

State of Louisiana

State Licensing Board for Contractors

JOHN BEL EDWARDS
GOVERNOR



MICHAEL B. McDUFF
EXECUTIVE DIRECTOR

September 12, 2023

To: The Honorable Page Cortez, President, Louisiana State Senate
The Honorable Clay Schexnayder, Speaker, Louisiana House of Representatives
The Honorable Paula Davis, Chair, House Commerce Committee
The Honorable Mike Reese, Chair, Senate Commerce Committee

From: Judy Dupuy 
Board Administrator

Re: Summary Report

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) as amended, the Louisiana State Licensing Board for Contractors (LSLBC) published a call in its Notice of Intent for comments for proposed rules through its authority granted in R.S. 37:2150-2165 in the August 20, 2023 issue of the Louisiana Register (Vol. 49, No. 08, pages 1467 – 1480). The LSLBC received no written comments or requests for a hearing. The final rule for publication is attached and will become effective November 20, 2023.

The proposed changes will align LSLBC rules with comprehensive legislation (Act 195) passed in 2022 overhauling, reorganizing, and streamlining LSLBC statutes and with SCR 4 of 2022 which removed sections of LSLBC rules covering residential specialty licensing.

The LSLBC presented its notice of intent and its proposed rules for final publication to the Occupational Licensing Review Commission on July 19, 2023 and September 7, 2023, respectively, and received approval to proceed at both meetings.

I am the contact person responsible for this submission. Please contact me at 225-763-3982 or jdupuy@lslbc.louisiana.gov if you need further information or have any questions.

Thank you for your assistance.

and Wrestling Commission, 1135 Hodges St., Lake Charles, LA 70601 within 20 days of publication.

L. "Buddy" Embanato, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: London Ring Fighting**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rules will result in a cost of approximately \$1,000 to the Louisiana State Boxing and Wrestling Commission (LSBWC) in FY 24 to publish the Notice of Intent and final rule in the Louisiana Register, as well as minimal costs to implement the proposed rules. These include clerical costs to LSBWC in depositing taxes earned from events as well as mileage costs for commissioners who are requested to attend London Ring Fighting (LRF) events.

The proposed rules establish regulations governing the sport of London Ring Fighting, a form of boxing which does not utilize boxing gloves or other padding. The regulations cover weight classes, duration of rounds, fouls, hand wraps, physicians required, and other rules indicative of bare knuckles fighting.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rules are expected to result in a substantial increase in Self Generated Revenues to LSBWC through a five percent tax levied on gross receipts. For informational purposes, three events conducted under LSBWC's emergency rules governing LRF earned \$21,000 in receipts (approximately \$7,000 per event) toward the commission's SGR. Comparatively, wrestling and Mixed Martial Arts events typically earn \$2,000 to \$3,000 in taxes, reservation fees and licenses per event. Based on prior earnings, LSBWC anticipates revenues of approximately \$50,000 per year. Actual revenues realized will depend upon the number of events held each year and is indeterminable. Any revenues in excess of the commission's expenses will be remitted to the state general fund.

In addition, if the LRF rules incentivize additional promoters, matchmakers, referees, managers, announcers, or competitors to operate in Louisiana, LSBWC will receive SGR for annual licensing fees. These fees are \$500 for promoters, \$250 for matchmakers, and \$25 for all others.

Additionally, municipalities and parishes with more than 300,000 inhabitants are authorized by statute to levy an amusement tax of up to five percent on athletic competitions. While the city of New Orleans has levied a two percent amusement tax, it has not collected amusement tax revenues since 2006.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Individuals who officiate at LRF events (judges, referees, etc.) will benefit economically from their employment at these events. Local venues and ring equipment rental services across the state will also benefit economically from rentals for LRF events.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

LRF is in direct competition with regular boxing. LSBWC reports that boxing events in Louisiana have consistently decreased over the last 20 years to 2 or 3 events per year.

LSBWC reports that LRF is extremely popular with the public. Accordingly, these events are expected to increase employment of local officials employed at these events.

Addie L. Fields
Administrative Assistant
2308#019

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

RULE

**Office of the Governor
Division of Administration
Licensing Board for Contractors**

**Contractors
(LAC 46:XXIX. Chapters 1-7)**

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and through the authority granted in R.S. 37:2150-2165, which is the Contractor Licensing Law, the Licensing Board for Contractors (LSLBC) hereby ~~gives notice of its intent to~~ update its rules and regulations regarding contracting matters under the jurisdiction of the LSLBC. *amends and updates*

Act 195 of the 2022 Regular Legislative Session represented comprehensive legislation overhauling the statutes of the LSLBC. The changes presented in these rules will align with those statutory changes and codify current practices including the enumeration, defining, and consolidating of licensing classifications, subclassifications, and specialties.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXIX. Contractors

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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

HISTORICAL NOTE: Promulgated by the Office of the Governor, State Licensing Board for Contractors, LR 44:2143 (December 2018), amended LR 49:

§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. 37:2150-2165, and as otherwise defined in these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

HISTORICAL NOTE: Promulgated by the Office of the Governor, State Licensing Board for Contractors, LR 44:2143 (December 2018), amended LR 49:

§105. Requirements

A. Before a license or registration is issued, the following conditions must be met.

1. The application is complete and all required information has been provided to the board.

2. All applicable fees, fines, or other sums due to the board are paid in full.

3. All examination or other eligibility requirements have been successfully completed.

B. Any person holding a license or registration as a residential construction contractor, home improvement contractor, and mold remediation contractor shall obtain and maintain workers' compensation and general liability insurance, covering the construction activities for which he is licensed, obtained from an insurer authorized to sell those forms of insurance coverage. 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 by the board.

