployee who is compensated by the contractor
 21 violates the provisions of this Paragraph.

22 (2) Adjusting a property insurance claim on behalf of an insured as ~~an a~~
 23 **public** adjuster, as defined in ~~R.S. 22:1661~~ **R.S. 22:1692, or advertising or**
 24 **soliciting such services**. A contractor shall be considered to have violated the
 25 provisions of this Paragraph if a person working on behalf of the contractor,
 26 including but not limited to a compensated employee or a nonemployee who is
 27 compensated by the contractor, violates the provisions of this Paragraph.

28 * * *

29 §2160. Local regulatory authority; permit offices; staff; building permits

30 * * *

B. ~~Prior to the issuance of any building permit, the local building permit official shall require that the applicant for such permit produce proof that the applicant possesses an appropriate, applicable contractor's license issued by the board, or that the applicant's proposed building activity is exempt from such licensure in accordance with this Chapter.~~ **A local building department shall not issue a building permit to any person who does not hold an active license in the appropriate classification for the scope of work for which the permit is issued. Nothing in this Section shall prohibit a local building department from issuing a permit for work that does not require a license pursuant to this Chapter.**

C. The local building permit official shall require any applicant claiming an exemption for residential construction activities to execute an affidavit attesting to the claimed exemption. Such affidavit shall be **executed on a form provided by the board and** submitted to the local building permit official prior to the issuance of a permit. ~~Such affidavit shall be executed on a form provided by the board.~~

* * *

§2161. Construction management

A. Any person who performs, attempts to perform, or submits a price, bid, or offer to perform work in construction management whose scope of authority and responsibility ~~include~~ **includes** supervision, oversight, direction, or in any manner assumes charge for the construction services provided to an owner by a **general** contractor or contractors, ~~in which the value of the construction project is:~~ **shall possess a license in the same classification or in the major classification for the scope of work as provided in this Chapter.**

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

~~(2) Fifty thousand dollars or more for a residential construction project, shall possess a license from the board in the classification of residential construction.~~

~~(3) Seven thousand five hundred dollars or more for a home improvement project, shall possess a license from the board in the classification of home~~

~~improvement contracting.~~

* * *

C. An employee of the owner who ~~supervises the construction or ensures~~ compliance with the plans and specifications on behalf of the owner but does not bid or perform construction work for which a license is required does act as a contractor does not have to be licensed.

* * *

§2163. Engaging in business of contracting without authority prohibited; penalty

A.(1) * *

(2) It shall be unlawful for any contractor, licensed or unlicensed, who ~~advertises in any form or in any news medium, to advertise that he is a licensed contractor without specifying the type of license to which he is referring~~ **to publish, transmit, distribute, or otherwise publicly circulate a misleading or false claim related to a person's license or classification in any medium, including but not limited to digital platforms.**

* * *

C.(1) * *

(3) Any fine assessed and collected in accordance with the provisions of this Section shall be remitted to the contractor's educational trust fund provided for in R.S. 37:2164(I) **this Chapter.**

* * *

§2164. Violations; civil penalty; jurisdiction

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

1 B. A monetary penalty assessed by the board or the residential
2 subcommittee is payable within ninety days or as provided by law. Failure to
3 pay an outstanding penalty may be cause to deny issuance or renewal of a
4 license or registration and may be subject to collection efforts as provided by
5 law.

6 C. In addition to or in lieu of the criminal penalties and administrative
7 sanctions provided in this Chapter, the board may issue an order to cease and desist
8 to any person or firm engaged in any activity, conduct, or practice constituting a
9 violation of any provision of this Chapter. The order shall be issued in the name of
10 the state of Louisiana under the official seal of the board.

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

16 ~~D.E.~~ Upon proper showing by the board that a person or firm has engaged or
17 is engaged in any activity, conduct, or practice prohibited by this Chapter, the court
18 shall issue a temporary restraining order restraining the person or firm from engaging
19 in the unlawful activity, conduct, or practice pending the hearing on a preliminary
20 injunction. In due course, a permanent injunction shall be issued after a hearing,
21 commanding the cessation of the unlawful activity, conduct, or practice without the
22 board having to give bond. A temporary restraining order, preliminary injunction, or
23 permanent injunction issued pursuant to the provisions of this Section shall not be
24 subject to being released upon bond.

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

1 ~~F.G.~~ The trial of the proceeding by injunction shall be summary and by the
2 judge without a jury.

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

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

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

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

26 K. In addition to all other authority granted to the board by the provisions of
27 this Chapter, the board shall have the authority to cause to be issued to any person
28 who is alleged to have violated any of the provisions of this Chapter a citation setting
29 forth the nature of the alleged violation, which provides to that person the option of
30 either pleading no contest to the charge and paying a fine to the board prescribed by

any provision of this Chapter or appearing at an administrative hearing conducted by the board regarding the alleged violation. The citations may be issued by any authorized employee of the board and may be issued either in person, by certified mail with a return receipt, or by email with a read receipt from the noticed person. This Subsection shall not be applicable to any criminal enforcement action brought pursuant to the provisions of this Chapter.

§2165. Bid procedures; penalty

A.(1) * * *

(6) Any person required to be licensed by the board that bids a project requiring a bid bond, the posting of a bid bond for the project, or certificates of insurance evidencing mandated coverage and fails to provide such valid bonds or coverage when due shall be subject to all provisions for violations and penalties thereof.

(7) Upon being awarded a bid, the person required to be licensed shall maintain the required insurance coverage or bonding as required in the bid proposal.

(8) Any person who violates the provisions of this Section may be subject to disciplinary action by the board, including suspension or revocation of the contractor's licenses and the imposition of fines and administrative costs.

B. Where bids are to be received or forms furnished by the awarding authority, no proposal forms or specifications shall be issued to anyone except a licensed contractor who holds an active license or his authorized representation. In no event shall proposal forms be issued later than twenty-four hours prior to the hour and date set for receiving proposals.

C. The architect, engineer, or awarding authority shall classify public projects. Once the project is classified, any interested person may object by sending a certified letter to both the board and the architect, engineer, or awarding authority stating with particularity the reasons for the objection. The objection shall be submitted to the board and the architect, engineer, or awarding authority in writing by certified mail **or electronic mail** at least ten working days prior to the date on

7 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED: _____