

House Bill 301

By: Representatives Weldon of the 3<sup>rd</sup>, Meadows of the 5<sup>th</sup>, Smith of the 134<sup>th</sup>, Maxwell of the 17<sup>th</sup>, and Shaw of the 176<sup>th</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 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:

94 "(2) Provide by regulation for reciprocity with other states in the registration and  
 95 licensing of electrical contractors, master plumbers, journeyman plumbers, low-voltage  
 96 contractors, utility contractors, roofing contractors, or conditioned air contractors and in  
 97 the certification of utility contracting foremen, provided that such other states have  
 98 requirements substantially equal to the requirements in force in this state for registration,  
 99 licensure, and certification; provided, further, that a similar privilege is offered to  
 100 residents of this state;"

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

103 **SECTION 6.**

104 Said chapter is further amended by revising subsection (a) of Code Section 43-14-6, relating  
 105 to powers and duties of divisions, as follows:

106 "(a) The Division of Electrical Contractors, with respect to applicants for a license to  
 107 engage in or licensees engaging in the business of electrical contracting; the Division of  
 108 Master Plumbers and Journeyman Plumbers, with respect to applicants for a license to  
 109 engage in or licensees engaging in the business of plumbing as master plumbers or  
 110 journeyman plumbers; the Division of Low-voltage Contractors, with respect to applicants  
 111 for a license to engage in or licensees engaging in the business of low-voltage contracting;  
 112 the Division of Utility Contractors, with respect to applicants for a license to engage in or  
 113 licensees engaging in the business of utility contracting and with respect to applicants for  
 114 a certificate to be a utility manager or utility foreman or holders of a utility manager or  
 115 utility foreman certificate; ~~and~~ the Division of Conditioned Air Contractors, with respect  
 116 to applicants for a license to engage in or licensees engaging in the business of conditioned  
 117 air contracting; and the Division of Roofing Contractors, with respect to applicants for a  
 118 license to engage in or licensees engaging in the business of roofing contracting, shall:

119 (1) Approve examinations for all applicants for licenses or certificates, except for utility  
 120 contractor licenses and utility foreman certificates. The Division of Electrical  
 121 Contractors shall approve separate examinations for Class I and Class II licenses. Class  
 122 I licenses shall be restricted to electrical contracting involving multifamily structures of  
 123 not more than two levels or single family dwellings of up to three levels. In addition, the  
 124 structures shall have single-phase electrical installations which do not exceed 400  
 125 amperes at the service drop or the service lateral. Class II licenses shall be unrestricted.  
 126 The Division of Master Plumbers and Journeyman Plumbers shall approve separate  
 127 examinations for Master Plumber Class I, Master Plumber Class II, and Journeyman  
 128 Plumbers. Master Plumber Class I licenses shall be restricted to plumbing involving  
 129 single-family dwellings and one-level dwellings designed for not more than two families

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) Contract with the department for the provision of all goods and services required for  
 207 the purposes of this chapter to be provided by the department, and the reimbursement of  
 208 the department therefor; and

209 ~~(6)~~(7) Do all other things necessary and proper to exercise their powers and perform their  
 210 duties in accordance with this chapter."

211 **SECTION 7.**

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

213 "43-14-8.5.

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

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

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

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

232 (c) Any person desiring to qualify under the provisions of this Code section who meets the  
 233 requirements of this Code section, submits proper application to the division, is determined  
 234 to be qualified by the division in accordance with the requirements of this Code section and  
 235 pursuant to any rules or regulations promulgated by the division, satisfactorily completes  
 236 the examination required by this chapter, and pays or has paid the required fees and is not  
 237 otherwise in violation of this chapter shall be issued a state-wide Roofing Contractor  
 238 license. Such license shall be issued to the applicant as an individual or sole proprietor to

239 engage in the roofing contracting business in his or her own name, and if the applicant is  
240 an individual already holding a valid license or qualifying as an applicant for issuance of  
241 such license issued by the division upon whom the qualification for licensing of a  
242 partnership, limited liability company, or corporation is based, then such license shall also  
243 be in the name of such partnership, limited liability company, or corporation.

