

Senate Bill 503

By: Senators Brass of the 28th, Summers of the 13th, Dolezal of the 27th, Ginn of the 47th, Harbison of the 15th and others

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and  
2 businesses, so as to amend Chapter 41, relating to residential and general contractors; to  
3 rename the general contractor license as a commercial general contractor license and to make  
4 conforming amendments throughout; to change certain provisions relating to the  
5 membership, qualifications, terms, and meetings of the State Licensing Board for Residential  
6 and General Contractors; to require proof of qualified financial responsibility and insurance  
7 coverages after taking the examination required for licensure; to change certain provision  
8 relating to reciprocity; to change certain provisions relating to eligibility for licensure without  
9 examination; to change the notification and designation requirements relating to qualifying  
10 agents; to require each business organization that has terminated its qualifying agent to  
11 furnish certain information to building inspectors; to make certain changes as to the role of  
12 building inspectors; to change provisions relating to the effective date of licensing; to provide  
13 for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 503

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15

**SECTION 1.**

16 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
17 is amended by revising Chapter 41, relating to residential and general contractors, as follows:  
18 "43-41-1.

19 It is the intent of the General Assembly, in the interest of public health, safety, and welfare,  
20 to safeguard homeowners, other property owners, tenants, and the general public against  
21 faulty, inadequate, inefficient, and unsafe residential and commercial general contractors.  
22 The practice of residential and commercial general contracting is declared to be a business  
23 or profession affecting the public interest and this chapter shall be liberally construed so  
24 as to accomplish the intent and purposes stated in this Code section.

25 43-41-2.

26 As used in this chapter, the term:

27 (1) 'Board' means the State Licensing Board for Residential and Commercial General  
28 Contractors.

29 (2) 'Business organization' means any partnership, corporation, limited liability entity,  
30 business trust, joint venture, or other legal entity, other than an individual person, doing  
31 business or seeking, offering, or contracting to do business as a contractor or otherwise  
32 performing or acting as a contractor as defined in this Code section.

33 (3) 'Commercial general contractor' means a contractor whose services are unlimited as  
34 to the type of work which he or she may do, subject to the financial limitations as may  
35 be imposed by a subclassification created pursuant to paragraph (8) of subsection (b) of  
36 Code Section 43-41-5, and who may contract for, undertake to perform, submit a bid or  
37 a proposal or otherwise offer to perform, and perform any activity or work as a contractor  
38 requiring licensure under this chapter including within its scope any work requiring  
39 licensure under Chapter 14 of this title; provided, however, that any work contractually  
40 undertaken by a commercial general contractor in the nature of electrical contracting,

41 plumbing, conditioned air contracting, low-voltage contracting, or utility contracting  
42 which falls within the licensing requirements of Chapter 14 of this title may not be  
43 performed by the commercial general contractor but shall only be performed by a person  
44 who is duly licensed to perform such work under Chapter 14 of this title. The  
45 construction of all private, commercial, institutional, industrial, public, and other  
46 buildings and structures under contract with or engagement directly by an owner shall be  
47 undertaken by a commercial general contractor, except as otherwise expressly set forth  
48 in or excluded from operation of this chapter.

49 ~~(3)~~(4) 'Contracting' means performing or causing to be performed any of the activities  
50 set forth in paragraphs ~~(3)~~, ~~(4)~~, (5), (9), (10), and (11) of this Code section which define  
51 the types of contractors. The offering of contracting services and the negotiation of or  
52 bid or proposal for engagement or a contract requiring performance of these services also  
53 constitutes contracting.

54 ~~(4)~~(5) 'Contractor,' except as specifically exempted by this chapter, means a person who  
55 is qualified, or required to be qualified, under this chapter and who, ~~for compensation,~~  
56 contracts to, offers to undertake or undertakes to, submits a bid or a proposal to, or  
57 personally or by others performs the construction or the management of the construction  
58 for an owner of any building, bridge, or other structure, including a person who installs  
59 industrialized buildings as defined in paragraphs (3) and (4) of Code Section 8-2-111, for  
60 the construction or improvement of, addition to, or the repair, alteration, or remodeling  
61 of any such building, bridge, or structure for use by the owner or by others or for resale  
62 to others. The term 'contractor' for purposes of this chapter shall include a person who  
63 contracts to, undertakes to, or submits a bid or proposal to perform, or otherwise does  
64 himself or herself perform, for an owner:

65 (A) Construction management services relative to the performance by others of such  
66 construction activities where the person performing such construction management

67 services is at risk contractually to the owner for the performance and cost of the  
68 construction; and

69 (B) Services of a contractor as part of performance of design-build services, whether  
70 as a prime contractor, joint venture partner, or as a subcontractor to a design  
71 professional acting as prime contractor as part of a design-build entity or combination.

72 Both residential and commercial general contractors, in addition to contractors licensed  
73 under Chapter 14 of this title to perform such work or any component thereof, shall be  
74 permitted to construct storm-water management systems comprising any storm-water  
75 conveyance or storm-water detention facility that moves storm or surface water from a  
76 specific point on a wholly contained construction project site to another specific point on  
77 the same project site and which are wholly contained within the project site and are not  
78 part of or connected to any public or private water treatment system, waste-water  
79 treatment system, or storm-water system.

80 ~~(5) 'General contractor' means a contractor whose services are unlimited as to the type  
81 of work which he or she may do, subject to the financial limitations as may be imposed  
82 by a subclassification created pursuant to paragraph (8) of subsection (b) of Code Section  
83 43-41-5, and who may contract for, undertake to perform, submit a bid or a proposal or  
84 otherwise offer to perform, and perform any activity or work as a contractor requiring  
85 licensure under this chapter including within its scope any work requiring licensure under  
86 Chapter 14 of this title; provided, however, that any work contractually undertaken by a  
87 general contractor in the nature of electrical contracting, plumbing, conditioned air  
88 contracting, low voltage contracting, or utility contracting which falls within the licensing  
89 requirements of Chapter 14 of this title may not be performed by the general contractor  
90 but shall only be performed by a person who is duly licensed to perform such work under  
91 Chapter 14 of this title. The construction of all private, commercial, institutional,  
92 industrial, public, and other buildings and structures under contract with or engagement~~

93 ~~directly by an owner shall be undertaken by a general contractor, except as otherwise~~  
94 ~~expressly set forth in or excluded from operation of this chapter.~~

95 (6) An 'owner' of real property means a person or entity that has a majority ownership  
96 interest in the real property to be improved and for whom an improvement is made or  
97 who contracts with or engages, directly or through an agent, the contractor to perform the  
98 construction work or services.

99 (7) 'Qualifying agent' means a person who possesses the requisite skill, knowledge, and  
100 experience and has the responsibility to supervise, direct, manage, and control all of the  
101 contracting activities within the State of Georgia of a contractor doing business in the  
102 form of a business organization, with which he or she is affiliated by employment or  
103 ownership; who has the responsibility to supervise, direct, manage, and control  
104 construction activities on any project for which he or she has obtained the building permit  
105 pursuant to Code Section 43-41-14; and whose technical and personal qualifications have  
106 been determined by investigation and examination as provided in this chapter, except as  
107 exempted under Code Section 43-41-8, as attested by the division.

108 (8) 'Real property' means the real estate, or an interest therein, that is improved,  
109 including leaseholds, tenements, and easements, and improvements constructed or placed  
110 thereon.

111 (9) 'Residential contractor' means any contractor who may contract for, undertake to  
112 perform, submit a bid or a proposal or otherwise offer to perform, and perform any  
113 activity or work as a contractor requiring licensure under this chapter for a fixed price,  
114 commission, fee, wage, or other compensation or who undertakes any activity or work  
115 on his or her own behalf or for any person or business organization that is not licensed  
116 as a licensed residential contractor pursuant to this chapter where such activity or work  
117 falls into the category of residential-basic contractor or residential-light commercial  
118 contractor as defined in this Code section and where the total value of the work or activity  
119 or of the compensation to be received by the contractor for such activity or work,

120 whichever is the higher, exceeds \$2,500.00. The term 'residential contractor' shall  
121 include both a residential-basic contractor and a residential-light commercial contractor,  
122 except where otherwise expressly stated. The work or activity performed by a residential  
123 contractor may include within its scope any work requiring licensure under Chapter 14  
124 of this title; provided, however, that any work contractually undertaken by a residential  
125 contractor in the nature of electrical contracting, plumbing, conditioned air contracting,  
126 low voltage contracting, or utility contracting which falls within the licensing  
127 requirements of Chapter 14 of this title may not be performed by the residential  
128 contractor but shall only be performed by a person who is duly licensed to perform such  
129 work under Chapter 14 of this title.