C. Any business entity holding a license or registration shall obtain and maintain an active status with the Louisiana Secretary of State.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

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), LR 49:

§107. Report of Changes

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 30 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;
9. the identity or address of each member;
10. the licensee's federal tax identification number;
11. the licensee's state of incorporation;
12. for residential, home improvement, or mold remediation contractors, any change in insurance including, but not limited to, suspension or cancellation;
13. a bankruptcy judgment whether voluntary or involuntary; and
14. any order by a court of competent jurisdiction for a license or registrant to cease operations or whose operations are closed due to operation of any law.

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 of this Section within 30 days of the change may result in a suspension of license or disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

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), LR 49:

§109. Qualifying Party

[Formerly §109, 111, 113]

A. A qualifying party shall be required to successfully complete any trade examinations and meet or complete any other eligibility requirements.

B.1. The qualifying party or parties authorized to take the examination are those defined in R.S. 37:2156.1D.

2. An employee selected as qualifying party by the licensee shall be required to complete a qualifying party verification before examination attesting to his/her eligibility that he/she is a full-time employee of the person for whom he/she is seeking to qualify working at least 32 hours per week and that he/she meet the criteria to be classified as an *employee* as defined by the Internal Revenue Service. The qualifying party section of the online application will be certified by the employer.

C. An employee who has not been in full-time employment 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.

D. If a qualifying party for a particular trade terminates employment or ownership/membership with a licensee, the licensee's license remains valid with the following restrictions. The licensee may continue existing work or bid on new work in the licensed trade classification but may not begin such work until the qualifying party is replaced.

E. When a qualifying party's employment or association with the licensee is terminated for any reason, the licensee shall comply with R.S. 37:2156.1(D)(1) by notifying 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, or have a classification(s) removed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:136 and 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 and 19:1127 (September 1993),

amended by the Office of the Governor, Licensing Board for Contractors, LR 23:1495 (November 1997), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 and 38:151 (January 2012), LR 44:2144 and 44:2145 (December 2018), LR 49:

§111. Examination Scheduling
[Formerly §117]

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

B. A candidate who fails to appear for the scheduled examination date and time shall forfeit the examination fee and be required to submit a new fee before the 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 shall be allowed to take the examination only if all other eligibility requirements have been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

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), LR 49:

§113. Examination Administration Procedures
[Formerly §119]

A. Administrative check-in procedures begin one-half hour before the examinations begin. Candidates must report to the testing center for check-in at least 15 minutes prior to the examination's start time. Any candidate reporting after the 15-minute start time may not be allowed admittance to the examination room. Every candidate must present valid government-issued photographic identification to be admitted to the examination room.

B. The board considers and treats the specific content and format of its exams as proprietary and confidential, being intellectual property solely owned by the board. Individuals taking any LSLBC exam, at any testing location owned or approved by the board, acknowledge that no personal items of any sort may be brought into the testing room. This specifically includes, but is not limited to, watches, bulky outerwear, paper or reference material, or any electronic device capable of storing, sending, or receiving data. Any item required to take the exam will be provided by the exam proctor and must be returned at the completion of the exam. A locker or other method of storage will be provided for personal items. The testing center is not responsible for lost, stolen, or misplaced items. Failure of a candidate to comply with examination requirements will result in a forfeiture of the scheduled exam. Any violation of the above requirements, or any effort to otherwise defraud the examination process, shall result in the candidate's exam being immediately discontinued and invalidated. The candidate will be notified that they are required to appear before the board at its next regularly scheduled meeting for consideration of the violation where the board will take appropriate action. This may include a finding that the candidate is ineligible to take or retake any exam, ineligible to obtain any additional classifications to an existing license,

and/or revocation of any existing license or qualifying party status for a period of up to one year from the date of the board's order. If the candidate fails to appear at the scheduled board meeting, the board may issue the foregoing penalties plus a monetary penalty.

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

D. A candidate taking an examination shall not be allowed access to telephones or other communication devices during the course of the examination. Candidates shall not leave the testing area during the time of the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

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), LR 49:

§115. Test Item Challenges
[Formerly §121]

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 digitally through the exam interface or 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. 37:2150-2165.

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), LR 49:

§117. Examination Reviews
[Formerly §123]

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 through the LSLBC Licensing Web Portal 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. 37:2150-2165.

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), LR 49:

§119. Application of Subsidiary
[Formerly §125]

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. 37:2150-2165.

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), LR 49:

§121. Approval Withheld
[Formerly §127]

A. If the board withholds approval of an application for a license or registration, or an application for a qualifying party, the applicant or qualifying party 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. 37:2150-2165.

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), LR 49:

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

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 meet all other requirements for licensure.

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. 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), LR 49:

§125. Ownership of License

[Formerly §131]

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 provided that these changes have been reported to the Louisiana Secretary of State. Prior to updating a license or registration of the converted entity or surviving entity, the converted entity or surviving entity must furnish 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.

