

# **STATE OF LOUISIANA**

# **Contractors Licensing Law**

# **and**

# **Rules and Regulations**

August 1, 2022



Compiled and Issued by:

**STATE LICENSING BOARD FOR CONTRACTORS**

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## FOREWORD

This document presents the Louisiana Contractors Licensing Laws and Statutes, current through the 2022 Regular Legislative Session, and Rules and Regulations which were last updated in March 2021.

A Commercial license is required for commercial projects of fifty thousand dollars (\$50,000) or more; one dollar (\$1) or more for hazardous materials; or in excess of ten thousand dollars (\$10,000) for Plumbing, Electrical or Mechanical. The total value of the project includes the cost of all labor and materials.

A Residential license is required for residential building contractors when the cost of the undertaking exceeds seventy-five thousand dollars (\$75,000). Residential contractors are required to submit certificates evidencing workers' compensation coverage in compliance with Title 23 of the Louisiana Revised Statutes of 1950, and general liability insurance in a minimum amount of one hundred thousand dollars (\$100,000) during the application and renewal process.

A Mold Remediation license is required for mold remediation for projects exceeding seven thousand five hundred dollars (\$7,500) or more. Mold contractors are required to submit certificates evidencing workers' compensation coverage in compliance with Title 23 of the Louisiana Revised Statutes of 1950, and general liability insurance in a minimum amount of fifty thousand dollars (\$50,000) during the application and renewal process.

Home improvement contractors are required to register with the Board in order to perform home improvement work when the total project value (including labor and materials) exceeds seventy-five hundred dollars (\$7,500) but does not exceed seventy-five thousand dollars (\$75,000). Contractors who hold valid commercial or residential licenses with the Board are exempt from this registration requirement. Home improvement contractors are required to submit certificates evidencing workers' compensation coverage in compliance with Title 23 of the Louisiana Revised Statutes of 1950 and general liability insurance in a minimum amount of one hundred thousand dollars (\$100,000) during the application and renewal process. Home improvement contractors performing work in excess of seventy-five thousand dollars (\$75,000), including all labor and materials, are required to be licensed as a residential building contractor.

It is the duty of the awarding authority to ascertain if a contractor is duly licensed under the provisions of R.S. 37:2150-2165 before permitting the contractor to obtain plans and specifications, submit a bid or offer to construct a commercial project. Licenses of active contractors can be verified in real-time by visiting the website of the board at [www.lacontractor.org](http://www.lacontractor.org).

**STATE LICENSING BOARD FOR CONTRACTORS**  
**Contractors Licensing Law**  
**Title 37 of the Louisiana Revised Statutes, Chapter 24, Contractors**

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**CONTRACTORS LICENSING LAW**  
**La. R.S. 37:2150 - 2165**

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 and 771 of 1980; Act No. 668 of 1981; Act No. 832 of 1982; Act No. 295 and 296 of 1983; Act No. 51, 915 and 916 of 1984; Act Nos. 599, 645 and 932 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; Act No. 398 of 2007; Act Nos.387, 576 and 725 of 2008; Act No. 156 of 2009; Act No. 67 of 2010; Act No. 107 of 2011; Act Nos. 163, 193 and 803 of 2012; Act Nos. 60 and 195 of 2013; Act Nos. 791 and 862 of 2014; Act Nos. 49 and 231 of 2017; Act Nos. 387 and 529 of 2018; Act No. 371 of 2019; Act Nos. 102 and 242 of 2020; Act 48 of 2021; and Act 195 of 2022. 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**

**§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.

**§2150.1. Definitions**

As used in this Chapter, the following terms have the following meanings:

(1) "Board" means the State Licensing Board for Contractors.

(2) "Commercial purposes" means any construction project except residential structures intended to be primarily occupied as a residence with no more than four separate dwelling units incorporated into one structure.

(3) "Contract" means an agreement to perform a scope of work that is regulated by this Chapter. It includes the entire cost of the labor, materials, rentals, and all direct and indirect project expenses. The cost of materials, rentals, and direct and indirect expenses shall be included regardless of who pays the costs or if they are donated. The "principal contract" is the agreement to perform the entire scope of work for a construction project.

(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, furnishing labor, or furnishing labor together with material or equipment, or installing material or equipment for any of the following:

(i) 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 is fifty thousand dollars or more when the property is to be used for commercial purposes.

(ii) Any new residential structure where the entire cost is seventy-five thousand dollars or more when the property is used for residential purposes.

(iii) Any improvements or repairs where the entire cost exceeds seven thousand five hundred dollars to an existing residential structure.

(iv) Any mold remediation where the entire cost exceeds seven thousand five hundred dollars.

(b) The term "contractor" includes persons 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 or proprietary equipment supplied by such person to a contractor to be used solely by the contractor for a construction undertaking. "Proprietary" shall mean specific and specialized equipment installation, manufacturing processes, uses, or components that are protected from disclosure to third parties by the owner or manufacturer of the equipment.

(5) "Electrical 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 together with material and equipment, or installing the same for the wiring, fixtures, or appliances for the supply of electricity to any residential, commercial, or other project, when the cost of the undertaking exceeds the sum of ten thousand dollars. This Paragraph shall not be deemed or construed to limit the authority of a contractor, general contractor, or residential contractor, as those terms are defined in this Section, nor to require such individuals to become an electrical contractor.

(6) "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. The executive director shall be the appointing authority for all employees of the board.

(7)(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 or proprietary equipment supplied by such person to a contractor to be used solely by the contractor for a construction undertaking.

(8) "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 residential structure 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 where the project value exceeds seven thousand five hundred dollars but is not greater than seventy-five thousand dollars. "Home improvement contracting" shall not include services rendered gratuitously.

(9) "Home improvement contractor" means any person who undertakes or attempts to undertake or submits a price or bid on any home improvement contracting project.

(10) "Mechanical 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 and equipment, or installing the same for the construction, installation, maintenance, testing, and repair of air conditioning, refrigeration, heating systems, and plumbing for all residential, commercial, and industrial applications as well as ventilation systems, mechanical work controls, boilers and other pressure vessels, steam and hot water systems and piping, gas piping and fuel storage, and chilled water and condensing water systems and piping, including but not limited to any type of industrial process piping and related valves, fittings, and components, when the cost of the undertaking exceeds the sum of ten thousand dollars. This Paragraph shall not be deemed or construed to limit the authority of a contractor, general contractor, or residential contractor, as those terms are defined in this Section, nor to require such individuals to become a mechanical contractor.

(11) "Mold remediation contractor" means any person who engages in removal, cleaning, sanitizing, demolition, or other treatment, including preventative activities, of mold or mold-contaminated matter that was not purposely grown at that location and where the costs for such labor and materials exceed seven thousand five hundred dollars. Mold remediation 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-related activities intended to affect indoor air quality.

(12) "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.

(13) "Plumbing contractor" means any person who installs, maintains, and repairs potable and nonpotable tap water or sewer systems within a building structure or residential structure when the cost of the undertaking exceeds the sum of ten thousand dollars.

(14) "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 any continuation thereof.

(15) "Residential contractor" means any person who constructs a fixed building or structure for sale or 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 residential 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 seventy-five thousand dollars. The term "residential contractor" includes all persons who receive an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services. "Residential contractor" also means any person performing home improvement contracting as provided for in this Section when the cost of the undertaking exceeds seventy-five thousand dollars. It shall not include the manufactured housing industry or those persons engaged in building residential structures that are mounted on metal chassis and wheels.

(16) "Residential structure" means a building or structure that is used primarily for occupancy by a person as a residence. Such structures or buildings include but are not limited to single family dwellings, duplexes, triplexes, and fourplexes which are not more than three floors in height and structures that are part of or adjacent to the building or structures to be used as a residence.

(17) "Subcontract" means an agreement to perform a portion of the scope of work contained in the principal contract including the entire cost of labor and materials of that part of the principal contract which is performed by the subcontractor.

(18)(a) "Subcontractor" means a person who contracts to perform a scope of work that is a part of the scope of work contained in the principal contract.

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

**§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. The members shall serve without compensation.

(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) Each member shall have been actively engaged as a responsible contractor in the construction classification that he represents for the five-year period prior to his appointment as a board member, except for any member appointed pursuant to Paragraph (B)(6) of this Section if he represents the public at large.

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

B. The members shall be selected and appointed as follows:

(1) 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. Three members shall be appointed from a list of six names submitted by the Louisiana Associated General Contractors. One member shall be appointed from a list of three names submitted by the Louisiana Asphalt Pavement Association.

(2) At least six 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. Two members shall be appointed from a list of four names submitted by the Louisiana Associated General Contractors. Four members shall be appointed from a list of eight names submitted by the Associated Builders and Contractors of Louisiana.

(3) At least one member shall have had the greater part of his experience as a licensed contractor in the field of mechanical construction, and shall be appointed from a list of three names submitted by the Mechanical Contractors Association of Louisiana.

(4) At least one member shall have had the greater part of his experience as a licensed contractor in the field of electrical construction, and shall be appointed from a list of three names submitted by the Louisiana Council of the National Electrical Contractors Association.

(5) 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, and shall be appointed from a list of four names submitted by the American Subcontractors Association of Louisiana.

(6) At least three members shall be from and represent the public at large and shall not earn their livelihood in a construction-related industry.