130 (10) 'Residential-basic contractor' means and encompasses a person who performs  
131 contractor work or activity relative to detached one-family and two-family residences and  
132 one-family townhouses not over three stories in height and their accessory buildings and  
133 structures.

134 (11) 'Residential-light commercial contractor' means and encompasses a person who  
135 performs any contractor work or activity performed by a residential-basic contractor and,  
136 additionally, shall include such contractor work or activity related to multifamily and  
137 multiuse light commercial buildings and structures, and their related accessory buildings  
138 and structures, which are less than four stories in height; less than 25,000 square feet in  
139 aggregate interior floor space, except as otherwise provided in this chapter; and are  
140 constructed of wood or light gauge metal frame, brick veneer, prefabricated, or  
141 manufactured type of construction; or are preengineered steel buildings not exceeding  
142 50,000 square feet of interior floor space; provided that such buildings or structures are  
143 not of the type of building or structure that would constitute a special hazard to property  
144 or to life and safety of persons as defined in subparagraphs (A), (C), (D), (E), (F), (G),  
145 (G.1), (H), (I), and (J) and subparagraph (B), as it applies to a building of four or more  
146 stories, of paragraph (1) of subsection (b) of Code Section 25-2-13.

147 (12) 'Specialty contractor' means a contractor whose scope of work and responsibility is  
148 of limited scope dealing with only a specific trade and directly related and ancillary work  
149 and whose performance is limited to such specialty construction work requiring special  
150 skill and requiring specialized building trades or crafts, including, but not limited to, such  
151 activities, work, or services requiring licensure under Chapter 14 of this title.

152 43-41-3.

153 (a) There is created the State Licensing Board for Residential and Commercial General  
154 Contractors consisting of 15 members appointed by the Governor for five-year terms. The  
155 board shall be assigned to the Secretary of State's office for administrative purposes and  
156 shall be under the jurisdiction of the division director and shall operate in accordance with  
157 and pursuant to the provisions of Chapter 1 of this title, as applicable. The board shall be  
158 ~~comprised~~ composed of two divisions: the residential contractor division, having  
159 jurisdiction of and authority over the two subcategories of residential contracting,  
160 residential-basic contractors and residential-light commercial contractors, and the  
161 commercial general contractor division. Eight members shall be appointed and serve as  
162 members of the residential contractor division of the board and seven members shall be  
163 appointed and serve as members of the commercial general contractor division of the  
164 board. Members shall serve until the expiration of their respective terms and until their  
165 successors are appointed and qualified. Vacancies occurring during a term shall be filled  
166 by appointment of the Governor for the remainder of the unexpired term and such  
167 replacement shall meet the requirements and criteria of selection of the person previously  
168 holding the vacant position. To be eligible to serve on the respective divisions of the  
169 board, each contractor member shall be ~~and~~ licensed in the category to which the member  
170 is appointed and shall remain actively involved in the construction contracting business and  
171 shall have been so engaged for a period of not less than five consecutive years before the  
172 date of appointment in the particular contracting business, as a residential contractor or

173 commercial general contractor, corresponding to the division for which such person is  
174 appointed. ~~Any contractor members whose term continues after or who are appointed to~~  
175 ~~terms commencing two years from the date that this chapter becomes effective must also~~  
176 ~~have been licensed and certified by the respective division of the board to operate as a~~  
177 ~~contractor in the category to which the member is appointed.~~ The position of any  
178 ~~appointive~~ appointed member of the board who, during his or her term of appointment,  
179 shall cease to meet the qualifications for original appointment shall be immediately  
180 vacated. No member of the board shall be appointed to serve more than two full terms.

181 (b) The residential contractor division shall consist of eight members and, except as  
182 otherwise expressly stated in this chapter, shall have jurisdiction of and authority over the  
183 practice of the two subcategories of residential contracting, residential-basic contractors  
184 and residential-light commercial contractors. Six members shall be residential contractors  
185 ~~eligible for licensure~~ licensed under this chapter; ~~provided, however, that effective January~~  
186 ~~1, 2008, all residential contractor members shall be required to be licensed under this~~  
187 ~~chapter.~~ At least two of the residential contractor members shall be qualified to perform  
188 residential-light commercial type projects; three shall be qualified and shall predominantly  
189 perform residential-basic type projects licensed as residential-light commercial contractors;  
190 at least two shall be licensed as residential-basic contractors; one shall be a licensed  
191 residential contractor whose business predominantly involves remodeling projects; one  
192 shall be a licensed residential contractor who constructs at least an average of 20 residences  
193 per year; and all must be geographically diverse. One member shall be a public building  
194 official and one member shall be a public member. The public member shall have no ties  
195 with the residential construction industry and shall represent the interests of the public at  
196 large. The ~~initial~~ member terms on the residential contractor division shall be staggered  
197 so that all terms do not expire simultaneously. ~~Three members shall serve initial terms of~~  
198 ~~five years, three members shall serve initial terms of four years, one member shall serve~~  
199 ~~an initial term of three years, and one member shall serve an initial term of one year.~~ The

200 residential contractor division shall meet at least ~~six times each year~~ once every two  
201 months for the purpose of transacting such business as may properly come before it.

202 (c) The commercial general contractor division shall consist of seven members and, except  
203 as otherwise expressly stated in this chapter, shall have jurisdiction of and authority over  
204 the practice of commercial general contracting. Five members shall be commercial general  
205 contractors ~~eligible for licensure~~ licensed under this chapter. ~~Effective January 1, 2008,~~  
206 ~~all general contractor members shall be required to be licensed under this chapter.~~ At least  
207 two of the commercial general contractor members shall be small-volume builders with an  
208 annual contracting volume of less than \$5 \$10 million and all of whom must be  
209 geographically diverse. One member shall be a currently licensed or registered architect  
210 or engineer and one member shall be a public building official. The initial member terms  
211 on the commercial general contractor division shall be staggered so that all terms do not  
212 expire simultaneously. ~~Three members, including at least two contractor members, shall~~  
213 ~~serve initial terms of five years; three members, including at least two contractor members,~~  
214 ~~shall serve initial terms of four years; and one member shall serve an initial term of three~~  
215 ~~years.~~ The commercial general contractor division shall meet at least ~~six times each year~~  
216 once every two months for the purpose of transacting such business as may properly come  
217 before it.

218 43-41-4.

219 (a) The initial members of the board shall be ~~appointed no later than July 1, 2005.~~ The  
220 ~~fifteenth member of the board shall be appointed not later than July 1, 2007.~~ The board  
221 shall meet within 30 days after its appointment at a time and place to be designated by the  
222 ~~Governor and organize by electing~~ elect a chairperson and a vice chairperson, each to serve  
223 for a one-year term commencing on the first day of July each year.

224 (b) The office of chairperson of the board shall be rotated between the two divisions  
225 enumerated in this chapter, with the office of vice chairperson to be held by a member of

226 the division other than that in which the chairperson serves, unless the board, through its  
227 rules and regulations, provides otherwise. Any vacancy in the office of chairperson shall  
228 be filled by the members for the unexpired term. The person selected to fill the vacancy  
229 shall be a member of the same division as the chairperson whose departure has created the  
230 vacancy.

231 (c) The board shall meet at the call of the chairperson or upon the recommendation of a  
232 majority of its members. Eight members of the board, including at least three members  
233 from each of its divisions, shall constitute a quorum for transaction of business by the  
234 board.

235 (d) Each division within the board shall also elect from its membership a chairperson and  
236 a vice chairperson who shall each serve for a term of two years. Any vacancy in the office  
237 of either the chairperson or vice chairperson shall be filled by one of the members of the  
238 respective division for the unexpired term.

239 (e) Any member elected chairperson of a division may not serve more than two  
240 consecutive full terms of office.

241 (f) Each division shall carry out its powers and duties as provided for in this chapter with  
242 the assistance of the division director and staff of the professional licensing boards division  
243 of the Secretary of State's office and the officers and staff of the board. Each division of  
244 the board shall operate and transact its business independently of the other division and of  
245 the board at large, except as required by this chapter and to the extent of common interests  
246 and functions, including staffing and administration. Each division of the board shall have  
247 delegated from the board the power and authority to take all appropriate actions in the  
248 organization and administration of each respective division and the effectuation and  
249 implementation of the licensing and enforcement processes required under this chapter,  
250 subject to ultimate oversight and review by the board.

251 (g) The divisions of the board shall meet at the call of the chairperson of the division.

