

House Bill 1221

By: Representatives Weldon of the 3rd, Stephens of the 164th, Bryant of the 160th, Hightower of the 68th, Harden of the 147th, and others

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 create the Division of Roofing Contractors within the State Construction Industry
5 Licensing Board; to provide for the licensure and regulation of roofing contractors; to revise
6 the statement of legislative purpose and add definitions; to provide for requirements for
7 licensure; to prohibit unlicensed performance of roofing contracting; to provide exceptions;
8 to provide for sanctions for violations; to provide for related matters; to provide for a
9 contingent effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to licensure and
13 regulation of the practices of electrical contracting, plumbing contracting, low-voltage
14 electrical contracting, utility contracting, and conditioned air contracting, is amended by
15 revising Code Section 43-14-1, relating to declaration of purpose, as follows:

16 "43-14-1.

17 This chapter is enacted for the purpose of safeguarding homeowners, other property
18 owners, tenants, and the general public against faulty, inadequate, inefficient, or unsafe
19 electrical, plumbing, low-voltage wiring, utility contracting, roofing contracting, or
20 conditioned air installations. The practice of electrical contracting, plumbing contracting,
21 installing, or repairing, low-voltage contracting, utility contracting, roofing contracting, and
22 conditioned air contracting are declared to be businesses or professions affecting the public
23 interest; and this chapter shall be liberally construed so as to accomplish the purposes
24 stated in this Code section."

25 **SECTION 2.**

26 Said chapter is further amended by revising paragraph (12.1) of Code Section 43-14-2,
27 relating to definitions, as follows:

28 "(12.1) 'Roofing contracting' means the construction, installation, application, alteration,
29 repair, remediation, reconstruction, removal, or replacement of a roof or roofing system
30 of a building or structure, including application of roof covering, sheathing, coating
31 materials and waterproofing membranes and the related substrate, insulation,
32 interconnecting soffit and gutter systems, roof ventilation systems and underlayment, and
33 flashing materials comprising such roof or roofing system.

34 (12.2) 'Roofing contractor' means any person, including an individual, sole
35 proprietorship, partnership, limited liability company, or corporation who is engaged in
36 roofing contracting under express or implied contract or who bids for, offers to perform,
37 purports to have the capacity to perform, or does perform roofing contracting under
38 express or implied contract. An employee of a roofing contractor who receives only a
39 salary or hourly wage for performing roofing contracting work shall not be required to
40 be licensed under this chapter, except that those employees upon whom the qualification
41 for licensing of a partnership, limited liability company, corporation, or other legal entity
42 is based, as required pursuant to Code Section 43-14-8.5, shall be licensed.

43 (12.3) 'Telecommunication system' means a switching system and associated apparatus
44 which performs the basic function of two-way voice or data service, or both, and which
45 can be a commonly controlled system capable of being administered both locally and
46 remotely via secured access."

47 **SECTION 3.**

48 Said chapter is further amended by revising subsection (b) of Code Section 43-14-3, relating
49 to the creation of the State Construction Industry Licensing Board, as follows:

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

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

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

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

65 (4) Five members known as the Division of Low-voltage Contractors, one of whom shall
 66 be an alarm system low-voltage contractor, one of whom shall be an unrestricted
 67 low-voltage contractor, one of whom shall be a telecommunication system low-voltage
 68 contractor, one of whom shall be a professional electrical engineer, and one of whom
 69 shall be the chief electrical inspector of a county or municipality;

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

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

78 ~~(6)~~(7) Two members who shall not have any connection with the electrical contracting,
 79 roofing contracting, plumbing, or conditioned air contracting businesses whatsoever but
 80 who shall have a recognized interest in consumer affairs and consumer protection
 81 concerns."

