

House Bill 666

By: Representative Weldon of the 3<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 licensure and regulation of the practices of electrical contracting, plumbing contracting,  
3 low-voltage electrical contracting, utility contracting, and conditioned air contracting, so as  
4 to created the Division of Roofing Contractors within the State Construction Industry  
5 Licensing Board and provide for the licensure and regulation of roofing contractors; to  
6 change the statement of legislative purpose and add definitions; to provide for requirements  
7 for licensure and prohibit unlicensed performance of roofing contracting; to provide  
8 exceptions; to provide for sanctions for violations; to provide for other related matters; to  
9 provide for an effective date and applicability contingent upon funding; to repeal conflicting  
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to licensure and  
14 regulation of the practices of electrical contracting, plumbing contracting, low-voltage  
15 electrical contracting, utility contracting, and conditioned air contracting, is amended by  
16 revising Code Sections 43-14-1 through 43-14-8, relating to a declaration of purpose,  
17 definitions, creation and operations of the State Construction Industry Licensing Board and  
18 its divisions, and licensing requirements, as follows:

19 "43-14-1.

20 This chapter is enacted for the purpose of safeguarding homeowners, other property  
21 owners, tenants, and the general public against faulty, inadequate, inefficient, or unsafe  
22 electrical, plumbing, low-voltage wiring, utility contracting, roofing contracting, or  
23 conditioned air installations. The practice of electrical contracting, plumbing contracting,  
24 installing, or repairing, low-voltage contracting, utility contracting, and conditioned air  
25 contracting are declared to be businesses or professions affecting the public interest; and

26 this chapter shall be liberally construed so as to accomplish the purposes stated in this Code  
27 section.

28 43-14-2.

29 As used in this chapter, the term:

30 ~~(1)~~(1) 'Alarm system' means any device or combination of devices used to detect a  
31 situation, causing an alarm in the event of a burglary, fire, robbery, medical emergency,  
32 or equipment failure, or on the occurrence of any other predetermined event.

33 ~~(1)~~(2) 'Board' means the State Construction Industry Licensing Board.

34 ~~(2)~~(3) 'Certificate of competency' means a valid and current certificate issued by the  
35 Division of Electrical Contractors created in Code Section 43-14-3, which certificate shall  
36 give the named electrical contractor to which it is issued authority to engage in electrical  
37 contracting of the kind described therein. Certificates of competency shall be of two  
38 kinds, Class I and Class II, according to the classification of license held by the electrical  
39 contractor.

40 ~~(3)~~(4) 'Conditioned air contracting' means the installation, repair, or service of  
41 conditioned air systems or conditioned air equipment. Service to or installation of the  
42 electrical connection between the electrical disconnect and conditioned air equipment is  
43 considered to be installation, repair, or service of conditioned air equipment or the  
44 conditioned air system. Service to or installation of the electrical circuit from the  
45 electrical distribution panel to the conditioned air equipment where the electrical service  
46 to the building or site is a single-phase electrical circuit not exceeding 200 amperes is  
47 considered to be installation, repair, or service of conditioned air equipment or the  
48 conditioned air system.

49 ~~(4)~~(5) 'Conditioned air contractor' means an individual who is engaged in conditioned  
50 air contracting under express or implied contract or who bids for, offers to perform,  
51 purports to have the capacity to perform, or does perform conditioned air contracting  
52 services under express or implied contract. The term 'conditioned air contractor' shall not  
53 include a person who is an employee of a conditioned air contractor and who receives  
54 only a salary or hourly wage for performing conditioned air contracting work.

55 ~~(5)~~(6) 'Conditioned air equipment' means heating and air-conditioning equipment  
56 covered under state codes and the natural gas piping system on the outlet side of the gas  
57 meter.

58 ~~(6)~~(7) 'Electrical contracting' means the installation, maintenance, alteration, or repair  
59 of any electrical equipment, apparatus, control system, or electrical wiring device which  
60 is attached to or incorporated into any building or structure in this state but shall not  
61 include low-voltage contracting.

62 ~~(7)~~(8) 'Electrical contractor' means any person who engages in the business of electrical  
 63 contracting under express or implied contract or who bids for, offers to perform, purports  
 64 to have the capacity to perform, or does perform electrical contracting services under  
 65 express or implied contract. The term 'electrical contractor' shall not include a person  
 66 who is an employee of an electrical contractor and who receives only a salary or hourly  
 67 wage for performing electrical contracting work.

68 ~~(8)~~(9) 'Executive director' means the executive director of the State Construction  
 69 Industry Licensing Board.

70 ~~(8.1)~~(10) 'General system' means any electrical system, other than an alarm or  
 71 telecommunication system, involving low-voltage wiring.

72 ~~(9)~~(11) 'Journeyman plumber' means any person other than a master plumber who has  
 73 practical knowledge of the installation of plumbing and installs plumbing under the  
 74 direction of a master plumber.

75 ~~(10)~~(12) 'License' means a valid and current certificate of registration issued by a  
 76 division of the board, which certificate shall give the named person to whom it is issued  
 77 authority to engage in the activity prescribed thereon.

78 ~~(10.1)~~(13) 'Low-voltage contracting' means the installation, alteration, service, or repair  
 79 of a telecommunication system, alarm system, or general system involving low-voltage  
 80 wiring.

81 ~~(10.2)~~(14) 'Low-voltage contractor' means an individual who is engaged in low-voltage  
 82 contracting under express or implied contract or who bids for, offers to perform, purports  
 83 to have the capacity to perform, or does perform low-voltage contracting services under  
 84 express or implied contract. An employee of a low-voltage contractor who receives only  
 85 a salary or hourly wage for performing low-voltage contracting work shall not be  
 86 required to be licensed under this chapter, except that those employees upon whom the  
 87 qualification of a partnership, limited liability company, or corporation rests as outlined  
 88 in subsection (b) of Code Section 43-14-8.1 shall be licensed.

