

CONTRACTOR LICENSING LAW

Act No. 233 of 1956 created the State Licensing Board for Contractors as it exists today. That law was amended by Act Nos. 192 and 455 of 1960; Act No. 184 of 1962; Act No. 113 of 1964; Act No. 292 of 1966; Act No. 212 of 1968; Act No. 684 of 1974; Act No. 702 of 1975; Act Nos. 82, 271 and 377 of 1976; Act Nos. 430, 488, 544 and 782 of 1979; Act Nos. 606 ad 771 of 1980; Act No. 668 of 1981; Act No. 832 of 1982; Act No. 295 and 296 of 1983; Act Nos. 51, 915 and 916 of 1984; Act Nos. 599, 645 and 982 of 1985; Act Nos. 501 and 635 of 1988; Act No. 559 of 1989; Act Nos. 649 and 865 of 1991; Act Nos. 344, 681 and 1016 of 1992; Act Nos. 473, 478, 638 and 808 of 1995; Act Nos. 146, 147, 148, 380, 769, 770, 771, 772, 773, 925 and 1299 of 1997; Act No. 65 of 1998; Act No. 1175 of 1999; Act No. 21 of 2000, Act Nos. 8, 659, 711, 802, 968 and 1072 of 2001; Act Nos. 643, 880, 902 and 1146 of 2003; Act Nos. 352 and 724 of 2004; Act No. 240 of 2005. The following is a complete text of the present law in its statutory form.

Title 37 of the Louisiana Revised Statutes, Chapter 24, reads as follows:

Chapter 24. CONTRACTORS

Part I. GENERAL

LA R.S. 37:2150, Purpose; legislative intent

The purpose of the legislature in enacting this Chapter is the protection of the health, safety, and general welfare of all those persons dealing with persons engaged in the contracting vocation, and the affording of such persons of an effective and practical protection against the incompetent, inexperienced, unlawful, and fraudulent acts of contractors with whom they contract. Further, the legislative intent is that the State Licensing Board for Contractors shall monitor construction projects to ensure compliance with the licensure requirements of this Chapter.

Added by Acts 1976, No. 82, Sec.2, eff. July 8, 1976. Acts 1989, No. 559,Sec.1.

§2150.1. Definitions

As used in this Chapter, the following words and phrases shall be defined as follows:

- (1) "Board" means the State Licensing Board for Contractors.
- (2) "Commercial purposes" means any construction project other than residential homes, a single residential duplex, a single residential triplex, or a single residential fourplex. A construction project consisting of residential homes where the contractor has a single contract for the construction of more than two homes within the same subdivision shall be deemed a commercial undertaking.
- (3) "Contract" means the entire cost of the construction undertaking, including labor, materials, rentals, and all direct and indirect project expenses.
- (4) (a) "Contractor" means any person who undertakes to, attempts to, or submits a price or bid or offers to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or furnishing labor, or furnishing labor together with material or equipment, or installing the same for any building, highway, road, railroad, sewer, grading, excavation, pipeline, public utility structure, project development, housing, or housing development, improvement, or any other construction undertaking for which the entire cost of same is fifty thousand dollars or more when such property is to be used for commercial purposes other than a single

residential duplex, a single residential triplex, or a single residential fourplex. A construction project which consists of construction of more than two single residential homes, or more than one single residential duplex, triplex, or fourplex, shall be deemed to be a commercial undertaking.

(b) The term “contractor” includes general contractors, subcontractors, architects, and engineers who receive an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services.

(c) A contractor holding a license in the major classification of hazardous materials, or any subclassifications thereunder, shall be defined in terms of work performed for which the cost is one dollar or more.

(d) “Contractor” shall not mean any person, supplier, manufacturer, or employee of such person who assembles, repairs, maintains, moves, puts up, tears down, or disassembles any patented, proprietary, or patented and proprietary environmental equipment supplied by such person to a contractor to be used solely by the contractor for a construction undertaking.

(5) “Executive director” means the person appointed by the board to serve as the chief operating officer in connection with the day-to-day operation of the board’s business.

(6) (a) “General contractor” means a person who contracts directly with the owner. The term “general contractor” shall include the term “primary contractor” and wherever used in this Chapter or in regulations promulgated thereunder “primary contractor” shall mean “general contractor”.

(b) “General contractor” shall not mean any person, supplier, manufacturer, or employee of such person who assembles, repairs, maintains, moves, puts up, tears down, or disassembles any patented, proprietary, or patented and proprietary environmental equipment supplied by such person to a contractor to be used solely by the contractor for a construction undertaking.

(7) “Home improvement contracting” means the reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, or demolition, or the construction of an addition to any pre-existing owner occupied building which building is used or designed to be used as a residence or dwelling unit, or to structures which are adjacent to such residence or building. “Home improvement contracting” shall not include services rendered gratuitously.

(8) “Home improvement contractor” means any person, including a contractor or subcontractor, who undertakes or attempts to, or submits a price or bid on any home improvement contracting project.

(9) “Person” means any individual, firm, partnership, association, cooperative, corporation, limited liability company, limited liability partnership, or any other entity recognized by Louisiana law; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as a successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person; or any state or local governing authority or political subdivision performing a new construction project which exceeds the contract limits provided in R.S. 38:2212 and which does not constitute regular maintenance of the public facility or facilities which it has been authorized to maintain.

(10) “Qualifying party” means a natural person designated by the contractor to represent the contractor for the purpose of complying with the provisions of this Chapter including without limitation meeting the requirements for the initial license and/or any continuation thereof.

(11) “Residential building contractor” means any corporation, partnership, or individual who constructs a fixed building or structure for sale for use by another as a residence or who, for a price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction, or superintending of the construction of any building or structure which is not more than three floors in height, to be used by another as a residence, when the cost of the undertaking exceeds fifty thousand dollars. The term “residential building contractor” includes all contractors, subcontractors, architects, and engineers who receive an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services. It shall not include the manufactured housing industry or those persons engaged in building

residential structures that are mounted on metal chassis and wheels.

(12) "Subcontract" means the entire cost of that part of the contract which is performed by the subcontractor.

(13) (a) "Subcontractor" means a person who contracts directly with the primary contractor for the performance of a part of the principal contract or with another subcontractor for the performance of a part of the principal contract.

(b) "Subcontractor" shall not mean any person, supplier, manufacturer, or employee of such person who assembles, repairs, maintains, moves, puts up, tears down, or disassembles any patented, proprietary, or patented and proprietary environmental equipment supplied by such person to a contractor to be used solely by the contractor for a construction undertaking.

Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 1995, No. 638, §1, eff. Feb. 1, 1996; Acts 1997, No. 146, §1; Acts 1997, No. 770, §1; Acts 2003, No. 643, §1; Acts 2003, No. 1146, §2.

§2151. State licensing board for contractors; membership; qualifications; tenure; vacancies

A. There is hereby created the State Licensing Board for Contractors within the office of the governor that shall consist of fifteen members appointed by the governor as hereinafter set forth and who shall serve without compensation and shall possess the following qualifications:

(1) Each member shall be of full age of majority and shall have been a resident of the state of Louisiana for the last five successive years.

(2) All members shall have been actively engaged as a responsible contractor in the construction classification that they represent for the five-year period prior to their appointment as a board member, except for any member appointed pursuant to Paragraph (8) of this Subsection if he represents the public at large.

(3) At least four members shall have had the greater part of their experience as a licensed contractor in the field of highway and street construction.

(4) At least four members shall have had the greater part of their experience as a licensed contractor in the fields of building or industrial construction, or both fields.

(5) At least one member shall have had the greater part of his experience as a licensed contractor in the field of mechanical construction.

(6) At least one member shall have had the greater part of his experience as a licensed contractor in the field of electrical construction.

(7) At least two members shall have had the greater part of their experience as a subcontractor in the construction industry in fields other than electrical or mechanical construction.

(8) At least two members shall be from and represent the public at large and neither shall earn his livelihood in a construction-related industry.

(9) At least one member shall have had the greater experience as a licensed contractor in the field of oil field construction.

(10) There shall be at least one board member from each congressional district in the state of Louisiana.

B. All vacancies that shall occur shall be filled within ninety days of the vacancy, by appointment of the governor within the classification of area and qualification where the vacancy shall occur.

C. On and after January 1, 1996, the members shall serve terms of six years; however, initially four members shall serve terms of two years, four members shall serve terms of four years, and four members shall

serve terms of six years.

Added by Acts 1956, No. 233, §1; Amended by Acts 1964, No. 113, §1; Acts 1976, No. 377, §1; Acts 1981, No. 668, §1; Acts 1984, No. 916, §1, eff. July 20, 1984; Acts 1985, No. 645, §1, eff. July 16, 1985; Acts 1991, No. 649, §§1 and 2, eff. Jan. 1, 1992; Acts 1992, No. 344, §1; Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 2001, No. 8, §12, eff. July 1, 2001.

{{NOTE: SEE ACTS 1984, NO. 916, §2.}}

§2152. Initial appointments; oaths; panel of names; domicile; officer; bond

A. Each member of the board shall serve at the pleasure of the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. Each member shall take and file with the secretary of state the constitutional oath of office before entering upon the discharge of his duties. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of the unexpired term from among residents of the same congressional district as that of the member whose office was vacated. However, if there are no qualified applicants from the congressional district of the member whose office was vacated, the governor shall appoint a qualified applicant from any congressional district to fill the vacancy. In making the appointments provided for in this Section, the governor shall appoint at least one person who is nominated by the National Association for the Advancement of Colored People, and at least one person who is nominated by the Louisiana Business League.

(1) Original appointments to the board and appointments to fill vacancies by reason of the expiration of the term for which appointed or by reason of death, resignation, or otherwise, to fill that qualification of board membership who is experienced in the field of highway and street construction, shall be made by the governor as follows:

(a) The board of directors of the Louisiana Associated General Contractors, Inc. shall submit a list of not less than ten names, by certification of its president and secretary, to the secretary of state at the state capitol within fifteen days from the effective date of this Section. Annually between June first and June thirtieth, the organization shall be authorized to make a new certification to the secretary of state; however, after one certificate is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(b) From this list of names, the governor shall appoint the board member or board members to fill that class of board members who are experienced in the field of highway and street construction.