82 **SECTION 4.**

83 Said chapter is further amended by revising subsection (a) of Code Section 43-14-4, relating
 84 to the chairperson, meetings, organization of divisions, meetings of divisions, and quorums
 85 within divisions, as follows:

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

91 **SECTION 5.**

92 Said chapter is further amended by revising paragraphs (2) and (4) of Code Section 43-14-5,
 93 relating to the general powers of the board, as follows:

130 and commercial structures not to exceed 10,000 square feet in area. Master Plumber
 131 Class II licenses shall be unrestricted. The Division of Conditioned Air Contractors shall
 132 approve separate examinations for Class I and Class II licenses. Class I licenses shall be
 133 restricted to the installation, repair, or service of conditioned air systems or equipment
 134 not exceeding 175,000 BTU (net) of heating and five tons (60,000 BTU) of cooling.
 135 Class II licenses shall be unrestricted. The Division of Low-voltage Contractors shall
 136 approve separate examinations for Low-voltage Contractor Class LV-A, Low-voltage
 137 Contractor Class LV-T, Low-voltage Contractor Class LV-U, and Low-voltage
 138 Contractor Class LV-G. Class LV-A licenses shall be restricted to alarm and general
 139 system low-voltage contracting, Class LV-T licenses shall be restricted to
 140 telecommunication and general system low-voltage contracting, Class LV-G licenses
 141 shall be restricted to general system low-voltage contracting, and Class LV-U licenses
 142 shall be unrestricted and permit the performance of alarm, telecommunication, and
 143 general system low-voltage contracting. The Division of Roofing Contractors shall have
 144 authority to develop and approve an examination for roofing contracting in accordance
 145 with the provisions of Code Section 43-14-8.5;

146 (2) Register and license or grant a certificate and issue renewal licenses and renewal
 147 certificates biennially to all persons meeting the qualifications for a license or certificate.

148 The following licenses or certificates shall be issued by the divisions:

- 149 (A) Electrical Contractor Class I;
- 150 (B) Electrical Contractor Class II;
- 151 (C) Master Plumber Class I;
- 152 (D) Master Plumber Class II;
- 153 (E) Journeyman Plumber;
- 154 (F) Conditioned Air Contractor Class I;
- 155 (G) Conditioned Air Contractor Class II;
- 156 (H) Low-voltage Contractor Class LV-A;
- 157 (I) Low-voltage Contractor Class LV-T;
- 158 (J) Low-voltage Contractor Class LV-G;
- 159 (K) Low-voltage Contractor Class LV-U;
- 160 (L) Utility Contractor; Class A;
- 161 (M) Utility Contractor; Class B;
- 162 (N) Utility Contractor; Class U;
- 163 (O) Utility Manager (certificate); ~~and~~
- 164 (P) Utility Foreman (certificate); and
- 165 (Q) Roofing Contractor;

- 166 (3) Investigate, with the aid of the division director, alleged violations of this chapter or
167 other laws and rules and regulations of the board relating to the profession;
- 168 (4) After notice and hearing, have the power to reprimand any person, licensee, or
169 certificate holder, or to suspend, revoke, or cancel the license or certificate of or refuse
170 to grant, renew, or restore a license or certificate to any person, licensee, or certificate
171 holder upon any one of the following grounds:
- 172 (A) The commission of any false, fraudulent, or deceitful act or the use of any forged,
173 false, or fraudulent document in connection with the license or certificate requirements
174 of this chapter or the rules and regulations of the board;
- 175 (B) Failure at any time to comply with the requirements for a license or certificate
176 under this chapter or the rules and regulations of the board;
- 177 (C) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to
178 such an extent as to render the license or certificate holder unsafe or unfit to practice
179 any profession licensed or certified under this chapter;
- 180 (D) Engaging in any dishonorable or unethical conduct likely to deceive, defraud, or
181 harm the public;
- 182 (E) Knowingly performing any act which in any way assists an unlicensed or
183 noncertified person to practice such profession;
- 184 (F) Violating, directly or indirectly, or assisting in or abetting any violation of any
185 provision of this chapter or any rule or regulation of the board;
- 186 (G) The performance of any faulty, inadequate, inefficient, or unsafe electrical,
187 plumbing, low-voltage contracting, utility contracting, roofing contracting, or
188 conditioned air work likely to endanger life, health, or property. The performance of
189 any work that does not comply with the standards set by state codes or by local codes
190 in jurisdictions where such codes are adopted, provided that such local codes are as
191 stringent as the state codes, or by other codes or regulations which have been adopted
192 by the board, shall be prima-facie evidence of the faulty, inadequate, inefficient, or
193 unsafe character of such electrical, plumbing, low-voltage contracting, utility
194 contracting, roofing contracting, or conditioned air work; provided, however, that the
195 board, in its sole discretion, for good cause shown and under such conditions as it may
196 prescribe, may restore a license to any person whose license has been suspended or
197 revoked;
- 198 (H) With respect to utility contractors, the bidding by such a utility contractor in excess
199 of license coverage; or
- 200 (I) With respect to utility contractors, violations of Chapter 9 of Title 25;
- 201 (5) Review amendments to or revisions in the state minimum standard codes as prepared
202 pursuant to Part 1 of Article 1 of Chapter 2 of Title 8; and the Department of Community