89 ~~(10.3)~~(15) 'Low-voltage wiring' means:

90 (A) Wiring systems of 50 volts or less and control circuits directly associated  
 91 therewith;

92 (B) Wiring systems having a voltage in excess of 50 volts, provided such systems  
 93 consist solely of power limited circuits meeting the definition of a Class II and Class  
 94 III wiring system as defined in Article 725 of the National Electrical Code; or

95 (C) Line voltage wiring having a voltage not in excess of 300 volts to ground and  
 96 installed from the load-side terminals of a suitable disconnecting means which has been  
 97 installed for the specific purpose of supplying the low-voltage wiring system involved

98 or installed from a suitable junction box which has been installed for such specific  
99 purpose.

100 ~~(11)~~(16) 'Master plumber' means any individual engaging in the business of plumbing  
101 under express or implied contract or who bids for, offers to perform, purports to have the  
102 capacity to perform, or does perform plumbing contracting services under express or  
103 implied contract.

104 ~~(12)~~(17) 'Plumbing' means the practice of installing, maintaining, altering, or repairing  
105 piping fixtures, appliances, and appurtenances in connection with sanitary drainage or  
106 storm drainage facilities, venting systems, medical gas piping systems, natural gas piping  
107 systems on the outlet side of gas meters, or public or private water supply systems within  
108 or adjacent to any building, structure, or conveyance; provided, however, that after July  
109 1, 1997, only master plumbers and journeyman plumbers who have been certified by the  
110 Division of Master Plumbers and Journeyman Plumbers to perform such tasks shall be  
111 authorized to install, maintain, alter, or repair medical gas piping systems. The term  
112 'plumbing' also includes the practice of and materials used in installing, maintaining,  
113 extending, or altering the natural gas, storm-water, sewerage, and water supply systems  
114 of any premises to their connection with any point of public disposal or other acceptable  
115 terminal; provided, however, that licensure under this chapter shall not be required for  
116 a contractor certified by the Department of Community Health to make the connection  
117 to any on-site waste-water management system from the stub out exiting the structure to  
118 an on-site waste-water management system. Notwithstanding any other provision of this  
119 chapter, any person who holds a valid master plumbing license or any company which  
120 holds a valid utility contractor license shall be qualified to construct, alter, or repair any  
121 plumbing system which extends from the property line up to but not within five feet of  
122 any building, structure, or conveyance, regardless of the cost or depth of any such  
123 plumbing system.

124 (18) 'Roofing contracting' means the installation, application, alteration, or coating of a  
125 roof of a building or structure.

126 (19) 'Roofing contractor' means an individual who is engaged in roofing contracting  
127 under express or implied contract or who bids for, offers to perform, purports to have the  
128 capacity to perform, or does perform roofing contracting under express or implied  
129 contract. An employee of a roofing contractor who receives only a salary or hourly wage  
130 for performing roofing contracting work shall not be required to be licensed under this  
131 chapter, except that those employees upon whom the qualification of a partnership,  
132 limited liability company, corporation, or other legal entity other than an individual rests  
133 pursuant to Code Section 43-14-8.5 shall be licensed.

134 ~~(12.1)~~(20) 'Telecommunication system' means a switching system and associated  
 135 apparatus which performs the basic function of two-way voice or data service, or both,  
 136 and which can be a commonly controlled system capable of being administered both  
 137 locally and remotely via secured access.

138 ~~(13)~~ (21) 'Utility contracting' means undertaking to construct, erect, alter, or repair or  
 139 have constructed, erected, altered, or repaired any utility system.

140 ~~(14)~~(22) 'Utility contractor' means a sole proprietorship, partnership, or corporation  
 141 which is engaged in utility contracting under express or implied contract or which bids  
 142 for, offers to perform, purports to have the capacity to perform, or does perform utility  
 143 contracting under express or implied contract.

144 ~~(15)~~(23) 'Utility foreman' means any individual who is employed by a licensed contractor  
 145 to supervise the construction, erection, alteration, or repair of utility systems.

146 ~~(16)~~(24) 'Utility manager' means any individual who is employed by a utility contractor  
 147 to have oversight and charge of the construction, erection, alteration, or repair of utility  
 148 systems.

149 ~~(17)~~(25) 'Utility system' means:

150 (A) Any system at least five feet underground, when installed or accessed by trenching,  
 151 open cut, cut and cover, or other similar construction methods which install or access  
 152 the system from the ground surface, including, but not limited to, gas distribution  
 153 systems, electrical distribution systems, communication systems, water supply systems,  
 154 and sanitary sewerage and drainage systems; and

155 (B) Reservoirs and filtration plants, water and waste-water treatment plants, leachate  
 156 collection and treatment systems associated with landfills, and pump stations, when the  
 157 system distributes or collects a service, product, or commodity for which a fee or price  
 158 is paid for said service, product, or commodity or for the disposal of said service,  
 159 product, or commodity.

160 43-14-3.

161 (a) There is created within the executive branch of state government the State Construction  
 162 Industry Licensing Board. The board shall be assigned to the Secretary of State's office for  
 163 administrative purposes and shall be under the jurisdiction of the division director.