(7) At least one member shall have had the greater experience as a licensed contractor in the field of oil field construction, and shall be appointed from a list of three names submitted by the Louisiana Oilfield Contractors Association.

(8) There shall be one member from the National Association for the Advancement of Colored People.

C. All vacancies 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.



D. 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.

#### **§2152. Domicile; officers**

A. (1) The board shall meet in the city of Baton Rouge which place is fixed as the domicile of the board.

(2) Meetings of the board shall be subject to the Open Meetings Law. The board may hold regular or special meetings outside of Baton Rouge at a location within the state after proper notice has been provided to the public. Meetings outside of Baton Rouge shall be held at a meeting space located in a public building and open to the public for the purposes of the meeting. At least a majority of the regular monthly meetings of the board each year shall be held in Baton Rouge.

B. (1) The governor shall designate one member of the board to serve as chairman.

(2) The members shall, by a majority vote, designate a member to serve as vice chairman, a member to serve as secretary, and a member to serve as treasurer.

#### **§2153. Powers of the board**

A. The board is hereby vested with the authority requisite and necessary to carry out the intent of the provisions of this Chapter. The board shall have the power to make, amend, or repeal by-laws, rules, and regulations for the proper administration and enforcement of this Chapter and to 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 to fully effectuate the purpose 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 17 of Subtitle III 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. The board may sue and be sued and shall have the right and authority to obtain, in the jurisdiction in which a violation of the provisions of this Chapter occurs, upon submission of an affidavit in support, a temporary restraining order and preliminary and permanent injunctions, without the necessity of posting a bond or other security, restraining and prohibiting the violation of this Chapter and the performance of any work then being performed or about to be performed.

F. 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) Hold hearings in accordance with the provisions of R.S. 49:951 through 965.1 to consider violations of the provisions of this Chapter and the rules and regulations of the board.

(3) 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.

(4) Issues fines, penalties, and other costs for violations of the provisions of this Chapter and the rules and regulations of the board.

(5) Recognize that 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 the state in which the applicant is licensed. The business law course 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.

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

G. 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.

#### **§2154. Meetings; compensation; quorum; books and records; audit report**

A. The board shall have at least one regular meeting per month on dates and times designated by the chairman, unless, for good cause, a monthly meeting cannot be held. Notice of board meetings shall be posted on the board's official website and at the board office at least ten days prior to the date when the board is to meet.

B. Before a special meeting may be held, notice stating the time, place, and purpose of the meeting shall be sent by the chairman or vice chairman of the board by electronic means to the members of the board, at least three days before the date of the meeting.

C. 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.

D. Ten members of the board shall constitute a quorum, which shall be sufficient for the board to conduct business, regardless of the total number of members appointed.

E. There shall be no voting by proxy.

F. The treasurer shall be responsible for receiving and accounting for all money derived from the operation of this Chapter.

G. The board shall maintain a roster, showing the names and places of business of all licensed contractors. The roster shall be maintained and available on the board's official website.

H. The secretary of the board shall oversee and attest to the minutes of each meeting. Copies shall be made available to each board member and to the public upon adoption of the minutes at the next scheduled meeting of the board.

I. 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.

#### **§2155. Residential Contractors subcommittee; membership; terms; powers; duties**

A. There is hereby established within the board the Residential Contractors Subcommittee, hereinafter referred to as "residential subcommittee", consisting of five members who shall be residents of this state 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 from and appointed to represent the first congressional district, one member shall be from and appointed to represent the second congressional district, one member shall be from and appointed to represent the third congressional district, one member shall be from and appointed to represent the fourth and fifth congressional districts, and one member shall be from and appointed to represent the sixth congressional district.

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 board shall serve as executive director of the residential subcommittee and shall not have voting privileges.

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

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

(b) His presence is necessary to establish a quorum of the residential subcommittee, only one appointed member of the residential 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 board shall serve on the residential 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 residential subcommittee. This additional ex officio member shall be appointed by the chairman of the board and shall serve as the vice chairman of the residential subcommittee. He shall have voting privileges only if there is a tie vote between an appointed member of the residential subcommittee and the ex officio member serving as chairman of the residential subcommittee.

(3) The board shall pay per diem and travel expenses for ex officio members.

E. A quorum of the residential subcommittee shall consist of a majority of its members which shall be sufficient to conduct residential subcommittee business, and the residential subcommittee shall meet at least once every other month to conduct its business unless, for good cause, a meeting cannot be held. Notice of residential subcommittee meetings shall be posted on the board's official website and at the board office at least ten days prior to the date when the residential subcommittee is to meet.

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

G. Subject to the approval of the board, the residential subcommittee shall have all of the following powers and duties:

(1) To adopt rules and regulations to govern residential and home improvement contractors in this state.

(2) To issue, suspend, modify, or revoke licenses to do business in this state 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 residential subcommittee shall not approve for use by licensees any continuing education courses or written training programs provided by a member of the residential subcommittee or legal entity in which he has a controlling interest.

(4) To cause the enforcement against, and the prosecution and enjoinder of, all persons violating provisions of this Chapter, and rules and regulations of the board; issue fines, penalties, and other costs for violations; and incur necessary expenses therefor.

#### **§2156. Applications; licenses; fees; renewals**

A. (1) The board may receive an application from a person pursuant to the provisions of this Chapter at any time. Upon initial application, the license of a person shall be issued after all requirements have been met and approved by the board. The executive director shall compile a list of all applicants for licensure for inclusion in the agenda that are to be considered at a board meeting.

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

B. (1) To defray the cost of issuing licenses and of administering the provisions of this Chapter, the board shall fix reasonable fees to be assessed pursuant to the provisions of 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 a lesser amount as set by the board.

(2) All fees received by the board in accordance with this Chapter shall be solely used to effectuate the provisions of this Chapter.

(3) All fees shall be paid prior to the issuance of a license or other changes or additions to an existing license.

C. Fees for licenses shall not exceed the following amounts:

(1) Examination fee \$50.00

(2) License fee \$100.00

(3) Renewal fee \$100.00

(4) Delinquent fee \$50.00

(5) Home Improvement fee \$50.00

D. The board may 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 this state, to be utilized to defray the additional cost of the investigation of the application of the non-Louisiana contractor.

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

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

G. The licensee may apply for and receive additions to or changes in his classification by applying, successfully completing the written examination, and paying the required fees. Additions or changes to an existing license shall become effective after completion of the requirements and upon board approval.

H. Licenses and renewals issued pursuant to the provisions of this Chapter shall expire on the anniversary of the date on which the license was originally issued. Licensees shall elect upon renewal one-, two-, or three-year license renewal terms, and licenses may be issued by the board on a multiple-year basis, not to exceed a three-year renewal term for any license. The license becomes invalid on the last day of the term for which it was issued unless renewed; however, after a license has expired, the person to whom the license was issued shall have fifteen days following the expiration date to file an application for the renewal of the license without the payment of a penalty. Any person who makes an application for the renewal of a license after fifteen days 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 a penalty, not exceeding the sum of fifty dollars, that the board may impose.

I. 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.

J. (1) The board shall assess on each license renewal issued to a contractor an additional fee of one hundred dollars per year to be dedicated and allocated as provided in this Paragraph to any public university in this state or any community college school of construction management or construction technology in this state that is accredited by either the American Council for Construction Education or the Accreditation Board for Engineering and Technology. The board shall include on each license renewal form issued to a contractor an optional election whereby the contractor may choose to not participate in the remission of the additional one hundred dollar dedication fee.

(2) Each January, each accredited public university or community college school of construction management or construction technology shall report to the board the number of graduates from its school of construction management or construction technology from the previous calendar year.

(3) Any and all funds collected pursuant to this Paragraph shall be disbursed to the accredited public university or community college schools of construction management or construction technology by August first of each year upon completion of the annual audit of the board. The funds shall be used by the accredited public university or community college schools of construction management or construction technology solely for the benefit of their program and the expenditure of such funds shall be approved by the industry advisory council or board for the program. The funds collected pursuant to this Paragraph shall be in addition to any other monies received by such schools and are intended to supplement and not replace, displace, or supplant any other funds received from the state or from any other source. Any school of construction management or construction technology that experiences a decrease in the funding appropriated to them by the accredited public university or community college as determined by the industry advisory council or board for the program shall be ineligible for participation under the provisions of this Paragraph, and the monies from the fund for such school of construction management or construction technology shall be redistributed on a pro rata basis to all other accredited and eligible schools.

(4) The funds collected pursuant to this Subsection shall be distributed as follows:

(a) One-half on a pro rata basis to each accredited public university's or community college's schools of construction management or construction technology. However, each accredited public university shall receive twice as much funds as each community college.

(b) One-half pro rata to each accredited public university school of construction management or construction technology based on the total number of graduates from the previous calendar year from each school as reported to the board.

(5) No funds shall be allocated to any public university or community college school of construction management or construction technology that does not maintain current and active accreditation as required by this Paragraph.

K. The licenses issued pursuant to the provisions of this Chapter are not transferable.

L. 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.

M. 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.

#### **§2156.1. Requirements for issuance of a license**

A. To become licensed in accordance with the provisions of this Chapter, an applicant 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.
- (6) Mechanical.
- (7) Plumbing.
- (8) Hazardous materials.
- (9) Residential construction.

