

Senate Bill 464

By: Senators Staton of the 18th, Chapman of the 3rd, Douglas of the 17th, Rogers of the 21st,  
Carter of the 13th 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 provide that the fact that a business organization  
3 has operated continuously with a regular office and place of business but under different  
4 corporate names over the immediately preceding five-year period shall be sufficient to meet  
5 the five-year business operation requirement for the licensure of a qualifying agent of a  
6 business organization without examination; to extend the date for receiving of applications  
7 for licensure without examination; to provide for related matters; to provide an effective date;  
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and  
12 general contractors, is amended by revising paragraph (2) of subsection (a) of Code  
13 Section 43-41-8, relating to eligibility for licensure without examination, as follows:

14 "(2) Any person who has successfully and efficiently engaged in the comparable category  
15 of residential or general contracting in this state as provided in this Code section;  
16 provided, however, that such person shall be either a resident and citizen of the ~~state~~ State  
17 of Georgia or, if applying as a qualifying agent for a business organization, such business  
18 organization shall be either incorporated in Georgia or is a business organization  
19 otherwise authorized and certified to transact business in Georgia with a regular office  
20 and place of business in Georgia currently and having had such office and place of  
21 business continuously for the five years immediately preceding such application;  
22 provided, further, that such application and request for exemption is submitted within the  
23 time limits set forth in subsection (a) of Code Section 43-41-17. The fact that a business  
24 organization has operated continuously with a regular office and place of business but  
25 under different corporate names over the immediately preceding five-year period shall  
26 be sufficient to meet the five-year business operation requirement of this paragraph. To

1 prove that he or she has successfully engaged in residential-basic or residential-light  
 2 commercial projects, the person shall be required to give evidence of three successful  
 3 projects located in Georgia which were successfully completed over the period of five  
 4 years immediately prior to the time of application; evidence of ten successfully completed  
 5 residential-basic or residential-light commercial projects located in Georgia over the  
 6 period of ten years immediately prior to the time of application; or evidence that he or she  
 7 has participated in or been engaged in residential-basic or residential-light commercial  
 8 construction in a supervisory or management capacity for seven of the ten years  
 9 immediately prior to the time of application. To prove that he or she has successfully  
 10 engaged in commercial general contracting, the person submitting the application shall  
 11 be required to give evidence of five successful general contracting projects located in  
 12 Georgia which were successfully completed over the period of five years immediately  
 13 prior to the time of application or evidence of ten successful general contracting projects  
 14 located in Georgia which were successfully completed over the period of ten years  
 15 immediately prior to the time of application, such projects having been performed either  
 16 by such person acting as an individual or by a business organization in which such  
 17 individual person was affiliated by employment or ownership and over which such person  
 18 had general oversight and management responsibilities;”.

## 19 SECTION 2.

20 Said chapter is further amended by revising subsection (a) of Code Section 43-41-17, relating  
 21 to effective date of licensing and sanctioning provisions, as follows:

22 “(a) The licensing requirements imposed by this chapter and the sanctions and  
 23 consequences relating thereto shall not become effective and enforceable until July 1, 2008.  
 24 On and after such date, no person, whether an individual or a business organization, shall  
 25 have the right to engage in the business of residential contracting or general contracting  
 26 without a current, valid residential contractor license or general contractor license,  
 27 respectively, issued by the division under this chapter or, in the case of a business  
 28 organization, unless such business organization shall have a qualifying agent as provided  
 29 in this chapter holding such a current, valid residential contractor or general contractor  
 30 license on behalf of such organization issued to such qualifying agent as provided in this  
 31 chapter. Notwithstanding the foregoing, persons seeking licensure under this chapter and  
 32 exemption from examination under paragraphs (1) and (2) of subsection (a) of Code  
 33 Section 43-41-8 shall submit their applications, including all necessary proof of the basis  
 34 of exemption from examination for such license, starting January 1, 2006. The period for  
 35 submission of such applications and requests for exemption from the examination  
 36 requirements shall extend ~~thereafter for a period of 18 months~~ until June 30, 2008.

1 Furthermore, notwithstanding the foregoing, any person seeking licensure under this  
2 chapter and exemption from examination under paragraph (3) of subsection (a) of Code  
3 Section 43-41-8 may submit his or her application, including all necessary proof of the  
4 basis of such exemption starting January 1, 2007, and continuing thereafter."

5 **SECTION 3.**

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

8 **SECTION 4.**

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