HLS 17RS-569 ORIGINAL

2017 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 3

BY REPRESENTATIVE ARMES

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

LICENSING: Repeals administrative licensing requirements relative to residential specialty classifications

1	A CONCURRENT RESOLUTION
2	To repeal Louisiana State Licensing Board for Contractors rules (LAC 46:XXIX.1515 and
3	1517), which generally require any corporation, partnership, individual, or contractor
4	undertaking certain construction of residential buildings or structures to obtain a
5	specialty classification license or subcontract-labor-only license, and to direct the
6	office of the state register to print the notice of the repeal in the Louisiana
7	Administrative Code.
8	WHEREAS, LAC 46:XXIX.1515 requires a corporation, partnership, individual, or
9	contractor to obtain a specialty classification license to undertake or oversee the construction
10	of each of the following works on residential buildings and structures, when the value of
11	work performed exceeds seven thousand five hundred dollars, including labor and materials:
12	1. Residential Pile Driving
13	2. Residential Foundations
14	3. Residential Framing
15	4. Residential Roofing
16	5. Residential Masonry/Stucco
17	6. Residential Swimming Pools; and
18	WHEREAS, licensure for each of the aforementioned specialty classifications
19	requires the applicant to do all of the following:

1. Successfully pass an open-book business and law examination.

1 2. Successfully pass the closed-book trade examination for the respective specialty 2 classification. 3 3. Provide proof of current general liability and workers' compensation insurance 4 coverage as prescribed by the board; and 5 WHEREAS, a contractor seeking to obtain a specialty classification license is 6 required, in addition to all other application and licensing requirements, to do all of the 7 following: 8 1. Designate a qualifying party to successfully pass both the open-book business and 9 law examination and respective trade examination. 10 2. Provide proof of current general liability and workers' compensation insurance 11 coverage as prescribed by the board; and 12 WHEREAS, LAC 46:XXIX.1517 authorizes a subcontractor who provides "labor 13 only" and works under the direct supervision of a licensed residential building contractor to 14 obtain a subcontract-labor-only specialty classification license in lieu of the specialty 15 classification license required in LAC 46:XXIX.1515; and 16 WHEREAS, a subcontractor seeking to obtain a subcontract-labor-only specialty 17 classification license may be exempt from the trade examination requirement, if the 18 subcontractor does all of the following: 19 1. Completes and submits a residential application as prescribed by the board. 20 2. Submits an affidavit executed by a licensed residential building contractor 21 attesting to the subcontractor's quality of work and character. 22 3. Passes the open-book business and law examination. 23 4. Provides proof of current general liability and workers' compensation insurance 24 coverage as prescribed by the board; and 25 WHEREAS, some citizens of this state believe the construction industry is one of the 26 few remaining industries affording opportunities for workers to learn a trade and earn a 27 living without the expense of higher education; and

years in the construction industry, having handed their trades down through generations; and

WHEREAS, Louisiana families have enjoyed the benefits of self-employment for

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1	WHEREAS, certain industry stakeholders assert that a high percentage of residential
2	building subcontractors in this state are persons belonging to demographic minorities; and
3	WHEREAS, industry stakeholders, which include families and citizens generally,
4	perceive the increased requirements of the board as discriminatory against minorities in the
5	construction industry, obstructing opportunities for minority contractors and subcontractors
6	with what are considered unnecessary, burdensome restrictions for persons who have
7	accumulated years of experience in their respective building trades; and
8	WHEREAS, some industry stakeholders perceive requirements of the board, as
9	provided in LAC 46:XXIX.1515 and 1517, to be a threat to self-employment and diversity
10	in the construction industry, contesting that board requirements will not aid in better
11	construction of residential homes and will not "cause one brick to be laid straighter or one
12	slab to be finished smoother"; and
13	WHEREAS, generally, stakeholders are concerned that specialty classification
14	licensing requirements of the board serve to adversely affect the self-employed, minority
15	contractor and subcontractor, and thus the rules should be repealed; and
16	WHEREAS, R.S. 49:969 provides that the legislature, by concurrent resolution, may
17	suspend, amend, or repeal any rule adopted by a state department, agency, board, or
18	commission.
19	THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
20	46:XXIX.1515 and 1517 are hereby repealed in their entirety.
21	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
22	office of the state register and the Louisiana State Licensing Board for Contractors.
23	BE IT FURTHER RESOLVED that the office of the state register is hereby directed
24	to have the repeal of LAC 46:XXIX.1515 and 1517 printed and incorporated into the
25	Louisiana Administrative Code and to transmit a copy of the revised rules to the Louisiana
26	State Licensing Board for Contractors.

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ORIGINAL
HCR NO. 3

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)]

HCR 3 Original

2017 Regular Session

Armes

Repeals LAC 46:XXIX.1515 and 1517 which generally require any corporation, partnership, individual, or contractor undertaking certain construction of residential buildings or structures to obtain a specialty classification license or subcontract-labor-only license.

Directs the La. Register to print the repeal to LAC 46:XXIX.1515 and 1517 in the La. Administrative Code.

(Repeals LAC 46:XXIX.1515 and 1517)