164 (b) The board shall be composed of ~~27~~ 32 members as follows:

165 (1) Five members known as the Division of Electrical Contractors, one of whom shall  
 166 be a consulting engineer engaged in electrical practice, another of whom shall be the  
 167 chief electrical inspector of a county or municipality and shall have served in such office  
 168 for five years immediately preceding appointment to the board, and the remaining three  
 169 of whom shall be engaged in the electrical contracting business;

170 (2) Five members known as the Division of Master Plumbers and Journeyman Plumbers,  
 171 one of whom shall be a full-time plumbing inspector of a county or municipality, three  
 172 of whom shall be master or contracting plumbers, and one of whom shall be a  
 173 journeyman plumber;

174 (3) Five members known as the Division of Conditioned Air Contractors, one of whom  
 175 shall be a licensed professional engineer engaged in mechanical practice, one of whom  
 176 shall be the chief conditioned air inspector of a county or municipality, and three of  
 177 whom shall be conditioned air contractors with more than five years of installation and  
 178 service experience in the trade;

179 (4) Five members known as the Division of Low-voltage Contractors, one of whom shall  
 180 be an alarm system low-voltage contractor, one of whom shall be an unrestricted  
 181 low-voltage contractor, one of whom shall be a telecommunication system low-voltage  
 182 contractor, one of whom shall be a professional electrical engineer, and one of whom  
 183 shall be the chief electrical inspector of a county or municipality;

184 (5) Five members known as the Division of Utility Contractors, three of whom shall be  
 185 utility contractors, one of whom shall be a registered professional engineer, and one of  
 186 whom shall be an insurance company representative engaged primarily in the bonding of  
 187 construction projects; and

188 (6) Five members known as the Division of Roofing Contractors, three of whom shall  
 189 be roofing contractors, one of whom shall be a licensed architect or a registered  
 190 professional engineer, and one of whom shall be the chief building inspector of a county  
 191 or municipality at the time of appointment; and

192 ~~(6)(7)~~ Two members who shall not have any connection with the electrical contracting,  
 193 roofing contracting, plumbing, or conditioned air contracting businesses whatsoever but  
 194 who shall have a recognized interest in consumer affairs and consumer protection  
 195 concerns.

196 (c)(1) All members shall be appointed by the Governor, subject to confirmation by the  
 197 Senate, for four-year terms.

198 (2) Upon the Division of Roofing Contractors becoming effective the initial members  
 199 of the Division of Roofing Contractors shall be appointed by the Governor for initial  
 200 terms beginning 30 days from the date of their appointment, subject to confirmation by  
 201 the Senate, if the Senate is still then in session or subsequent ratification by the Senate  
 202 in the next immediate session.

203 (d) A member shall serve until a successor has been duly appointed and qualified.

204 (e) The Governor shall make appointments to fill the unexpired portions of any terms  
 205 vacated for any reason. In making such appointments, the Governor shall preserve the

206 composition of the board as required by this chapter. Members shall be eligible for  
207 reappointment.

208 (f) Any appointive member who, during his or her term, shall cease to meet the  
209 qualifications for original appointment shall thereby forfeit membership on the board.

210 (g) Each member of the board shall take an oath of office before the Governor to faithfully  
211 perform the duties of such office.

212 (h) The Governor may remove any member for failure to attend meetings, neglect of duty,  
213 incompetence, revocation or suspension of professional trade license, or other dishonorable  
214 conduct.

215 (i) Members of the board shall be reimbursed as provided for in subsection (f) of Code  
216 Section 43-1-2.

217 43-14-4.

218 (a) The office of chairperson shall be rotated among the ~~five~~ six divisions enumerated in  
219 Code Section 43-14-3 unless the board, through its rules and regulations, provides  
220 otherwise. Any vacancy in the office of chairperson shall be filled by the members for the  
221 unexpired term. The person selected to fill the vacancy shall be a member of the same  
222 division as the previous chairperson.

223 (b) The board shall meet at the call of the chairperson or upon the recommendation of a  
224 majority of its members.

225 (c) Each division within the board shall also elect from its membership a chairperson who  
226 shall serve for a term of two years. Any vacancy in the office of chairperson shall be filled  
227 by one of the members for the unexpired term.

228 (d) Any member elected chairperson of a division may serve more than one consecutive  
229 term of office.

230 (e) Each division shall carry out its powers and duties provided for in this chapter with the  
231 assistance of the executive director and staff of the board.

232 (f) The divisions shall meet at the call of the chairperson.

233 (g) Three members of each division shall constitute a quorum for the transaction of  
234 business of such division.

235 43-14-5.

236 The board shall have the power to:

237 (1) Request from the various state departments and other agencies and authorities of the  
238 state and its political subdivisions and their agencies and authorities such available  
239 information as it may require in its work; and all such agencies and authorities shall  
240 furnish such requested available information to the board within a reasonable time;

241 (2) Provide by regulation for reciprocity with other states in the registration and licensing  
 242 of electrical contractors, roofing contractors, master plumbers, journeyman plumbers,  
 243 low-voltage contractors, utility contractors, or conditioned air contractors and in the  
 244 certification of utility contracting foremen, provided that such other states have  
 245 requirements substantially equal to the requirements in force in this state for registration,  
 246 licensure, and certification; provided, further, that a similar privilege is offered to  
 247 residents of this state;

248 (3) Adopt an official seal for its use and change it at pleasure;

249 (4) Establish the policies for regulating the businesses of electrical contracting, roofing  
 250 contracting, plumbing, low-voltage, utility, and conditioned air contracting;

251 (4.1) Upon notice and hearing authorized and conducted in accordance with Code  
 252 Section 43-14-10 and any rules and regulations promulgated by the board, either by the  
 253 board directly or through a valid delegation of the board's enforcement power to a  
 254 division thereof, assess civil penalties in an amount up to \$10,000.00 per violation against  
 255 any person found to be in violation of any requirement of this chapter;

256 (5) Determine qualifications for licensure or certification including such experience  
 257 requirements as the board deems necessary; and

258 (6) Promulgate and adopt rules and regulations necessary to carry out this chapter.