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. 37:2150-2165 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), LR 49:

§127. Name

[Formerly §133]

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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

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), LR 49:

§129 Contractor's Recordkeeping
[Formerly §135]

A. It shall be the responsibility of each person licensed or registered by the board to maintain current records for five years showing compliance with contractor licensing laws and rules and regulations 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 any requested records or documents 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. 37:2150-2165.

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), LR 49:

§131. Fee for Licenses
[Formerly §137]

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. 37:2150-2165.

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), LR 49:

§133. Name

Repealed.

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), repealed LR 49:

§135 Contractor's Recordkeeping

Repealed.

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), repealed LR 49:

§137. Fee for Licenses

Repealed.

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), repealed LR 49:

Chapter 3. Classifications

§301. Classifications, Subclassifications, and Specialties

A. In accordance with R.S. 37:2156.1(L), the board provides a designation of classifications, subclassifications, and specialties in the following rules.

B. Major Classifications: Building Construction; Highway, Street, and Bridge Construction; Heavy Construction; Municipal and Public Works Construction; Electrical; Mechanical; Plumbing; Hazardous Materials; Mold Remediation; and Residential Construction. Major classifications may include various subclassifications. A licensee holding a major classification is permitted to estimate, bid, quote, and perform any scope of work included in any of its subclassifications with the exception of residential construction.

C. Subclassification: a specific scope of work within a major classification that allows a contractor to estimate, bid, quote, and perform work in accordance with its definition.

D. Specialty Classification: a scope of work that allows a contractor to estimate, bid, quote, and perform work only as described in that specific classification.

E. All classifications require a written examination, a credential or license from another regulatory body, or both, unless otherwise noted.

F. A license is required when the project cost exceeds \$50,000 except where otherwise noted.

1. Asbestos Removal and Abatement: requires Louisiana Department of Environmental Quality asbestos certification and refers to the abatement or removal of friable asbestos in buildings, houses, structures, pipes, etc. A license is required when the value exceeds \$1. Asbestos removal and abatement is a subclassification of hazardous materials.

2. Auger and Dry Conventional Boring: the construction and installation of pipelines using pipe jacking, auger boring, slurry boring, pipe ramming, jet cutting, utility tunneling, slurry shield, micro tunneling, and/or soil compaction. Does not refer to the construction of pipelines using horizontal directional drilling, pipe bursting, slip lining, cured-in-place pipe, pigging, pipe cleaning and similar technologies.

3. Building Construction: the building, maintenance, repair, raising, leveling, development, or demolition of any and all structures as well as the landscaping, earthwork, parking areas, driveways, sidewalks, etc.

4. **Carpentry:** the construction, maintenance, or repair of rough and finish carpentry and/or millwork.

5. **Coastal Restoration and Habitat Enhancement:** the restoration and enhancement of wetland habitats and coasts, including the construction of terraces and sand fences, oyster reefs, revetments, break waters, jetties, and other features intended for this purpose and the related planting and seeding of grass and plants. Also includes relevant dredging and placement or disposal of dredged materials, the intent of which is to protect shores, restore and protect land, and to improve and restore ecosystems of coastal and inland waterways.

6. **Concrete Construction Excluding Highways, Streets, and Bridges:** the construction, maintenance, or repair of concrete parking lots, sidewalks, driveways, concrete foundations, concrete columns, beams, walls, floors, roofs, curtain walls, precast and prestressed concrete foundations, structures, slabs, tennis courts, etc. Includes forms, slipforms, reinforcing rods and wire mesh, and the use of technologies for grouting, guniting, shotcreting and pumping. Does not include concrete for highways, streets, or bridges.

7. **Concrete Reinforcement and Post Tensioning:** the construction, maintenance, or repair of rebar, wire mesh, reinforcing rods, dowels, pre- and post-tensioning systems, etc. for the reinforcement of concrete.

8. **Culverts and Drainage Structures:** the construction, installation, maintenance, or repair of culverts, wingwalls, catch basins, and other drainage structures. Culverts and drainage structures is a subclassification of highway, street, and bridge construction.

9. **Curb, Gutter, Driveways, Sidewalks, Retaining Walls, Patios, Foundations:** the construction, installation, maintenance, or repair of concrete curbs and gutters adjacent to pavements as well as driveways, sidewalks, patios, foundations. Also includes retaining walls of various types.

10. **Dredging:** the dredging of waterways for navigation, erosion control, coastal restoration and associated sediment removal, disposal, and relocation. Also includes sludge removal from treatment ponds using dredging technologies. Dredging is a subclassification of heavy construction.

11. **Driveways, Parking Areas, Asphalt, and Concrete:** the construction, maintenance, or repair of asphalt or concrete pavements. Includes sidewalks, parking areas, and driveways. Driveways, parking areas, asphalt, and concrete is a subclassification of building construction and highway, street, and bridge construction.

12. **Drywall:** the installation, maintenance, or repair of gypsum board products and their associated finishes. It does not include installation of wood or metal studs and framing. Drywall is a subclassification of building construction.

13. **Earthwork, Drainage, and Levees:** land clearing, grubbing, snagging, and draining. Also includes earthmoving, grading, digging, cutting, filling, backfilling, compaction, trenching, excavation, and spreading of soil materials. Also includes the construction of ditches, canals, ponds, and levees. May involve the installation of ditch linings, erosion control, wing walls, culverts, drains, and catch basins. Also involves ground freezing and the use of piezometers, sumps, and any other apparatus used in the removal or isolation of ground water. In addition, may

involve the installation of various geotextile products for separation of water or soils. Earthwork, drainage and levees is a subclassification of highway, street, and bridge construction.