252 (h) The board shall not take action on any matter specifically delegated to and under the  
253 authority and control of the one of its divisions unless at least four of its members from the  
254 affected division are present and participating in such action or decision.

255 (i) The division director, or his or her designee, shall keep a record of the proceedings of  
256 the board and its respective divisions.

257 43-41-5.

258 (a) The board shall meet at least twice each year for the purpose of transacting such  
259 business as may properly come before it and of overseeing the operation of its divisions.

260 (b) The board and its divisions shall have the power to:

261 (1) Request from the various departments, agencies, and authorities of the state and its  
262 political subdivisions and their agencies and authorities such available information as  
263 they may require in their work; and all such departments, agencies, and authorities shall  
264 furnish such requested available information to the board and its divisions within a  
265 reasonable time;

266 (2) Provide by regulation for reciprocity with other states or territories of the United  
267 States in the licensing of residential and commercial general contractors, provided that  
268 such other states have requirements substantially equal to the requirements in force in this  
269 state for registration, licensure, or certification and that any such contractor holding a  
270 current and valid license, certificate, or registration from another state or territory seeking  
271 licensure by way of reciprocity shall demonstrate that such applicant meets, in the  
272 discretion of the respective division, the qualifications, requirements, and criteria set forth  
273 in Code Section 43-41-6, ~~other than the requirement to take and pass an examination as~~  
274 ~~set forth in subsection (d) of Code Section 43-41-6~~; and that such applicant is otherwise  
275 in compliance with all requirements of the State of Georgia for transaction of such  
276 business within this state; provided, further, that a similar privilege is offered to residents  
277 of this state by the other state or territory;

- 278 (3) Establish and adjust fees as necessary within the limits set forth in Chapter 1 of this  
279 title;
- 280 (4) Adopt official seals for their use and change them at pleasure;
- 281 (5) Establish the policies and procedures for regulating the businesses of residential  
282 contracting and commercial general contracting and provide interpretation and guidance  
283 regarding the implementation and application of such policies and procedures;
- 284 (6) Determine qualifications for licensure or certification, including such experience  
285 requirements as the board deems necessary;
- 286 (7) Promulgate and adopt rules and regulations necessary to carry out this chapter;
- 287 (8) Establish and define appropriate categories of commercial general contractor  
288 licensure based upon financial criteria; and
- 289 (9) Allow for inactive status pursuant to Code Section 43-1-22.
- 290 (c) Regarding the powers and authorities conferred by this Code section relative to the  
291 residential-light commercial contractor subcategory of the residential contractor  
292 classification under this chapter, due to the characteristics of such subcategory, such  
293 powers and authorities shall be delegated to and conferred upon, in the first instance, a  
294 combined and overlapping subdivision comprising four members of both of the divisions,  
295 two of whom shall be the residential-light commercial qualified members of the residential  
296 contractor division and two of whom shall be the small volume qualified members of the  
297 commercial general contractor division, with neither division having sole oversight and  
298 control of such powers and authorities. The chairperson of such combined subdivision  
299 shall be rotated annually between the chairperson of the residential contractor division and  
300 the chairperson of the commercial general contractor division, with the residential  
301 contractor chairperson initially serving as chairperson. The combined subdivision shall  
302 meet at the call of such chairperson. However, regarding the actual issuance of licenses  
303 under this chapter for residential-light commercial contracting and any powers and  
304 authorities relative to administration, oversight, control, or disciplinary action of persons

305 issued such licenses, pursuant to Code Sections 43-41-10, 43-41-11, 43-41-13, 43-41-15,  
306 and 43-41-16, the residential contractor division shall have full power and authority. Any  
307 determinations made or actions taken by this subdivision shall be subject to the ultimate  
308 review, oversight, control, power, and authority of the board.

309 (d)(1) The division director is authorized to make, or cause to be made through  
310 employees or contract agents of the board, such investigations as he or she or the board  
311 may deem necessary or proper for the enforcement of the provisions of this chapter. Any  
312 person properly conducting an investigation on behalf of the board shall have access to  
313 and may examine any writing, document, or other material relating to the fitness of any  
314 licensee or applicant. The division director or his or her appointed representative may  
315 issue subpoenas to compel such access upon a determination that reasonable grounds  
316 exist for the belief that a violation of this chapter or any other law relating to the practice  
317 of residential or commercial general contracting may have taken place.

318 (2) The results of all investigations initiated by the board shall be reported solely to the  
319 board, and the records of such investigations shall be kept for the board by the division  
320 director, with the board retaining the right to have access at any time to such records. No  
321 part of any such records shall be released, except to the board, for any purpose other than  
322 a hearing before the board, nor shall such records be subject to subpoena; provided,  
323 however, that the board shall be authorized to release such records to another  
324 enforcement agency or lawful licensing authority.

325 (3) The board shall have the authority to exclude all persons during its deliberations on  
326 disciplinary proceedings and to discuss any disciplinary matter in private with a licensee  
327 or applicant and the legal counsel of that licensee or applicant.

328 (e) A person, firm, corporation, association, authority, or other entity shall be immune  
329 from civil and criminal liability for reporting or investigating the acts or omissions of a  
330 licensee or applicant which violate the provisions of this chapter or any other provision of  
331 law relating to a licensee's or applicant's fitness to practice as a licensed residential or

332 commercial general contractor or for initiating or conducting proceedings against such  
333 licensee or applicant, if such report is made or action is taken in good faith, without fraud  
334 or malice.

335 (f) The denial of a license on grounds other than those enumerated in this chapter, the  
336 issuance of a private reprimand, the denial of a license by reciprocity, the denial of a  
337 request for reinstatement of a revoked license, or the refusal to issue a previously denied  
338 license shall not be considered to be a contested case within the meaning of Chapter 13 of  
339 Title 50, the 'Georgia Administrative Procedure Act.' Notice and hearing within the  
340 meaning of Chapter 13 of Title 50 shall not be required, but the applicant or licensee shall  
341 be allowed to appear before the appropriate division if he or she so requests.

342 (g) If any licensee or applicant fails to appear at any hearing after reasonable notice, the  
343 board may proceed to hear the evidence against such licensee or applicant and take action  
344 as if such licensee or applicant had been present. A notice of hearing, initial or  
345 recommended decision, or final decision of the board in a disciplinary proceeding shall be  
346 served upon the licensee or applicant by certified mail or statutory overnight delivery,  
347 return receipt requested, to the last known address of record with the board. If such  
348 material is returned marked 'unclaimed' or 'refused' or is otherwise undeliverable and if the  
349 licensee or applicant cannot, after diligent effort, be located, the division director shall be  
350 deemed to be the agent for service for such licensee or applicant for purposes of this Code  
351 section, and service upon the division director shall be deemed to be service upon the  
352 licensee or applicant.

353 (h) The voluntary surrender of a license shall have the same effect as a revocation of the  
354 license, subject to reinstatement in the discretion of the board.

355 (i) This Code section shall apply equally to all licensees or applicants whether individuals,  
356 partners, or members of any other incorporated or unincorporated associations,  
357 corporations, business organizations, or other associations of any kind whatsoever.

358 (j) All subpoenas issued pursuant to the authority granted in this chapter shall be subject  
359 to the general rules of law with respect to distance, tender of fees and expenses, and  
360 protective orders; and any motion made with respect thereto shall be made to and passed  
361 on by a judge of the superior court of the county of residence of the person to whom the  
362 subpoena is directed.

363 43-41-6.

364 (a) Anyone seeking to be licensed as a residential contractor or as a commercial general  
365 contractor in this state shall file an application on a form provided by the residential  
366 contractor or commercial general contractor division, respectively, accompanied by an  
367 application fee as provided by the board. Such an application may be submitted either by:

368 (1) An individual person seeking issuance of a license in his or her own name for  
369 purposes of engaging in the profession of residential or commercial general contracting  
370 in his or her own name or doing business as an individual in a trade name as a sole  
371 proprietorship; or

372 (2) An individual person affiliated by ownership or employment with and acting as a  
373 qualifying agent for a business organization seeking to engage in the profession of  
374 residential or commercial general contracting in the name of the business organization  
375 in accordance with and pursuant to Code Section 43-41-9.

376 Additionally, all applicants must submit to and successfully pass an examination prepared  
377 by, prepared for, or approved by the appropriate division, except where an applicant is  
378 otherwise qualified for licensure and has satisfied the appropriate division requirements and  
379 regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from  
380 the examination requirement or where the applicant is an individual acting as a qualifying  
381 agent for a business organization and has previously obtained and maintained continuously  
382 a license issued by the appropriate division, either as an individual doing business in his

383 or her own name or doing business as an individual in a trade name as a sole proprietor or  
384 as a qualifying agent for another business organization.