(2) Original appointments to the board and appointment to fill any vacancies that may occur to fill that qualification of board membership who is experienced in the field of building construction shall be made by the governor as follows:

(a) (i) The Board of Directors of the Louisiana A.G.C., Inc., shall submit a list of not less than ten names by certification of its president and secretary to the secretary of state at the state capitol within fifteen days from September 9, 1988.

(ii) Annually between June first and June thirtieth, the organization shall be authorized to make new certification to the secretary of state; provided that after one certification is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same.

(iii) It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(b) (i) The board of directors of the Louisiana Associated General Contractors Inc., shall submit a list of not less than ten names by certification of its president and secretary to the secretary of state at the state capitol within fifteen days from September 9, 1988.

(ii) Annually between June first and June thirtieth, the organization shall be authorized to make new certification to the secretary of state; provided that after one certification is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same.

(iii) It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as public record for use as contemplated herein.

(c) (i) The board of directors of the Louisiana Associated Builders and Contractors, Inc., shall submit a list of no less than ten names certified by its president and secretary to the secretary of state at the state capitol within fifteen days from September 9, 1988.

(ii) Annually between June first and June thirtieth, the organization shall be authorized to make new certification to the secretary of state; provided that after one certification is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same.

(iii) It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as public record for use as contemplated herein.

(d) The governor shall appoint one board member from the list submitted pursuant to Subparagraph (a), one board member from the list submitted pursuant to Subparagraph (b), and two board members from the list submitted pursuant to Subparagraph (c), to fill that class of board members who are experienced in the fields of building or industrial construction, or both.

(3) Original appointments to the board and appointments to fill any vacancies that may occur by reason of expiration of the term for which appointed or by reason of death, resignation, or otherwise in the office of the member required to be experienced in the field of mechanical construction shall be made by the governor as follows:

(a) The president and secretary of the Mechanical Contractors Association of Louisiana, Inc. shall submit a list of not less than three names by certification to the secretary of state at the state capitol annually between June first and June thirtieth. It shall be the duty of the secretary of state to compile a panel of the names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(b) From this list of names the governor shall appoint the board member to fill that class of board member who is required to be experienced in the field of mechanical construction.

(4) Original appointments to the board and appointments to fill any vacancies that may occur by reason of expiration of term for which appointed or reason of death, resignation, or otherwise in the office of the member required to be experienced in the field of the electrical construction shall be made by the governor as follows:

(a) The board of directors of the Louisiana Council of the National Electrical Contractors Association, Inc., acting through that organization's duly elected president, shall submit a list of not less than three names by certification to the secretary of state at the state capitol annually between June first and June thirtieth. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(b) From this list of names the governor shall appoint the board member to fill that class of board member who is required to be experienced in the field of electrical construction.

(5) Original appointments to the board and appointments to fill any vacancies that may occur by reason of expiration of the term for which appointed or by reason of death, resignation, or otherwise in the office

of the members the greater part of whose experience is required to be as a licensed subcontractor in a field other than electrical or mechanical construction shall be made by the governor as follows:

(a) The presidents and secretaries of the chartered American Subcontractors Associations of the state of Louisiana shall submit a list of not less than three names by certification to the secretary of state at the State Capitol within fifteen days from July 26, 1976. Annually thereafter, between June 1 and June 30, that organization shall certify a new list to the secretary of state provided, however, that after one certification is made, the list originally submitted shall be included on the panel hereinafter required to be established by the secretary until changed by the associations submitting the same. It shall be the duty of the secretary of state to compile a panel of the names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(b) From this list of names the governor shall appoint the two board members who are required to be experienced as licensed subcontractors in a field other than electrical or mechanical construction.

(6) Original appointments to the board and appointments to fill any vacancies that may occur by reason of expiration of the term for which appointed or by reason of death, resignation, or otherwise in the office of the member the greater part of whose experience is required to be a licensed contractor in the field of oil field construction shall be made by the governor as follows:

(a) The board of directors of the Louisiana Oil Field Contractors Association, Inc. shall submit a list of not less than ten names by certification to the secretary of state at the state capitol within fifteen days from July 26th, 1985. Annually thereafter, between June 1st and June 30th, that organization shall certify a new list to the secretary of state provided, however, after one certificate is made, the list originally submitted shall be included on the panel hereinafter established by the secretary of state until changed by the group submitting the same. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(b) From the list of names, the governor shall appoint the board member to fill that class of board members who is required to be experienced as a licensed contractor in the field of oil field construction.

(7) Original appointments to the board and appointments to fill any vacancy that may occur by reason of expiration of the term for which appointed or by reason of death, resignation, or otherwise in the office of the member the greater part of whose experience is required to be a licensed contractor in the field of highway and street construction and whose experience is in the field of asphalt pavement shall be made by the governor as follows:

(a) The Board of Directors of the Louisiana Asphalt Pavement Association, Inc. shall submit a list of not less than three names for certification to the secretary of state at the capitol within fifteen days from January 1, 1992. Annually thereafter, between June first and June thirtieth, that organization shall certify two new lists to the secretary of state provided, however, after the certification is made, the list originally submitted shall be included in the panel hereinafter established by the secretary of state until changed by the group submitting the same. It shall be the duty of the secretary of state to compile a panel of names so submitted and to keep same on file in his office as a public record for use as contemplated herein.

(b) From the list of names, the governor shall appoint the board member to fill that class of board member who is required to be experienced as a licensed contractor in the field of highway and street construction.

(8) Appointments to the board, both original and to fill any vacancy which may occur, in the offices of the members whose qualifications are provided for in R.S. 37:2151(A)(8) shall be made by the governor at his discretion.

B. (1) (a) If at any time appointment is to be made to fill a vacancy and the panel of names kept by the secretary of state does not contain names of qualified and recommended persons from which the appointment is to be made, the appointment shall be delayed for a period of fifteen days.

(b) The secretary of state shall contact the organization concerned which shall submit, within ten days after such notice, the names of qualified and recommended persons to be included on the list from which the governor shall select the board members to be appointed.

(2) A person shall be eligible for appointment as a member of the board only if he holds an unexpired license as a contractor under the provisions of this Chapter; however, this provision shall not apply to the person pursuant to R.S. 37:2151(A)(8) if he represents the public at large.

(3) After the board shall have qualified, it shall meet in the city of Baton Rouge which place is hereby fixed as the domicile of the board.

(4) (a) The governor shall designate one member of the board to serve as chairman.

(b) The members shall, by a majority vote, designate a member as vice chairman and a member as secretary-treasurer.

(c) The secretary-treasurer and any administrative employee who shall handle the funds of the board shall furnish bond, in such amount as is fixed by the board, of a surety company qualified to do and doing business in the state of Louisiana. The bond shall be conditioned upon the faithful performance of the duties of office and of the proper accounting of funds coming into his possession.

Acts 1988, No. 501, §1; Acts 1991, No. 649, §1, eff. Jan. 1, 1992; Acts 1992, No. 344, §1; Acts 1992, No. 1016, §1; Acts 1997, No. 771, §1; Acts 2001, No. 968, §1.

§2153. Powers of the board

A. The board shall have the power to make by-laws, rules and regulations for the proper administration of this Chapter; to employ such administrative assistants as are necessary; and to fix their compensation. The board is hereby vested with the authority requisite and necessary to carry out the intent of the provisions of this Chapter.

B. Any bylaws or rules or regulations enacted by the Board shall be adopted and promulgated pursuant to the provisions of R.S. 49:951 et seq.

C. (1) All legal services for the board shall be under the supervision, control, and authority of the attorney general, and no special attorney or counsel shall be employed to represent it except in accordance with the provisions of R.S. 42:262.

(2) (a) However, notwithstanding the provisions of Paragraph (1) of this Subsection and the provisions of R.S. 42:262, the board may contract with outside counsel or collection agencies on a contingency-fee basis to enforce judgments that may arise under this Chapter.

(b) Any such attorney shall be selected pursuant to a request for proposals in accordance with Chapter 16 of Title 39 of the Louisiana Revised Statutes of 1950, and any such collection agency shall be selected pursuant to a request for proposals in accordance with Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950.

(c) Any contingency fee contract entered into pursuant to this Subsection shall mandate that all collected funds be deposited directly with the board, and, thereafter, the contingency fee shall be paid by the board to the collection agency or attorney.

D. (1) The board is hereby authorized to select, lease, purchase, maintain, own, expand, and sell an office building and the land on which said building is situated. Any building so owned or so acquired shall be used by the board to house the offices of the board and to conduct the affairs of the board. The board is hereby authorized to expend the funds of the board for the purchase of the land and improvements thereon. The board is further authorized to sell the land and improvements thereon. Revenue derived from the sale

shall be retained by the board.

(2) The board may lease or sell portions of the land and improvements under such terms and conditions which are consistent with law. All revenue derived from such leases or sales shall be retained by the board.

(3) Prior to a sale authorized by this Subsection, the commissioner of administration shall review the terms of the sale to ascertain that the sale amount constitutes fair market value or greater for the property.

E. In addition to any other duties and powers granted by this Chapter, the board shall:

(1) Grant licenses to qualified contractors pursuant to this Chapter.

(2) Make, amend, or repeal such rules and regulations as it may deem proper fully to effectuate this Chapter and carry out the purposes thereof, in accordance with the Administrative Procedure Act. The enumeration of specific matters which may be made and the subject of rules and regulations shall not be construed to limit general powers of the board to make all rules and regulations necessary fully to effectuate the purpose of this Chapter.

(3) Enforce this Chapter and rules and regulations adopted pursuant thereto.

(4) Suspend or revoke any license for any cause described in this Chapter, or for any cause prescribed by the rules and regulations, and refuse to grant any license for any cause which would be grounds for revocation or suspension of a license.

(5) Publish and distribute materials containing such information as it deems proper to further the accomplishment of the purpose of this Chapter.

F. Notwithstanding any other provisions to the contrary and to the extent deemed necessary or appropriate by the board for the efficient implementation of its responsibilities under this Chapter, the board may delegate its powers and duties to its staff by specific resolution of the board.

