

House Bill 224

By: Representatives Burkhalter of the 50th and Smith of the 113th

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 style="text-align:center">**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 revising 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, as follows:

13 "43-41-3.

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

17 "(a) The initial members of the board shall be appointed no later than July 1, ~~2005~~ 2007.
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.