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

C. (1) Commercial, residential, and mold remediation applicants shall furnish the board with a financial statement, current to within twelve months of the date of filing, prepared by an accountant, bookkeeper, or certified public accountant and signed by the applicant stating that the statement of applicant's assets and financial condition is true and correct. The assets shall include a net worth of at least ten thousand dollars. An applicant without the net worth required herein may also furnish

the board a bond, letter of credit, or other security acceptable to the board in the amount of the net worth requirement plus the amount of the applicant's negative net worth if any, and the furnishing of the bond, letter of credit, or other security shall be deemed satisfaction of the 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 57.

(2) No financial statement is required for a license renewal.

D. (1) An applicant for commercial, residential, or mold remediation contractor 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 and pass any mandatory examination required by the board or present any credential required. 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 the 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 persons who may be a qualifying party or parties are:

(a) A sole proprietor or spouse of a sole proprietor.

(b) Any employee of an applicant who has been in full-time employment for one hundred twenty consecutive days immediately preceding the application. The employee may be allowed to be the qualifying party for the licensed company and related entities.

(c) Any stockholder, officer, or incorporator of a corporation.

(d) Any partner of a partnership.

(e) Any member or manager of a limited liability company.

(2) A qualifying party for a licensed contractor may be a qualifying party for any affiliated entities to the licensed contractor.

(3) Upon good showing, the board may exempt any qualifying party from the required examinations. The board shall exempt from testing for a residential construction license any person working in the residential industry who holds a building construction license that was issued by the board if requested by the building contractor.

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

E. Residential construction and home improvement construction applicants for licensure shall be required to submit 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. 22:46(9)(d) in a minimum amount of one hundred thousand dollars.

F. (1) Notwithstanding any other provision of law to the contrary, any residential contractor in good standing with the board who has held a license to engage in residential construction issued pursuant to this Chapter for not less than one consecutive year may elect to place his license in an inactive status with the board, if he applies for a transfer to inactive status.

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

(b) An inactive licensee shall be required to renew his inactive license in the same manner as provided in R.S. 37:2156(H) and by paying a renewal fee, which shall not exceed the renewal fee paid by active licensees. However, an inactive licensee shall not be required to submit insurance certificates pursuant to Subsection E of this Section or fulfill any other additional requirements that an active licensee would not be required to fulfill when renewing his license.

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

(d) A licensee may request transfer from inactive status to active status at any time, if all of the following conditions exist:

(i) The inactive license has been renewed as provided for in this Section.

(ii) The inactive license is current at the time the request is received by the board.

(iii) The licensee submits the required insurance certificates as provided in Subsection E of this Section.

G. Mold remediation license applicants shall be required to furnish all of the following before a license is issued:

(1) Evidence to the board that he has satisfactorily completed at least twenty-four hours of training in mold remediation and basic mold assessment.

(2) 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.

H. (1) Upon completion of the requirements for licensure and issuance of a state license for the classification of work for which the contractor has applied; mechanical, plumbing, or electrical contractors licensed pursuant to the provisions of this Section are excluded from local, municipal, or parish regulatory authority examination procedures and may bid and perform work within any local jurisdiction upon paying all appropriate fees.

(2) The purpose of this Subsection is to preempt local, municipal, or parish regulatory examination authority for statewide-licensed mechanical, plumbing, or electrical contractors bidding and performing work in multiple jurisdictions. This preemption shall further exclude the employees of statewide-licensed electrical and mechanical contractors from local, municipal, or parish regulatory examination or certification authority as a condition to performing work for the statewide-licensed electrical or mechanical contractor.

I. (1) Any plumbing contractor who currently holds a Master Plumber License from the State Plumbing Board of Louisiana shall be exempt from any requirement for passage of an additional examination in that license classification and may bid and perform plumbing work statewide after receiving a license from this board.

(2) Nothing in this Subsection 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.

J. 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 Department of Environmental Quality to perform asbestos removal and abatement work.

K. (1) The examination requirement of this Chapter shall not apply to any arborist who currently holds a valid state license issued pursuant to R.S. 3:3804 in the landscaping, grading, and beautification subclassification. The arborist may bid and perform the arborist work described in R.S. 3:3808(A)(1)(a), statewide, after applying to the board for an exemption on a form prepared by the board.



(2) Nothing in this Subsection shall be construed to permit arborists to recommend or execute arborist work without first complying with the licensure provisions of Chapter 24 of Title 3 of the Louisiana Revised Statutes of 1950, R.S. 3:3801 et seq.

L. The board may consolidate, add, or remove subclassifications or specialties by rule as it deems appropriate.

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

Any contractor possessing a major classification is permitted to bid or perform any of the specialty type work required to perform its scope of work for its respective classification. Under each major category listed in this Subsection is a list of subclassifications that a specialty contractor may obtain, as follows:

I. Building construction

Subclassifications:

1. Acoustical treatments
2. Fire sprinkler work
3. Foundations for buildings, equipment, or machinery
4. Incinerator construction
5. Installation of equipment, machinery, and engines
6. Installation of pneumatic tubes and conveyors
7. Insulation for cold storage and buildings
8. Insulation for pipes and boilers
9. Landscaping, grading, and beautification
10. Lathing, plastering, and stuccoing
11. Masonry, brick, stone
12. Painting and flooring
13. Pile driving
14. Rigging, house moving, wrecking, and dismantling
15. Roof decks
16. Roofing and sheet metal, siding
17. Sheet metal duct work
18. Steam and hot water heating in buildings or plants

19. Steel erection and installation
20. Stone, granite, slate, resilient floor installations
21. Swimming pools
22. Tile, terrazzo, and marble
23. Water cooling towers and accessories
24. Drywall
25. Driveways, parking areas, asphalt, and concrete, exclusive of highway and street work
26. Fencing
27. Labor Only

## II. Highway, street, and bridge construction

### Subclassifications:

1. Driveways, parking areas, asphalt, and 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. Bridges, over and underpasses
13. Landscaping, grading, and beautification
14. Fencing
15. Furnishing and installation of movable structures or machinery, excluding electrical and mechanical work

16. Labor Only

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. Railroads
11. Transmission pipeline construction
12. Tunnels
13. Wharves, docks, harbor improvements, and terminals
14. Landscaping, grading, and beautification
15. Fencing
16. Labor Only

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
11. Labor Only

#### V. Electrical

##### Subclassifications:

1. Electrical transmission lines
2. Underground electrical conduit installation
3. Electrical controls

#### VI. Mechanical

##### Subclassifications:

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

#### VII. 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.

#### VIII. Hazardous materials

##### Subclassifications:

1. Asbestos removal and abatement
2. Hazardous waste treatment or removal

3. Any other classification for which the Department of Environmental Quality requires certification pursuant to law or regulation.

IX. Residential construction

**§2156.3. Installation of solar energy equipment and systems**

A. No licensed contractor shall install solar energy equipment or solar energy systems on or after February 1, 2015, unless he is in compliance with the provisions of this Section and any rules adopted by the board in accordance with the provisions of this Section.

B. Contractors applying for the classification of Solar Energy Equipment, shall, in addition to all other application or licensing requirements, hold one or more of the following major classifications:

(1) Building Construction.

(2) Electrical.

(3) Mechanical.

(4) Residential Construction.

C. Any work performed to connect wiring or hookups for any photovoltaic panel or system wherein the panel or system is of a value, including labor, materials, rentals, and all direct and indirect project expenses, of ten thousand dollars or more shall be performed only by a contractor or subcontractor who holds the classification to perform Electrical Work.

D. Any work performed to connect piping or equipment for any solar thermal system wherein the system is of a value, including labor, materials, rentals, and all direct and indirect project expenses, of ten thousand dollars or more shall be performed only by a contractor or subcontractor who holds the classification to perform Mechanical Work or who may perform mechanical work.

E. The provisions of this Section shall be applicable to entities engaging in the business of selling, leasing, installing, servicing, or monitoring solar energy equipment. Nothing in this Section shall be construed to impose civil or criminal liability on homeowners or on any third party whose involvement is financing to the homeowner, financing for installation, or purchasing the tax credits described in this Section from any homeowner or contractor. Entities engaged in the business of arranging agreements for the lease or sale of solar energy systems or acquiring customers for financing entities shall not be exempt from the provisions of this Section.

**§2157. Exemptions**

A. The provisions of this Part shall not apply to any of the following:

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

(2) 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 the public utility in furnishing its authorized service.

(3) 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, plant facility, or any other construction undertaking, on that property, for use by the 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.

(4) Any person donating labor and services for the supervision and construction of or for the maintenance and repair of churches.

(5) Any farmer doing construction for agricultural purposes on leased or owned land.

(6) Any person bidding or performing work on any project totally owned by the federal government.

(7) Any person engaged in rail or pipeline construction activities performed on property he owns or leases.

(8) Any citizen volunteering labor for the construction of a project which is funded by the Louisiana Community Development Block Grant, Louisiana Small Towns Environment Program.

(9) Any person, supplier, or manufacturer who assembles, repairs, maintains, moves, puts up, tears down, or disassembles any patented or proprietary equipment supplied to a contractor to be used solely for a construction project.

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

(11) Any person bidding or performing work on any project paid for by monies from the Oilfield Site Restoration Fund or Coronavirus Aid, Relief, and Economic Security (CARES) Act.

(12) Any work covering dewatering or water mitigation.

(13) Any employee of any contractor.

(14) 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, if 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 single-family dwelling 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.

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

(16) The following persons are exempt from home improvement licensure:

(a) A residential property owner who physically performs the home improvement work on his personal residence.