Added by Acts 1956, No. 233, §3. Amended by Acts 1964, No. 113, §3; Acts 1979, No. 430, §1, eff. July 11, 1979; Acts 1981, No. 668, §1; Acts 1983, No. 296, §1; Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 1997, No. 147, §1; Acts 1998, 1st Ex. Sess., No. 65, §1, eff. May 1, 1998; Acts 2001, No. 968, §1.

§2154. Meetings; compensation; quorum; license application and issuance procedure

A. (1) The board shall have at least one regular meeting per month on dates and times designated by the chairman. Notice of such board meetings shall be posted at the board office at least ten days prior to the date when the board is to meet. Further, any person desiring actual notice of the board meeting may request in writing that the board send notification through the United States mail at least ten days prior to the board meeting date.

(2) The board may receive applications for licenses under this Chapter at any time. Upon initial application, the license of a contractor domiciled in the state of Louisiana shall be issued after all requirements have been met and approved by the board at its next regularly scheduled meeting. Upon the initial application of a contractor domiciled outside of the state of Louisiana, except as provided herein, a period of at least sixty days must elapse between the date the application is filed and the license is issued. The executive director shall compile a list of all applicants for licensure that are to be considered at a board meeting and mail such list to each board member at least ten days prior to the meeting. The executive director shall certify that the list contains only the names of applicants who have fulfilled all licensure requirements and the board shall only consider applications on such list.

(a) For purposes of this Paragraph a contractor shall be considered "domiciled in the state" if he is either of the following:

(i) An individual who has been a resident of the state of Louisiana for at least one year prior to his filing an application with the board of licensing.

(ii) Any partnership, association, corporation, or other legal entity whose majority interest is owned by and controlled by one or more residents of the state of Louisiana.

(b) For purposes of this Paragraph “majority interest” shall be determined in either of the following ways:

(i) In the case of corporations, on the basis of all stock, common and preferred, whether voting or nonvoting, and on the basis of all debentures, warrants, or other instruments convertible into common stock, preferred stock, or both.

(ii) In the case of partnerships, on the basis of all capital accounts together with any and all capital advances, loans, and debentures, whether or not convertible into capital accounts.

(3) No application may be considered at special meetings of the board.

(4) No application may be considered from any state or local governmental body including, without limitation, any agency of any such state or local governmental body including any corporation or other entity owned, controlled, or owned and controlled by any such state or local governing body.

(5) All meetings of the board shall be held in the city of Baton Rouge, Louisiana, unless otherwise provided for in the bylaws of the board. Before a special meeting may be held, notice thereof stating time, place, and purpose of said meeting shall be sent by the chairman or vice chairman of the board by registered mail or telegram to the members thereof, addressed to their mailing addresses on file with the board, at least three days before the date of the meeting. No board meeting shall be recessed from one calendar day to another.

B. Each member of the board shall be reimbursed when actually in attendance of a board meeting or when he is required to travel for the official authorized business of the board, not more than seventy-five dollars per day plus actual expenses and mileage to and from his domicile to the place of meeting at the same rate of reimbursement set by the division of administration for state employees under the provisions of R.S. 39:231.

C. Eight members of the board shall constitute a quorum for the conduct of business.

D. There shall be no voting by proxy.

Added by Acts 1956, No. 233, §4; Amended by Acts 1960, No. 455, §1; Acts 1962, No. 184, §1; Acts 1964, No. 113, §4; Acts 1974, No. 684, §1; Acts 1981, No. 668, §1; Acts 1984, No. 51, §1; Acts 1984, No. 915, §1; Acts 1984, No. 916, §1, eff. July 20, 1984; Acts 1985, No. 599, §1; Acts 1989, No. 559, §1; Acts 1992, No. 344, §1; Acts 1992, No. 681, §1, eff. July 6, 1992.

{{NOTE: SEE ACTS 1984, NO. 916, §2.}}

§2155. Books and records; evidence; reports

A. The secretary-treasurer shall be responsible for receiving and accounting for all money derived from the operation of this Chapter. He shall register all applicants for licenses, showing for each the date of application, the name, qualifications, place of business, place of residence, and whether license was granted or refused and the date on which such license was granted or refused.

B. The book and register of this board shall be prima facie evidence of all matters recorded therein; and a certified copy of such book or register, or any part thereof, attested by the secretary-treasurer, shall be received in evidence in all courts of this state in lieu of the original.

C. The secretary-treasurer thereof shall keep a roster, showing the names and places of business of all licensed contractors, and shall file same with the secretary of state on or before the first day of March of each year.

D. The secretary-treasurer of the board shall keep full and complete minutes of each board meeting whether regular or special, including full information as to each application for license considered and the board's action thereon as well as all expenditures of the board that are approved. These board minutes shall be typed and attested to by the secretary-treasurer and copies thereof shall be made available to each board member and to the public within a period of twenty-one days after the adjournment of said meeting.

E. Within one hundred fifty days of the last day of each calendar year, a certified public accounting firm approved by the state official charged with the auditing of public records and accounts shall audit the financial records of the board and submit the report of his audit to the legislative auditor and shall file a copy of his audit with the secretary of state to be attached to the report of the board on file.

Added by Acts 1956, No. 233, §5. Amended by Acts 1964, No. 113, §5; Acts 1992, No. 681, §1, eff. July 6, 1992.

§2156. Unexpired licenses; fees; renewals

A. All licenses and renewals issued under the provisions of this Chapter shall expire December 31 of the year in which they are issued. The license is an annual license and becomes invalid on that date unless renewed; however, after a license has expired, the person to whom such license was issued shall have until the second Tuesday of January next following the expiration date, to file an application for the renewal of such license without the payment of a penalty and without further examination, and any person who makes an application for the renewal of a license after the second Tuesday of January next following the expiration date of the license may, at the discretion of the board, have his license renewed after paying the required license fees and such penalty, not exceeding the sum of fifty dollars, that the board may impose.

B. If a license is not renewed within a period of one year from the date of its expiration, any application for renewal shall be considered and treated as a new application.

C. (1) To defray the cost of issuing licenses and of administering this Chapter, the board shall fix reasonable fees to be assessed under this Chapter, and reasonable penalties to be assessed for late applications for renewal of licenses and other administrative infractions; however, the basic license fee shall be the sum of not more than one hundred dollars and the fee for additional classifications shall be such lesser amount as set by the board.

(2) The board shall have the authority to assess an additional surcharge of no more than four hundred dollars in connection with the application for and issuance of a contractor's license to a contractor not domiciled in the state of Louisiana, to be utilized to defray the additional cost of the investigation of the application of said non-Louisiana contractor, including references supplied by the contractor, work history supplied by the work contractor, and other pertinent information required by the board in connection with an application for a contractor's license.

(3) (a) The board shall include on each license renewal form issued to a contractor an optional election whereby the contractor may choose to donate additional funds to a specified public university or community college foundation within Louisiana that offers an accredited, degreed program in the field of construction management. Any such donated funds received by the board shall be remitted to the foundation chosen by the contractor. Any such donated funds received by the community college foundation shall be used solely for the benefit of their construction management programs.

(b) The board shall provide by rule for accounting and remittance of donations to the appropriate university or community college foundation.

(c) For purposes of this Paragraph, “foundation” shall mean any private nonprofit corporation which supports public higher education institutions as defined by R.S. 17:3390.

D. The licenses issued under the provisions of this Chapter are not transferable.

E. Any other provisions of this Chapter notwithstanding, no license shall be issued to any foreign corporation which has not obtained from the secretary of state a certificate of authority to do business, as provided in Chapter 3 of Title 12 of the Louisiana Revised Statutes of 1950.

F. Except for the licenses, fees, and assessments authorized by this Chapter, and except for the occupational license taxes authorized by the constitution and laws of this state, and except for permit fees charged by parishes and municipalities for inspection purposes, and except for licenses required by parishes and municipalities for the purpose of determining the competency of mechanical or plumbing contractors, or both, and electrical contractors, no contractor shall be liable for any fee or license as a condition of engaging in the contracting business.

G. No license shall be issued for the subclassification of asbestos removal and abatement under the major classification of hazardous materials as provided in R.S. 37:2156.2(VIII) until the applicant furnishes satisfactory evidence that he or his qualifying party has received certification from the Louisiana Department of Environmental Quality to perform asbestos removal and abatement work.

Added by Acts 1956, No. 233, §6. Amended by Acts 1960, No. 192, §1; Acts 1962, No. 184, §1; Acts 1964, No. 113, §6; Acts 1975, No. 702, §1; Acts 1976, No. 82, §1, eff. July 8, 1976; Acts 1981, No. 668, §1; Acts 1984, No. 915, §1; Acts 1988, No. 635, §1, eff. Jan. 1, 1989; Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 1995, No. 473, §1; Acts 2001, No. 968, §1; Acts 2004, No. 352, §1, Acts 2005, No. 240, §1.

§2156.1. Requirements for issuance of a license

A. All persons who desire to become licensed as a contractor shall make application to the board on a form adopted by the board and shall state the classification of work the applicant desires to perform from a list of major classifications as follows:

- (1) Building construction.
- (2) Highway, street, and bridge construction.
- (3) Heavy construction.
- (4) Municipal and public works construction.
- (5) Electrical work.
- (6) Mechanical work.
- (7) Plumbing work.
- (8) Hazardous materials.
- (9) Specialty classifications.
- (10) Residential construction.

B. The board shall classify contractors according to the type or types of contracts which they may perform.

C. The applicant shall furnish the board with a financial statement, current to within twelve months of the date of filing, prepared by an independent auditor and signed by the applicant and auditor before a notary

public, stating the assets of the applicant, to be used by the board to determine the financial responsibility of the applicant to perform work on a construction undertaking, the entire cost of which is fifty thousand dollars or more. Such assets shall include a net worth of at least ten thousand dollars. An applicant without the net worth required herein may furnish the board a bond, letter of credit, or other security acceptable to the board in the amount of such net worth requirement plus the amount of the applicant's negative net worth if any, and the furnishing of such bond, letter of credit, or other security shall be deemed satisfaction of such net worth requirement for all purposes. The financial statement and any information contained therein, as well as any other financial information required to be submitted by a contractor, shall be confidential and not subject to the provisions of R.S. 44:1 through 37, inclusive. Nothing contained in this Subsection shall be construed to require a licensed contractor to provide a financial statement in connection with the renewal of an existing license.

