

House Bill 1520

By: Representatives Reece of the 11<sup>th</sup>, Jamieson of the 28<sup>th</sup>, Benton of the 31<sup>st</sup>, McCall of the 30<sup>th</sup>, Neal of the 1<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 residential and general contractors, so as to revise a definition; to extend the date by which  
3 persons must apply to be licensed without examination; to provide for related matters; to  
4 provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and  
8 general contractors, is amended by striking paragraph (9) of Code Section 43-41-2, relating  
9 to definitions, and inserting a new paragraph (9) to read as follows:

10 "(9) 'Residential contractor' means any contractor who may contract for, undertake to  
11 perform, submit a bid or a proposal or otherwise offer to perform, and perform any  
12 activity or work as a contractor requiring licensure under this chapter for a fixed price,  
13 commission, fee, wage, or other compensation or who undertakes any activity or work  
14 on his or her own behalf or for any person or business organization that is not licensed  
15 as a licensed residential contractor pursuant to this chapter where such activity or work  
16 falls into the category of residential-basic contractor or residential-light commercial  
17 contractor as defined in this Code section and where the ~~total~~ value of the ~~work or activity~~  
18 labor or of the compensation to be received by the contractor for ~~such activity or work~~  
19 labor only, whichever is the higher, exceeds ~~\$2,500.00~~ \$5,000.00. The term 'residential  
20 contractor' shall include both a residential-basic contractor and a residential-light  
21 commercial contractor, except where otherwise expressly stated. The work or activity  
22 performed by a residential contractor may include within its scope any work requiring  
23 licensure under Chapter 14 of this title; provided, however, that any work contractually  
24 undertaken by a residential contractor in the nature of electrical contracting, plumbing,  
25 conditioned air contracting, low voltage contracting, or utility contracting which falls  
26 within the licensing requirements of Chapter 14 of this title may not be performed by the

1 residential contractor but shall only be performed by a person who is duly licensed to  
2 perform such work under Chapter 14 of this title."

3 **SECTION 2.**

4 Said chapter is further amended by striking subsection (a) of Code Section 43-41-17, relating  
5 to the effective date of licensing and sanctioning provisions, and inserting in lieu thereof a  
6 new subsection (a) to read as follows:

7 "(a) The licensing requirements imposed by this chapter and the sanctions and  
8 consequences relating thereto shall not become effective and enforceable until July 1, 2007.  
9 On and after such date, no person, whether an individual or a business organization, shall  
10 have the right to engage in the business of residential contracting or general contracting  
11 without a current, valid residential contractor license or general contractor license,  
12 respectively, issued by the division under this chapter or, in the case of a business  
13 organization, unless such business organization shall have a qualifying agent as provided  
14 in this chapter holding such a current, valid residential contractor or general contractor  
15 license on behalf of such organization issued to such qualifying agent as provided in this  
16 chapter. Notwithstanding the foregoing, persons seeking licensure under this chapter and  
17 exemption from examination under paragraphs (1) and (2) of subsection (a) of Code  
18 Section 43-41-8 shall submit their applications, including all necessary proof of the basis  
19 of exemption from examination for such license, starting January 1, 2006. The period for  
20 submission of such applications and requests for exemption from the examination  
21 requirements shall extend thereafter for a period of ~~six~~ 12 months. Furthermore,  
22 notwithstanding the foregoing, any person seeking licensure under this chapter and  
23 exemption from examination under paragraph (3) of subsection (a) of Code Section  
24 43-41-8 may submit his or her application, including all necessary proof of the basis of  
25 such exemption starting July 1, 2006 and continuing thereafter."

26 **SECTION 3.**

27 This Act shall become effective upon its approval by the Governor or upon its becoming law  
28 without such approval.

29 **SECTION 4.**

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