385 (b) A person shall be eligible for licensure as a residential-basic contractor by the  
386 residential contractor division if the person:

387 (1) Is at least 21 years of age;

388 (2) Is of a good character and is otherwise qualified as to competency, ability, ~~and~~  
389 integrity, and financial responsibility;

390 (3) Has at least two years of proven experience working as or in the employment of a  
391 residential contractor, predominantly in the residential-basic category, or other proven  
392 experience deemed substantially similar by the division; and

393 (4) Has had significant responsibility for the successful performance and completion of  
394 at least two projects falling within the residential-basic category in the two years  
395 immediately preceding application.

396 (c) A person shall be eligible for licensure as a residential-light commercial contractor by  
397 the residential-light commercial subdivision if the person:

398 (1) Is at least 21 years of age;

399 (2) Is of a good character and is otherwise qualified as to competency, ability, ~~and~~  
400 integrity, and financial responsibility;

401 (3) Meets eligibility requirements according to one of the following criteria:

402 (A) Has received a baccalaureate degree from an accredited four-year college or  
403 university in the field of engineering, architecture, construction management, building  
404 construction, or other field acceptable to the division and has at least one year of proven  
405 experience working as or in the employment of a residential contractor, commercial  
406 general contractor, or other proven experience deemed substantially similar by the  
407 division;

408 (B) Has a combination acceptable to the division of academic credits from any  
409 accredited college-level courses and proven practical experience working as or in the

410 employment of a residential contractor, commercial general contractor, or other proven  
411 experience deemed substantially similar by the division equaling at least four years in  
412 the aggregate. For purposes of this subparagraph, all university, college, junior college,  
413 or community college-level courses shall be considered accredited college-level  
414 courses; or

415 (C) Has a total of at least four years of proven active experience working in a  
416 construction industry related field, at least two of which shall have been as or in the  
417 employment of a residential contractor, or other proven experience deemed acceptable  
418 by the division; and

419 (4) Has had significant responsibility for the successful performance and completion of  
420 at least two projects falling within the residence-light commercial category in the four  
421 years immediately preceding application.

422 (d) A person shall be eligible for licensure as a commercial general contractor by the  
423 commercial general contractor division if the person:

424 (1) Is at least 21 years of age;

425 (2) Is of a good character and is otherwise qualified as to competency, ability, integrity,  
426 and financial responsibility; and

427 (3) Meets eligibility requirements according to one of the following criteria:

428 (A) Has received a baccalaureate degree from an accredited four-year college or  
429 university in the field of engineering, architecture, construction management, building  
430 construction, or other field acceptable to the division and has at least one year of proven  
431 experience working as or in the employment of a commercial general contractor or  
432 other proven experience deemed substantially similar by the division;

433 (B) Has a combination acceptable to the division of academic credits from any  
434 accredited college-level courses and proven practical experience working as or in the  
435 employment of a commercial general contractor or other proven experience deemed  
436 substantially similar by the division equaling at least four years in the aggregate. For

437 purposes of this subparagraph, all university, college, junior college, or community  
438 college-level courses shall be considered accredited college-level courses; or  
439 (C) Has a total of at least four years of proven active experience working in a  
440 construction industry related field, at least two of which shall have been as or in the  
441 employment of a commercial general contractor, or other proven experience deemed  
442 acceptable by the division and at least one of which shall have been in or relating to  
443 administration, marketing, accounting, estimating, drafting, engineering, supervision,  
444 or project management, or functions deemed substantially similar by the division.

445 (e)(1) Before being entitled to take an examination or otherwise qualify for issuance of  
446 a license, an applicant must show to the satisfaction of the residential contractor division  
447 or commercial general contractor division from the application and proofs furnished that  
448 the applicant is possessed of a good character and is otherwise qualified as to  
449 competency, ability, and integrity, ~~and financial responsibility~~. The application shall  
450 include a list of all persons, entities, and business organizations that the applicant will be  
451 affiliated with as a licensed residential contractor or commercial general contractor,  
452 whether by way of employment, ownership, serving as an owner or director, partnership,  
453 or membership or by serving as a qualifying agent under this chapter. ~~Applicants for a  
454 general contractor license shall provide proof of a minimum net worth in an amount  
455 which is specified by the general contractor division. Additionally, all applicants shall  
456 provide proof of general liability insurance and of workers' compensation insurance as  
457 required by the laws of this state in their name. However, if and to the extent the  
458 applicant is submitted as a person seeking to act as a qualifying agent of a particular  
459 business organization, such proofs and information shall relate and pertain to such  
460 business organization rather than the individual applicant, subject to the limitations set  
461 forth in subsection (d) of Code Section 43-41-9. All applicants shall also provide their  
462 social security numbers, if applying as an individual, or the federal taxpayer identification  
463 numbers of any business organization for which the applicant is seeking licensure as a~~

464 qualifying agent. Applicants for a commercial general contractor's license shall also  
465 provide suitable verification of tax payments in a form and manner and for the duration  
466 prescribed by the commercial general contractor division; provided, however, that where  
467 the application is seeking license as a qualifying agent of a business organization, such  
468 tax verification and information shall relate and pertain to that business organization.

469 (2) Before qualifying for issuance of a license, but not before being entitled to take an  
470 examination, an applicant must show to the satisfaction of the appropriate division that  
471 the applicant is qualified as to financial responsibility. Applicants for a commercial  
472 general contractor license shall provide proof of a minimum net worth in an amount  
473 specified by the commercial general contractor division. All applicants shall provide  
474 proof of general liability insurance in an amount specified by the appropriate division and  
475 proof of workers' compensation insurance as required by the laws of this state. If the  
476 applicant is submitted as a person seeking to act as a qualifying agent of a business  
477 organization, then such proof shall pertain to that business organization rather than the  
478 individual applicant, subject to the limitations set forth in Code Section 43-41-9. A  
479 certificate by the insurer or other appropriate evidence of insurance coverages shall be  
480 maintained with the appropriate division and shall be a condition of renewal.

481 (3) The decision of the appropriate division as to the qualifications of applicants shall,  
482 in the absence of fraud or willful or wanton misconduct, be conclusive. A certificate by  
483 the insurer or other appropriate evidence of such coverages shall be maintained with the  
484 appropriate division and shall be a condition of renewal.

485 (4) A licensee, on his or her own behalf or where acting as a qualifying agent on behalf  
486 of the business organization so qualified, must notify the appropriate division in writing  
487 within 30 days of any changes in the information required to be on file with such  
488 division, including, but not limited to, the licensee's and, if the licensee is acting as a  
489 qualifying agent for any business organization, such business organization's current  
490 mailing address, insurance coverages, and affiliated entities.

491 (f)(1) The residential contractor division and the commercial general contractor division  
492 shall each conduct or cause to be conducted an examination of all qualified applicants,  
493 except those exempted from the examination requirement pursuant to Code Section  
494 43-41-8.

495 (2) The residential contractor division shall conduct or cause to be conducted separate  
496 examinations for applicants for residential-basic and residential-light commercial licenses  
497 for the purpose of determining a particular applicant's ability to make a practical  
498 application of his or her knowledge of the profession of residential contracting in the  
499 particular subcategory for which a license is sought; the applicant's qualifications in  
500 reading plans and specifications; his or her knowledge of building codes, estimating  
501 costs, construction, ethics, contracting, and other similar matters pertaining to such  
502 residential contracting business; his or her knowledge as to the responsibilities of a  
503 residential contractor to the public and to owners, subcontractors, and suppliers; and his  
504 or her knowledge of the requirements of the laws of this state relating to residential-basic  
505 and residential-light-commercial contractors, construction, workers' compensation,  
506 insurance, and liens.

507 (3) The commercial general contractor division shall conduct or cause to be conducted  
508 an examination to ascertain the particular applicant's ability to make a practical  
509 application of his or her knowledge of the profession of commercial general contracting;  
510 the applicant's qualifications in reading plans and specifications; his or her knowledge of  
511 building codes, estimating costs, construction, ethics, contracting, and other similar  
512 matters pertaining to the general contracting business; his or her knowledge as to the  
513 responsibilities of a general contractor to the public and to owners, subcontractors, and  
514 suppliers; and his or her knowledge of the requirements of the laws of this state relating  
515 to general contractors, construction, workers' compensation, insurance, surety bonding,  
516 and liens.