D. (1) The applicant for licensure shall designate a qualifying party who shall be the legal representative for the contractor relative to the provisions of this Chapter. The designated qualifying party shall complete an application supplied by the board. The board may deny approval of the qualifying party for good cause, which may include the ability of the proposed principal owner or owners, principal shareholder or shareholders, or qualifying party to engage in the business of contracting as demonstrated by his prior contracting business experience. Evidence which may be considered by the board shall be limited to any legal proceedings against the qualifying party or businesses where the qualifying party was in a position of control at the time a problem arose and the ultimate disposition of such proceedings, any financial history of bankruptcies, unpaid judgments, insolvencies, or any similar evidence. When the qualifying party terminates employment with the licensee, the board shall be notified in writing within thirty days of the disassociation and another qualifying party must qualify within sixty days. The qualifying party or parties are:

(a) Any individual contractor or copartner.

(b) Any employee of said applicant who has been in full-time employment for one hundred twenty consecutive days immediately preceding the application. Such employee shall not be allowed to be the qualifying party for more than one company and two subsidiaries.

(c) Any stockholder of a corporation who was an original incorporator or original stockholder as shown in the articles of incorporation.

(2) Upon good showing, the board may waive the required examinations for any person.

(3) Upon the determination that a person has engaged in deceptive practices when taking or attempting to take any board examination, such person shall be ineligible to serve as a qualifying party for a licensee for a period of one year.

E. Notwithstanding any other law of this state to the contrary, a mechanical, plumbing, or electrical contractor may obtain a license to bid and perform work statewide provided such contractor has successfully passed a written examination which is administered or approved by the State Licensing Board for Contractors, which examination shall be a standardized, nationally recognized test.

F. Upon completion of the above, and issuance of a state license for the classification of work for which the contractor desires to perform and contract, mechanical, plumbing, or electrical contractors licensed under this Section are excluded from local and municipal regulatory authority examination procedures and may bid and perform work within any local jurisdiction upon paying all appropriate fees. The purpose of this Subsection is preemption of local and municipal regulatory examination authority for state licensed mechanical, plumbing, or electrical contractors bidding and performing work in multiple jurisdictions.

G. The board shall prepare and maintain a list of local equivalent examinations. Each such local equivalent examination shall be a standardized, nationally recognized test similar to the Block test, which is administered by a local regulatory authority.

H. Any mechanical or electrical contractor who has, prior to July 1, 1985, successfully passed both a state licensing examination administered or approved by the board and a local licensing examination in the same

license classification, and who has continuously held such state and local licenses since July 1, 1985, shall be exempted from any requirement herein for passage of an additional test in that license classification. A mechanical or electrical contractor shall make application to the board for such exemptions on a form prepared by the board. The board shall provide for a date by which application for exemption forms must be filed.

I. Any plumbing contractor who currently holds a state license shall be exempt from any requirement herein for passage of an additional examination in that license classification and may bid and perform plumbing work statewide after making application to the board for such exemption on a form prepared by the board.

J. Nothing herein shall be construed to permit plumbing contractors to perform plumbing work without first complying with the licensure provisions of Chapter 16 of this Title, R.S. 37:1361 et seq.

K. Each applicant shall pay all fees required for issuance of the license as provided for in this Chapter.

L. Upon completion of the above requirements, the application shall be submitted to the board for review at its next regularly scheduled meeting.

Added by Acts 1976, No. 82, §2, eff. July 8, 1976. Amended by Acts 1981, No. 668, §1; Acts 1983, No. 295, §1; Acts 1988, No. 635, §1, eff. Jan. 1, 1989; Acts 1989, No. 559, §1; Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 1997, No. 148, §1; Acts 1997, No. 769, §1; Acts 1999, No. 1175, §1.

{{NOTE: See Acts 1988, No. 635, §§2, 3.}}

§2156.2. Major categories; subclassifications; specialty classifications; requirements for contractors holding major classification to perform mechanical, electric, or plumbing work

A. Under each major category is a list of subclassifications that a specialty contractor may obtain, as follows:

I. Building construction Subclassifications:

1. Acoustical treatments
2. Air conditioning work, ventilation, refrigeration, and duct work
3. Electrical construction for structures
4. Fire sprinkler work
5. Foundations for buildings, equipment, or machinery
6. Incinerator construction
7. Installation of equipment, machinery, and engines
8. Installation of pneumatic tubes and conveyors
9. Insulation for cold storage and buildings
10. Insulation for pipes and boilers
11. Landscaping, grading, and beautification
12. Lathing, plastering, and stuccoing

13. Masonry, brick, stone
14. Ornamental iron and structural steel erection, steel buildings
15. Painting and interior decorating, carpeting
16. Pile driving
17. Plumbing
18. Residential construction
19. Rigging, house moving, wrecking, and dismantling
20. Roof decks
21. Roofing and sheet metal, siding
22. Sheet metal duct work
23. Steam and hot water heating in buildings or plants
24. Stone, granite, slate, resilient floor installations
25. Swimming pools
26. Tile, terrazzo, and marble
27. Water cooling towers and accessories
28. Drywalls
29. Driveways, parking areas, etc., asphalt and/or concrete exclusive of highway and street work
30. Fencing

II. Highway, street, and bridge construction

Subclassifications:

1. Driveways, parking areas, etc., asphalt and/or concrete
2. Highway and street subsurface drainage and sewer work
3. Permanent or paved highways and streets (asphalt hot and cold plant mix)
4. Permanent or paved highways and streets (asphalt surface treatment)
5. Permanent or paved highways and streets (concrete)
6. Permanent or paved highways and streets (soil cement)
7. Secondary roads
8. Undersealing or leveling of roads
9. Earthwork, drainage, and levees
10. Clearing, grubbing, and snagging
11. Culverts and drainage structures

12. Concrete bridges, over and underpasses

13. Steel bridges, over and underpasses

14. Wood bridges, over and underpasses

15. Landscaping, grading, and beautification

16. Fencing

17. Furnishing and installation of movable structures or machinery, excluding electrical and mechanical work

III. Heavy construction

Subclassifications:

1. Clearing, grubbing, and snagging

2. Dams, reservoirs, and flood control work other than levees

3. Dredging

4. Electrical transmission lines

5. Foundations and pile driving

6. Industrial piping

7. Industrial plants

8. Industrial ventilation

9. Oil field construction

10. Oil refineries

11. Railroads

12. Transmission pipeline construction

13. Tunnels

14. Wharves, docks, harbor improvements, and terminals

15. Landscaping, grading, and beautification

16. Fencing

IV. Municipal and public works construction

Subclassifications:

1. Filter plants and water purification

2. Pipe work (gas lines)

3. Pipe work (sewer)

4. Pipe work (storm drains)

5. Pipe work (waterlines)
6. Power plants
7. Sewer plant or sewer disposal
8. Underground electrical conduit installation
9. Landscaping, grading, and beautification
10. Fencing

V. Electrical work

Subclassifications:

1. Electrical transmission lines
2. Electrical work for structures
3. Underground electrical conduit installation
4. Electrical controls

VI. Mechanical Work

Subclassifications:

1. Heat, air conditioning, ventilation, duct work, and refrigeration
2. Industrial pipe work and insulation
3. Plumbing
4. Controls for mechanical work

VII. Hazardous materials

Subclassifications:

1. Asbestos removal and abatement
2. Hazardous materials cleanup and removal
3. Hazardous materials site remediation
4. Any other classification for which the Department of Environmental Quality requires certification pursuant to law or regulation.

VIII. Plumbing

Subclassifications:

1. Potable and nonpotable water systems; construction, removal, repair, and maintenance for buildings and premises.
2. Sanitary and nonsanitary waste and sewerage construction; removal, repair, and maintenance for buildings and premises.

IX. Specialty classifications

A. A person may obtain a specialty classification under any of the above listed subclassifications or under any other specialty work not so listed for which he desires to be licensed.

B. Any contractor who holds a major classification which permits that contractor to bid mechanical or electrical work, prior to the performance of such work under his license, shall designate a qualifying party to successfully pass the standardized nationally recognized test administered by the board for the work to be performed. All time limitations shall be waived and any designated qualifying party who has successfully completed the examination shall not be required to retake the examination.

C. Any contractor who holds a major classification which permits the contractor to bid and perform plumbing work, prior to the performance of such work, shall comply with the provisions of Chapter 16 of this Title, R.S. 37:1361 et seq. All time limitations shall be waived.

D. The board may grant or renew licenses for mechanical, electrical, or plumbing contractors and restrict such licenses to the bidding and performance of work within specified areas of this state as the board shall designate. Such license shall be issued with a notation of the applicable restriction.

Added by Acts 1976, No. 82, §2, eff. July 8, 1976; Acts 1988, No. 635, §1, eff. Jan. 1, 1989; Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 2001, No. 968, §1.

{{NOTE: SEE ACTS 1988, NO. 635, §§2, 3.}}

§2157. Exemptions

A. There are excepted from the provisions of this Chapter:

(1) Any public utility providing gas, electric, or telephone service which is subject to regulation by the Louisiana Public Service Commission or the council of the city of New Orleans, or to any work performed by such public utility in furnishing its authorized service.

(2) Owners of property who supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or maintenance of any building, railroad excavation, project, development, improvement, plan facility, or any other construction undertaking, on such property, for use by such owner and which will not be for sale, or rent, and the control of access to which shall be controlled by the owner so that only employees and nonpublic invitees are allowed access.

(3) Persons donating labor and services for the supervision and construction of or for the maintenance and repair of churches.

(4) Farmers doing construction for agricultural purposes on leased or owned land.

(5) Persons bidding or performing work on any project totally owned by the federal government.

(6) Persons bidding work partially funded by the federal government if a federal regulation or law prohibits the requirement of said license; however, the successful bidder shall apply for a license and meet all requirements of the law and rules and

regulations of the board prior to commencement of work.