203 Affairs shall be required to provide to the division director a copy of any amendment to
 204 or revision in the state minimum standard codes at least 45 days prior to the adoption
 205 thereof; and

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

208 **SECTION 7.**

209 Said chapter is further amended in Code Section 43-14-8, relating to licensing required for
 210 electrical, plumbing, or conditioned air contracting, by adding a new subsection to read as
 211 follows:

212 "(c.1) No person shall engage in the business of roofing contracting as a roofing contractor,
 213 as an individual or sole proprietorship, unless such person has a valid license from the
 214 Division of Roofing Contractors as provided by and in accordance with Code Section
 215 43-14-8.5."

216 **SECTION 8.**

217 Said chapter is further amended by adding a new Code section to read as follows:

218 "43-14-8.5.

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

221 (b) On and after one year from the date that this Code section becomes effective:

222 (1) No person shall engage in the business of roofing contracting as a roofing contractor,
 223 as an individual or sole proprietorship, unless such person has a valid license from the
 224 division, and

225 (2) No partnership, limited liability company, or corporation shall engage in the business
 226 of roofing contracting unless there is regularly connected with such partnership, limited
 227 liability company, or corporation a person or persons actually engaged in the performance
 228 of such business on a full-time basis and supervising the roofing contracting work of all
 229 employees of such partnership, limited liability company, or corporation, who have valid
 230 licenses for roofing contracting issued to them as provided in this Code section. In a case
 231 where a partnership, limited liability company, or corporation has more than one office
 232 location from which roofing contracting is performed, at least one person stationed in
 233 each such separate office of such partnership, limited liability company, or corporation,
 234 engaged in the performance of roofing contracting on a full-time basis and supervising
 235 the roofing contracting work of all employees of each such office locations, shall have
 236 a valid license issued as provided in this chapter.

237 (c) Any person desiring to qualify under the provisions of this Code section who meets the
238 requirements of this Code section, submits proper application to the division, is determined
239 to be qualified by the division in accordance with the requirements of this Code section and
240 pursuant to any rules or regulations promulgated by the division, satisfactorily completes
241 the examination required by this chapter, and pays or has paid the required fees and is not
242 otherwise in violation of this chapter shall be issued a state-wide Roofing Contractor
243 license. Such license shall be issued to the applicant as an individual or sole proprietor to
244 engage in the roofing contracting business in his or her own name, and if the applicant is
245 an individual already holding a valid license or qualifying as an applicant for issuance of
246 such license issued by the division upon whom the qualification for licensing of a
247 partnership, limited liability company, or corporation is based, then such license shall also
248 be in the name of such partnership, limited liability company, or corporation.

249 (d) The decision of the division as to the necessity of taking the examination or as to the
250 qualifications of applicants taking the required examination, shall, in the absence of fraud,
251 be conclusive.

252 (e) On and after one year from the effective date of this Code section, all individuals
253 desiring to engage in the business of roofing contracting either as an individual person
254 doing business in a trade name or as a sole proprietor or as an individual person qualifying
255 any partnership, limited liability company, or corporation to engage in the business of
256 roofing contracting shall take the examination and qualify under this Code section before
257 engaging in such vocation. Notwithstanding the foregoing, where the applicant is an
258 individual person acting as a qualifier for a partnership, limited liability company, or
259 corporation and has previously obtained and maintained continuously a license issued by
260 the division then the examination requirement shall not apply to such application.