517 (4) If the results of the applicant's examination are satisfactory to the appropriate  
518 division, or he or she is exempted from the examination requirement under Code Section  
519 43-41-8, and if he or she and any affiliated business organization has met the other  
520 qualifications and requirements set forth in this Code section, then the appropriate  
521 division shall issue to the applicant a license to engage in business as a residential or  
522 commercial general contractor in this state, as provided in such license, in his or her own  
523 name as a sole proprietor or as a qualifying agent for the affiliated business organization  
524 and in the name of such business organization, pursuant to and in accordance with the  
525 requirements set forth in Code Section 43-41-9. A residential contracting license shall  
526 indicate for which of the two subcategories, residential-basic or residential-light  
527 commercial, the licensee is qualified.

528 (g) Any otherwise qualified applicant failing this examination may be reexamined at any  
529 regularly scheduled examination within one year of the date of original application upon  
530 payment of a reexamination fee, in an amount to be set by the board, without need to  
531 resubmit an application, unless any information set forth in the previously submitted  
532 application is no longer accurate or complete. Anyone requesting to take the examination  
533 a ~~third~~ fourth or subsequent time shall wait at least one calendar year after the ~~taking of the~~  
534 ~~last examination~~ date of original application and shall submit an application with the  
535 appropriate examination fees.

536 (h) A residential contractor license, indicating whether relating to the residential-basic or  
537 residential-light commercial category, or commercial general contractor license shall be  
538 issued to an applicant who successfully completes the respective requirements therefor  
539 upon the payment of fees prescribed by the board.

540 (i) Such licenses shall be renewable biennially. Licenses may be renewed subsequent to  
541 their expiration within six months of the date of expiration by submitting a renewal as  
542 prescribed by the board and paying a late renewal fee as determined by the board. After

543 six months has elapsed from the date of expiration, such license may be reinstated in  
544 accordance with the rules and regulations of the board.

545 (j) The division director shall give advance notice to each person holding a license under  
546 this chapter of the date of the expiration of the certificate of registration and the amount of  
547 the fee required for renewal at least one month prior to the expiration date, but the failure  
548 to receive such notice shall not avoid the expiration of any license not renewed in  
549 accordance with this Code section.

550 (k) As a condition of renewal, the appropriate division may require licensees to complete  
551 division approved continuing education of not more than three hours annually for a  
552 residential-basic license, six hours annually for a residential-light commercial license, and  
553 eight hours annually for a commercial general contractor license.

554 43-41-7.

555 A licensed residential contractor and any affiliated entities shall offer a written warranty  
556 in connection with each contract to construct, or superintend or manage the construction  
557 of, any single-family residence where the total value of the work or activity or the  
558 compensation to be received by the contractor for such activity or work exceeds \$2,500.00.  
559 The residential contractor division shall establish the minimum requirements of such  
560 warranty. The parties to the warranty may agree to submit any or all disputes arising under  
561 the warranty to arbitration. Such agreement to arbitrate shall be enforceable as provided  
562 in Part 1 of Article 1 of Chapter 9 of Title 9, the 'Georgia Arbitration Code.'

563 43-41-8.

564 (a) Notwithstanding any other provision of this chapter to the contrary, the following  
565 persons desiring to qualify for a residential contractor license or a commercial general  
566 contractor license under the provisions of this chapter, either individually or as a qualifying  
567 agent, shall be eligible for issuance of such a license by the appropriate division without

568 examination, provided that such person submits a proper application and proofs, pays or  
569 has paid the required fees, otherwise meets the requirements of Code Section 43-41-6 for  
570 licensure, and is not otherwise in violation of this chapter:

571 ~~(1) Any person who holds a current and valid license to engage in the comparable~~  
572 ~~category of residential or general contracting issued to him or her by any governing~~  
573 ~~authority of any political subdivision of this state which requires passing an examination~~  
574 ~~which is substantially similar to the state examination for residential or general~~  
575 ~~contractors, provided that such person is a Georgia resident and citizen, if an individual~~  
576 ~~applying in his or her own behalf, or is seeking licensure as a qualifying agent for a~~  
577 ~~business organization incorporated in Georgia or otherwise authorized and certified to~~  
578 ~~transact business in Georgia with a regular office and place of business in Georgia~~  
579 ~~currently and having had such office and place of business continuously for the five years~~  
580 ~~immediately preceding such application; provided, further, that the examination results~~  
581 ~~are made available to the appropriate division. Such application and request for~~  
582 ~~exemption must be submitted within the time limits set forth in subsection (a) of Code~~  
583 ~~Section 43-41-17;~~

584 ~~(2) Any person who has successfully and efficiently engaged in the comparable category~~  
585 ~~of residential or general contracting in this state as provided in this Code section;~~  
586 ~~provided, however, that such person shall be either a resident and citizen of the State of~~  
587 ~~Georgia or, if applying as a qualifying agent for a business organization, such business~~  
588 ~~organization shall be either incorporated in Georgia or is a business organization~~  
589 ~~otherwise authorized and certified to transact business in Georgia with a regular office~~  
590 ~~and place of business in Georgia currently and having had such office and place of~~  
591 ~~business continuously for the five years immediately preceding such application;~~  
592 ~~provided, further, that such application and request for exemption is submitted within the~~  
593 ~~time limits set forth in subsection (a) of Code Section 43-41-17. To prove that he or she~~  
594 ~~has successfully engaged in residential-basic or residential-light commercial projects, the~~

595 person shall be required to give evidence of three successful projects located in Georgia  
596 which were successfully completed over the period of five years immediately prior to the  
597 time of application; evidence of ten successfully completed residential-basic or  
598 residential-light commercial projects located in Georgia over the period of ten years  
599 immediately prior to the time of application; or evidence that he or she has participated  
600 in or been engaged in residential-basic or residential-light commercial construction in a  
601 supervisory or management capacity for seven of the ten years immediately prior to the  
602 time of application. To prove that he or she has successfully engaged in commercial  
603 general contracting, the person submitting the application shall be required to give  
604 evidence of five successful general contracting projects located in Georgia which were  
605 successfully completed over the period of five years immediately prior to the time of  
606 application or evidence of ten successful general contracting projects located in Georgia  
607 which were successfully completed over the period of ten years immediately prior to the  
608 time of application, such projects having been performed either by such person acting as  
609 an individual or by a business organization in which such individual person was affiliated  
610 by employment or ownership and over which such person had general oversight and  
611 management responsibilities;

612 (3)(1) Any person who holds a current and valid license to practice a comparable  
613 category of residential or commercial general contracting issued by another state or  
614 territory of the United States, where either such state or territory has entered into a  
615 reciprocal agreement with the board and divisions for the recognition of contractor  
616 licenses issued in that state or territory, or such application is pursuant to and in  
617 accordance with the regulations and requirements for reciprocity promulgated by the  
618 divisions in accordance with subsection (b) of Code Section 43-41-5. Additionally, such  
619 application shall meet the following requirements:

- 620 (A) The criteria for issuance of such license or certification by such other state or  
621 territory, including the requirement to successfully complete an examination, were  
622 substantially equivalent to Georgia's current license criteria;
- 623 (B) The application requirements and application form submitted to the other state or  
624 territory upon which such license was issued are available for review by the appropriate  
625 division and the examination results are made available to the appropriate division;
- 626 (C) The applicant shall demonstrate that he or she meets the qualifications,  
627 requirements, and criteria set forth in subsections (a), ~~(b)~~, ~~(c)~~, and ~~(d)~~ through (e) of  
628 Code Section 43-41-6; and
- 629 (D) The applicant is otherwise in compliance with all requirements of this state for  
630 transaction of such business within this state; ~~provided, however, that such application~~  
631 ~~and request for exemption shall be submitted in accordance with subsection (a) of Code~~  
632 ~~Section 43-41-17;~~ and
- 633 ~~(4)~~(2) Any person who holds a current and valid license issued under this chapter to  
634 engage in the comparable category of residential or commercial general contracting  
635 which license was issued to him or her in their capacity either as an individual licensee  
636 or as a qualifying agent for a business organization.
- 637 (b) Any applicant for issuance of a residential contractor or commercial general contractor  
638 license under this title who shall seek exemption from the examination requirement under  
639 this Code section, on any basis set forth above, shall have the burden of establishing to the  
640 satisfaction and within the discretion of the appropriate division that the requirements for  
641 such exemption have been satisfied. The decision of such division as to the satisfaction of  
642 the requirements for such exemption from taking the examination shall, in the absence of  
643 fraud, be conclusive.
- 644 (c) Any business organization that had an applicant submit a complete and satisfactory  
645 application pursuant to this Code section, but was not issued a license due to the death of  
646 the qualifying agent applicant prior to the issuance of the license, shall remain eligible for

647 consideration under this Code section with the submission of a new qualifying agent  
648 applicant for such business entity.