(7) Persons engaged in the rail or pipeline industry with respect to rail or pipeline construction activities performed on property owned or leased by such persons.

(8) Citizens volunteering labor for the construction of a project which is funded by the Louisiana

Community Development Block Grant, Louisiana Small Towns Environment Program.

(9) Persons, suppliers, manufacturers, or employees of such persons who assemble, repair, maintain, move, put up, tear down, or disassemble any patented, proprietary, or patented and proprietary environmental equipment supplied by such persons to a contractor to be used solely by the contractor for a construction undertaking.

(10) The manufactured housing industry or those persons engaged in any type of service, warranty, repair, or home improvement work on factory-built, residential dwellings that are mounted on chassis and wheels.

B. However, the provisions of this Chapter shall apply to any contractor employed by persons exempted hereinabove. Further, nothing herein shall be construed to waive local and state health and life safety code requirements.

Added by Acts 1956, No. 233, §7. Amended by Acts 1962, No. 184, §1; Acts 1964, No. 113, §7; Acts 1966, No. 292, §1; Acts 1968, No. 212, §1; Acts 1976, No. 377, §1; Acts 1979, No. 544, §1; Acts 1979, No. 782, §1; Acts 1980, No. 606, §1, eff. July 23, 1980; Acts 1981, No. 668, §1; Acts 1982, No. 832, §1; Acts 1985, No. 982, §1; Acts 1988, No. 635, §1, eff. Jan. 1, 1989; Acts 1989, No. 559, §1; Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 2000, 1st Ex. Sess., No. 21, §1; Acts 2003, No. 643, §1; Acts 2003, No. 902, §1; Acts 2003, No. 1146, §2.

§2158. Revocation, suspension, and renewal of licenses; issuance of cease and desist orders; debarment

A. The board may revoke any license issued hereunder, or suspend the right of the licensee to use such license, or refuse to renew any such license, or issue cease and desist orders to stop work, or debar any person or licensee, for any of the following causes:

- (1) Any dishonest or fraudulent act as a contractor which has caused substantial damage to another, as adjudged by a court of competent jurisdiction.
- (2) Willful misrepresentation of material fact by an applicant in obtaining a license.
- (3) Willful failure to comply with this Chapter or the rules and regulations promulgated pursuant thereto.
- (4) Entering into a contract with an unlicensed contractor involving work or activity for the performance of which a license is required under this Chapter.
- (5) Permitting the contractor's license to be used by another when the other contractor does not hold a license for the classification of work for which the contract is entered.
- (6) Failure to maintain a qualifying party to represent the licensee.
- (7) Insolvency or involuntary cessation of business operation.
- (8) Failure to continue to fulfill any of the requirements for original licensure.
- (9) Problems relating to the ability of the contractor, its qualifying party, or any of its principal owners or principal shareholders to engage in the business of contracting, as demonstrated by their prior contracting business experience.
- (10) Disqualification or debarment by any public entity.

B. (1) In order to enforce the provisions of this Chapter, the board may conduct hearings in accordance with the provisions of R.S. 49:951 et seq. The board shall maintain and make available a record of all per-

sons or licensees who have been disqualified by any public entity pursuant to R.S. 38:2212(J). If any person or licensee has been disqualified more than once in a twelve-month period, the board shall hold a debarment hearing.

(2) After the hearing, if the board rules that a person has violated any provision of this Chapter, or that a person or licensee has been appropriately disqualified more than once in a twelve-month period, in lieu of revoking or suspending the license, the board may order said person to discontinue immediately all work of every type and nature whatsoever on the construction project which is the subject of the hearing, and/or the board may debar a person or licensee from bidding on projects for any public entity for up to three years. Additionally, the board may require the licensee to pay the actual costs incurred by the board in connection with the investigation and conduction of the hearing. In accordance with R.S. 49:964, the board may grant a stay of the enforcement of its order for good cause.

(3) Any party to the proceeding who is aggrieved by the action of the board may appeal the decision in accordance with law.

C. The board may sue and be sued and, to that end, shall have the authority to apply to a court of competent jurisdiction for a temporary restraining order and a writ of injunction to restrain and prohibit any violation of this Chapter and the performance of any work then being done or about to commence.

D. Any contractor who applies for and is denied a license by the board, or whose license has been revoked, rescinded, or suspended, may within six months after the action of the board denying, revoking, rescinding, or suspending the said license, apply to the Nineteenth Judicial District Court in and for the parish of East Baton Rouge, state of Louisiana, and there have determined whether or not the board has abused its discretion and judgment in failing to abide by the intent of this Chapter, and have rendered such judgment as will do justice between the parties.

Added by Acts 1956, No. 113, §8. Amended by Acts 1964, No. 113, §8; Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 1997, No. 773, §1.

§2159. Classification; bidding and performing work within a classification

A. The board before issuing a license to any contractor, shall state the contractor's classification on such license, according to the classification requested by said contractor and for which he has completed all of the requirements.

B. After classification, the licensee shall not be permitted to bid or perform any type or types of work not included in the classification under which his license was issued.

C. After classification as above provided for, the licensee may apply for and receive additions to or changes in his classification by making application therefor, successfully completing the written examination, and paying the required fees. Additions or changes to an existing license shall become effective after completion of the above requirements, and upon board approval at the next regularly scheduled meeting.

D. Nothing in this Chapter is to be construed to mean that the board has any authority to determine or fix or suggest the amount of a contractor's bid limit.

Added by Acts 1956, No. 233, §9; Amended by Acts 1964, No. 113, §9; Acts 1976, No. 82, §1, eff. July 8, 1976; Acts 1984, No. 915, §1; Acts 1985, No. 599, §2; Acts 1988, No. 635, §1, eff. Jan. 1, 1989; Acts 1992, No. 681, §1, eff. July 6, 1992.

§2160. Engaging in business of contracting without authority prohibited; penalty

A. (1) It shall be unlawful for any person to engage or to continue in this state in the business of contract-

ing, or to act as a contractor as defined in this Chapter, unless he holds an active license as a contractor under the provisions of this Chapter.

(2) It shall be unlawful for any contractor, licensed or unlicensed, who advertises in any form or in any news medium, to advertise that he is a licensed contractor without specifying the type of license to which he is referring.

B. It shall be sufficient for the indictment, affidavit, or complaint to allege that the accused unlawfully engaged in business as a contractor without authority from the State Licensing Board for Contractors.

C. Anyone violating this Section of this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined a sum not to exceed five hundred dollars per day of violation, or three months in prison, or both.

Added by Acts 1956, No. 233, §10. Amended by Acts 1962, No. 184, §1; Acts 1964, No. 113, §10; Acts 1981, No. 668, §1; Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 2001, No. 802, §1.

§2161. Power to sue and be sued; injunction; restraining orders

The board may sue and be sued and, to that end, shall have the right to go into court in the jurisdiction in which the provisions of this Chapter are being violated, and upon affidavit, secure a temporary restraining order and a writ of injunction restraining and prohibiting the violation of this Chapter and the performance of any work then being done or about to be commenced.

Added by Acts 1956, No. 233, §11. Amended by Acts 1964, No. 113, §11; Acts 1983, No. 296, §1.

§2162. Violations; civil penalty

A. Any person who violates any provision of this Chapter shall, after notice and a hearing, be liable to the board for a fine of up to one thousand dollars plus costs and attorney fees for each offense. If the board brings an action against a person pursuant to this Section and fails to prove its case, then it shall be liable to such person for the payment of his reasonable litigation expenses as defined in R.S. 49:965.1(D)(1).

B. In addition to or in lieu of the criminal penalties and administrative sanctions provided in this Chapter, the board is empowered to issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this Chapter, directing such person or firm to forthwith cease and desist from such activity, conduct, or practice. Such order shall be issued in the name of the state of Louisiana under the official seal of the board.

C. If the person or firm to whom the board directs a cease and desist order does not cease or desist the proscribed activity, conduct, or practice immediately, the board may cause to issue in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such person or firm from engaging in any activity, conduct, or practice prohibited by this Chapter.

D. Upon proper showing by the board that such person or firm has engaged or is engaged in any activity, conduct, or practice prohibited by this Chapter, the courts shall issue a temporary restraining order restraining the person or firm from engaging in such unlawful activity, conduct, or practice pending the hearing on a preliminary injunction, and in due course a permanent injunction shall issue after hearing, commanding the cessation of the unlawful activity, conduct, or practice complained of, all without the necessity of the board having to give bond. A temporary restraining order, preliminary injunction, or permanent injunction issued hereunder shall not be subject to being released upon bond.

E. In the suit for an injunction, the board may demand of the defendant a penalty as provided in

Subsection A of this Section. A judgment for penalty, attorney fees, and costs may be rendered in the same judgment in which the injunction is made absolute. If the board brings an action against a person pursuant to this Section and fails to prove its case, then it shall be liable to such person for the payment of his attorney fees and costs.

F. The trial of the proceeding by injunction shall be summary and by the judge without a jury.*

G. Anyone violating this Chapter who fails to cease work, after proper hearing and notification from the board, shall not be eligible to apply for a contractor's license for a period not to exceed one year from the date of official notification to cease work.

H. It shall be within the power of the board to withhold approval, for up to six months, of any application from anyone who, prior to said application, has been found in violation of this Chapter.

I. In addition to any other penalties provided for in this Chapter, the board may, after notice and hearing, issue an order directing the contractor to cease and desist all actions constituting a violation until such time as a contractor complies with the requirements of this Chapter, and to pay to the board a civil penalty of not more than three percent of the total contract being performed.

J. All fines or penalties collected by the board pursuant to this Section for violations of any provision of this Chapter shall, annually, at each audit of the board, be transferred to a separate contractor's educational trust fund to be used for educational purposes as determined by the board.

