

House Bill 1391 (AM)

By: Representative Burkhalter of the 50th

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 change certain provisions relating to creation of
3 the State Licensing Board for Residential and General Contractors, membership, divisions,
4 vacancies, qualifications, terms, and meetings; to change certain provisions relating to
5 appointment of members, chairperson, meetings and quorums, and assistance from
6 professional licensing boards division; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

13 "43-41-3.

14 (a) There is created the State Licensing Board for Residential and General Contractors
15 consisting of ~~14~~ 15 members, 14 of whom shall be appointed by the Governor for five-year
16 terms and one of whom shall be appointed by the Speaker of the House of Representatives
17 for a five-year term. The board shall be assigned to the Secretary of State's office for
18 administrative purposes and shall be under the jurisdiction of the division director and shall
19 operate in accordance with and pursuant to the provisions of Chapter 1 of this title, as
20 applicable. The board shall be comprised of two divisions: the residential contractor
21 division, having jurisdiction of and authority over the two subcategories of residential
22 contracting, residential-basic contractors and residential-light commercial contractors, and
23 the general contractor division. ~~Seven~~ Eight members shall be appointed and serve as
24 members of the residential contractor division of the board and seven members shall be
25 appointed and serve as members of the general contractor division of the board. Members
26 shall serve until the expiration of their respective terms and until their successors are

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

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

36 (c) The general contractor division shall consist of seven members and, except as
37 otherwise expressly stated in this chapter, shall have jurisdiction of and authority over the

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

14 **SECTION 2.**

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

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

22 **SECTION 3.**

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