259 43-14-6.

260 (a) The Division of Electrical Contractors, with respect to applicants for a license to  
 261 engage in or licensees engaging in the business of electrical contracting; the Division of  
 262 Master Plumbers and Journeyman Plumbers, with respect to applicants for a license to  
 263 engage in or licensees engaging in the business of plumbing as master plumbers or  
 264 journeyman plumbers; the Division of Low-voltage Contractors, with respect to applicants  
 265 for a license to engage in or licensees engaging in the business of low-voltage contracting;  
 266 the Division of Utility Contractors with respect to applicants for a license to engage in or  
 267 licensees engaging in the business of utility contracting and with respect to applicants for  
 268 a certificate to be a utility manager or utility foreman or holders of a utility manager or  
 269 utility foreman certificate; ~~and~~ the Division of Conditioned Air Contractors, with respect  
 270 to applicants for a license to engage in or licensees engaging in the business of conditioned  
 271 air contracting, and the Division of Roofing Contractors, with respect to applicants for a  
 272 license to engage in or licensees engaging in the business of roofing contracting, shall:

273 (1) Approve examinations for all applicants for licenses or certificates, except for utility  
 274 contractor licenses and utility foreman certificates. The Division of Electrical  
 275 Contractors shall approve separate examinations for Class I and Class II licenses. Class  
 276 I licenses shall be restricted to electrical contracting involving multifamily structures of



277 not more than two levels or single family dwellings of up to three levels. In addition, the  
 278 structures shall have single-phase electrical installations which do not exceed 400  
 279 amperes at the service drop or the service lateral. Class II licenses shall be unrestricted.  
 280 The Division of Master Plumbers and Journeyman Plumbers shall approve separate  
 281 examinations for Master Plumber Class I, Master Plumber Class II, and Journeyman  
 282 Plumbers. Master Plumber Class I licenses shall be restricted to plumbing involving  
 283 single-family dwellings and one-level dwellings designed for not more than two families  
 284 and commercial structures not to exceed 10,000 square feet in area. Master Plumber  
 285 Class II licenses shall be unrestricted. The Division of Conditioned Air Contractors shall  
 286 approve separate examinations for Class I and Class II licenses. Class I licenses shall be  
 287 restricted to the installation, repair, or service of conditioned air systems or equipment  
 288 not exceeding 175,000 BTU (net) of heating and five tons (60,000 BTU) of cooling.  
 289 Class II licenses shall be unrestricted. The Division of Low-voltage Contractors shall  
 290 approve separate examinations for Low-voltage Contractor Class LV-A, Low-voltage  
 291 Contractor Class LV-T, Low-voltage Contractor Class LV-U, and Low-voltage  
 292 Contractor Class LV-G. Class LV-A licenses shall be restricted to alarm and general  
 293 system low-voltage contracting, Class LV-T licenses shall be restricted to  
 294 telecommunication and general system low-voltage contracting, Class LV-G licenses  
 295 shall be restricted to general system low-voltage contracting, and Class LV-U licenses  
 296 shall be unrestricted and permit the performance of alarm, telecommunication, and  
 297 general system low-voltage contracting. The Division of Roofing Contractors shall have  
 298 authority to act in accordance with Code Section 43-14-8.5, including the authority to  
 299 approve an examination for roofing contracting;

300 (2) Register and license or grant a certificate and issue renewal licenses and renewal  
 301 certificates biennially to all persons meeting the qualifications for a license or certificate.  
 302 The following licenses or certificates shall be issued by the divisions:

- 303 (A) Electrical Contractor Class I;
- 304 (B) Electrical Contractor Class II;
- 305 (C) Master Plumber Class I;
- 306 (D) Master Plumber Class II;
- 307 (E) Journeyman Plumber;
- 308 (F) Conditioned Air Contractor Class I;
- 309 (G) Conditioned Air Contractor Class II;
- 310 (H) Low-voltage Contractor Class LV-A;
- 311 (I) Low-voltage Contractor Class LV-T;
- 312 (J) Low-voltage Contractor Class LV-G;
- 313 (K) Low-voltage Contractor Class LV-U;

- 314 (L) Utility Contractor; Class A;  
 315 (M) Utility Contractor; Class B;  
 316 (N) Utility Contractor; Class U;  
 317 (O) Utility Manager (certificate); ~~and~~  
 318 (P) Utility Foreman (certificate); and  
 319 (Q) Roofing contractor;

320 (3) Investigate, with the aid of the division director, alleged violations of this chapter or  
 321 other laws and rules and regulations of the board relating to the profession;

322 (4) After notice and hearing, have the power to reprimand any person, licensee, or  
 323 certificate holder, or to suspend, revoke, or cancel the license or certificate of or refuse  
 324 to grant, renew, or restore a license or certificate to any person, licensee, or certificate  
 325 holder upon any one of the following grounds:

326 (A) The commission of any false, fraudulent, or deceitful act or the use of any forged,  
 327 false, or fraudulent document in connection with the license or certificate requirements  
 328 of this chapter or the rules and regulations of the board;

329 (B) Failure at any time to comply with the requirements for a license or certificate  
 330 under this chapter or the rules and regulations of the board;

331 (C) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to  
 332 such an extent as to render the license or certificate holder unsafe or unfit to practice  
 333 any profession licensed or certified under this chapter;

334 (D) Engaging in any dishonorable or unethical conduct likely to deceive, defraud, or  
 335 harm the public;