261 (f) It shall be the duty of all partnerships, limited liability companies, and corporations
262 qualified under this Code section to notify the division in writing, in accordance with board
263 rules, of death or other severance of connection with any such person or persons upon
264 whom the qualification of any such partnership, limited liability company, or corporation
265 was based. Such notice shall additionally specify whether any other licensed individual
266 then currently qualifies the partnership, limited liability company, or corporation under this
267 chapter, and of the name and address of such person. The employees or successors of such
268 individual or such partnership, limited liability company, or corporation shall continue to
269 be authorized to engage in the business of roofing contracting under a license which was
270 valid at the time of the individual licensee's death or severance for a period of 90 days
271 following the date of such death or severance without replacement of such licensed
272 individual.

273 (g)(1) All applicants for examinations and licenses provided for by this Code section and
 274 all applicants for renewal of licenses under this Code section shall be required to fill out
 275 a form which shall be provided by the division, which form shall show whether the
 276 applicant is an individual doing business in a trade name or a sole proprietorship or an
 277 individual seeking to qualify a partnership, limited liability company, or corporation. The
 278 form shall require the name and address of the individual applicant, and, if a partnership,
 279 limited liability company, or corporation, its name and business address, the name and
 280 address of each partner, member, or officer, and when and where formed or incorporated,
 281 and such other information as the division may require in its discretion. All forms of
 282 application for renewal of licenses shall show whether or not the applicant, if it is a
 283 partnership, limited liability company, or corporation, has connected with it a qualified
 284 person holding a license issued by the division, and if so the name and address of each
 285 such person.

286 (2) As further qualification for issuance of a roofing contracting license, or renewal of
 287 such license, an applicant shall demonstrate to the satisfaction of the division by
 288 information submitted in the application and proofs furnished in support, in a manner to
 289 be determined by the division, that the applicant:

290 (A) Has adopted and implemented a written safety plan or policy addressing the
 291 welfare and safety of employees and other persons or property that may be affected by
 292 the performance of its work as a roofing contractor, including a requirement for
 293 regularly scheduled safety meetings for all field personnel;

294 (B) Possesses the requisite competency, ability, and integrity to engage in and perform
 295 the business of roofing contracting;

296 (C) Is financially responsible and possesses sufficient financial resources to engage in
 297 the roofing contracting business; and

298 (D) Has general liability insurance relative to the engagement in the business of
 299 roofing contracting, and workers' compensation insurance as required by law.

300 Provided, however, that where an application is submitted by a person acting as a
 301 qualifier of a partnership, limited liability company, or corporation, the proofs and
 302 information provided for by this subsection shall relate to such partnership, limited
 303 liability company, or corporation.

304 (h) The division shall notify each local governing authority of the provisions of this Code
 305 section relating to licensure, especially the provisions of subsection (b) of this Code
 306 section. The division shall notify such governing authorities that one year after the
 307 effective date of this Code section any person desiring a license to engage in roofing
 308 contracting shall be required to pass an examination as provided in this chapter.

309 (i) On and after one year from the effective date of this Code section, it shall be unlawful
 310 for any person to contract with any other person for performance of roofing contracting
 311 requiring a license from the division for such work unless the contracting party has a
 312 current, valid license as a roofing contractor pursuant to this chapter.

313 (j) As a condition to the renewal of licenses, the division may require licensees to complete
 314 continuing education in safety, technical training and advances, business management, and
 315 government regulation, or other topics addressing the business of roofing contracting, in
 316 a format approved by the division, and not exceeding four hours per renewal. The division
 317 shall be authorized to waive the requirements of this subsection in cases of hardship,
 318 disability, or illness or under such other circumstances as the division deems appropriate.
 319 All provisions of this subsection relating to continuing education shall be administered by
 320 the division.

321 (k) Notwithstanding any other provision of this chapter, a person who engages in roofing
 322 contracting in which the contract price of the work on any roofing project does not exceed
 323 \$500.00 shall not be required to comply with the requirements of this chapter applicable
 324 to roofing contractors; provided, however, that it shall be unlawful to subdivide a single
 325 roofing project to avoid the requirements of this chapter.