(b) Persons licensed as a building construction contractor or residential contractor.

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

(i) Landscaping

(ii) Interior painting or wall covering.

(17) The following persons are exempt from mold remediation licensure:

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

(b) 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.

B. The provisions of this Section shall not be construed to waive local and state health and life safety code requirements.

**§2158. Revocation and suspension of licenses; issuance of cease and desist orders; debarment; violations; penalty; criminal penalty**

A. No person may engage in the business of contracting, or act as a contractor as defined in this Chapter, unless he holds an active license as a contractor in accordance with the provisions of this Chapter. The board and residential subcommittee may revoke, suspend, or refuse to renew a license; issue cease and desist orders to stop work; issue fines and penalties; or debar any person or licensee licensed pursuant to the provisions of this Chapter for any of the following violations:

(1) Undertaking, attempting to, or submitting a price or bid; offering to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down; furnishing labor or furnishing labor together with material or equipment; or installing material or equipment 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 without possessing a license for which a license is required or without possessing a license with the proper classification.

(2) Falsely representing or advertising regarding the person's license status or classification.

(3) Any dishonest or fraudulent act as a contractor which has caused damage to another, as adjudged by a court of competent jurisdiction.

(4) Bidding on, quoting, estimating, or performing a job for which a license is required, the licensee shall hold the classification for the majority of work performed.

(5) Misrepresentation of fact by an applicant in obtaining a license; misrepresentation of fact by an applicant or licensee in providing information, statements, or documents to the staff or board; deception by omission; and providing false testimony to the board.

(6) Failure to comply with the provisions of this Chapter or the rules and regulations promulgated pursuant thereto.

(7) Entering into a contract with an unlicensed contractor involving work or activity for the performance of which a license is required by this Chapter.

(8) Permitting the contractor's license to be used by another contractor when the other contractor does not hold a license for the classification of work for which the contract is entered.

(9) Failure to maintain a qualifying party to represent the licensee.

(10) Failure to continue to fulfill any of the requirements for original licensure.

(11) 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 contracting business history or experience.

(12) Disqualification or debarment by any public entity.

(13) Failure to notify the board of any change in corporate name, company name, address of the licensee, or any other contact information as required.

(14) Assisting a person to circumvent the provisions of this Chapter.

(15) Failure of a contractor performing residential or home improvement construction in accordance with this Chapter to provide, in writing to the party with whom he has contracted to perform contracting services, his name, contracting license number, classification, and current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage when requested by the contracting party for whom the work is to be performed.

(16) Abandoning or failing to perform, without justification, any contract or project engaged in or undertaken by any licensee or deviating from or disregarding plans or specifications in any material respect without the consent of the owner.

(17) Conviction of a crime or the entering of a plea of guilty or nolo contendere to a criminal charge under the laws of the United States or any other state related to the construction business involving dishonesty or causing physical harm or damages to another person.

(18) Efforts to deceive or defraud the public.

(19) It is a violation for a mold remediation contractor to:

(a) Fail to provide a written report to each person for whom he performs such services for compensation.

(b) Render, submit, subscribe, or verify false, deceptive, misleading, or unfounded opinions or reports.

(c) Perform both mold assessment and mold remediation on the same property.

(d) Own an interest in both the entity which performs mold assessment services and the entity which performs mold remediation services on the same property.

B. (1) In determining the value of a project, any division of a contract or scope of work into parts which would avoid the necessity of a license to bid, contract, or perform the work, will be disregarded, and the divided parts of the contract or scope of work will be treated as one contract or scope of work for purposes of determining whether a license is required.

(2) For the purpose of determining a scope of work, the board shall review whether the contract or contracts in question constitute a single scope of work or whether they constitute separate scopes of work. The board may be guided in this interpretation by a review of the drawings, plot plans, blueprints, architectural plans, site maps, technical drawings, engineering designs, sketches, diagrams, black lines, blue lines, drafts, or other rendering depicting the total scope of work.

C. In the event of a revocation of a license or a qualifying party status, the person or qualifying party shall be ineligible to apply for a license or qualifying party status for one year following the revocation.

D. The board may refuse to license any entity that has been debarred pursuant to R.S. 39:1672. Further, the board may hold a hearing for any licensee debarred pursuant to R.S. 39:1672 and suspend or revoke a license, order the licensee to discontinue all work on a construction project, or further debar a person or licensee from bidding on projects for any public entity for up to three years.

E. Any party to the proceeding who is aggrieved by the action of the board may appeal the decision in accordance with R.S. 49:951 through 965.1.

F. In accordance with the provisions of R.S. 49:951 through 965.1, any person who applies for and is denied a license by the board, or whose license has been revoked, rescinded, or suspended, may appeal to the Nineteenth Judicial District Court in and for the parish of East Baton Rouge to determine whether the board has abused its discretion.



**§2159. Home improvement contracting; written contract required; claims of unlicensed persons**

A. Every agreement for any licensee to perform home improvement contracting services, as defined by this Chapter, in an amount in excess of seven thousand five hundred dollars, but not in excess of seventy-five thousand 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, including current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage by any person required to be as a home improvement contractor.

(2) The full names, addresses, and the license number of the contractor.

(3) A description of the work to be performed.

(4)(a) The total amount agreed to be paid for the work to be performed under the contract.

(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.

D. No home improvement contractor who fails to obtain a license as provided for in this Chapter shall be entitled to file a statement of claim or a statement of lien or privilege with respect to monetary sums allegedly owed under any contract, whether express, implied, or otherwise, when any provision of this Chapter requires that the home improvement contractor possess a home improvement license issued by the residential subcommittee in order to have properly entered into such a contract.

**§2160. Local regulatory authority; permit offices; staff; building permits**

A. Each month the staff of the board may inspect the list of permits issued by each local building permit official in this state to ensure that no person is working as a contractor without an active license. Upon request, parish and municipal permitting authorities shall provide to board staff, all unredacted documents relating to building permits, applications, and inspections.

B. 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 appropriate, applicable contractor's license issued by the board, or that the applicant's proposed building activity is exempt from such licensure in accordance with this Chapter.

C. 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.

D. The provisions of this Chapter shall preempt municipal or other local regulatory examination authority over all licensees. If 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.

### **§2161. Construction management**

A. (1) Any person who performs, attempts to perform, or submits a price, bid or offer to perform work in construction management whose scope of authority and responsibility include supervision, oversight, direction, or in any manner assumes charge for the construction services provided to an owner by a contractor or contractors, in which the value of the construction project is:

(a) In excess of fifty thousand dollars for a commercial construction project, shall possess a license from the board in the major classification applicable to the type of work being performed on the construction project.

(b) In excess of seventy-five thousand dollars for a residential construction project, shall possess a license from the board in the classification of residential construction.

(c) in excess of seven thousand five hundred dollars for a home improvement project, shall possess a license from the board in the classification of home improvement construction.

(2) An architect or engineer ensuring compliance with the plans and specifications for the construction project on behalf of the owner, or construction manager whose scope of authority and responsibilities do not include any of the tasks provided for in this Subsection and does not subcontract actual construction work, is not required to obtain a contractor's license.

(3) An employee of the owner who supervises the construction or ensures compliance with the plans and specifications on behalf of the owner but does not bid or perform construction work for which a license is required does not have to be licensed.

### **§2162. Joint venture**

When two or more persons bid, contract, or perform construction work as a joint venture on any project for which a contractor's license is required, the joint venture is required to be properly licensed by the board at the time of bid, contract, and performance of work in the classification for which the joint venture will perform work. This requirement applies to but is not limited to a corporation, limited liability company, limited liability partnership, general partnership and any other entity operating as a joint venture on a project for which a contractor's license is required from this board. This licensing requirement is required before persons or contractors are permitted to bid, contract, or perform work on a project for which a license is required regardless of whether they intended to operate as a joint venture.

### **§2163. 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 contracting, or to act as a contractor as defined in this Chapter, unless he holds an active license as a contractor in accordance with 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 board.

C. (1) Anyone found to be in violation of this Section 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.

(2) Notwithstanding any action taken by the board, any person who does not possess a license from the board and violates any of the provisions of this Section, and causes harm or damage to another in excess of three hundred dollars, upon conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars, or imprisoned, with or without hard labor, for not less than six months nor more than five years, or both.

(3) Any fine assessed and collected in accordance with the provisions of this Section shall be remitted to the contractor's educational trust fund provided for in R.S. 37:2164(l).

D. The district attorney in whose jurisdiction the violation occurs shall have sole authority to prosecute criminal actions pursuant to this Section.

#### **2164. Violations; civil penalty; jurisdiction**

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 ten percent of the total contract or the value of the work bid or being performed for which there is a violation. In addition to the fine, the board may impose administrative costs and attorney fees for each offense. In determining whether to impose an administrative penalty, the board or residential subcommittee shall consider the seriousness of the violation, cooperation on the part of the contractor, and the history of previous violations.

B. In addition to or in lieu of the criminal penalties and administrative sanctions provided in this Chapter, the board may issue an order to cease and desist to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this Chapter. The 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 the person or firm from engaging in any activity, conduct, or practice prohibited by this Chapter.