K. Upon the expiration of the delays set forth in the Administrative Procedure Act for an aggrieved party to appeal any fine or penalty assessed by the board, if such an appeal has not been so filed, the board may initiate civil proceedings against such party seeking to obtain a judgment against that party in an amount equivalent to the amount of the fine so assessed, together with legal interest and all reasonable attorney fees incurred by the board in bringing such action. Such proceedings shall be conducted on a summary basis, with the only defenses that may be raised by the defendant being limited to any lack of notice having been afforded to him as to the meeting of the board during which the fine was assessed. Venue for all proceedings brought pursuant to this Subsection shall lie in the Nineteenth Judicial District Court for the parish of East Baton Rouge.

Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 1995, No. 808, §1; Acts 1997, No. 380, §1; Acts 1997, No. 772, §1; Acts 2001, No. 968, §1.

*As appears in enrolled bill.

§2163 Bid procedures; penalty

A. (1) It is the intent of this Section that only contractors who hold an active license be awarded contracts either by bid or through negotiation. All architects, engineers, and awarding authorities shall place in their bid specifications the requirement that a contractor shall certify that he holds an active license under the provisions of this Chapter and show his license number on the bid envelope. In the case of an electronic bid proposal, a contractor may submit an authentic digital signature on the electronic bid proposal accompanied by the contractor's license number in order to meet the requirements of this Paragraph. Except as otherwise provided herein, if the bid does not contain the contractor's certification and show the contractor's license number on the bid envelope, the bid shall be automatically rejected, shall be returned to the bidder marked "Rejected" and shall not be read aloud.

(2) Any bid that does not require the contractor to hold an active license shall state the exemption on the bid envelope and shall be treated as a lawful bid for the purpose of this Section.

(3) On any project that has been classified by the architect or engineer, prior to the bid, as a plumbing project, bids may only be accepted from those who have as a qualifying party a person who has complied with the provisions of Chapter 16 of this Title, R.S. 37:1361 et seq.

(4) Any contractor who submits a bid for a type of construction for which he does not hold an active license to perform shall be acting in violation of this Section and shall be subject to all provisions for violations and penalties thereof.

(5) Any subcontractor who submits a bid or quotes a price to any unlicensed prime contractor shall be subject to all provisions for violations and penalties thereof.

B. Where bids are to be received or forms furnished by the awarding authority, no proposal forms or specifications shall be issued to anyone except a licensed contractor who holds an active license or his authorized representatives. In no event shall proposal forms be issued later than twenty-four hours prior to the hour and date set for receiving proposals.

C. Nothing in this Section shall be construed as prohibiting the issuance of plans and specifications to recognized plan rooms, or material suppliers, or both when said plans and specifications will be used only to prepare proposals which will be incorporated in the bid prepared by the contractor or the issuance of plans to the contractor except in connection with federal aid or other projects as set forth in R.S. 37:2157(A)(6).

D. It shall be the obligation of the architect, engineer, or awarding authority to classify public projects. Once the project is classified, any interested person may object by sending a certified letter to both the board and to the architect, engineer, or awarding authority. Said objection shall be received by the board and by the architect, engineer, or awarding authority at least ten working days prior to the date on which bids are to be opened. The objection shall state with particularity the reasons for the objection. The objection shall be submitted to a committee for determination. The chairman of the board shall appoint the committee which shall consist of board members. The committee shall have the power to approve the project classification or add an additional classification by vote of a majority of the members of the committee. The matter shall be resolved and the board shall notify the architect, engineer, and awarding authority no less than five days prior to the time when bids are to be opened, unless all parties agree that a delay will not cause harm to others.

E. (1) Any awarding authority or its agent who violates the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction, be punished by a fine of not less than one hundred dollars or more than two hundred dollars or imprisonment in the parish jail for not less than thirty days nor more than sixty days, or both, such fine and imprisonment at the discretion of the court.

(2) In addition, the board may, after notice and a hearing, impose a fine upon any awarding authority or its agent who intentionally violates the provisions of this Section. The board may not impose any fine as authorized by this Paragraph on the state, its agencies, boards, or commissions, or any political subdivision thereof.

Added by Acts 1956, No. 233 §13. Amended by Acts 1962, No. 184, §1; Acts 1964, No. 113, §13; Acts 1976, No. 377, §1; Acts 1980, No. 606, §1, eff. July 23, 1980; Acts 1981, No. 668, §1; Acts 1988, No. 635, §1, eff. Jan. 1, 1989; Acts 1991, No. 865, §1, eff. July 23, 1991; Acts 1992, No. 681, §1, eff. July 6, 1992; Acts 1995, No. 478, §1; Acts 1997, No. 1299, §1; Acts 2001, No. 802, §1; Acts 2001, No. 1072, §1.

§2164. Reciprocity

Any applicant holding a license in good standing in a comparable classification in another state recognized by the respective agency as a reciprocity state may have the trade portion of the examination waived upon written certification from that state in which the applicant is licensed. The business law portion of the examination and the provisions of R.S. 37:2156.1 shall not be waived. Applicants shall comply with all other licensing requirements of this state; however, for good cause, the board may waive any other licensing requirement.

Acts 1989, No. 559, §1; Acts 1992, No. 681, §1, eff. July 6, 1992.

§2165. Residential Building Contractors Subcommittee; membership; terms

A. There is hereby established within the State Licensing Board for Contractors the Residential Building Contractors Subcommittee, consisting of five members who shall be residents of the state of Louisiana and who have been actively engaged in residential contracting for at least five years prior to appointment by the governor. Three members of the subcommittee shall be appointed by the governor from a list of not less than ten names submitted by the Louisiana Homebuilders Association as certified by its president and secretary. One member of the subcommittee shall be appointed to represent congressional districts one and six, one member to represent congressional districts four and five, one member to represent congressional district three, one member to represent congressional district two, and one member to represent congressional district seven.

B. The terms of office of the initial members appointed to the subcommittee shall be one for a three-year term, one for a two-year term, and one for a one-year term, to be determined by the governor. Thereafter, all members shall be appointed for three-year terms. All terms shall commence thirty days after the appointment and all members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the subcommittee for any reason shall be filled by appointment by the governor for the unexpired term. No person shall be appointed for more than two consecutive terms. The governor may remove a member for cause.

C. The executive director of the State Licensing Board for Contractors shall serve as executive director of the subcommittee and shall not have voting privileges.

D. (1) An ex officio member of the State Licensing Board for Contractors shall serve on the subcommittee and shall serve as the liaison between the subcommittee and the board. He shall be appointed by the chairman of the State Licensing Board for Contractors and shall serve as the chairman of the subcommittee. His presence at a meeting of the subcommittee may be counted toward establishing a quorum of the subcommittee, and he shall only have voting privileges if either of the following circumstances exists:

(a) His presence is necessary to establish a quorum of the subcommittee and there is a tie vote between the appointed members of the subcommittee.

(b) His presence is necessary to establish a quorum of the subcommittee, only one appointed member of the subcommittee is present, and an additional ex officio member has been appointed pursuant to Paragraph (2) of this Subsection.

(2) An additional ex officio member of the State Licensing Board for Contractors shall serve on the subcommittee only if his presence, along with the ex officio member serving pursuant to Paragraph (1) of this Subsection, is required to establish a quorum of the subcommittee. This additional ex officio member shall be appointed by the chairman of the State Licensing Board for Contractors and shall serve as the vice chairman of the subcommittee. He shall only have voting privileges if there is a tie vote between an appointed member of the subcommittee and the ex officio member serving as chairman of the subcommittee.

(3) The State Licensing Board for Contractors shall pay per diem and travel expenses for ex officio members.

E. A quorum of the subcommittee shall consist of a majority of its members and the subcommittee shall meet at least once every other month to conduct its business. The executive director shall give written notice to each member of the time and place of each meeting at least ten days prior to the scheduled date of the meeting.

F. Each member of the subcommittee shall be entitled to a per diem allowance of seventy-five dollars for each meeting they attend and be reimbursed for all travel expenses necessarily incurred in attending meetings.

Acts 1995, No. 638, §1, eff. Feb. 1, 1996; Acts 1999, No. 1175, §1; Acts 2001, No. 659, §1.

§2166. Powers and duties

Subject to the approval of the State Licensing Board for Contractors, the subcommittee shall have the following powers and duties:

(1) To adopt rules and regulations to govern residential building contractors in the state of Louisiana.

(2) To issue, suspend, modify, or revoke licenses to do business in the state of Louisiana pursuant to the provisions of R.S. 37:2158.

(3) To prescribe and adopt regulations and policies for continuing education. However, notwithstanding any other law to the contrary, the subcommittee shall not approve for use by licensees any continuing education courses or written training programs provided by a member of the subcommittee or legal entity in which he has a controlling interest.

(4) To cause the prosecution and enjoinder of all persons violating provisions of this Chapter, and incur necessary expenses therefor.

Acts 1995, No. 638, §1, eff. Feb. 1, 1996; Acts 1999, No. 1175, §1.

§2167. Licensure required; qualifications; examination; waivers

A. No person shall work as a residential building contractor, as defined in this Chapter, in this state unless he holds an active license in accordance with the provisions of this Chapter.

B. In order to obtain a license as a residential building contractor an applicant shall demonstrate to the subcommittee that he:

(1) Has submitted certificates evidencing workers' compensation coverage in compliance with Title 23 of the Louisiana Revised Statutes of 1950, and liability insurance in a minimum amount of one hundred thousand dollars or liability protection provided by a liability trust fund as authorized by R.S. 22:5(9)(d) in a minimum amount of one hundred thousand dollars.

(2) Has passed the examination administered by the State Licensing Board for Contractors.

(3) Has submitted a financial statement prepared by an independent auditor and signed by the applicant and auditor before a notary public, stating that the applicant has a net worth of at least ten thousand dollars.

C. The State Licensing Board for Contractors shall administer an examination for licensure of residential building contractors at such times and places as it shall determine in accordance with the testing procedures of the board. The examination shall test the applicant's knowledge of such subjects as the subcommittee may consider useful in determining the applicant's fitness to be a licensed residential building contractor. The subcommittee shall determine the criteria for satisfactory performance.

D. The subcommittee shall waive the examination and grant a residential building contractor's license to any person working in the residential building industry who meets at least one of the following requirements:

(1) Holds a builder construction license issued by the State Licensing Board for Contractors prior to February 1, 1996.