326 (l) The division shall be authorized to promulgate reasonable rules and regulations for the
 327 implementation of the provisions of this Code section."

328 **SECTION 9.**

329 Said chapter is further amended by adding a new Code section to read as follows:

330 "43-14-12.3.

331 (a) If a person is in violation of Code Section 43-14-8.5, it shall not be necessary for an
 332 investigator to observe or witness the unlicensed person engaged illegally in the process
 333 of work or to show work in progress or work completed in order to prove the unlawful
 334 practice of roofing contracting by an unlicensed person.

335 (b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed
 336 as a roofing contractor advertises that such person is in the business or profession of a
 337 roofing contractor or advertises in a manner such that the general public would believe that
 338 such person is a licensed roofing contractor or in the business or profession of roofing
 339 contracting. Advertising under this subsection includes, but is not limited to, newspaper,
 340 television, radio, telephone directory, mailings, business cards, or signage at a place of
 341 business or attached to a vehicle.

342 (c) Notwithstanding the provisions of Code Section 43-1-20.1, after notice and hearing,
 343 the board may issue a cease and desist order prohibiting any person from violating the

344 provisions of this chapter by engaging in the business or profession of roofing contracting
 345 without a license as required under this chapter.
 346 (d) The violation of any cease and desist order of the board issued under subsection (c) of
 347 this Code section shall subject the person violating the order to further proceedings before
 348 the board, and the board shall be authorized to impose a fine not to exceed \$500.00 for each
 349 violation thereof. Each day that a person practices in violation of this Code section and
 350 chapter shall constitute a separate violation.
 351 (e) Nothing in this Code section shall be construed to prohibit the board from seeking
 352 remedies otherwise available by statute without first seeking a cease and desist order in
 353 accordance with the provisions of this Code section."

354 SECTION 10.

355 Said chapter is further amended by revising Code Section 43-14-13, relating to applicability
 356 of the chapter, as follows:

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

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

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

373 (d) This chapter shall not prohibit an individual from installing, altering, or repairing
 374 plumbing fixtures, air-conditioning and heating, air-conditioning and heating fixtures,
 375 utility systems, a roof or its elements and components, or electrical or low-voltage wiring
 376 services in a residential dwelling owned or occupied by such individual; provided,
 377 however, that all such work must be done in conformity with all other provisions of this
 378 chapter, the rules and regulations of the board, and any applicable county or municipal
 379 resolutions, ordinances, codes, or inspection requirements.

380 (e) This chapter shall not prohibit an individual employed on the maintenance staff of a
381 facility owned by the state or by a county, municipality, or other political subdivision from
382 installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating
383 fixtures, utility systems, a roof or its elements and components, or electrical or low-voltage
384 wiring services when such work is an integral part of the maintenance requirements of the
385 facility; provided, however, that all such work must be done in conformity with all other
386 provisions of this chapter and the orders, rules, and regulations of the board.

387 (f) This chapter shall not prohibit any person from installing, altering, or repairing
388 plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, a roof
389 or its elements and components, or electrical or low-voltage wiring services in a farm or
390 ranch service building or as an integral part of any irrigation system on a farm or ranch
391 when such system is not located within 30 feet of any dwelling or any building devoted to
392 animal husbandry. Nothing in this subsection shall be construed to limit the application
393 of any resolution, ordinance, code, or inspection requirements of a county or municipality
394 relating to such connections.

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

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

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

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

412 (k) This chapter shall not apply to persons licensed as manufactured or mobile home
413 installers by the state fire marshal when:

- 414 (1) Coupling the electrical connection from the service entrance panel outside the
415 manufactured housing to the distribution panel board inside the manufactured housing;
- 416 (2) Connecting the exterior sewer outlets to the above-ground sewer system; or