14. **Electrical:** the installation, construction, alteration, improvement, movement, maintenance, repair, or demolition of wiring, cabling, fixtures, appliances, equipment, and/or hardware for the supply of electricity to any structure, building, or project provided the value exceeds \$10,000. The installation of low voltage, including Cat 5, Cat 6, coaxial cables, etc., or fiber optic equipment and infrastructure requires Electrical if any portion of the work involves the installation of equipment, mounting hardware, wiring, etc. which penetrate walls, ceilings, floors, closed spaces, or the building envelope. Penetration of walls, floors, ceilings, closed spaces, or the building envelope includes creating new pathways through walls, floors, ceilings, etc., and running cables through existing pathways through walls, floors, ceilings, etc. Electrical is not required for the purchase or installation of non-attached equipment, which merely involves plugging equipment into an existing wall outlet.

15. **Electrical Controls, Instrumentation and Calibration:** the installation or fabrication of controls for electrical work including instrumentation, HVAC controls, "Smart house" controls, security alarm panels, fire alarm panels, etc. A license is required when the value exceeds \$10,000. Electrical controls, instrumentation and calibration is a subclassification of electrical.

16. **Electrical Transmission Lines:** the construction, installation, maintenance, or repair of electrical transmission and distribution lines, poles, and towers for outside the plant. Also includes electrical power substations and all internal components, including transformers, circuit breakers, reclosers, switches, fuses, rigid, strain, and overhead bus structures, insulators, wave jumpers, wave traps, and related electrical transmission towers within or leading directly to the substation. A license is required when the value exceeds \$10,000. Electrical transmission lines is a subclassification of electrical and heavy construction.

17. **Flooring and Decking:** the installation, maintenance, or repair of all types of stone, marble, granite, slate and resilient flooring and flooring systems (vinyl, bamboo, parquet, rubber, polyethylene, cork, linoleum, etc.), ceramic tile, terrazzo systems and slabs carpeting, and decking, poured and sealed concrete or epoxy flooring, as well as floor underlayments, etc. Does not include flooring materials used on walls and ceilings, etc. Flooring and decking is a subclassification of building construction.

18. **Foundations and Pile Driving:** the driving, casting, jetting, vibrating, or drilling of structural and sheet piles for buildings, bridges, wharves, docks, cofferdams, caissons, seawalls, etc., and to the construction, installation, or repair of the same. Includes augured pressure grouted piling, pressure grouting, preplaced aggregate concrete underlayment, slurry walls, slabs, foundation walls, tremies, and all other types of deep and shallow foundations. Allows a contractor to raise and level buildings and houses. Foundations and pile driving is a subclassification of heavy construction.

19. **Foundations for Buildings, Equipment, or Machinery:** the construction, installation, maintenance, or

repair of foundations for buildings, equipment or machinery including deep or shallow foundations and slabs. Allows a contractor to raise and level buildings and residential structures. Foundations for buildings, equipment or machinery is a subclassification of building construction.

20. Glass, Glazing, Store Fronts, Metal Partitions, Panels and Siding: the construction, installation, maintenance, or repair of commercial store front systems, interior and exterior panels and partitions, glass and glazing, and doors. Also refers to prefabricated windows and wood, vinyl, aluminum, and other siding.

21. Hazardous Materials: requires the proper credentialing from the Louisiana Department of Environmental Quality for Asbestos, Lead, and Underground Storage Tanks and refers to the handling, treatment, abatement, cleanup and/or removal of hazardous and toxic materials and waste and other materials regulated by the Louisiana Department of Environmental Quality such as asbestos, lead, and underground storage tanks. A license is required when the value exceeds \$1.

22. Hazardous Waste Treatment or Removal: the cleanup, removal, and/or storage of materials defined by the Louisiana Department of Environmental Quality as hazardous or toxic. A license is required when the value exceeds \$1. Hazardous waste treatment and removal is a subclassification of hazardous materials.

23. Heat, Air Conditioning, Ventilation, Duct Work, and Refrigeration: the installation, maintenance or repair of air conditioning, ventilation, refrigeration, coolers, freezers, and ice rinks. A license is required when the value exceeds \$10,000. Heat, air conditioning, ventilation, duct work and refrigeration is a subclassification of mechanical.

24. Heavy Construction: construction activities related to industrial facilities, waterway and flood diversion projects, railroads, and oilfields.

25. Highway, Street, and Bridge Construction: construction, maintenance, or repair of highways, streets, bridges, and all related work, including general earthwork and general paving such as sidewalks, driveways, and parking lots.

26. Home Improvement: the reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or the construction of an addition to any pre-existing building which is used or designed to be used as a residence or dwelling unit or to any structure which is adjacent to such residence or building. No examination or credential is required. A license is required when the value exceeds \$7,500. Home improvement is limited to a value of \$75,000.