(2)-(4) Terminated by Acts 1997, No. 925, §1, eff. Jan. 1, 1998.

E. The provisions of Paragraphs D(2), (3), and (4) shall terminate on January 1, 1998.

Acts 1995, No. 638, §1, eff. Feb. 1, 1996; Acts 1997, No. 925, §1, eff. Jan. 1, 1998; Acts 2001, No. 802, §1;

Acts 2003, No. 1146, §1.

§2167.1. Inactive license

A. Notwithstanding any other provision of law to the contrary, any residential building contractor licensee in good standing with the board who has held a license to engage in residential building construction issued pursuant to this Chapter for not less than fifteen consecutive years may elect to place his license in an inactive license status with the board, provided he applies for a transfer to inactive status.

B. During the period a license is in inactive status, the licensee shall be prohibited from engaging in any activity requiring a residential building contractor license.

C. An inactive licensee shall be required to renew his inactive license on a yearly basis in the same manner as provided in R.S. 37:2168 and by paying an annual renewal fee, which shall not exceed the annual renewal fee paid by active licensees. However, an inactive licensee shall not be required to submit insurance certificates pursuant to R.S. 37:2167(B)(1) or fulfill any other additional requirements that an active licensee would not be required to fulfill when renewing his license.

D. An inactive licensee shall be required to fulfill all prescribed continuing education requirements established for active licensees.

E. A licensee may request transfer from inactive status to active status at any time, provided all of the following conditions exist:

- (1) The inactive license has been renewed as provided for in this Section.
- (2) The inactive license is current at the time the request is received by the board.
- (3) The licensee submits the required insurance certificates as provided in R.S. 37:2167(B)(1).

Acts 2001, No. 802, §1.

§2168. Term of license; renewal of license

A. The term of a license issued pursuant to the provisions of this Chapter shall be one year.

B. All licenses and renewals issued under the provisions of this Chapter shall expire December thirty-first of the year in which they are issued. The license is an annual license and becomes invalid on that date unless renewed; however, after a license has expired, the person to whom such license was issued shall have until the second Tuesday of January next following the expiration date, to file an application for the renewal of such license without the payment of a penalty and without further examination, and any person who makes an application for renewal of a license after the second Tuesday of January next following the expiration date of the license may, at the discretion of the subcommittee, have his license renewed after paying the required fee.

Acts 1995, No. 638, §1, eff. Feb. 1, 1996.

§2169. Fees

A. The subcommittee shall fix fees in a manner established by its rules. Initial fees for residential building contractors shall not exceed the following amounts:

- (1) Examination fee \$50.00
- (2) License fee \$100.00
- (3) Renewal fee \$100.00
- (4) Delinquent fee \$50

B. All fees shall be paid into the account of the State Licensing Board for Contractors.

Acts 1995, No. 638, §1, eff. Feb. 1, 1995.

§2170. Exceptions

A. There are excepted from the provisions of this Chapter:

(1) Owners of property who supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or maintenance of their personal residences, provided the homeowner does not build more than one residence per year. The one-year period shall commence on the date of occupancy of the residence. However, an owner of property may build more than one personal residence in a one-year period if the construction of an additional residence occurs as a result of a change in the legal marital status of the owner or change in the employment status of the owner whereby the owner must relocate to another employment location, which is located in excess of fifty miles from his personal residence.

(2) Persons performing the work of a residential building contractor in areas or municipalities that do not have a permitting procedure.

(3) Farmers doing construction for agricultural or related purposes on leased or owned land.

B. However, the provisions of this Chapter shall apply to any contractor employed by persons exempted in Subsection A except those contractors employed for remodeling purposes. Further, nothing in this Section shall be construed to waive local and state health and life safety code requirements.

Acts 1995, No. 638, §1, eff. Feb. 1, 1996; Acts 1999, No. 1175, §1; Acts 2001, No. 711, §1.

§2171. Prohibited activities

No person shall hold himself out as a Louisiana licensed residential building contractor unless he holds an active license as such pursuant to the provisions of this Chapter.

Acts 1995, No. 638, §1, eff. Feb. 1, 1996; Acts 2001, No. 802, §1.

§2171.1. Inspection of local building permits

Each month the board or its staff shall inspect the list of residential building permits issued by each local building permit official in this state to ensure that no person is working as a residential building contractor without an active license.

Acts 2001, No. 802, §1.

§2171.2. Requirements; building permit

A. Prior to the issuance of any building permit, the local building permit official shall require that the applicant for such permit produce proof that the applicant possesses an active, applicable contractors license issued by the board, or that the applicant's proposed building activity is exempt from such licensure under this Chapter. The local building permit official shall require any applicant claiming an exemption for residential construction activities to execute an affidavit attesting to the claimed exemption. Such affidavit shall be submitted to the local building permit official prior to the issuance of a permit. Such affidavit shall be executed on a form provided by the board.

B. Liability shall not be imposed on a political subdivision or its officers or employees based upon the exercise or performance of, or the failure to exercise or perform any act or duty provided for in this Section.

Acts 2004, No. 724, §1.

§2172. Repealed by Acts 2001, No. 1137, §1.

§2173. Effect on local regulatory examination authority

This Chapter shall preempt municipal or other local regulatory examination authority over residential builders. In the event that the governing authority or any municipality or parish finds that the state minimum standards do not meet its needs, the local government may provide requirements not less stringent than those specified by the state.

Acts 1995, No. 638, §1, eff. Feb. 1, 1996.

PART II. HOME IMPROVEMENT CONTRACTING

§2175.1. Home improvement contracting; written contract required

A. Every agreement to perform home improvement contracting services, as defined by this Part, in an amount in excess of seventy-five hundred dollars shall be in writing and shall include the following documents and information:

- (1) The complete agreement between the owner and the contractor and a clear description of any other documents which are or shall be incorporated into the agreement.
- (2) The full names, addresses, and the registration number of the home improvement contractor.
- (3) A detailed description of the work to be done and the materials to be used in the performance of the contract.
- (4) (a) The total amount agreed to be paid for the work to be performed under the contract including all change orders and work orders.
- (b) An approximation of the cost expected to be borne by the owner under a cost-plus contract or a time-and-materials contract.
- (5) The signature of all parties.

B. At the time of signing, the owner shall be furnished with a copy of the contract signed by both the home improvement contractor and the owner. No work shall begin prior to the signing of the contract and transmittal to the owner of a copy of the contract.

C. Contracts which fail to comply with the requirements of this Section shall not be invalid solely because of noncompliance.

Acts 2003, No. 1146, §2.

§2175.2. Home improvement contracting; registration required

A. No person shall undertake, offer to undertake, or agree to perform home improvement contracting services unless registered with and approved by the Residential Building Contractors Subcommittee of the State Licensing Board for Contractors as a home improvement contractor.

B. In order to be registered as a home improvement contractor, an applicant must make a written application under oath to the subcommittee. The application shall set forth information that includes the following:

(1) The applicant's name, home address, business address, and social security number.

(2) The names and addresses of any and all owners, partners, or trustees of the applicant including, in case of corporate entities, the names and addresses of any and all officers, directors, and principal shareholders. This Section shall not apply to publicly traded companies.

(3) A statement whether the applicant has ever been previously registered in the state as a home improvement contractor, under what other names he was previously registered, whether there have been previous judgments or arbitration awards against him, and whether his registration has ever been suspended or revoked.

C. The applicant shall furnish the board proof of workers' compensation insurance and proof of registration with the Department of Revenue by providing a certificate of resident/nonresident status.

D. The subcommittee shall fix fees, in an amount not to exceed fifty dollars, in a manner established by its rules for the registration and renewal for home improvement contractors.

E. No application for registration or renewal conforming to the requirements of this Section may be denied or revoked except for a finding by the subcommittee that the applicant has done one or more of the following acts which are grounds for denial:

(1) Made material omissions or misrepresentations of fact on their application for registration or renewal.

(2) Failed to pay either the registration fee or renewal fee.

(3) Failed consistently to perform contracts or has performed contracts in an unworkmanlike manner or has failed to complete contracts with no good cause or has engaged in fraud or bad faith with respect to such contracts.

F. The subcommittee shall issue and deliver a certificate of registration to all applicants who have been approved for registration. Each certificate of registration issued by the subcommittee shall bear a number which shall be valid for one year from the date of its issuance and may be renewed upon approval of the subcommittee. The certificate shall not be transferable.

Acts 2003, No. 1146, §2; Acts 2004, No. 724, §1.

§2175.3. Home improvement contracting; prohibited acts; violations

A. The following acts are prohibited by persons performing home improvement contracting services:

(1) Operating without a certificate of registration issued by the subcommittee.

(2) Abandoning or failing to perform, without justification, any contract or project engaged in or undertaken by a registered home improvement contractor, or deviating from or disregarding plans or specifications in any material respect without the consent of the owner.

(3) Failing to credit the owner any payment they have made to the home improvement contractor in connection with a home improvement contracting transaction.

(4) Making any material misrepresentation in the procurement of a contract or making any false promise likely to influence, persuade, or induce the procurement of a contract.

(5) Violation of the building code of the state or municipality.

(6) Failing to notify the subcommittee of any change of trade name or address, or conducting a home improvement contracting business in any name other than the one in which the home improvement contractor is registered.

(7) Failing to pay for materials or services rendered in connection with his operating as a home improvement contractor where he has received sufficient funds as payment for the particular construction work, project, or operation for which the services or material were rendered or purchased.

(8) Making a false representation that the person is a state licensed general contractor.

B. Violations of this Section shall subject the violator to the administrative sanctions as prescribed in this Part.

Acts 2003, No. 1146, §2.

§2175.4. Home improvement contracting; administrative penalties

A. If the subcommittee determines that any registrant is liable for violation of any of the provisions contained in this Part, the subcommittee may suspend the registrant's certificate of registration for such period of time as shall be determined by the subcommittee, revoke the registrant's certificate of registration, or reprimand the registrant.

B. The subcommittee may assess an administrative penalty not to exceed one hundred dollars or twenty-five percent of the total contract price, whichever is greater, payable within thirty days of their order, for each violation of any of the provisions of this Part, committed by the home improvement contractor who is registered or who is required to be registered, plus any administrative costs incurred by the subcommittee.