- 417 (3) Connecting the exterior water line to the above-ground water system.
- 418 (l) Any person qualified by the Department of Transportation to perform work for the
419 department shall not be required to be licensed under Code Section 43-14-8.2 or 43-14-8.5
420 or certified under Code Sections 43-14-8.3 and 43-14-8.4 in order to perform work for the
421 department. Any person qualified by the Department of Transportation to perform work
422 for the department shall not be required to be licensed under Code Section 43-14-8.2 or
423 43-14-8.5 or certified under Code Sections 43-14-8.3 and 43-14-8.4 in order to perform
424 work for a county, municipality, authority, or other political subdivision when such work
425 is of the same nature as that for which the person is qualified when performing department
426 work; provided, however, that such work is not performed on a utility system as defined
427 in paragraph (17) of Code Section 43-14-2 for which the person receives compensation.
- 428 (m) This chapter shall not prohibit any person from installing, altering, or repairing the
429 plumbing component of a lawn sprinkler system from a backflow preventer which was
430 installed by a licensed plumber; provided, however, that all such work must be done in
431 conformity with all other provisions of this chapter, the rules and regulations of the board,
432 and ordinances of the county or municipality.
- 433 (n) Any person who contracts with a licensed conditioned air contractor as part of a
434 conditioned air contract to install, alter, or repair duct systems, control systems, or
435 insulation is not required to hold a license from the Division of Conditioned Air
436 Contractors. The conditioned air contractor must retain responsibility for completion of
437 the contract, including any subcontracted work. Any person who contracts with a licensed
438 conditioned air contractor to perform a complete installation, alteration, or repair of a
439 conditioned air system must hold a valid license from the Division of Conditioned Air
440 Contractors. Any person who contracts to perform for or on behalf of a conditioned air
441 contractor to install, alter, or repair electrical, low-voltage, or plumbing components of a
442 conditioned air system must hold a valid license from the appropriate division of the board.
- 443 (o) This chapter shall not prohibit any propane dealer who is properly insured as required
444 by law and who holds a liquefied petroleum gas license issued by the Safety Fire
445 Commissioner from installing, repairing, or servicing a propane system or the gas piping
446 or components of such system; provided, however, that such propane dealers shall be
447 prohibited from performing the installation of conditioned air systems or forced air heating
448 systems unless licensed to do so under this chapter.
- 449 (p) This chapter shall not apply to any employee or authorized agent of a regulated gas
450 utility or municipal owned gas utility while in the course and scope of such employment.
- 451 (q) Any utility contractor holding a valid utility contractor's license under this chapter shall
452 be authorized to bid for and perform work on any utility system in this state without
453 obtaining a license under Chapter 41 of this title. It shall be unlawful for the owner of a

454 utility system or anyone soliciting work to be performed on a utility system to refuse to
 455 allow a utility contractor holding a valid utility contractor's license under this chapter to bid
 456 for or perform work on a utility system on the basis that such contractor does not hold a
 457 license under Chapter 41 of this title.

458 (r) Nothing in this chapter shall preclude a person, including an individual, sole
 459 proprietorship, partnership, limited liability company, or corporation, possessing a current
 460 and valid residential contracting or general contracting license issued under Chapter 41 of
 461 this title, from performing construction work or services with its own employees under
 462 engagement directly by or otherwise directly for an owner of real property, which work
 463 would otherwise constitute roofing contracting requiring a license under this chapter for
 464 such work, provided that:

465 (1) The total scope of the work to be performed is predominantly of the type for which
 466 such contractor is licensed under Chapter 41 of this title, and any work comprising
 467 roofing contracting under the provisions of this chapter is incidental to and an integral
 468 part of the work performed within the scope of such license under Chapter 41 of this title
 469 and does not exceed 25 percent of the total value at the time of contracting of the work
 470 to be performed;

471 (2) Such residential or general contractor licensee shall not delegate or assign the
 472 responsibility to directly supervise and manage the performance of such work to another
 473 person unless such person is licensed under this chapter and the work being performed
 474 by such person is within the scope of that person's license; and

475 (3) The residential or general contractor licensee performing such work has completed
 476 continuing education in safety, technical training and advances, business management,
 477 and government regulation, or other topics addressing the business of roofing contracting
 478 that would satisfy the continuing education requirements of subsection (j) of Code
 479 Section 43-14-8.5 as a condition of license renewal."

480 **SECTION 11.**

481 This Act shall become effective only when funds are specifically appropriated for purposes
 482 of this Act in an appropriations Act making specific reference to this Act.

483 **SECTION 12.**

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