D. Upon proper showing by the board that a person or firm has engaged or is engaged in any activity, conduct, or practice prohibited by this Chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in the unlawful activity, conduct, or practice pending the hearing on a preliminary injunction. In due course, a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practice without the board having to give bond. A temporary restraining order, preliminary injunction, or permanent injunction issued pursuant to the provisions of this Section 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 the provisions of this Section and fails to prove its case, then it shall be liable to the 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 one year, of any application from anyone who, prior to the application, has had his license revoked by the board or residential subcommittee.

I. All fines or penalties collected by the board pursuant to the provisions of 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 trustees of the fund. The Construction Education Trust Fund shall make an audited financial report to the board annually.

J. 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 an appeal has not been so filed, the board may initiate civil proceedings against the party seeking to obtain a judgment against that party in an amount equivalent to the amount of the fine assessed, together with legal interest and all reasonable attorney fees incurred by the board in bringing the action. The proceedings shall be conducted on a summary basis, with the defendant being limited to the defense of lack of notice as to the meeting of the board during

which the fine was assessed. All proceedings brought pursuant to the provisions of this Subsection shall lie in any court of competent jurisdiction in this state.

K. In addition to all other authority granted to the board by the provisions of this Chapter, the board shall have the authority to cause to be issued to any person who is alleged to have violated any of the provisions of this Chapter a citation setting forth the nature of the alleged violation, which provides to that person the option of either pleading no contest to the charge and paying a fine to the board prescribed by any provision of this Chapter or appearing at an administrative hearing conducted by the board regarding the alleged violation. The citations may be issued by any authorized employee of the board, and may be issued either in person, by certified mail with a return receipt, or by email with a read receipt from the noticed person. This Subsection shall not be applicable to any criminal enforcement action brought pursuant to the provisions of this Chapter.

#### **§2165. Bid procedures; penalty**

A. (1) It is the intent of this Section that only contractors who hold an appropriate 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 in accordance with the provisions of this Chapter by displaying 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 by this Subsection, if the bid does not display the contractor's license number on the bid envelope, the bid shall be automatically rejected, returned to the bidder marked "Rejected", and 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 purposes 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 be accepted only 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 or inactive prime contractor shall be subject to all provisions for violations and penalties thereof.

B. In no event shall proposal forms be issued later than twenty-four hours prior to the hour and date set for receiving proposals.

C. The architect, engineer, or awarding authority shall classify public projects. Once the project is classified, any interested person may object by sending a certified letter to both the board and the architect, engineer, or awarding authority stating with particularity the reasons for the objection. The objection shall be submitted to the board and the architect, engineer, or awarding authority in writing by certified mail at least ten working days prior to the date on which bids are to be opened. Upon receipt of the protest for the project classification, the Licensing Board Compliance and Administrative staff will review the scope of work and offer a recommendation for the proper classification to the architect, engineer, or awarding authority within five working days after receipt of the objection. Any objection to the classification not made in accordance with this Section shall be considered waived.

D. (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. Any fine and imprisonment are at the discretion of the court.

(2) In addition to the penalties prescribed in Paragraph (1) of this Subsection, 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.

**TITLE 46 - PROFESSIONAL AND OCCUPATIONAL STANDARDS  
PART XXIX, CONTRACTORS  
RULES AND REGULATIONS**

**CHAPTER 1. APPLICATIONS AND LICENSING**

**§101. Authority**

A. These rules and regulations are enacted under the authority of and in accordance with R.S. 37:2153 and 37:2184.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, State Licensing Board for Contractors, LR 44:2143 (December 2018).

**§103. Definitions**

A. As used in these rules and regulations, words and phrases shall be defined as provided in R.S. 37:2150.1, in R.S. 37:2150-2192, and as otherwise defined in these Rules and Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, State Licensing Board for Contractors, LR 44:2143 (December 2018).

**§105. Requirements [Formerly §301 and §1503]**

A. Before a license or registration may be issued in accordance with the Contractors Licensing Law, all applications for a license or registration shall contain the information required on the forms which are available on the board's website or at the offices of the Licensing Board for Contractors. Licensure or registration cannot be considered until the following minimum conditions are met:

1. the application is complete and all required information provided to the board;
2. all applicable fees, fines, or other sums due to the board are paid in full; and
3. all examination or other eligibility requirements have been successfully completed.

B. Any person holding a license or registration as a residential contractor, residential specialty contractor, home improvement contractor, and mold remediation contractor, including labor only, shall obtain and maintain workers' compensation and general liability insurance, obtained from an insurer authorized to sell those forms of insurance coverage in the state. Insurance certificates evidencing current workers' compensation and general liability insurance shall be submitted to the Licensing Board for Contractors with each new application and every renewal application. In the event of a lapse of insurance coverage, a cease and desist order may be issued and such lapse shall be grounds for suspension or revocation of the license at a disciplinary hearing by the board.

C. The issuance of any licenses or registrations will be approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150 - 2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 1:401 (September 1975), amended LR 3:11 (January 1977), LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 16:602 (July 1990), amended Department of Economic Development, Licensing Board for Contractors, LR 22:94 (February 1996), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:150, 156 (January 2012), LR 44:2143 (December 2018).

**§107. Report of Changes [Formerly §105]**

A. It shall be the responsibility of a person licensed or registered by the board to provide to the board all of the following information upon application for a license or registration and to notify the board in writing within 15 days of any change to the following information:

1. the licensee's type of business structure (sole proprietorship, partnership, limited liability company, corporation, etc.);
2. the licensee's business address (physical and U.S. postal service mailing address);

3. a telephone, cell phone and facsimile number;
4. the licensee's email address;
5. the licensee's name;
6. the identity and address of the licensee's registered agent;
7. the identity of each officer and the office held;
8. the identity or address of each partner; and
9. the identity or address of each member.

B. The failure of a person licensed or registered by the board to notify the board of changes to any of the enumerated items in Paragraph A within 15 days of the change may result in disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2144 (December 2018).

### **§109. Qualifying Party [Formerly §501]**

A. Any licensee may have more than one qualifying party. Nothing in the law is to be construed so as to prohibit a licensee from having more than one qualifying party per trade.

B. If a qualifying party for a particular trade terminates employment or ownership/membership with a licensee, the licensee's license remains valid and the licensee may bid on new work in the licensed trade classification, but the licensee must submit and qualify a new qualifying party before commencing any new work.

C. A qualifying party shall be required to successfully complete any trade examinations, and complete the business and law course and any other eligibility requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:136 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1127 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:151 (January 2012), LR 44:2144 (December 2018).

### **§111. Authorized to Take Examination [Formerly §503]**

A.1. The qualifying party or parties authorized to take the examination are:

- a. a sole proprietor or spouse of a sole proprietor (individual);
- b. any partner (partnership);
- c. any original stockholder or incorporator (corporation);
- d. any member (limited liability company); or

e. any employee of said applicant who has been in full-time employment for 120 consecutive days immediately preceding the examination.

2. The employee shall be required to complete a qualifying party application furnished by the board before examination attesting to his/her eligibility that he/she has been a full-time employee of the person for whom he/she is seeking to qualify working at least 32 hours per week for the preceding 120 consecutive days and that he/she meet the criteria to be classified as an *employee* as defined by the Internal Revenue Service. The qualifying party application will be signed and certified by both the employee/qualifying party and employer.

B. An employee who has not been in full-time employment for 120 consecutive days immediately preceding the application due to an absence resulting from deployment in active military service may be considered as a full-time employee if the employee has been re-employed in accordance with R.S. 29:410 and, considering the employee's period of employment immediately

preceding the absence resulting from deployment in active military service, the employee otherwise satisfies the requirement of full-time employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153(A).

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:136 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1127 (September 1993), LR 23:1495 (November 1997), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:151 (January 2012), LR 44:2144 (December 2018).

### **§113. Disassociation of a Qualifying Party [Formerly §103]**

A. When a qualifying party's employment or association with the licensee is terminated for any reason, the licensee shall notify the board in writing within 30 days of the termination. The licensee shall submit and qualify a new person as its qualifying party within 60 days of the termination of the prior qualifying party. If the licensee fails to qualify a new qualifying party within 60 days as required herein, the licensee's license may be suspended or revoked by the board.

B. It is a violation of R.S. 37:2158 to fail to notify the board of the disassociation or termination of a qualifying party and may subject the licensee to disciplinary proceedings by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2145 (December 2018).

### **§115. Exemption from Examination [Formerly §509]**

A. A qualifying party may be exempt from taking another examination for the same classification he has previously passed.

B. Proof of plumbing work, including a plumbing license or permit, will be insufficient to exempt an applicant from the examination required for a mechanical contractor's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:136 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 16:602 (July 1990), LR 19:1127 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:153 (January 2012), LR 40:2576 (December 2014), LR 44:2145 (December 2018).

### **§117. Examination Scheduling [Formerly §515]**

A. A qualifying party candidate who has been approved to take an examination shall be given a means to register for the examination.

B. A candidate who fails to appear on the scheduled examination date and time shall forfeit the examination fee and be required to submit a new fee before candidate will be allowed to schedule a new examination date.

C. A candidate who fails an examination cannot retake the examination for 30 days and only if all other eligibility requirements have been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, State Licensing Board for Contractors, LR 21:1214 (November 1995), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:153 (January 2012), LR 40:2576 (December 2014), LR 44:2145 (December 2018).