649 43-41-9.

650 (a) If an individual applicant proposes to engage in residential or commercial general  
651 contracting in the individual's own name or a trade name where the individual is doing  
652 business as a sole proprietorship, the license shall be issued only to that individual. Where  
653 an applicant under this chapter is seeking issuance of a residential or commercial general  
654 contractor license on behalf and for the benefit of a business organization seeking to  
655 engage in residential or commercial general contracting as a business organization, the  
656 application for a license under this chapter must be submitted by and through an individual  
657 qualifying agent for such business organization or entity and expressly on behalf of such  
658 business organization or entity. In such case, the license shall be issued to the individual  
659 qualifying agent and to the affiliated business organization or entity on whose behalf the  
660 application was made. It shall be unlawful for any person, firm, corporation, or association  
661 to operate a business organization or entity engaged in the business of residential or  
662 commercial general contracting without first obtaining a license from the appropriate  
663 ~~division after the effective date of the licensing requirements as specified in subsection (a)~~  
664 ~~of Code Section 43-41-17.~~ The appropriate division shall not issue a license to any  
665 business organization or entity to engage in residential or commercial general contracting  
666 unless such business organization or entity employs at least one currently licensed  
667 individual residential or commercial general contractor serving as its qualifying agent who  
668 is actually engaged by ownership or employment in the practice of residential or  
669 commercial general contracting for such business organization or entity and provides  
670 adequate supervision and is responsible for the projects of such business organization or  
671 entity. A business organization may allow more than one person to act as a qualifying  
672 agent for such organization, subject to each such individual qualifying agent having

673 successfully satisfied the requirements for issuance of a license under this chapter and  
674 having obtained issuance of such a license by the appropriate division. Each such business  
675 organization shall have at least one qualifying agent in order to be considered authorized  
676 to engage in such contracting business.

677 (b) The application for a license by a qualifying agent must include an affidavit on a form  
678 provided by the board attesting that the individual applicant has final approval authority  
679 for all construction work performed by the business organization or entity within the State  
680 of Georgia and that the individual applicant has final approval authority on all construction  
681 matters, including contracts and contract performance and financial affairs related to such  
682 construction matters, for each construction job for which his or her license was used to  
683 obtain the building permit.

684 (c) A joint venture is considered a separate and distinct organization for licensing purposes  
685 under this chapter and must be qualified and licensed in accordance with the appropriate  
686 division's rules and regulations either:

687 (1) In its own name as a separate business organization; or

688 (2) By each of the members of the joint venture doing business as a residential contractor  
689 or commercial general contractor holding, as an individual or as a business organization  
690 acting through its qualifying agent, a valid and current residential or commercial general  
691 contractor's license issued by the appropriate division. Each such licensed individual or  
692 qualifying agent shall be considered a qualifying agent of such joint venture.

693 (d) If, during the period encompassed by a license issued to a qualifying agent acting for  
694 and on behalf of an affiliated business organization, there is a change in any information  
695 that is required to be stated on the application, the business organization shall, within 45  
696 days after such change occurs, furnish the correct information to the appropriate division.

697 (e)(1) At least one qualifying agent shall be licensed under this chapter in order for the  
698 business organization to obtain a license as a residential or commercial general  
699 contractor. If any qualifying agent ceases to be affiliated with such business

700 organization, for any reason, he or she shall so inform the division having jurisdiction.  
701 In addition, if such qualifying agent is the only qualifying agent licensed hereunder  
702 affiliated with the business organization, the business organization shall promptly notify  
703 the appropriate division of the termination of the relationship with that qualifying agent  
704 and shall have ~~120~~ 180 days from the termination of the qualifying agent's affiliation with  
705 the business organization to employ another qualifying agent and submit an application  
706 for licensure under the new qualifying agent. The submission of such application shall  
707 serve to maintain the licensed status of the business organization pending and subject to  
708 approval of such application by the appropriate division; provided that, should such  
709 application be denied by that division, then, after the later of the passage of the ~~120~~ 180  
710 day period or the denial of the application, the business organization shall cease to be  
711 considered licensed as a residential or a commercial general contractor unless and until  
712 a new application is submitted and approved by the appropriate division. In such  
713 circumstance, the affected business organization may not thereafter engage in residential  
714 or commercial general contracting until a new qualifying agent is employed; provided,  
715 however, that, unless the appropriate division has granted shall grant a temporary  
716 nonrenewable license to the financially responsible officer, the president or chief  
717 executive officer, a partner, or, in the case of a limited partnership, the general partner,  
718 who thereafter shall assume all responsibilities of a qualifying agent for the business  
719 organization or entity. This temporary license shall only allow the entity to proceed with  
720 incomplete contracts already in progress. For the purposes of this paragraph, an  
721 incomplete contract is one which has been awarded to, or entered into by, the business  
722 organization prior to the cessation of ~~affiliation of the qualifying agent with the business~~  
723 ~~organization~~ being considered licensed as a residential or a commercial general contractor  
724 or one on which the business organization was the low bidder and the contract is  
725 subsequently awarded, regardless of whether any actual work has commenced under the  
726 contract prior to the qualifying agent business organization ceasing to be ~~affiliated with~~

727 ~~the business organization~~ considered licensed as a residential or a commercial general  
728 contractor.

729 (2) A person licensed under this chapter either as an individual doing business in his or  
730 her name or doing business in a trade name as a sole proprietor may serve as a qualifying  
731 agent for a business organization upon application and demonstration of satisfaction by  
732 such business organization of all financial and insurance requirements pursuant to Code  
733 Section 43-41-6. A qualifying agent may serve in such capacity for more than one  
734 business organization, provided that he or she shall satisfy the criteria for serving in such  
735 capacity with regard to each such business organization. A qualifying agent shall inform  
736 the division having jurisdiction in writing when he or she proposes to engage in  
737 contracting in his or her own name or in affiliation as a qualifying agent with another  
738 business organization, and he or she or such new business organization shall supply the  
739 same information to the division as required of applicants under this chapter. Such  
740 person shall be deemed to be a licensed residential or commercial general contractor for  
741 the original term of his or her license for the purpose of engaging in contracting as an  
742 individual in his or her own name, provided that he or she qualified for such license based  
743 on his or her own personal qualifications as to financial responsibility and insurance.  
744 Otherwise, such individual shall be required to submit a new application demonstrating  
745 satisfaction of such financial and insurance requirements in order to engage in the  
746 business of contracting under this chapter as an individual in his or her own name or  
747 doing business as an individual in a trade name as a sole proprietor or by the business  
748 organization he or she desires to qualify in order to obtain a license for such other  
749 business organization, but such person shall be entitled to continue engaging in the  
750 business of residential or commercial general contracting in accordance with and under  
751 his or her previously issued license unless and until the appropriate division determines  
752 that the person seeking issuance of the license no longer meets these requirements.

753 (3) Upon a favorable determination by the division having jurisdiction, after  
754 investigation of the financial responsibility, if applicable, and insurance of the applicant,  
755 the division shall notify the applicant, whether the applicant was previously approved as  
756 an individual or a qualifying agent, that the applicant is approved, without an  
757 examination, for a new license.

758 (f) Disciplinary action and other sanctions provided in this chapter may be administered  
759 against a business organization operating under a license issued through its licensed  
760 qualifying agent or agents in the same manner and on the same grounds as disciplinary  
761 actions or sanctions against an individual or license holder acting as its qualifying agent  
762 under this chapter. The divisions or the board may deny the license to a qualifying agent  
763 for any business organization if the qualifying agent or business organization has been  
764 involved in past disciplinary actions or on any grounds for which individual licenses can  
765 be denied.

766 (g) Each qualifying agent shall pay the appropriate division an amount equal to the original  
767 fee for a license applied for on behalf of a new business organization. If the qualifying  
768 agent for a business organization desires to qualify additional business organizations, the  
769 division shall require him or her to present evidence of the financial responsibility, if  
770 applicable, and insurance of each such organization.

771 (h) All qualifying agents for a business organization are jointly and equally responsible for  
772 supervision of all construction related operations of the business organization, for all field  
773 work at all sites, and for financial matters within the State of Georgia for each construction  
774 job for which his or her license was used to obtain the building permit.