336 (E) Knowingly performing any act which in any way assists an unlicensed or  
 337 noncertified person to practice such profession;

338 (F) Violating, directly or indirectly, or assisting in or abetting any violation of any  
 339 provision of this chapter or any rule or regulation of the board;

340 (G) The performance of any faulty, inadequate, inefficient, or unsafe electrical,  
 341 plumbing, low-voltage contracting, utility contracting, roofing contracting, or  
 342 conditioned air work likely to endanger life, health, or property. The performance of  
 343 any work that does not comply with the standards set by state codes or by local codes  
 344 in jurisdictions where such codes are adopted, provided that such local codes are as  
 345 stringent as the state codes, or by other codes or regulations which have been adopted  
 346 by the board, shall be prima-facie evidence of the faulty, inadequate, inefficient, or  
 347 unsafe character of such electrical, plumbing, low-voltage contracting, utility  
 348 contracting, roofing contracting, or conditioned air work; provided, however, that the  
 349 board, in its sole discretion, for good cause shown and under such conditions as it may

350 prescribe, may restore a license to any person whose license has been suspended or  
351 revoked;

352 (H) With respect to utility contractors, the bidding by such a utility contractor in excess  
353 of license coverage; or

354 (I) With respect to utility contractors, violations of Chapter 9 of Title 25;

355 (5) Review amendments to or revisions in the state minimum standard codes as prepared  
356 pursuant to Part 1 of Article 1 of Chapter 2 of Title 8; and the Department of Community  
357 Affairs shall be required to provide to the division director a copy of any amendment to  
358 or revision in the state minimum standard codes at least 45 days prior to the adoption  
359 thereof; and

360 (6) Do all other things necessary and proper to exercise their powers and perform their  
361 duties in accordance with this chapter.

362 (b) The Division of Electrical Contractors may also provide, by rules and regulations, for  
363 the issuance of certificates of competency pertaining to financial responsibility and  
364 financial disclosure; provided, however, that such rules and regulations are adopted by the  
365 board. The division shall issue certificates of competency and renewal certificates to  
366 persons meeting the qualifications therefor.

367 (c) The divisions mentioned in subsection (a) of this Code section shall also hear appeals  
368 resulting from the suspension of licenses by an approved municipal or county licensing or  
369 inspection authority pursuant to Code Section 43-14-12.

370 (d)(1) With respect to Conditioned Air Contractor Class I and Class II licenses, the  
371 Division of Conditioned Air Contractors shall be authorized to require persons seeking  
372 renewal of licenses to complete board approved continuing education of not more than  
373 four hours annually. The division shall be authorized to approve courses offered by  
374 institutions of higher learning, vocational technical schools, and trade, technical, or  
375 professional organizations; provided, however, that continuing education courses or  
376 programs related to conditioned air contracting provided or conducted by public utilities,  
377 equipment manufacturers, or institutions under the State Board of Technical and Adult  
378 Education shall constitute acceptable continuing professional education programs for the  
379 purposes of this subsection. Continuing education courses or programs shall be in the  
380 areas of safety, technological advances, business management, or government regulation.  
381 Courses or programs conducted by manufacturers specifically to promote their products  
382 shall not be approved.

383 (2) All provisions of this subsection relating to continuing professional education shall  
384 be administered by the division.

385 (3) The division shall be authorized to waive the continuing education requirements in  
386 cases of hardship, disability, or illness or under such other circumstances as the board  
387 deems appropriate.

388 (4) The division shall be authorized to promulgate rules and regulations to implement  
389 and ensure compliance with the requirements of this Code section.

390 (5) The continuing education requirements of this subsection shall not be required of any  
391 licensed conditioned air contractor who is a registered professional engineer.

392 (6) This Code section shall apply to each licensing and renewal cycle which begins after  
393 the 1990-1991 renewal.

394 (e)(1) With respect to Electrical Contractor Class I and Class II licenses, the Division of  
395 Electrical Contractors shall be authorized to require persons seeking renewal of licenses  
396 to complete board approved continuing education of not more than four hours annually.  
397 The division shall be authorized to approve courses offered by institutions of higher  
398 learning, vocational-technical schools, and trade, technical, or professional organizations;  
399 provided, however, that continuing education courses or programs related to electrical  
400 contracting provided or conducted by public utilities, equipment manufacturers, or  
401 institutions under the State Board of Technical and Adult Education shall constitute  
402 acceptable continuing professional education programs for the purposes of this  
403 subsection. Continuing education courses or programs conducted by manufacturers  
404 specifically to promote their products shall not be approved.

405 (2) The division shall be authorized to waive the continuing education requirements in  
406 cases of hardship, disability, or illness or under such other circumstances as the division  
407 deems appropriate.

408 (f)(1) With respect to utility foreman certificates and utility manager certificates issued  
409 under this chapter, the Division of Utility Contractors shall be authorized to require  
410 persons seeking renewal of such certificates to complete board approved continuing  
411 education of not more than four hours annually. The division shall be authorized to  
412 approve courses offered by institutions of higher learning, vocational-technical schools,  
413 and trade, technical, or professional organizations; provided, however, that continuing  
414 education courses or programs related to utility contracting provided or conducted by  
415 institutions under the State Board of Technical and Adult Education shall constitute  
416 acceptable continuing professional education programs for the purposes of this  
417 subsection.

418 (2) The division shall be authorized to waive the continuing education requirements in  
419 cases of hardship, disability, or illness or under such other circumstances as the division  
420 deems appropriate.