### **§119. Examination Administration Procedures [Formerly §513 and §517]**

A. Administrative check-in procedures begin one-half hour before the examinations begin. Candidates must report to the testing center for processing at least 15 minutes prior to the examination's starting time. Any candidate reporting after the 15-



minute starting time may not be allowed admittance to the examination room. Every candidate must present acceptable government-issued photographic identification to be admitted to the examination room.

B. Personal items (e.g., telephones, pagers, calculators, purses, briefcases, etc.) shall not be allowed in the testing room. A candidate shall not have access to these items during examination administration. Anyone found using unauthorized code books, text books, pagers, beepers, cellular telephones, tape recorders, radio transmitters, portable scanning devices, cameras, portable photocopy machines, reference materials, notes, blank writing or note paper, or any other aid or electronic device not specifically provided by the Examination Section for the purpose of examination administration shall have his or her examination confiscated, the exam results invalidated, and shall have his or her name placed on the agenda for the board's next regularly scheduled meeting for consideration and appropriate action. Failure to appear before the board shall result in the imposition of a one year waiting period before the applicant may retake the examination(s).

C. It is the policy of the board that the specific contents of its examinations are considered to be proprietary and confidential. Anyone found in possession of examination questions, answers, or drawings in whole or in part shall have his or her examination confiscated, the exam results invalidated, shall be barred from taking any other examination, and shall not be eligible to become a qualifying party for the licensee for a period of one year. A candidate wearing bulky clothing or attire which would facilitate concealment of prohibited materials shall be requested to leave said clothing or attire outside the examination room or to remove it and place it in the front of the examination room. Failure to remove the article shall constitute permission to search for contraband materials, or a forfeiture of the scheduled examination will occur.

D. All examination activities are subject to being filmed, recorded, or monitored.

E. A candidate taking an examination shall not be allowed access to telephones or other communication devices during the course of the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 21:1214 (November 1995), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:153 (January 2012), LR 40:2576 (December 2014), LR 44:2145 (December 2018).

#### **§121. Test Item Challenges [Formerly §519]**

A. A candidate who believes that an individual test item may not have a correct answer or may have more than one correct answer shall be afforded an opportunity to challenge the test item. The candidate shall record his or her comments in writing on a form supplied by the test monitor at the candidate's request during the examination. Comments will not be accepted at any other time. Comments should provide a detailed explanation as to why the candidate feels the item is incorrect. General comments (e.g., "This item is wrong.") will not be investigated.

B. Examination comments will be reviewed by board staff.

C. If a test item comment is deemed to be valid, the grade may be changed based upon test item comment(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 21:1214 (November 1995), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:153 (January 2012), LR 40:2576 (December 2014), LR 44:2145 (December 2018).

#### **§123. Examination Reviews [Formerly §521]**

A. A Candidate may request a review of their examination after two unsuccessful attempts to pass the same examination, provided the last test score is within ten points of a passing grade. The request must be made in writing within 60 days of the failed examination date. Only questions missed by the qualifying party may be reviewed. Standard security procedures will be observed at review sessions. Candidates who have reviewed an examination are not eligible to retake the same examination for 14 days after the review session. Candidates who fail to appear for a scheduled review session are disqualified from reviewing that examination at a future date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 21:1215 (November 1995), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:154 (January 2012), LR 44:2146 (December 2018).

**§125. Application of Subsidiary [Formerly §309]**

A. Any application for a license for a subsidiary shall be considered as a new application and subject to all laws and rules and regulations governing a new application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2154.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:151 (January 2012), LR 44:2146 (December 2018).

**§127. Approval Withheld [Formerly §317]**

A. If the board withholds approval of an application for a license or registration, the applicant shall have the right to apply to the board for a hearing to consider the application. After due consideration of the applicant's presentation to the board, the board shall be entitled to withhold approval or grant approval of the application after consideration of the licensing requirements of the Contractors Licensing Law and these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153 and R.S. 37:2157(D).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, LR 8:138 (March 1982), amended LR 11:341 (April 1985), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:151 (January 2012), LR 44:2146 (December 2018).

**§129. Licensure and Exemption of Exam for Individuals with Military Training and Experience, Military Spouses and Dependents [Formerly §321]**

A. The board shall issue a license or registration to an applicant who is a member of the military, including United States Department of Defense civilian employees who have been assigned to duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee, if the member or United States Department of Defense civilian receives military orders for a change of station to a military installation or assignment located in this state or if the member or United States Department of Defense civilian has established this state as his state of legal residence as reflected in the member's or United States Department of Defense civilian's military record if, upon application to the board, all of the following conditions are satisfied by the applicant:

1. holds a current and valid occupational license in another state in an occupation with a similar scope of practice, as determined by the board.
2. has held the occupational license in the other state for at least one year.
3. has passed any examinations, or met any education, training, or experience standards as required by the board in the other state.
4. is held in good standing by the board in the other state.
5. does not have a disqualifying criminal record as determined by the board under the laws of this state.
6. has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.
7. did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in another state.
8. does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If there is an existing complaint, allegation or investigation pending, the board shall not issue or deny a license or registration until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board.
9. pays all applicable fees and meets all other requirements for licensure.

B. The board shall issue a license or registration to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee who has been assigned duty in Louisiana, upon application based on work experience in another state if, upon application to the board, all of the following conditions are satisfied by the applicant:

1. worked in a state that does not use an occupational license or governmental certification to regulate a lawful occupation, but the board regulates this lawful occupation with a similar scope of practice.
2. worked for at least three years in the lawful occupation.
3. has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.
4. did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in another state.
5. does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If there is an existing complaint, allegation, or investigation pending, the board shall not issue or deny a license or registration until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board.
6. pays all applicable fees and meets all other requirements for licensure.

C. The board shall issue a license or registration to an applicant who is a member of the military or United States Department of Defense civilian employee who has been assigned duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee based on holding a private certification and work experience in another state if, upon application to the board, all of the following conditions are satisfied by the applicant:

1. worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but that occupation is lawfully regulated by this board through a license or registration.
2. has worked for at least two years in the lawful occupation.
3. holds a current and valid private certification in the lawful occupation.
4. the private certification organization holds the applicant in good standing.
5. has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.
6. did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in another state.
7. does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If there is an existing complaint, allegation or investigation pending, the board shall not issue or deny a license or registration until the complaint, allegation, or investigation is resolved or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board.
8. pays all applicable fees and meets all other requirements for licensure.

D. The education, training, or experience requirements for an occupational license issued by the board will be determined by the presentation from the applicant of satisfactory evidence that the applicant received comparable education, training or experience as a member of the United States armed forces or any national guard or other reserve component.

E. The applicant will be required to complete the business and law course.

F. Upon receipt of all required and complete documents, the board will provide the applicant with a written decision regarding the application for an occupational license within 30 calendar days after receiving an application.

G. 1. The applicant may appeal any of the following decisions made by the board, in a court of general jurisdiction:

- a. denial of a license.
- b. determination of the classification.
- c. determination of the similarity of the scope or practice of the occupational license issued.

H. A person who obtains a license or registration pursuant to this rule is subject to all laws regulating the occupation in this state and the jurisdiction of this board.

I. The term "military" means the armed forces of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the Military Reserves of any state, or the naval militia of any state.

J. The term *dependent* means:

1. a resident spouse or resident unmarried child under the age of 21 years;
2. a child who is a student under the age of 24 years and who is financially dependent upon the parent; or
3. a child of any age who is disabled and dependent upon the parent.

K. The provisions of this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

L. This Section preempts laws by township, municipal, county and other governments in the state which regulate occupational licenses and government certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3651

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 40:2575 (December 2014), LR 44:2146 (December 2018), LR 47:364 (March 2021).

### **§131. Ownership of License [Formerly §307]**

A. The license for which a person becomes the qualifying party belongs to the licensee, a corporate license belongs to the corporation; a partnership license belongs to the partnership; a limited liability company license belongs to the limited liability company, and an individual license belongs to the individual, regardless of the status of the qualifying party of the entity.

B. A domestic business entity licensed or registered by the board as a limited liability company, business corporation, partnership in commendam, or partnership, that converts under the provisions of R.S. 12:1601 et seq., or is a surviving entity following a merger pursuant to 26 U.S.C. 368(a)(1)(f) where ownership of the entity does not change, shall be recognized by the board without having to file a new application for a license or registration. However, prior to updating a license or registration of the converted entity or surviving entity, the converted entity or surviving entity must furnish the following information to the board:

1. a copy of the conversion application or act of merger filed with the Secretary of State;
2. a copy of the certificate of conversion or certificate of merger issued by the Secretary of State;
3. the current license or registration issued by the board;
4. a copy of the revised certificate(s) of insurance in the new name of the converted entity or surviving entity for any coverage required for the issuance of the updated license or registration; and
5. any revised contract or other agreement required for the issuance of the license or registration in the name of the converted entity or surviving entity.

C. An updated license or registration issued pursuant to Subsection B of this Section shall have an effective date retroactive to the effective date of the conversion as stated on the certificate of conversion, or the merger as stated on the certificate of merger.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153 and R.S. 12:1308.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:136 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:150 (January 2012), LR 40:2575 (December 2014), LR 44:2147 (December 2018).

### **§133. Name [Formerly §109]**

A. A person licensed or registered by the board shall bid, contract, and perform work in the name as it appears on the current license or registration and the official records of the Licensing Board for Contractors.