775 (i) Any change in the status of a qualifying agent is prospective only. A qualifying agent  
776 shall for purposes of application of this chapter and the enforcement and disciplinary  
777 mechanisms thereunder be and remain responsible for his or her actions or omissions as  
778 well as those of the business organization for which such person had acted as a qualifying  
779 agent occurring during his or her period of service as such qualifying agent as and to the

780 extent set forth in this chapter. A qualifying agent is not responsible for his or her  
781 predecessor's actions, but is responsible, even after a change in status, for matters for which  
782 he or she was responsible while in a particular status. Further, nothing in this chapter shall  
783 be interpreted as a basis for imposition of civil liability against an individual qualifying  
784 agent by any owner or other third party claimant beyond the liability that would otherwise  
785 exist legally or contractually apart from and independent of the individual's status as a  
786 qualifying agent.

787 43-41-10.

788 (a) In addition to the powers and authorities conferred upon the board and its divisions  
789 pursuant to Chapter 1 of this title, the residential contractor division and the commercial  
790 general contractor division shall have the power, respectively, to reprimand any person or  
791 licensee, or to suspend, revoke, or refuse to grant, renew, or restore a license to any person  
792 or licensee if such person or licensee is found by the appropriate division to have engaged  
793 in any fraud or deceit in obtaining a license or otherwise to have engaged in gross  
794 negligence, repeated or persistent incompetence, intentional misconduct in the practice of  
795 his or her profession, or willful violation of any provisions of this chapter.

796 (b) For purposes of this Code section, a person or business organization operating on an  
797 expired, revoked, lapsed, or suspended license shall be considered unlicensed.

798 (c) The separate divisions may issue a stop-work order for all unlicensed work falling  
799 within their respective jurisdictions upon finding probable cause to believe that  
800 construction work which requires a license under this chapter is being performed by a  
801 person without such a current, valid license. Such an order may be enforced by injunctive  
802 relief, cease and desist orders, or other related actions within the power and authority of the  
803 board and its respective divisions.

804 (d) The division having jurisdiction shall investigate and sanction any license holder found  
805 to have engaged in fraud, deceit, gross negligence, repeated or persistent incompetence, or

806 intentional misconduct in the practice of residential or commercial general contracting; and  
807 sanctions shall be assessed against any such residential or commercial general contractor  
808 licensed under this chapter either individually or as a business organization acting through  
809 a qualifying agent. Such charges, unless dismissed without hearing by the division as  
810 unfounded, shall be heard and determined by that division in accordance with the  
811 provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

812 (e) The divisions shall each adopt and publish in print or electronically rules and  
813 regulations, consistent with the provisions of this chapter, governing the suspension and  
814 revocation of licenses.

815 (f) Each division may reissue a license to any person whose license has been revoked or  
816 lift a suspension of a license to such person provided that four or more members of the  
817 division vote in favor of such reissuance or lifting for reasons that division deems  
818 sufficient.

819 43-41-11.

820 The issuance of a license by the residential contractor or the commercial general contractor  
821 division shall be evidence that the person named therein, including both the individual  
822 licensee and any business organization for whom such licensee is a qualifying agent, is  
823 entitled to all the rights and privileges of a licensed residential or commercial general  
824 contractor while such license remains unrevoked or unexpired.

825 43-41-12.

826 (a) Any person, whether an individual or a business organization, who:

827 (1) Contracts for or bids upon or engages in the construction of any of the projects or  
828 works enumerated in the definitions of residential contractor or commercial general  
829 contractor in Code Section 43-41-2 without having first complied with the appropriate

830 provisions of this chapter or who shall attempt to practice residential contracting or  
831 commercial general contracting in this state except as provided for in this chapter;

832 (2) Falsely represents, advertises, or holds himself or herself or an affiliated business  
833 organization out as a residential contractor or commercial general contractor licensee  
834 duly authorized to perform work under such classification of licensure pursuant to this  
835 chapter;

836 (3) Represents or attempts to use or presents as his or her own the license of another  
837 person or, in the case of a business organization, a person other than its qualifying agent;

838 (4) Gives false or forged evidence of any kind to the board or its divisions or to any  
839 member of the board in maintaining a license;

840 (5) Uses an expired, suspended, or revoked license to continue engaging in residential  
841 contracting or commercial general contracting;

842 (6) Operates a business organization engaged in contracting after ~~120~~ 180 days following  
843 the termination of its only qualifying agent without designating another primary  
844 qualifying agent, except as provided in Code Section 43-41-9; or

845 (7) Intentionally and repeatedly misrepresents or manipulates the value or percentage of  
846 work at the time of contract under subsections (e) and (f) of Code Section 43-41-17 to  
847 avoid the licensing requirements of this chapter,

848 shall be guilty of a misdemeanor and shall, upon conviction, be punished for each such  
849 offense by a fine of not less than ~~\$500.00~~ \$1,000.00 or imprisonment of three months, or  
850 both fine and imprisonment in the discretion of the court.

851 (b) Any architect or engineer who recommends to any project owner the award of a  
852 contract to anyone known by such architect or engineer not to be properly licensed under  
853 this chapter shall be subject to such penalties as provided in subsection (a) of this Code  
854 section and also to any appropriate disciplinary action by the appropriate division.

855 (c) Except as otherwise provided in this Code section, any person who violates any  
856 provision of this chapter shall be guilty of a misdemeanor.

857 43-41-13.

858 Whenever it appears to the board or either division of the board that any person, whether  
859 an individual or a business organization, or both, is violating any of the provisions of this  
860 chapter or of the rules and regulations of the board or either division promulgated under  
861 this chapter, the board or division may apply to the superior court of the county in which  
862 such individual resides or business is located for a restraining order and injunction to  
863 restrain the violation, and the superior court shall have jurisdiction to grant the requested  
864 relief, irrespective of whether criminal prosecution has been instituted or administrative  
865 sanctions have been imposed by reason of the violation.

866 43-41-14.

867 (a)(1) Any ~~person, whether an individual or a~~ business organization acting through a  
868 qualifying agent, intending to perform work as a residential or commercial general  
869 contractor, upon making application to the building inspector or such other authority of  
870 any incorporated municipality or county in this state charged with the duty of issuing  
871 building or other permits for contemplated construction work requiring performance by  
872 either a licensed residential contractor or a licensed commercial general contractor shall,  
873 before being entitled to the issuance of such permit, furnish to such inspector or authority,  
874 personally or through his or her authorized agent specifically designated to act on his or  
875 her behalf in a sworn written document submitted contemporaneously or previously  
876 submitted and maintained by such inspector or authority, his or her residential contractor  
877 or commercial general contractor license number and the identity of any business  
878 organization for which such applicant is serving as qualifying agent that is undertaking  
879 or contracting as a residential contractor or a commercial general contractor to construct  
880 or manage the construction. It shall be unlawful for any such building inspector or other  
881 authority to issue or allow the issuance of such building permit unless the applicant has  
882 furnished his or her residential contractor or commercial general contractor license

883 number and the identity of any such business organization relative to performance of the  
884 work for which a permit has been applied. A building inspector or other authority shall  
885 issue such building permit under the terms of this Code section to any person, including  
886 an individual licensee acting on his or her own behalf or a licensee acting as a qualifying  
887 agent for a business organization and such business organization, upon evidence  
888 reasonably establishing that such person is duly licensed as a residential or commercial  
889 general contractor under this chapter, either individually or as a business organization  
890 acting under a duly licensed qualifying agent. Any building inspector or other such  
891 authority that issues such a building permit to a person known by such building inspector  
892 or authority not to be properly licensed under this chapter shall be guilty of a  
893 misdemeanor and, upon conviction, shall be subject to a fine of not more than ~~\$500.00~~  
894 \$1,000.00.

895 (2) Any business organization acting under paragraph (1) of subsection (e) of Code  
896 Section 43-41-9 after the termination of its qualifying agent's affiliation with the business  
897 organization, upon applying to the building inspector or such other authority of any  
898 incorporated municipality or county in this state charged with the duty of issuing permits  
899 for contemplated construction work requiring performance by a licensed residential or  
900 commercial general contractor shall, before being entitled to the issuance of such permit,  
901 furnish to such inspector or authority a sworn written document by the financially  
902 responsible officer, the president or chief executive officer, the partner, or, in the case of  
903 a limited partnership, the general partner, who has assumed all responsibilities of a  
904 qualifying agent for the business organization, attesting that the permit application is  
905 made within 180 days after the termination of its qualifying agent's affiliation with the  
906 business organization, or is made after submission of an application for licensure under  
907 a new qualifying agent that is pending before the appropriate division of the board, or is  
908 made under a temporary nonrenewable license granted by the appropriate division of the  
909 board. It shall be unlawful for any such building inspector or other authority to issue or

910 allow the issuance of such building permit unless the applicant has furnished this sworn  
911 written document. A building inspector or other authority shall issue such building  
912 permit under the terms of this Code section to any business organization upon evidence  
913 reasonably establishing that such business organization is acting as authorized under  
914 paragraph (1) of subsection (e) of Code Section 43-41-9 after the termination of its  
915 qualifying agent's affiliation with the business organization. Any building inspector or  
916 other such authority that issues such a building permit to a person known by such  
917 building inspector or authority not to be acting as authorized under paragraph (1) of  
918 subsection (e) of Code Section 43-41-9 shall be guilty of a misdemeanor and, upon  
919 conviction, shall be subject to a fine of not more than \$1,000.00.