421 (g)(1) With respect to Journeyman Plumber, Master Plumber Class I, and Master  
422 Plumber Class II licenses, the Division of Master Plumbers and Journeyman Plumbers  
423 shall be authorized to require persons seeking renewal of such licenses to complete board  
424 approved continuing education of not more than four hours annually. The division shall  
425 be authorized to approve courses offered by institutions of higher learning,  
426 vocational-technical schools, and trade, technical, or professional organizations;  
427 provided, however, that continuing education courses or programs related to plumbing  
428 provided or conducted by institutions under the State Board of Technical and Adult  
429 Education shall constitute acceptable continuing professional education programs for the  
430 purposes of this subsection.

431 (2) The division shall be authorized to waive the continuing education requirements in  
432 cases of hardship, disability, or illness or under such other circumstances as the division  
433 deems appropriate.

434 43-14-7.

435 (a) All orders and processes of the board and the divisions of the board shall be signed and  
436 attested by the division director; and any notice or legal process necessary to be served  
437 upon the board or the divisions may be served upon the division director.

438 (b) The division director or his designee is vested with the power and authority to make  
439 such investigations in connection with the enforcement of this chapter and the rules and  
440 regulations of the board as he, the board, the divisions of the board, or any district attorney  
441 may deem necessary or advisable.

442 43-14-8.

443 (a) No person shall engage in the electrical contracting business as an electrical contractor  
444 unless such person has a valid license from the Division of Electrical Contractors and a  
445 certificate of competency, if such certificates are issued by the division pursuant to  
446 subsection (b) of Code Section 43-14-6.

447 (b)(1) No person shall engage in the business of plumbing as a master plumber unless  
448 such person has a valid license from the Division of Master Plumbers and Journeyman  
449 Plumbers.

450 (2) No person shall engage in the business of plumbing as a journeyman plumber unless  
451 such person has a valid license from the Division of Master Plumbers and Journeyman  
452 Plumbers.

453 (c)(1) No person shall engage in the business of conditioned air contracting as a  
454 conditioned air contractor unless such person has a valid license from the Division of  
455 Conditioned Air Contractors.

456 (2) A person who is not licensed as a conditioned air contractor shall be prohibited from  
 457 advertising in any manner that such person is in the business or profession of a  
 458 conditioned air contractor unless the work is performed by a licensed conditioned air  
 459 contractor.

460 (d) No person shall engage in the business of roofing contracting unless such person has  
 461 a valid license from the Division of Roofing Contractors as provided by Code Section  
 462 43-14-8.5.

463 ~~(d)~~(e) Notwithstanding any other provision of this chapter, prior to and including  
 464 September 30, 1983, the following persons, desiring to qualify under the provisions stated  
 465 in this subsection, shall be issued a state-wide license without restriction by the appropriate  
 466 division of the State Construction Industry Licensing Board, provided that such individual  
 467 submits proper application and pays or has paid the required fees and is not otherwise in  
 468 violation of this chapter:

469 (1) Any individual holding a license issued by the State Construction Industry Licensing  
 470 Board, prior to the effective date of this chapter;

471 (2) Any individual holding a license issued by the State Board of Electrical Contractors,  
 472 the State Board of Examiners of Plumbing Contractors, or the State Board of Warm Air  
 473 Heating Contractors;

474 (3) Any individual holding a license to engage in such vocation issued to him or her by  
 475 any governing authority of any political subdivision; and

476 (4) Any individual who has successfully and efficiently engaged in such vocation in a  
 477 local jurisdiction, which did not issue local licenses, for a period of at least two  
 478 consecutive years immediately prior to the time of application. To prove that he or she  
 479 has successfully engaged in said vocation, the individual shall only be required to give  
 480 evidence of three successful jobs completed over such period. Such applicant shall swear  
 481 before a notary public that such evidence is true and accurate prior to its submission to  
 482 the division.

483 ~~(e)~~(f) The decision of the division as to the necessity of taking the examination or as to the  
 484 qualifications of applicants taking the required examination shall, in the absence of fraud,  
 485 be conclusive. All individuals, partnerships, limited liability companies, or corporations  
 486 desiring to engage in such vocation after September 30, 1983, shall take the examination  
 487 and qualify under this chapter before engaging in such vocation or business, including such  
 488 vocation at the local level.

489 ~~(f)~~(g) No partnership, limited liability company, or corporation shall have the right to  
 490 engage in the business of electrical contracting unless there is regularly connected with  
 491 such partnership, limited liability company, or corporation a person or persons actually

492 engaged in the performance of such business on a full-time basis who have valid licenses  
493 issued to them as provided for in this chapter.

494 ~~(g)~~(h) No partnership, limited liability company, or corporation shall have the right to  
495 engage in the business of plumbing unless there is regularly connected with such  
496 partnership, limited liability company, or corporation a person or persons actually engaged  
497 in the performance of such business on a full-time basis who have valid licenses for master  
498 plumbers issued to them as provided in this chapter.

499 ~~(h)~~(i) No partnership, limited liability company, or corporation shall have the right to  
500 engage in the business of conditioned air contracting unless there is regularly connected  
501 with such partnership, limited liability company, or corporation a person or persons  
502 actually engaged in the performance of such business on a full-time basis who have valid  
503 licenses issued to them as provided for in this chapter; provided, however, that partners,  
504 officers, and employees of the individual who fulfilled the licensing requirements shall  
505 continue to be authorized to engage in the business of conditioned air contracting under a  
506 license which was valid at the time of the licensee's death for a period of 90 days following  
507 the date of such death.

508 (j) No partnership, limited liability company, corporation, or other legal entity other than  
509 an individual shall have the right to engage in the business of roofing contracting, except  
510 as provided in Code Section 43-14-8.5.