27. Horizontal Directional Drilling: the construction, installation, maintenance, or repair of pipelines using trenchless technologies including horizontal directional drilling, hydro vacuum excavation, air vacuum excavation, or road boring technologies. Includes technologies which pull the pipe through. Does not include the construction, installation, maintenance, or repair of pipelines using jack and bore technologies (dry, wet, or slurry), micro tunneling, pipe bursting, slip lining, cured-in-place pipe, pigging, pipe cleaning and similar technologies.

28. Industrial Cleaning and Material/Waste Handling: the cleaning and maintenance of tanks, pipelines, buildings, equipment, catalysts, etc. using hydro blasting, vacuum and

material pumping services, chemical cleaning, pigging, etc. Includes nonhazardous waste treatment or removal as well as the removal of construction and storm debris and waste. Also includes construction of non-hazardous landfills.

29. Industrial Pipe Work and Insulation: the fabrication, installation, or repair of process piping systems, components and insulation related to industrial facilities, chemical industries, food and dairy industries, refineries, etc. Industrial pipe work and insulation is a subclassification of Mechanical and Heavy Construction.

30. Insulation: the installation, maintenance, or repair of insulation used for industrial, commercial, and residential structures, piping, and equipment.

31. Insulation for Cold Storage and Buildings: the installation, maintenance, or repair of all types of insulation for cold storage and buildings, including all types of insulation for this purpose, to include firestopping, fireproofing, metalizing, and foam systems. Insulation for cold storage and buildings is a subclassification of building construction.

32. Labor Only: the furnishing of the supply of labor only for the use of a contractor or subcontractor. Does not include contracts for supply of materials nor responsibility for the supervision of a project. This classification is for companies that provide labor only for contractors, when the scope of work, including labor and materials, exceeds \$50,000 (or \$10,000 for Electrical/Mechanical/Plumbing work, or \$1 for Hazardous Materials work). No examination or credential is required. Labor Only is a subclassification of building construction; highway, street, and bridge construction; heavy construction; municipal and public works construction; electrical, plumbing; mechanical; and hazardous materials.

33. Landscaping, Grading, and Beautification: requires Louisiana Department of Agriculture licensure and refers to landscaping, irrigation, and finish grading, both installation and maintenance, and the removal of tree and plant materials from curbside for all types of properties including highways, buildings, and industrial facilities. Does not include hardscaping. Landscaping, grading, and beautification is a subclassification of building construction; Highway, Street, and Bridge Construction; Heavy Construction; and Municipal and Public Works Construction.

34. Lathing, Plastering, and Stuccoing: the installation, maintenance, or repair of all plastering or stucco including interior and exterior walls, swimming pools, etc. Lathing, plastering, and stuccoing is a subclassification of building construction.

35. Lead based paint abatement and removal: requires an approval letter from the Louisiana Department of Environmental Quality to perform either commercial and industrial lead removal or target housing and child-occupied facility lead removal and refers to the removal or abatement of lead-based paint. A license is required when the value exceeds \$1. Lead based paint abatement and removal is a subclassification of hazardous materials.

36. Limited specialty services: any scope of work that exceeds \$50,000 not specifically defined under any other classification. No examination or credential is required.

37. Masonry, brick, stone: the construction, installation, maintenance, or repair of masonry structures, veneers, refractories, or manholes, including brick, firebrick, stone,

concrete block, structural tile, glass block and all related accessories. Masonry, brick, stone is a subclassification of building construction.

38. Mechanical: hydraulic and pneumatic systems, including such components as heating, ventilation, air conditioning, refrigeration, hydronic and steam systems, pressure vessels, plumbing, gas piping, process piping, mechanical equipment, air and process heaters and seals, and air vacuums and filters. A license is required when the value exceeds \$10,000. A mechanical contractor who performs plumbing work with a value over \$10,000 must possess a master plumber license with the State Plumbing Board of Louisiana.

39. Mold Remediation: requires 24 hours of board approved training in mold remediation and assessment and refers to removal, cleaning, sanitizing, demolition, or other treatment, including preventative measures, of mold contaminated materials not purposely grown at that location. A license is required when the value exceeds \$7,500.

40. Municipal and Public Works Construction: the installation, maintenance, or repair of the infrastructure of water, sewer, gas, and storm water treatment and/or distribution systems for municipalities. It also includes power plants, electrical transmission lines, and underground electrical conduit. This classification is limited to only these scopes of work as specified.

41. Oil field construction: the construction, installation, maintenance, or repair of oil and gas drilling rigs, decks and associated equipment, earthwork, access roads, foundations, mat roads, monitoring wells, retention tanks and ponds, pipework, pits, and pumps. Also includes the drilling of oil and gas wells and fabrication of oil field equipment, as well as valves, fittings, "Christmas Trees" etc. to regulate the flow of gas or oil on a drilling rig, oil well servicing, workover, and plugging and abandoning wells. Does not include transmission pipelines beyond the drilling field. Oil field construction is a subclassification of heavy construction.

42. Painting, Coating, and Blasting: the painting of immovable property as well as coatings and linings of various types.

43. Permanent or Paved Highways and Streets (Asphalt): the construction, installation, maintenance, or repair of asphalt roads, streets, and highways. Permanent or paved highways and streets (Asphalt) is a subclassification of highway, street, and bridge construction.

44. Permanent or Paved Highways and Streets (Concrete): the construction, installation, maintenance, or repair of concrete pavements. Permanent or paved highways and streets (Concrete) is a subclassification of highway, street, and bridge construction.