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

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

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

268 (g)(1) All applicants for examinations and licenses provided for by this Code section and  
269 all applicants for renewal of licenses under this Code section shall be required to fill out  
270 a form which shall be provided by the division, which form shall show whether the  
271 applicant is an individual doing business in a trade name or a sole proprietorship or an  
272 individual seeking to qualify a partnership, limited liability company, or corporation. The  
273 form shall require the name and address of the individual applicant, and, if a partnership,  
274 limited liability company, or corporation, its name and business address, the name and  
275 address of each partner, member, or officer, and when and where formed or incorporated,

276 and such other information as the division may require in its discretion. All forms of  
277 application for renewal of licenses shall show whether or not the applicant, if it is a  
278 partnership, limited liability company, or corporation, has connected with it a qualified  
279 person holding a license issued by the division, and if so the name and address of each  
280 such person.

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

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

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

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

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

295 provided, however, that where an application is submitted by a person acting as a  
296 qualifier of a partnership, limited liability company, or corporation, the proofs and  
297 information provided for by this subsection shall relate to such partnership, limited  
298 liability company, or corporation.

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

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

308 (j) As a condition to the renewal of licenses, the division may require licensees to complete  
309 continuing education in safety, technical training and advances, business management, and  
310 government regulation, or other topics addressing the business of roofing contracting, in  
311 a format approved by the division, and not exceeding four hours per renewal. The division  
312 shall be authorized to waive the requirements of this subsection in cases of hardship.

313 disability, or illness or under such other circumstances as the division deems appropriate.  
 314 All provisions of this subsection relating to continuing education shall be administered by  
 315 the division.

316 (k) Notwithstanding any other provision of this chapter, a person who engages in roofing  
 317 contracting in which the contract price of the work on any roofing project does not exceed  
 318 \$500.00 shall not be required to comply with the requirements of this chapter applicable  
 319 to roofing contractors; provided, however, that it shall be unlawful to subdivide a single  
 320 roofing project to avoid the requirements of this chapter.

321 (l) Notwithstanding any other provision of this chapter to the contrary, any person desiring  
 322 to qualify for a roofing contracting license under the provisions of this chapter, either  
 323 individually or as a qualifying agent, shall be eligible for issuance of such a license by the  
 324 division without examination, provided that:

325 (1) Such person submits a proper application and proofs prior to January 1, 2014, pays  
 326 or has paid the required fees, otherwise meets the requirements for such licensure, and  
 327 is not otherwise in violation of this chapter; and

328 (2) Such person has successfully and efficiently engaged in the comparable category of  
 329 roofing contracting in this state as provided in this chapter for a continuous period of not  
 330 less than two years immediately preceding such application and provides proof thereof  
 331 satisfactory to the division; provided, however, that such person shall be either a resident  
 332 and citizen of the State of Georgia or, if applying as a qualifying agent for a business  
 333 organization, such business organization shall be either incorporated in Georgia or  
 334 authorized and certified to transact business in Georgia with a regular office and place of  
 335 business in Georgia currently and having had such office and place of business  
 336 continuously for the two years immediately preceding such application.

337 (m) The division shall be authorized to promulgate reasonable rules and regulations for the  
 338 implementation of the provisions of this Code section."

339 **SECTION 8.**

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

341 "43-14-12.3.

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

346 (b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed  
 347 as a roofing contractor advertises that such person is in the business or profession of a  
 348 roofing contractor or advertises in a manner such that the general public would believe that

349 such person is a licensed roofing contractor or in the business or profession of roofing  
 350 contracting. Advertising under this subsection includes, but is not limited to, newspaper,  
 351 television, radio, telephone directory, mailings, business cards, or signage at a place of  
 352 business or attached to a vehicle.

353 (c) Notwithstanding the provisions of Code Section 43-1-20.1, after notice and hearing,  
 354 the board may issue a cease and desist order prohibiting any person from violating the  
 355 provisions of this chapter by engaging in the business or profession of roofing contracting  
 356 without a license as required under this chapter.