511 ~~(i)~~(k) It shall be the duty of all partnerships, limited liability companies, and corporations  
512 qualified under this chapter to notify the appropriate division immediately of the severance  
513 of connection with such partnership, limited liability company, or corporation of any  
514 person or persons upon whom such qualification rested.

515 ~~(j)~~(l) All applicants for examinations and licenses provided for by this chapter and all  
516 applicants for renewal of licenses under this chapter shall be required to fill out a form  
517 which shall be provided by each division, which form shall show whether or not the  
518 applicant is an individual, partnership, limited liability company, or corporation and, if a  
519 partnership, limited liability company, or corporation, the names and addresses of the  
520 partners or members or the names and addresses of the officers, when and where formed  
521 or incorporated, and such other information as the board or each division may require. All  
522 forms of applications for renewal of licenses shall also show whether or not the applicant,  
523 if it is a partnership, limited liability company, or corporation, still has connected with it  
524 a duly qualified person holding a license issued by the division.

525 ~~(k)~~(m) The board shall notify each local governing authority of the provisions of this  
526 chapter relating to licensure, especially the provisions of subsection ~~(d)~~ (e) of this Code  
527 section. The board shall notify such governing authorities that after September 30, 1983,

528 any person desiring a license to engage in a profession covered by this chapter shall be  
 529 required to pass an examination as provided in this chapter.  
 530 ~~(H)(n)~~ Any applicant for licensure standing the examination on and after July 1, 1989, who  
 531 fails the examination for licensure twice after such date shall be required to present  
 532 satisfactory evidence to the appropriate division that the applicant has completed a board  
 533 approved review course before such applicant will be admitted to a third examination. If  
 534 such applicant fails the examination a third time, the applicant shall not be required to  
 535 complete additional board approved review courses prior to taking subsequent  
 536 examinations."

## 537 SECTION 2.

538 Said chapter is further amended by adding a new Code Section 43-14-8.5 to read as follows:  
 539 "43-14-8.5.

540 (a) For purposes of this Code section only, the term, 'division' means the Division of  
 541 Roofing Contractors.

542 (b) On and after one year from the date that this Code section becomes effective, no person  
 543 shall engage in roofing contracting unless such person has a valid license therefor from the  
 544 division.

545 (c) Any person desiring to qualify under the provisions of this Code section who meets the  
 546 requirements of this Code section, submits proper application to the board, satisfactorily  
 547 completes the examination required by this chapter, and pays or has paid the required fees  
 548 and is not otherwise in violation of this chapter shall be issued a state-wide roofing  
 549 contractor license.

550 (d) The decision of the division as to the qualifications of applicants taking the required  
 551 examination shall, in the absence of fraud, be conclusive.

552 (e) All persons desiring to engage in the vocation of roofing contracting after one year  
 553 from the date that this Code section becomes effective shall take or have taken the  
 554 examination and qualified under this Code section before engaging in such vocation.

555 (f) On and after one year from the date that this Code section becomes effective, no  
 556 partnership, limited liability company, corporation, or other legal entity other than an  
 557 individual shall have the right to engage in the business of roofing contracting unless there  
 558 is regularly connected with such partnership, limited liability company, corporation, or  
 559 other legal entity a person or persons, actually engaged in the performance of such business  
 560 on a full-time basis and supervising the roofing contracting work of all employees of such  
 561 partnership, limited liability company, corporation, or other legal entity, who have valid  
 562 licenses issued to them as provided in this chapter. In cases where a partnership, limited  
 563 liability company, corporation, or other legal entity has more than one office location from



564 which roofing contracting is performed, at least one person stationed in each branch office  
565 of such partnership, limited liability company, corporation, or other legal entity engaged  
566 in the performance of roofing contracting on a full-time basis and supervising the roofing  
567 contracting work of all employees of such branch office location shall have a valid license  
568 issued as provided in this Code section.

569 (g) It shall be the duty of each partnership, limited liability company, corporation, or other  
570 legal entity other than an individual qualified under this Code section to notify the division,  
571 in accordance with board rules, of severance of connection with such partnership, limited  
572 liability company, corporation, or other legal entity of any person or persons upon whom  
573 the qualification of any such partnership, limited liability company, corporation, or other  
574 legal entity rested.

575 (h)(1) All applicants for examinations and licenses provided for by this Code section and  
576 all applicants for renewal of licenses under this Code section shall be required to fill out  
577 a form which shall be provided by the division, which form shall show whether the  
578 applicant is an individual doing business in a trade name or as a sole proprietor or a  
579 partnership, limited liability company, corporation, or other legal entity other than an  
580 individual, and, if a partnership, limited liability company, corporation, or other legal  
581 entity, the names and addresses of the partners, members, or officers, as the case may be,  
582 when and where formed or incorporated, and such other information as the division in its  
583 discretion may require. All forms of application for renewal of licenses shall also show  
584 whether or not the applicant, if it is a partnership, limited liability company, corporation,  
585 or other legal entity other than an individual, still has connected with it a duly qualified  
586 person holding a license issued by the division, and if so the name and address of such  
587 qualifying individual.

588 (2) An applicant shall include his or her safety policy or the safety policy of his or her  
589 partnership, limited liability company, corporation, or other legal entity, if other than an  
590 individual. An approved safety policy is required before an applicant will be issued a  
591 license. The safety policy shall provide the details of regularly scheduled safety meetings  
592 for all field personnel.

593 (i) The division shall notify each local governing authority of the provisions of this Code  
594 section relating to licensure, especially the provisions of subsection (b) of this Code  
595 section. The division shall notify such governing authorities that one year from the date  
596 that this Code section becomes effective any person desiring a license to engage in the  
597 vocation of roofing contracting shall be required to pass an examination as provided in this  
598 chapter.