B. If a person licensed or registered by the board enters into a contract with or assigns a contract, or any portion of a contract, for which a license is required to another person, the person to which it is assigned and who performs the work must possess the appropriate current license or registration issued by the board. No unlicensed person shall be permitted to assign a contract, or any portion of a contract, in an amount for which a license is required to a person licensed or registered with the board in circumvention of the Contractors Licensing Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2147 (December 2018).

**§135 Contractor’s Recordkeeping [Formerly §101]**

A. It shall be the responsibility of each person licensed or registered by the board to maintain current records showing compliance with the licensure requirements for all contracts, subcontracts and subcontractors performing work or providing services on a construction project. Upon request by the board or any employee of the board, such records shall be made available for review and/or copies provided to the board employee in person or by electronic means. The failure to maintain current records or the failure to furnish copies of requested records within 72 hours after receipt of notice requesting production of the records shall constitute a violation of this rule and may result in disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:135 (March 1982), amended LR 12:761 (November 1986), amended by the Department of Economic Development, Licensing Board for Contractors, LR 16:601 (July 1990), LR 19:1125 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2147 (December 2018).

**§137. Fee for Licenses [Formerly §1301]**

A. The annual fee for licenses for the following year may be set by the board at its July meeting each year. If a new fee is not set, the fee(s) for the prior year shall continue to be in full force and effect until changed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 2:271 (September 1976), amended LR 8:136 (March 1982), LR 10:199 (March 1984), LR 11:341 (April 1985), LR 12:761 (November 1986), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1128 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:155 (January 2012), LR 44:2147 (December 2018).

**CHAPTER 3. CLASSIFICATIONS**

**§301. Major Classification [Formerly §117]**

A. Any contractor possessing a major classification is permitted to bid or perform any of the specialty type work listed under its respective major classification in R.S. 37:2156.2 or any other work that might not be listed which is directly related to the major classification it may hold as long as it is not prohibited by any rule, except as provided in R.S. 37:2156.2(A)(IX)(B), (C), and (D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2164.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, LR 11:340 (April 1985), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2147 (December 2018).

**§303. Additional Classifications [Formerly §505]**

A. A licensed contractor may add additional classifications to his license at any time provided:

1. the request for additional classification(s) is in writing;
2. a completed and notarized qualifying party application form is submitted pursuant to R.S. 37:2156.1(D)(1); and
3. the required additional fees are paid and the qualifying party successfully passes the examination or meets other eligibility requirements.

B. The addition of classifications to a license will be approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:136 (March 1982), amended LR 11:341 (April 1985), LR 12:760 (November 1986), amended by the Department of Economic Development, Licensing Board for Contractors, LR 16:602 (July 1990), LR 19:1127 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:152 (January 2012), LR 44:2148 (December 2018).

**§305. Electrical or Mechanical Work [Formerly §1113]**

A. Any person bidding on or performing a job for which a license is required, the majority of which job is classified as V. Electrical Work or VI. Mechanical Work, the licensee shall hold the major classification or subdivision thereunder of electrical work or mechanical work as the case may be.

B. On all jobs involving mechanical or electrical work, the board shall consider the monetary value of the electrical or mechanical material and/or equipment furnished by the owner or builder, if any, in determining the amount of electrical or mechanical work involved.

C. The board takes cognizance of all local ordinances and codes regulating the licensing of electrical and mechanical contractors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2159 and 37:2153.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:155 (January 2012), LR 44:2148 (December 2018).

**§307. Joint Venture [Formerly §1103.C] [REVISED, 2022 LEGISLATIVE SESSION, REFER TO R.S. 37:2162]**

A. When two or more persons bid as a joint venture on any project in the amount for which a license is required from the board, all parties to the joint venture are required to be licensed by the board at the time the bid is submitted. The joint venture may only perform work within the applicable classifications of the work for which the parties to the joint venture are properly licensed to perform.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:155 (January 2012), LR 40:2577 (December 2014), LR 44:2148 (December 2018). Revised and Amended 2022 Legislative Session; Refer to R.S. 37:2162 (August 1, 2022).

**§309. Construction Management [Formerly §119] [REVISED, 2022 LEGISLATIVE SESSION, REFER TO R.S. 37:2161]**

A.1. Any person who performs, attempts to perform, or submits a price, bid or offer to perform work in construction management or program management whose scope of authority and responsibility includes supervision, oversight, direction, or in any manner assuming charge of the construction services provided to an owner by a contractor or contractors, in which the value of the construction project is:

a. in excess of \$50,000 for a commercial construction project must possess a license from this board in the major classification of building construction, heavy construction, highway, street, and bridge construction or municipal and public works construction or

b. in excess of \$75,000 for a residential construction project must possess a license from this board in the classification of residential building contractor. Any licensed contractor with any of these major classifications shall be able to bid and perform any such project specified for construction and/or program management within the scope of the classification(s) they hold.

2. If a construction or program manager whose scope of authority and responsibilities does not include any of the above stated tasks, and who does not subcontract actual construction work, that construction or program manager does not need a contractor's license.

B. Any person who violates the provisions of this section may be subject to disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 41:536 (March 2015), amended, LR 44:2148 (December 2018). Revised and Amended 2022 Legislative Session; Refer to R.S. 37:2161 (August 1, 2022).

**§311. Solar Energy Equipment [Formerly §319] [REVISED, 2022 LEGISLATIVE SESSION, REFER TO R.S. 37:2156.3]**

A. Any person applying for the classification of solar energy equipment, must, in addition to all other application or licensing requirements, meet the following requirements prior to issuance of this classification:

1. hold one or more of the following major classifications:
  - a. building construction;
  - b. electrical work;
  - c. mechanical work;
  - d. residential building contractor;
2. complete training in the design of solar energy equipment by an entity and course approved by the board;
3. pass a written examination approved by the Licensing Board for Contractors on the installation and maintenance of solar energy equipment.

a. Any contractor licensed by the board as of August 1, 2014, holding the major classification of building construction, electrical work (statewide) and/or mechanical work (statewide) shall be deemed to have satisfied the examination requirement.

b. An applicant who holds a current solar pv installer certification for solar electric systems or a current solar heating installer certification for solar thermal hot water systems issued by the North American Board of Certified Energy Practitioners shall be deemed to have satisfied both this examination requirement and the training requirement in §311.A.2.

B. Any work performed to connect wiring or hookups for any photovoltaic panel or system wherein the panel or system is of a value, including labor, materials, rentals, and all direct and indirect project expenses of \$10,000 or more shall be performed only by a contractor or subcontractor who holds the classification of electrical work or who may perform electrical work under the provisions of R.S. 37:2156.2A(IX)(B).

C. Any work performed to connect piping or equipment for any solar thermal system wherein the system is of a value, including labor, materials, rentals, and all direct and indirect project expenses of \$10,000 or more shall be performed only by a contractor or subcontractor who holds the classification of mechanical work or who may perform mechanical work under the provisions of R.S. 37:2156.2A(IX)(B).

D. Entities engaging in the business of selling or leasing solar energy equipment wherein such entities enter into agreements for installing, servicing, or monitoring solar energy equipment, including entities engaged in the business of arranging agreements for the lease or sale of solar energy systems or acquiring customers for financing entities, must possess a state contractor's license with the classification of solar energy equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2156.3.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 40:2575 (December 2014), amended LR 44:2148 (December 2018). Revised and Amended 2022 Legislative Session; Refer to R.S. 37:2156.3 (August 1, 2022).

**§313. Division of Contract—Value of Project [Formerly §1109]**

A. In determining the value of a project, any division of a contract into parts which would avoid the necessity of a license to bid for, contract for, or perform the work, will be disregarded, and the parts of the contract will be treated as one contract totaling the amount of these parts when combined.

B. For the purpose of determining a scope of work, the board should review whether the contract or contracts in question constitute a single scope of work or whether they constitute separate scopes of work. The board may be guided in this interpretation by a review of the drawings, plot plans, blueprints, architectural plans, site maps, technical drawings, engineering designs, sketches, diagrams, black lines, blue lines, drafts or other renderings depicting the total scope of work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:155 (January 2012), LR 44:2149 (December 2018).

## CHAPTER 5. RESIDENTIAL AND HOME IMPROVEMENT

### §501. Definitions [Formerly §1501]

A. Any person bidding or performing the work of a general contractor on a residential project in the amount for which a license is required must be licensed under the classification *residential building contractor*. This requirement shall not include individuals who build no more than one residence per year for their own personal use as their principal residence.

B. Any residential building contractor is permitted to bid or perform any of the specialty type work listed under its respective major classification in §503.

C. “Cost of a project” or “value” of a project or work includes the value of all labor, materials, subcontractors, general overhead and supervision. With respect to modular housing, “cost of the project” shall not include the cost of the component parts of the modular home in the condition each part leaves the factory, in accordance with R.S. 40:1730.71.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 22:94 (February 1996), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:155 (January 2012), LR 44:2149 (December 2018).

### §503. Residential Specialty Classifications [Formerly §1515] [REPEALED BY SCR 4, 2022 REGULAR SESSION]

### §505. Residential Labor Only [Formerly §1517] [REPEALED BY SCR 4, 2022 REGULAR SESSION]

### §507. Residential Swimming Pools Licensing [Formerly §1515]

A. Any person that is not licensed in building construction or in the swimming pools subclassification of building construction who, offers to perform, performs, or provides a bid to perform work for the construction of a residential swimming pool on property where a building or structure that is not more than three floors in height may be or has been constructed and is intended to be used or is being used as a residence and where the value of the swimming pool construction work exceeds \$7,500, including labor and materials, is required to obtain a license for the residential specialty classification entitled residential swimming pools. Persons holding a residential building contractor license may provide a bid, provide pricing, or enter into a contract to construct a residential swimming pool but cannot perform the swimming pool construction work for a residential swimming pool until first obtaining a license from the board for the residential specialty entitled residential swimming pools.