357 (d) The violation of any cease and desist order of the board issued under subsection (c) of  
 358 this Code section shall subject the person violating the order to further proceedings before  
 359 the board, and the board shall be authorized to impose a fine not to exceed \$500.00 for each  
 360 violation thereof. Each day that a person practices in violation of this Code section and  
 361 chapter shall constitute a separate violation.

362 (e) Nothing in this Code section shall be construed to prohibit the board from seeking  
 363 remedies otherwise available by statute without first seeking a cease and desist order in  
 364 accordance with the provisions of this Code section."

#### 365 **SECTION 9.**

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

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

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

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

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

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

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

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

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

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

419 (j) This chapter shall not apply to regular full-time employees of an institution,  
420 manufacturer, or business who perform plumbing, electrical, low-voltage wiring, utility

421 contracting, roofing, or conditioned air work when working on the premises of that  
422 employer.

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

425 (1) Coupling the electrical connection from the service entrance panel outside the  
426 manufactured housing to the distribution panel board inside the manufactured housing;

427 (2) Connecting the exterior sewer outlets to the above-ground sewer system; or

428 (3) Connecting the exterior water line to the above-ground water system.

429 (l) Any person qualified by the Department of Transportation to perform work for the  
430 department shall not be required to be licensed under Code Section 43-14-8.2 or 43-14-8.5  
431 or certified under Code Sections 43-14-8.3 and 43-14-8.4 in order to perform work for the  
432 department. Any person qualified by the Department of Transportation to perform work  
433 for the department shall not be required to be licensed under Code Section 43-14-8.2 or  
434 43-14-8.5 or certified under Code Sections 43-14-8.3 and 43-14-8.4 in order to perform  
435 work for a county, municipality, authority, or other political subdivision when such work  
436 is of the same nature as that for which the person is qualified when performing department  
437 work; provided, however, that such work is not performed on a utility system as defined  
438 in paragraph (17) of Code Section 43-14-2 for which the person receives compensation.

439 (m) This chapter shall not prohibit any person from installing, altering, or repairing the  
440 plumbing component of a lawn sprinkler system from a backflow preventer which was  
441 installed by a licensed plumber; provided, however, that all such work must be done in  
442 conformity with all other provisions of this chapter, the rules and regulations of the board,  
443 and ordinances of the county or municipality.

444 (n) Any person who contracts with a licensed conditioned air contractor as part of a  
445 conditioned air contract to install, alter, or repair duct systems, control systems, or  
446 insulation is not required to hold a license from the Division of Conditioned Air  
447 Contractors. The conditioned air contractor must retain responsibility for completion of  
448 the contract, including any subcontracted work. Any person who contracts with a licensed  
449 conditioned air contractor to perform a complete installation, alteration, or repair of a  
450 conditioned air system must hold a valid license from the Division of Conditioned Air  
451 Contractors. Any person who contracts to perform for or on behalf of a conditioned air  
452 contractor to install, alter, or repair electrical, low-voltage, or plumbing components of a  
453 conditioned air system must hold a valid license from the appropriate division of the board.

454 (o) This chapter shall not prohibit any propane dealer who is properly insured as required  
455 by law and who holds a liquefied petroleum gas license issued by the Safety Fire  
456 Commissioner from installing, repairing, or servicing a propane system or the gas piping  
457 or components of such system; provided, however, that such propane dealers shall be

458 prohibited from performing the installation of conditioned air systems or forced air heating  
459 systems unless licensed to do so under this chapter.

460 (p) This chapter shall not apply to any employee or authorized agent of a regulated gas  
461 utility or municipal owned gas utility while in the course and scope of such employment.

462 (q) Any utility contractor holding a valid utility contractor's license under this chapter shall  
463 be authorized to bid for and perform work on any utility system in this state without  
464 obtaining a license under Chapter 41 of this title. It shall be unlawful for the owner of a  
465 utility system or anyone soliciting work to be performed on a utility system to refuse to  
466 allow a utility contractor holding a valid utility contractor's license under this chapter to bid  
467 for or perform work on a utility system on the basis that such contractor does not hold a  
468 license under Chapter 41 of this title.

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

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

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

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

491 **SECTION 10.**

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

494 **SECTION 11.**

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