599 (j) After the licensing requirements of this Code Section have become effective pursuant  
600 to subsections (e) and (f) of this Code section, it shall be unlawful for any contracting body

601 or entity to open or consider any bid or proposal for performance of roofing contracting or  
 602 to contract for performance of roofing contracting unless the bidder or contracting party  
 603 has obtained the license required by this Code section as evidenced by the roofing  
 604 contractor license number written on the face of the bid envelope.

605 (j) As a condition to the renewal of licenses, the division may require licensees to complete  
 606 of not more than four hours annually of continuing education in safety and technical  
 607 training, subject to approval of the division.

608 (k) Notwithstanding any other provisions of this Code section, a person who engages in  
 609 roofing contracting in which the contract price of the work on any specific roofing project  
 610 does not exceed \$500.00 shall not be required to comply with the licensing requirements  
 611 of this Code section and chapter applicable to roofing contractors."

612 **SECTION 3.**

613 Said chapter is further amended by revising subsections (a) through (j) of Code Section  
 614 43-14-13, relating to applicability of the chapter, as follows:

615 "(a) This chapter shall apply to all installations, alterations, and repairs of plumbing,  
 616 air-conditioning and heating, roofing, or electrical or low-voltage wiring or utility systems  
 617 within or on public or private buildings, structures, or premises except as otherwise  
 618 provided in this Code section.

619 (b) Any person who holds a license issued under this chapter may engage in the business  
 620 of plumbing, electrical contracting, conditioned air contracting, low-voltage contracting,  
 621 roofing contracting, or utility contracting but only as prescribed by the license, throughout  
 622 the state; and except as provided in Code Section 43-14-12, no municipality or county may  
 623 require such person to comply with any additional licensing requirements imposed by such  
 624 municipality or county.

625 (c) This chapter shall not apply to the installation, alteration, or repair of plumbing,  
 626 air-conditioning and heating, utility systems, or electrical services, except low-voltage  
 627 wiring services, up to and including the meters where such work is performed by and is an  
 628 integral part of the system owned or operated by a public service corporation, an electrical,  
 629 water, or gas department of any municipality in this state, a railroad company, a pipeline  
 630 company, or a mining company in the exercise of its normal function as such.

631 (d) This chapter shall not prohibit an individual from installing, altering, or repairing  
 632 plumbing fixtures, air-conditioning and heating, air-conditioning and heating fixtures,  
 633 utility systems, roofing, or electrical or low-voltage wiring services in a residential  
 634 dwelling owned or occupied by such individual; provided, however, that all such work  
 635 must be done in conformity with all other provisions of this chapter, the rules and

636 regulations of the board, and any applicable county or municipal resolutions, ordinances,  
637 codes, or inspection requirements.

638 (e) This chapter shall not prohibit an individual employed on the maintenance staff of a  
639 facility owned by the state or by a county, municipality, or other political subdivision from  
640 installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating  
641 fixtures, utility systems, roofing, or electrical or low-voltage wiring services when such  
642 work is an integral part of the maintenance requirements of the facility; provided, however,  
643 that all such work must be done in conformity with all other provisions of this chapter and  
644 the orders, rules, and regulations of the board.

645 (f) This chapter shall not prohibit any person from installing, altering, or repairing  
646 plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, roofing,  
647 or electrical or low-voltage wiring services in a farm or ranch service building or as an  
648 integral part of any irrigation system on a farm or ranch when such system is not located  
649 within 30 feet of any dwelling or any building devoted to animal husbandry. Nothing in  
650 this subsection shall be construed to limit the application of any resolution, ordinance,  
651 code, or inspection requirements of a county or municipality relating to such connections.

652 (g) This chapter shall not apply to low-voltage wiring performed by public utilities, except  
653 that such portion of the business of those public utilities which involves the installation,  
654 alteration, repair, or service of telecommunication systems for profit shall be covered under  
655 this chapter.

656 (h) This chapter shall not apply to the installation, construction, or maintenance of power  
657 systems or telecommunication systems for the generation or distribution of electric current  
658 constructed under the National Electrical Safety Code, which regulates the safety  
659 requirements of utilities; but the interior wiring regulated by the National Electrical Safety  
660 Code would not be exempt and must be done by an electrical contractor except as  
661 otherwise provided by law.

662 (i) This chapter shall not apply to any technician employed by a municipal or  
663 county-franchised community antenna television (CATV) system or a municipally owned  
664 community antenna television system in the performance of work on the system.

665 (j) This chapter shall not apply to regular full-time employees of an institution,  
666 manufacturer, or business who perform plumbing, electrical, low-voltage wiring, utility  
667 contracting, roofing, or conditioned air work when working on the premises of that  
668 employer."

669

**SECTION 4.**

670 (a) This Act shall become effective only upon the effective date of a specific appropriation  
671 of funds for the purposes of this Act as expressed in a line item making specific reference to  
672 the full funding of this Act in an appropriations Act enacted by the General Assembly.

673 (b) The licensing requirements imposed by this Act and the sanctions and consequences  
674 relating thereto shall not become effective and enforceable until one year after the effective  
675 date of this Act.

676 (c) Upon the effective date of this Act proceedings may immediately commence for the  
677 creation and operation of the Division of Roofing Contractors and the issuance of roofing  
678 contractors licenses; and persons seeking licensure under this Act may submit their  
679 applications as soon as the division is in operation and the State Construction Industry  
680 Licensing Board has indicated its readiness for the acceptance of applications.

681

**SECTION 5.**

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