C. In determining whether to impose an administrative penalty, the administrator shall consider the seriousness of the violation, the effect of the violation on the complainant, any good faith on the part of the home improvement contractor, and the home improvement contractor's history of previous violations.

Acts 2003, No. 1146, §2.

§2175.5. Home improvement contracting; exceptions

A. The following persons are excepted from the provisions of this Part:

(1) The state or any of its political subdivisions.

(2) A homeowner who physically performs the home improvement work on his personal residence.

(3) Persons licensed as a contractor, subcontractor, or residential building contractor pursuant to Chapter 24 of this Title.

(4) Electricians, plumbers, architects, or other persons who are required by law to attain standards of competency or experience as a prerequisite to licensure for and engaging in such profession who are acting exclusively within the scope of the profession for which they are currently licensed pursuant to such other law.

(5) Any person who performs labor or services for a home improvement contractor for wages or salary and who does not act in the capacity as a home improvement contractor.

(6) Any person who works exclusively in any of the following home improvement areas:

(a) Landscaping.

(b) Interior painting or wall covering.

B. Nothing in this Section shall be construed to waive local and state health and life safety code requirements.

Acts 2003, No. 1146, §2.

CHAPTER 24-A. MOLD REMEDIATION

§2181. Purpose

The legislature hereby declares that it is in the best interest of the citizens of the state to require the licensure and regulation of those persons who perform mold remediation. The purpose of this Chapter is to require qualifying criteria in a professional field in which unqualified individuals may injure or mislead the public. The provisions of this Chapter shall contribute to the safety, health, and welfare of the people of this state.

Acts 2003, No. 880, §1.

§2182. Definitions

As used in this Chapter, the following words shall have the following meanings unless the context clearly indicates otherwise:

(1) “Applicant” means a person who seeks to be examined for licensure by the board.

(2) “Board” means the State Licensing Board for Contractors, as provided for in R.S. 37:2150 et seq.

(3) “Licensee” means any person who has been issued a license by the board in accordance with the provisions of this Chapter.

(4) “Mold remediation” means the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter that was not purposely grown at that location.

Acts 2003, No. 880, §1.

§2183. Scope

This Chapter applies only to the regulation of mold-related activities that affect indoor air quality and does not apply to routine cleaning when not conducted for the purpose of mold remediation.

Acts 2003, No. 880, §1.

§2184. Powers and duties of the board

In addition to the powers and duties allocated to the board pursuant to Chapter 24 of this Title, the board shall also:

(1) Adopt rules and regulations, in accordance with the Administrative Procedure Act, as the board deems necessary to administer and implement the provisions of this Chapter or to govern the practice of mold remediation in the state.

(2) Issue, suspend, modify, and revoke licenses to practice mold remediation.

(3) Report to the attorney general all persons who violate the provisions of this Chapter.

(4) Maintain an up-to-date list of all licensees.

(5) Adopt minimum standards of practice for persons licensed to conduct mold remediation.

Acts 2003, No. 880, §1.

§2185. Licensing required

A. Beginning July 1, 2004, no person shall engage in or conduct, or advertise or hold himself out as engaging in or conducting the business of, or acting in the capacity of a person who conducts mold remediation unless such person holds a mold remediation license as provided for in this Chapter.

B. The following persons shall not be required to obtain a license issued pursuant to this Chapter:

(1) A residential property owner who performs mold remediation on his own property.

(2) A nonresidential property owner, or the employee of such owner, who performs mold remediation on an apartment building owned by that person that has more than four dwelling units.

(3) An owner or tenant, or a managing agent or employee of an owner or tenant, who performs mold remediation on property owned or leased by the owner or tenant. This exemption does not apply if the managing agent or employee engages in the business of performing mold remediation for the public.

(4) An employee of a licensee who performs mold remediation while supervised by the licensee.

(5) A licensed residential building contractor who performs mold assessment or mold remediation services no more than twenty square feet when acting within the scope of his license.

Acts 2003, No. 880, §1.

§2186. Qualifications for licensure; application; fees

A. The board shall, by rule adopted in accordance with the Administrative Procedure Act, establish minimum qualifications for licensing. Applications for licenses and for renewal licenses shall be made in writing to the board on forms provided by the board.

B. An applicant for a license to perform mold remediation shall meet the following requirements:

(1) Attainment of eighteen years of age.

(2) Successful completion of high school or its equivalent.

(3) Present evidence to the board that he has satisfactorily completed at least the following board-approved course work:

(a) Twenty-four hours of training in mold remediation and basic mold assessment.

(b) Four hours of instruction in Louisiana’s “Unfair Trade Practices and Consumer Protection Law”.

(4) Payment of the appropriate fees.

(5) Submission of a license application as prescribed by the board.

(6) Has submitted insurance certificates evidencing workers’ compensation coverage in compliance with Title 23 of the Louisiana Revised Statutes of 1950 and liability insurance in a minimum amount of fifty thousand dollars.

C. An applicant shall furnish the board with a financial statement, current to within twelve months of the date of filing, prepared by an independent auditor and signed by the applicant and auditor before a notary public, stating the assets of the applicant, to be used by the board to determine the financial responsibility of the applicant to perform mold remediation services. Such assets shall include a net worth of at least ten thousand dollars. An applicant without the net worth required herein may furnish the board a bond, letter of credit, or other security acceptable to the board in the amount of such net worth requirement plus the amount of the applicant’s negative net worth if any, and the furnishing of such bond, letter of credit, or other security shall be deemed satisfaction of such net worth requirement for all purposes.

D. The board may charge and collect fees not in excess of the following:

(1) Application for license \$100.00

(2) License renewal \$100.00

(3) Delinquent renewal \$50.00

(4) The fee provided for in this Subsection shall not be charged to a licensed residential building contractor who performs mold remediation services when acting within the scope of his license.

Acts 2003, No. 880, §1.

§2187. Written reports; prohibited activities

A. A person who performs mold assessment services shall provide a written report to each person for whom he performs such services for compensation.

B.(1) No licensee shall perform both mold assessment and mold remediation on the same property.

(2) No person shall own an interest in both the entity which performs mold assessment services and the entity which performs mold remediation services on the same property.

Acts 2003, No. 880, §1.

§2188. License issuance and renewal

A. Licenses shall be issued for a period of one year and shall expire on the thirty-first day of December of the year in which they are issued. Licenses which are not renewed shall be considered to be expired, and any mold remediation activity which would require a license to perform which occurs after expiration of the license shall be deemed a violation of this Chapter.

B. Any licensee who fails to timely renew his license may thereafter renew upon payment of the appropriate renewal and delinquent fees and upon filing of a renewal application. The period for delinquent renewal of an expired license shall be limited to the six-month period immediately following the expiration date of the active license. Failure to renew an expired license during such six-month period shall result in forfeiture of renewal rights and shall require the former licensee to apply as an initial applicant and meet all requirements of an initial applicant.

C. Licenses shall be in a form prescribed by the board.

Acts 2003, No. 880, §1.

§2189. Prohibited acts; penalties

A. The board may suspend or revoke any license, or censure, fine, or impose probationary or other restrictions on any licensee for good cause shown which shall include but not be limited to the following:

- (1) Conviction of a felony or the entering of a plea of guilty or nolo contendere to a felony charge under the laws of the United States or any other state.
- (2) Deceit or misrepresentation in obtaining a license.
- (3) Providing false testimony before the board.
- (4) Efforts to deceive or defraud the public.
- (5) Professional incompetence or gross negligence.
- (6) Rendering, submitting, subscribing, or verifying false, deceptive, misleading, or unfounded opinions or reports.
- (7) Violating any rule or regulation adopted by the board or any provision of this Chapter.
- (8) Aiding or abetting a person to evade the provisions of this Chapter or knowingly combining or conspiring with an unlicensed person with the intent to evade the provisions of this Chapter.
- (9) Violating any standard of conduct adopted by the board.
- (10) Engaging in conduct, advertising or holding oneself out as engaging in or conducting the business of, or acting in the capacity of a person who performs mold remediation services without possessing a valid license.
- (11) Falsely representing oneself as being the holder of a valid license by using the title “licensed mold remediator” or any title, designation, or abbreviation deceptively similar or likely to create the impression that such person is licensed.

B. Violators of any of the provisions of this Section may be fined by the board in an amount not to exceed two thousand dollars per violation and ten thousand dollars for each subsequent violation.

C. All fines collected pursuant to this Section for violations shall annually, at each audit of the board, be

transferred to a separate contractor's educational trust fund to be used for educational purposes as determined by the board.

Acts 2003, No. 880, §1.

§2190. Revocation or suspension; payment of costs of proceedings

A. Revocation of a license as a result of disciplinary action by the board may prohibit the reissuance of a license to such licensee for a period of up to one year from the date of revocation. The license of an applicant whose license has been revoked may be reissued by the board upon the submission of evidence by the applicant of satisfactory completion of the board-approved course work required for new applicants pursuant to R.S. 37:2186(B)(3).

B. The board, as a probationary condition or as a condition of a revocation or suspension, may require a licensee to pay all costs of the board proceedings, including but not limited to investigators', stenographers', and attorney fees, and costs.

Acts 2003, No. 880, §1.

§2191. Cease and desist orders; injunctive relief

A. In addition to or in lieu of the criminal penalties and administrative sanctions provided for in this Chapter, the board may issue an order to any person engaged in any activity, conduct, or practice constituting a violation of any provision of this Chapter or any rule or regulation adopted pursuant to this Chapter directing such person to cease and desist from such activity, conduct, or practice. Such order shall be issued in the name of the state under the official seal of the board.

B. If the person to whom the board directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within two days of service of such order by certified mail, the board may seek a writ of injunction in any court of competent jurisdiction and proper venue enjoining such person from engaging in the activity, conduct, or practice.

Acts 2003, No. 880, §1.

§2192. Fees and other funds received

All fees and fines received by the board under this Chapter shall be used solely to effectuate the provisions of this Chapter and Chapter 24 of this Title.

Acts 2003, No. 880, §1.