45. Pile driving: the driving of structural and sheet piles for buildings, bridges, wharves, docks, cofferdams, caissons, seawalls, etc. Pile driving is a subclassification of building construction.

46. Pipe work (water lines): the construction, installation, maintenance, or repair of distribution mains and pump stations and related components for water utility systems. Pipe work (waterline) is a subclassification of municipal and public works construction.

47. Plumbing: the construction, installation, maintenance, or repair of potable and non-potable tap water and/or sewer water systems within a building structure or house. A license is required when the value exceeds \$10,000. Plumbing is also a subclassification of mechanical.

48. Pneumatic Tubes and Conveyors: the installation, maintenance, or repair of pneumatic tube systems and other types of conveyor systems and related components. Pneumatic tubes and conveyors is a subclassification of building construction.

49. Railroads: the construction, installation, maintenance, or repair of railroad tracks, switches, accessories, and depots. Railroads is a subclassification of heavy construction.

50. Residential Construction: the construction of a residential structure as defined in 37:2150.1(16), when the cost of the undertaking exceeds \$75,000. Residential construction also refers to home improvement contracting as provided for in 37:2150(8) when the cost of the undertaking exceeds \$75,000 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.

51. Residential Swimming Pools: the construction, installation, maintenance, or repair of swimming pools, whirlpools, hot tubs, and all related accessories for residential structures. A license is required when the value exceeds \$7,500. Residential swimming pools is a subclassification of Residential Construction.

52. Rigging, House Moving, Wrecking, and Dismantling: the rigging, hoisting, and general demolishing work of buildings, houses, bridges, and other structures. Allows a contractor to raise, level, and move buildings and residential structures. Rigging, house moving, wrecking, and dismantling is a subclassification of building construction.

53. Roofing and Sheet Metal, Siding: the construction, installation, maintenance, or repair of roof systems for buildings and structures. Includes roof decks, as well as waterproofing for associated parapet walls including flashings and other accessories. Also includes general sheet metal and all types of siding. Roofing and sheet metal, siding is a subclassification of building construction.

54. Solar Energy Equipment: the construction, installation, or repair of solar photovoltaic and/or thermal systems to produce electricity or heating for houses, buildings, swimming pools, plumbing systems, etc. Must hold one or more of the following classification(s): Building Construction, Electrical, Mechanical, or Residential Construction. A license is required when the value exceeds \$10,000.

55. Steel Erection and Installation: the fabrication, erection, welding, bolting, construction, or repair of structural steel, reinforcing steel, ornamental iron, reinforcing rods and wire mesh, metal buildings, metal framing, metal siding, metal roofing, and sheet metal structures. Includes such structures as metal building frames and steel structures for highway bridges, oil drilling rigs, towers, complete storage facilities, grain elevators, silos, warehouses, tanks, floating roofs and metal covers, canopies, etc. Does not include steel piping except the terminal piping

connection to tanks. Includes all painting, coating, and blasting of such structures. Steel erection and installation is a subclassification of building construction.

56. Swimming Pools: the construction, installation, maintenance, or repair of all types of in ground swimming pools, whirlpools, water features and fountains and all associated components. Swimming pools is a subclassification of building construction.

57. Telecommunications, Low Voltage: all low voltage electrical applications. No examination or credential is required. A license is required when the value exceeds \$10,000. Telecommunications is a subclassification of electrical.

58. Tower Construction: the construction, erection, or repair of towers of various types including fire towers, water towers, and telecommunications towers. Includes access road, instrumentation shed, fencing, foundation, antennas, structural steel, etc. and all activities related to tower construction.

59. Underground Storage Tanks: requires Louisiana Department of Environmental Quality certification and refers to the construction, maintenance, and repair of underground storage tanks as well as the backfill, connected piping, and other components. A license is required when the value exceeds \$1. Underground storage tanks is a subclassification of hazardous materials.

60. Water Cooling Towers and Accessories: the construction, installation, maintenance, or repair of water-cooling towers and all related accessories. Water cooling towers and accessories is a subclassification of building construction.

61. Water Well Drilling: requires Louisiana Department of Natural Resources licensure and refers to the drilling of water wells for potable water systems and other water needs.

62. Wharves, Docks, Harbor Improvements and Terminals: the construction, maintenance or repair of shipyards, wharves, docks and related terminals, piers, waterfront pile driving and related equipment, dolphins, breakwaters, revetments, bulkheads, seawalls, retaining walls, cofferdams, caissons, underwater welding, marine diving and salvaging, underwater construction, and related dredging and draglines for harbors and other construction in navigable waterways. Wharves, docks, harbor improvements and terminals is a subclassification of heavy construction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2156.1L.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:

§303. Raising a Residential Structure

A. *House Raising* is defined as the process of either separating a structure or building from its foundation, lifting the structure or building from under the foundation, or any other method of lifting the structure or building for the purpose of relocation or changing the structure or building's elevation. It does not include lifting or moving a portion of the structure or building for the purpose of leveling due to settlement.

B. Only those persons holding one of the below licensed contractor classifications may bid or perform raising of residential structures when the dollar value exceeds seven thousand five hundred dollars:

1. building construction;
2. rigging, house moving, wrecking, and dismantling;

3. foundations for buildings, equipment, or machinery;

4. foundations and pile driving.