B. Any person who seeks to obtain a residential specialty license for the construction of residential swimming pools must, in addition to all other application or licensing requirements, designate a qualifying party who must successfully complete the trade exam for the respective specialty and complete the business and law course.

C. Any person who violates the provisions of this section may be subject to disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 42:52 (January 2016), amended LR 44:2150 (December 2018).

### §509. Home Improvement Registration [Formerly §1511]

A. Home improvement contractors are required to register with the board in order to perform services when the value of work exceeds \$7,500 but does not exceed \$75,000. Contractors who hold valid commercial or residential licenses with the board are exempt from this registration requirement. Home improvement contractors are required to submit certificates evidencing workers’ compensation coverage in compliance with Title 23 of the *Louisiana Revised Statutes* of 1950 and proof of general liability insurance in a minimum amount of \$100,000 at the time of application and renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 38:813 (March 2012), amended LR 40:2577 (December 2014), LR 44:2150 (December 2018).



**§511. New Home Warranty Act [Formerly §1513]**

A. Pursuant to R.S. 9:3145, a residential contractor shall give the owner written notice of the requirements of the New Home Warranty Act.

B. Failure to provide such written notice shall be grounds for the residential subcommittee to suspend or revoke the license of the contractor who failed to provide the required notice, subject to the final approval of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 38:813 (March 2012), amended LR 44:2150 (December 2018).

**§513. Maintenance of Skills [Formerly §113]**

A. As provided by R.S. 37:2150 after granting said license, the licensee shall at all times show its ability to serve the public economically, expediently and properly; shall possess the necessary qualifications of responsibility, skill, experience and integrity so that the licensee will not tear down standards of construction established within the industry, and shall continue to maintain the qualifications established in R.S. 37:2156.1.

B. A residential building contractor shall be required to complete a minimum of six hours of continuing education annually by a board approved provider. The residential building contractor shall maintain a copy of a certificate of completion for five years and make the certificate available to the board upon request. A contractor who holds a residential building contractor license and a valid, current license in the major classifications of building construction; highway, street and bridge construction; heavy construction; or municipal and public works construction, shall be exempt from this continuing education requirement.

C. A residential building contractor who fails to complete the minimum required continuing education classes each year may subject the residential building contractor's license to disciplinary action including suspension or revocation by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:150 (January 2012), LR 40:2574 (December 2014), LR 44:2150 (December 2018).

**CHAPTER 7. ENFORCEMENT AND HEARINGS**

**§701. Enforcement of Act and Rules [Formerly §107]**

A. The board, pursuant to R.S. 37:2158 and R.S. 37:2161, may bring suit to enjoin violations of the Contractors Licensing Law and these rules and regulations. The executive director and/or his designated agent and/or the legal counsel for the board is hereby authorized to institute such suit on behalf of the board, to sign the verification of any petition, and to take any actions necessary in connection with the institution of such legal proceedings as directed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2151 (December 2018).

**§703. Correction Without Complaint [Formerly §111]**

A. If a possible violation is known to the board, the board may correct it or take appropriate action without formal complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2151 (December 2018).

**§705. Failure to Insure or Bond [Formerly §1111]**

A. Whenever a person licensed by the board bids a project within the scope of this act and is awarded the contract, the refusal or inability of the person licensed by the board to provide bonding and insurance coverage as required by the bid proposal, may be grounds for a finding of a violation of §513.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1128 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:155 (January 2012), LR 44:2151 (December 2018).

**§707. Bankruptcy [Formerly §115]**

A. It shall be the responsibility of any person licensed or registered by the board who, voluntarily or involuntarily, is subjected to any provision of the laws of bankruptcy, to notify this board immediately and to make available to this board any and all information pertinent thereto.

B. Any person licensed or registered by the board who is ordered by a competent court to cease operations or whose operations are closed due to operation of any law, shall notify this board immediately and make available to this board any and all information pertinent thereto.

C. If a person licensed or registered by the board is ordered by a competent court to pay a final and executory judgment awarded against the licensed or registered person in the operation of the licensed or registered business, resulting from a claim arising out of the operation of the licensed or registered business, and fails to pay said judgment upon its becoming final and executory, a hearing may be scheduled by the board for the purpose of disciplining the licensee or registrant in accordance with the provisions of the Contractors Licensing Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:138 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:150 (January 2012), LR 44:2151 (December 2018).

**§709. License Revocation and Suspension [Formerly §315]**

A. Any person duly licensed or registered under the provisions of the Contractors Licensing Law who violates any provisions of the Contractors Licensing Law or any rule or regulation of the board may, after due hearing, be required to pay fines and costs and have its license or registration suspended or revoked by the board. Prior to the board's action on suspension or revocation of licenses as aforesaid, the person licensed or registered by the board shall be given a hearing in accordance with §717 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, LR 8:138 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:151 (January 2012), LR 44:2152 (December 2018).

**§711. Subcontractor License; Default [Formerly §903]**

A. It shall be a violation for any person licensed or registered by the board, owner, awarding authority, or any other person to contract or subcontract all or any portion of work to any other person unless said person was duly licensed by the board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner or awarding authority. This rule shall be subject to the provisions and limitations established by R.S. 37:2156(B) and (D).

B. If work is subcontracted as per this rule, and the subcontractor should default for any reason, the awarding authority shall have the right to take bids from any person that is properly licensed by the board at the time of the default.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, LR 8:138 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1128 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:154 (January 2012), LR 44:2152 (December 2018).

#### **§713. Residential Subcommittee Review [Formerly §1507]**

A. The Licensing Board for Contractors Residential Subcommittee has the authority to conduct hearings on alleged violations by residential building contractors, residential specialty contractors, mold remediation contractors and home improvement contractors in accordance with the provisions of R.S. 37:2158.

B. The Licensing Board for Contractors Residential Subcommittee shall make recommendations to the Contractors Board regarding their findings and determinations as a result of the hearings on said alleged violations.

C. Any person licensed as a residential building contractor, residential specialty contractor, home improvement contractor, or mold remediation contractor whose alleged violations were heard by the subcommittee and a recommendation rendered, may request to appear at the next regularly scheduled board meeting or at any other board meeting where their alleged violations are brought before the board for final action, and may be given an opportunity to address the board regarding the subcommittee's recommendation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 22:95 (February 1996), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:156 (January 2012), LR 44:2152 (December 2018).

#### **§715. Penalties [Formerly §1509]**

A. The residential subcommittee has the authority to issue, suspend, or revoke residential licenses or registrations issued to a residential building contractor and residential specialty contractor subject to the final approval of the Licensing Board for Contractors.

B. In accordance with the provisions of R.S. 37:2162, the subcommittee shall have the authority to issue a fine not to exceed ten percent of the total contract being performed for each violation, for the causes listed in R.S. 37:2158, subject to final approval by the Licensing Board for Contractors.

C. In addition to or in lieu of any of the penalties provided in this Chapter, the subcommittee is empowered to issue a cease and desist order. Further, the subcommittee may seek the other civil remedies provided in R.S. 37:2162 for violations of this Chapter, subject to the final approval of the Licensing Board for Contractors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR22:95 (February 1996), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:156 (January 2012), LR 40:2577 (December 2014), LR 44:2152 (December 2018).

#### **§717 Hearings [Formerly §701]**

A. Hearings regarding any disciplinary proceedings or any other matters to be considered by the board may be conducted by the board's legal counsel at regular or special meetings whenever deemed necessary and special hearing officers may be hired at the board's discretion. Hearings shall be conducted in accordance with the Administrative Procedure Act.

B. Written notice of the hearing date shall be given to a party who is the subject of a disciplinary proceeding or other matter before the board at least five days prior to such hearings or special meetings. The board members shall be notified at least three days prior to such hearings or special meetings. The notice shall include the time, place and purpose of the hearing or special meeting and may be held at any place within the state.

C. Confirmation of the written notice to a party who is subject to a disciplinary proceeding or other matter before the board required by this Section may be proved by any one of the following:

1. a signed return receipt of certified or registered mail, confirming delivery and receipt of the notice;
2. a signed confirmation by a board employee that actual physical delivery was made to the party, contractor, or agent of the contractor delivered to the address provided to the board by the party or contractor;

3. a confirmation of facsimile transmission to the number provided to the board by the party or contractor;
4. a copy of notice by electronic transmission to the electronic address provided to the board by the party or contractor;
5. a printed electronic confirmation of delivery to the party or contractor and/or confirmation of signature from the U.S. Postal Service;
6. a written, electronic, or facsimile response to the notice or subpoena provided therewith, from the party, contractor or its representative; or
7. appearance by the party, contractor or its authorized representative at the hearing.

D. As authorized by R.S. 49:962, the board may hear and decide petitions for declaratory orders and rulings as to the applicability of any statutory authority or of any rule or order of the board. Such orders and rulings shall have the same status as board decisions or orders in adjudicated cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 4:69 (March 1978), LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1127 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:154 (January 2012), LR 44:2152 (December 2018).