

House Bill 1391

By: Representative Burkhalter of the 50<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and general contractors, so as to change certain provisions relating to creation of the State Licensing Board for Residential and General Contractors, membership, divisions, vacancies, qualifications, terms, and meetings; to change certain provisions relating to appointment of members, chairperson, meetings and quorums, and assistance from professional licensing boards division; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and general contractors, is amended by striking Code Section 43-41-3, relating to creation of the State Licensing Board for Residential and General Contractors, membership, divisions, vacancies, qualifications, terms, and meetings, and inserting in lieu thereof the following:

"43-41-3.

(a) There is created the State Licensing Board for Residential and General Contractors consisting of ~~14~~ 15 members appointed by the Governor for five-year terms. The board shall be assigned to the Secretary of State's office for administrative purposes and shall be under the jurisdiction of the division director and shall operate in accordance with and pursuant to the provisions of Chapter 1 of this title, as applicable. The board shall be comprised of two divisions: the residential contractor division, having jurisdiction of and authority over the two subcategories of residential contracting, residential-basic contractors and residential-light commercial contractors, and the general contractor division. ~~Seven~~ Eight members shall be appointed and serve as members of the residential contractor division of the board and seven members shall be appointed and serve as members of the general contractor division of the board. Members shall serve until the expiration of their respective terms and until their successors are appointed and qualified. Vacancies occurring during a term shall be filled by appointment of the Governor for the remainder

1 of the unexpired term and such replacement shall meet the requirements and criteria of  
2 selection of the person previously holding the vacant position. To be eligible to serve on  
3 the respective divisions of the board, each contractor member shall be and remain actively  
4 involved in the construction contracting business and shall have been so engaged for a  
5 period of not less than five consecutive years before the date of appointment in the  
6 particular contracting business, as a residential contractor or general contractor,  
7 corresponding to the division for which such person is appointed. Any contractor members  
8 whose term continues after or who are appointed to terms commencing two years from the  
9 date that this chapter becomes effective must also have been licensed and certified by the  
10 respective division of the board to operate as a contractor in the category to which the  
11 member is appointed. The position of any appointive member of the board who, during his  
12 or her term of appointment, shall cease to meet the qualifications for original appointment  
13 shall be immediately vacated. No member of the board shall be appointed to serve more  
14 than two full terms.

15 (b) The residential contractor division shall consist of ~~seven~~ eight members and, except  
16 as otherwise expressly stated in this chapter, shall have jurisdiction of and authority over  
17 the practice of the two subcategories of residential contracting, residential-basic contractors  
18 and residential-light commercial contractors. ~~Five~~ Six members shall be residential  
19 contractors eligible for licensure under this chapter. Effective July 1, 2007, all residential  
20 contractor members shall be required to be licensed under this chapter. At least ~~two~~ one  
21 of the residential contractor members shall be qualified to perform residential-light  
22 commercial type projects; three shall be qualified and shall predominantly perform  
23 residential-basic type projects; one shall be a residential contractor whose business  
24 predominately involves remodeling projects; one shall be a residential contractor who  
25 constructs at least an average of 20 residences per year; and all must be geographically  
26 diverse. One member shall be a public building official and one member shall be a public  
27 member. The public member shall have no ties with the residential construction industry  
28 and shall represent the interests of the public at large. The initial member terms on the  
29 residential contractor division shall be staggered so that all terms do not expire  
30 simultaneously. Three members shall serve initial terms of five years, three members shall  
31 serve initial terms of four years, ~~and~~ one member shall serve an initial term of three years,  
32 and one member shall serve an initial term of one year. The residential contractor division  
33 shall meet at least six times each year for the purpose of transacting such business as may  
34 properly come before it.

35 (c) The general contractor division shall consist of seven members and, except as  
36 otherwise expressly stated in this chapter, shall have jurisdiction of and authority over the  
37 practice of general contracting. Five members shall be general contractors eligible for

1 licensure under this chapter. Effective July 1, 2007, all general contractor members shall  
2 be required to be licensed under this chapter. At least two of the general contractor  
3 members shall be small-volume builders with an annual contracting volume of less than  
4 \$5 million and all of whom must be geographically diverse. One member shall be a  
5 currently licensed or registered architect or engineer and one member shall be a public  
6 building official. The initial member terms on the general contractor division shall be  
7 staggered so that all terms do not expire simultaneously. Three members, including at least  
8 two contractor members, shall serve initial terms of five years; three members, including  
9 at least two contractor members, shall serve initial terms of four years; and one member  
10 shall serve an initial term of three years. The general contractor division shall meet at least  
11 six times each year for the purpose of transacting such business as may properly come  
12 before it."

## 13 **SECTION 2.**

14 Said chapter is further amended by striking subsection (a) of Code Section 43-41-4, relating  
15 to appointment of members, chairperson, meetings and quorums, and assistance from  
16 professional licensing boards division, and inserting in lieu thereof the following:

17 "(a) The initial members of the board shall be appointed no later than July 1, ~~2005~~ 2006.  
18 The board shall meet within 30 days after its appointment at a time and place to be  
19 designated by the Governor and organize by electing a chairperson and a vice chairperson,  
20 each to serve for a one-year term."

## 21 **SECTION 3.**

22 All laws and parts of laws in conflict with this Act are repealed.