C. Those persons holding a license for residential construction may bid or contract for raising, leveling, or shoring of residential structures, but must contract with a licensed contractor in accordance with 303.A of this Part to perform the work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:

§305. Demolition

A. Demolition of residential structures when the value exceeds seven thousand five hundred dollars may only be performed by persons holding a classification of:

1. residential construction;
2. building construction;
3. rigging, house moving, wrecking, and dismantling;
4. home improvement, up to the statutory limits of the registration (\$75,000).

B. Demolition of commercial structures when the value exceeds \$50,000 may only be performed by persons holding a classification of:

1. building construction;
2. rigging, house moving, wrecking, and dismantling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:

§307. Dewatering

A. Dewatering is the removal of water or water-damaged building materials and does not require a license. The removal of structural items is not considered to be dewatering. The replacement or installation of new materials may require a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:

§309. Project Classification

A. Any person bidding or performing the work of a general contractor for which a license is required must be licensed under the classification for which the majority of the work is classified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:

§311. Solar Energy Equipment

Repealed.

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), repealed LR 49:

§313. Division of Contract—Value of Project

Repealed.

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), repealed LR 49;

Chapter 5. Residential

§501. Definitions

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 construction. 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. 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. 37:2150-2165.

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); LR 49;

§503. Residential Swimming Pools Licensing

[Formerly §507]

A. Only contractors holding one or more of the license classifications of building construction, swimming pools, or residential swimming pools are permitted to build or repair residential swimming pools when the value of the project exceeds \$7500.

B. Licensed residential construction contractors may bid or sign contracts to build, renovate, or repair residential swimming pools but must contract with a contractor holding a license to build, renovate, or repair the swimming pool if the licensed residential contractor does not hold a license for the classifications authorized to build, renovate, or repair residential swimming pools.

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. 37:2150-2165.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 42:52 (January 2016), amended LR 44:2150 (December 2018), LR 49;

§505. Maintenance of Skills

[Formerly §513]

A. A residential construction contractor shall be required to complete a minimum of six hours of continuing education annually by a board approved provider. The residential construction contractor shall maintain evidence of all required continuing education for five years and make this documentation available to the board upon request. A contractor who holds a residential construction contractor license and a valid, current commercial 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.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

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), LR 49;

§507. Residential Swimming Pools Licensing

Repealed.

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), LR 49;

§509. Home Improvement Registration

Repealed.

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), LR 49;

§511. New Home Warranty Act

Repealed.

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), repealed LR 49;

§513. Maintenance of Skills

Repealed.

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), LR 49;

Chapter 7. Enforcement and Hearings

§701. Enforcement of Act and Rules

A. The board 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. 37:2150-2165.

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), LR 49;

§703. Correction without Complaint

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. 37:2150-2165.

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), LR 49:

§705. Failure to Insure or Bond

A. Any person required to be licensed by the board that bids a project requiring a bid bond, the posting of a bond for the project, or certificates of insurance evidencing mandated coverage and fails to provide such valid bonds or coverage when due shall be in violation of this Act and these rules and regulations.

B. Upon being awarded a bid, the person licensed shall not cancel, or otherwise fail to maintain the required insurance coverage or bonding as required in the bid proposal.

C. Any person who violates the provisions of this Section may be subject to disciplinary action by the board including suspension and revocation of the contractor's licenses, and fines and administrative costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

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), LR 49:

§707. License Revocation and Suspension

[Formerly §709]

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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

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), LR 49:

§709. Residential Subcommittee Review

[Formerly §713]

A. The residential subcommittee has the authority to issue, suspend, or revoke residential licenses or home improvement registrations issued to residential construction contractors, mold remediation contractors, and home improvement registrants subject to the final approval of the Licensing Board for Contractors.

B. The residential subcommittee has the authority to conduct hearings on alleged violations by residential building contractors, mold remediation contractors and home improvement contractors in accordance with the provisions of R.S. 37:2158.

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. 37:2164 for violations of this Chapter, subject to the final approval of the Licensing Board for Contractors.

D. The residential subcommittee shall make recommendations to the Contractors Board regarding their findings and determinations as a result of the hearings on said alleged violations.

E. Any person licensed as a residential building 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. 37:2150-2165.

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), LR 49:

§711. Penalties

[Formerly §715]

A. In accordance with the provisions of R.S. 37:2164, the board and subcommittee, subject to final approval by the Licensing Board for Contractors, shall have the authority to issue a fine not to exceed 10 percent of the total contract being performed for each violation for the causes listed in R.S. 37:2158.

B. When a fine, administrative fee, or other monetary penalty is assessed by either the board or the residential subcommittee, that amount is payable within 60 days or as provided by law. The failure to pay fines is a basis upon which the board may deny issuance or renewal of a license or registration. If fines are not paid within 60 days or as provided by law, the board may pursue collection of the fines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165.

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 40:2577 (December 2014), LR 44:2152 (December 2018), LR 49:

§713 Hearings

[Formerly §717]

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 or the last known address discovered during the investigatory process;
3. a confirmation of facsimile transmission to the number provided to the board by the party or contractor;
4. a copy of the delivery notice by electronic mail 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. 49:977.4, 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. 37:2150-2165.

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), LR 49:

§715. Penalties

Repealed.

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), repealed LR 49:

§717. Hearings

Repealed.

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), repealed LR 49:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these proposed rules on the family has been considered. It is anticipated that changes to the Rules of the State Licensing Board for

Contractors will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of the changes to the rules have been considered. It is anticipated that these proposed rules will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

Pursuant to R.S. 49:974.5, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. The proposed changes to the rules are not anticipated to have an adverse impact on small businesses. Changes will reduce fees for contractors licensed with this agency by reducing duplicative classifications.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of these proposed rules has been considered. It is anticipated that these proposed rules will have no known impact on providers of services for individuals with developmental disabilities.

Interested Persons

Interested persons may submit written comments on the proposed regulations to the Licensing Board for Contractors, attention Judy Dupuy, Board Administrator, 600 North Street, Baton Rouge, LA 70802 through September 8, 2023.

Public Hearing

If it becomes necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held at 9:00 a.m. on September 26, 2023, at the Louisiana State Licensing Board for Contractors, 600 North Street, Baton Rouge, LA 70802.

Michael McDuff
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Contractors

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The purpose of the proposed changes to the Louisiana State Licensing Board for Contractors (LSLBC) rules is to align the board's administrative code with LSLBC statutes which were overhauled in Act 195 of the 2022 Regular Legislative Session and to codify current practices including the enumeration, defining, and consolidating of licensing classifications, subclassifications, and specialties. There is an anticipated one-time increase of approximately \$5,000 in expenditures by LSLBC to implement program changes to its licensing tracking system to realign the existing classifications to reflect the consolidation. No other state or local government entities will be affected.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Pursuant to La. R.S. 37:2156.1L, the Licensing has authority to consolidate, add, or remove subclassifications or specialties as it deems appropriate. The LSLBC has 85 subclassifications/specialty classifications which require no examination. These specialties are being consolidated into one

major classification called Limited Specialty Services. Several other classifications, similar in scope and which require examination, are also being consolidated. Contractors are currently charged a fee based on the number of classifications they request up to 4 classifications. Currently 986 contractors carry between 2-4 of these subclassifications/specialty classifications, consolidation of which will result in a reduction in estimated revenue to the LSLBC of \$136,990 and a subsequent savings to contractors. As estimated, 658 contractors with two affected classifications will realize a reduction in fees of \$95; 200 contractors with 3 affected classifications will realize a reduction in fees of \$190; and 128 contractors with 4 or more affected classifications will realize a reduction in fees of \$285.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Contractors will be positively impacted by a reduction in fees while retaining the number of classifications that they desire.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The changes to these rules have no anticipated impact on competition and employment.

Judy Dupuy
Board Administrator
2308#059

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Adult Residential Care Providers
Licensing Standards
(LAC 48:I.6831 and 6832)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.6831 and 6832 as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 367 of the 2023 Regular Session of the Louisiana Legislature directs the Department of Health to amend the licensing standards for certain inpatient healthcare facilities in order to establish minimum requirements for visitation, including during a declared public health emergency (PHE). In compliance with Act 367, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the licensing of adult residential care providers in order to update the requirements for visitation by members of the clergy, immediate family members, and other designated persons during a declared PHE.

Title 48

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 68. Adult Residential Care Providers

Subchapter B. Administration and Organization

§6831. Visitation by Members of the Clergy during a Declared Public Health Emergency

A. - H. ...

I. Subject to the requirements of §6831.E-G, each ARCP shall allow members of the clergy to visit residents of the ARCP during a declared PHE when a resident, or his legal or designated representative, requests a visit with a member of the clergy, subject to the following conditions and requirements:

1. - 2. ...

3. An ARCP's policy and procedure on clergy visitation, at a minimum, requires the following:

a. that the ARCP shall give special consideration and priority for clergy visitation to residents receiving end-of-life care;

b. that a clergy member may be screened for infectious agents or infectious diseases, utilizing at least the current screening or testing methods and protocols recommended by the Centers for Disease Control and Prevention (CDC), as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods, or protocols, then the ARCP shall utilize those methods and protocols;

c. that a clergy member may not be allowed to visit an ARCP resident if such clergy member has obvious signs or symptoms of an infectious agent, or infectious disease, or if such clergy member tests positive for an infectious agent, or infectious disease;

d. that a clergy member may not be allowed to visit an ARCP resident if the clergy member refuses to comply with the provisions of the ARCP's policy and procedures or refuses to comply with the ARCP's reasonable time, place, and manner restrictions;

e. that a clergy member may be required to wear PPE as determined appropriate by the ARCP, considering the resident's medical condition or clinical considerations; at the ARCP's discretion PPE may be made available by the ARCP to clergy members.

f. that an ARCP's policy and procedure include provisions for compliance with a Louisiana SHO order or emergency notice and with any governor's executive order or proclamation limiting visitation during a declared PHE;

g. that the resident shall have the right to consensual, nonsexual physical contact such as hand holding or hugging with a member of the clergy; and

h. that an ARCP's policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines regarding visitation in ARCPs issued by any federal government agency during a declared PHE.

4. An ARCP shall submit a written copy of its visitation policies and procedures on clergy member visitation, to the Health Standards Section of the Department of Health (LDH) at the initial licensure survey.

5. After licensure, the facility shall make its visitation policies and procedures available for review by LDH at any time, upon request.

6. An ARCP shall within 24 hours after establishing its written policies and procedures on clergy member visitation, make its written policies and procedures easily accessible from the homepage of its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.