920 (b) The licensing requirements imposed by this chapter and the effective dates of such  
921 licensing requirements must be posted by any county or municipality in this state charged  
922 with the duty of issuing building or other permits for construction work requiring  
923 performance by either a licensed residential contractor or a licensed commercial general  
924 contractor in the same location in which such building or other permits are issued.

925 43-41-15.

926 If an incomplete contract exists at the time of death of a residential or commercial general  
927 contractor, where the licensed contractor performing the work under such contract is an  
928 individual person and not a business organization acting through a qualifying agent for  
929 such organization, the contract may be completed by any person affiliated with the  
930 contractor as a co-owner, partner, employee, relative, heir, successor, or assign, even  
931 though not licensed under this chapter, subject to the terms of this Code section. Such  
932 person shall notify the appropriate division of the board within 30 days after the death of  
933 such contractor of such death and of his or her name and address, knowledge of the  
934 contract, and ability technically and financially to complete it. Such person may continue  
935 with performance of the contract pending approval by the division. If the division

936 approves, he or she may proceed with the contract to completion. If the division does not  
937 approve completion by such person, due to a determination that he or she does not have  
938 sufficient knowledge, expertise, or financial or other required resources, the division shall  
939 give prompt written notice to the person, including the reasons for such rejection, and such  
940 person shall promptly upon receipt of such notice cease further performance of the  
941 contract. If the owner engages another person under a new contract to complete the  
942 remaining work under the original contract, such other party must be a contractor duly  
943 licensed under this chapter to perform such work. For purposes of this Code section, an  
944 incomplete contract is one which has been awarded to or entered into by the contractor  
945 before his or her death or on which he or she was the low bidder and the contract is  
946 subsequently awarded to him or her, regardless of whether any actual work has commenced  
947 under the contract before the contractor's death. If an incomplete contract exists at the time  
948 of death of a sole qualifying agent of a residential contractor or a commercial general  
949 contractor, where the contractor is a business organization licensed only under such  
950 individual as its qualifying agent, then the contractor shall proceed as provided under  
951 paragraph (1) of subsection (e) of Code Section 43-41-9.

952 43-41-16.

953 (a) The board shall have the authority to refuse to grant a license to an applicant or to  
954 revoke the license of a person licensed by the board or to discipline a person licensed by  
955 the board upon a finding by a majority of the board that the applicant or licensee has  
956 committed any of the following acts:

957 (1) Obtaining a license by fraud or misrepresentation or otherwise knowingly giving  
958 false or forged evidence to the board or its divisions;

959 (2) Being convicted or found guilty of or entering a plea of guilty or nolo contendere to  
960 a criminal act constituting a felony in any jurisdiction which directly relates to the

961 practice of residential or commercial general contracting or the ability to practice  
962 contracting;

963 (3) Performing any act which assists a person or entity in the prohibited unlicensed  
964 practice of contracting if the licensee knows or has reasonable grounds to know that the  
965 person or entity is unlicensed;

966 (4) Knowingly combining or conspiring with an unlicensed person by allowing his or her  
967 license to be used with the intent to evade the provisions of this chapter. When an  
968 individual license holder allows his or her license to be used to qualify one or more  
969 business organizations, including where such qualifying agent for a person engaged in  
970 general contracting does not actually possess and exercise the power and authority  
971 required of a qualifying agent under paragraph (7) of Code Section 43-41-2 and Code  
972 Section 43-41-9, such act constitutes prima-facie evidence of an intent to evade the  
973 provisions of this chapter;

974 (5) Failing in any material respect to comply with the provisions of this chapter or  
975 violating a rule, regulation, or lawful order of the board or its divisions;

976 (6) Abandoning a construction project in which the contractor who is the individual  
977 license holder or a business organization for whom the license holder is a qualifying  
978 agent is engaged or under contract as a residential or commercial general contractor. A  
979 project may be presumed abandoned after 90 days if the contractor has ceased work on  
980 or terminated performance on the project without just cause and without proper  
981 notification to the owner, including the reason for the termination, cessation, or  
982 abandonment;

983 (7) Signing a statement with respect to a project or contract falsely indicating that the  
984 work is bonded; knowingly and falsely indicating by written statement issued to the  
985 owner that payment has been made for all subcontracted work, labor, and materials and  
986 for all materials furnished and installed which statement is reasonably relied upon and

- 987 actually results in a financial loss to the owner; or falsely indicating that workers'  
988 compensation and general liability insurance are provided;
- 989 (8) Committing fraud or deceit in the practice of contracting, including falsely  
990 advertising, representing, or holding himself or herself or an affiliated business  
991 organization out as having a valid and current license under this chapter;
- 992 (9) Committing gross negligence, repeated or persistent negligence, or negligence  
993 resulting in a significant danger to life or property;
- 994 (10) Proceeding on any job without obtaining applicable local building permits and  
995 inspections;
- 996 (11) Using or attempting to use a license that has expired or has been suspended or  
997 revoked;
- 998 (12) Knowingly or intentionally engaging any subcontractor to perform work within the  
999 scope of the general or residential construction contract which requires a license under  
1000 Chapter 14 of this title who does not possess a current and valid license for such work;  
1001 or
- 1002 (13) Failing to satisfy within a reasonable time the terms of a final civil judgment  
1003 obtained against the licensee or the business organization qualified by the licensee  
1004 relating to the practice of the licensee's profession.
- 1005 (b) The appropriate division may take any one or more of the following actions against any  
1006 license holder found by the division to have committed any one or more of the acts listed  
1007 in subsection (a) of this Code section:
- 1008 (1) Place the license holder on probation or reprimand the license holder;
- 1009 (2) Revoke a license, including the license of a person as an individual as well as that of  
1010 a qualifying agent of a business organization together with the interest of the business  
1011 organization qualified thereby in such license; suspend such a license for a stated period  
1012 of time not exceeding one year; or deny the issuance or renewal of the license;

- 1013 (3) Require financial restitution to a consumer for financial harm directly related to a  
 1014 violation of a provision of this chapter;
- 1015 (4) Impose an administrative fine not to exceed \$5,000.00 for each violation;
- 1016 (5) Require continuing education; or
- 1017 (6) Assess costs associated with the investigation and prosecution.
- 1018 (c) In determining penalties in any final order of the board or a division, the board or  
 1019 division shall follow the penalty guidelines established by the board's or division's rules  
 1020 and regulations.
- 1021 (d) The board or a division may assess interest or penalties on all fines imposed under this  
 1022 chapter against any person or business organization which has not paid the imposed fine  
 1023 by the due date established by rule, regulation, or final order.
- 1024 (e) If the board or a division finds any contractor has violated the provisions of this  
 1025 chapter, the board or division may as a part of its disciplinary action require such contractor  
 1026 to obtain continuing education in the areas of contracting affected by such violation.

1027 43-41-17.

- 1028 ~~(a) The licensing requirements imposed by this chapter and the sanctions and~~  
 1029 ~~consequences relating thereto shall not become effective and enforceable until July 1, 2008.~~  
 1030 ~~On and after such date, no~~ No person, whether an individual or a business organization,  
 1031 shall have the right to engage in the business of residential contracting or commercial  
 1032 general contracting without a current, valid residential contractor license or commercial  
 1033 general contractor license, respectively, issued by the division under this chapter or, in the  
 1034 case of a business organization, unless such business organization shall have a qualifying  
 1035 agent as provided in this chapter holding such a current, valid residential contractor or  
 1036 commercial general contractor license on behalf of such organization issued to such  
 1037 qualifying agent as provided in this chapter. ~~Notwithstanding the foregoing, persons~~  
 1038 ~~seeking licensure under this chapter and exemption from examination under paragraphs (1)~~

1039 ~~and (2) of subsection (a) of Code Section 43-41-8 shall submit their applications, including~~  
1040 ~~all necessary proof of the basis of exemption from examination for such license, starting~~  
1041 ~~January 1, 2006. The period for submission of such applications and requests for~~  
1042 ~~exemption from the examination requirements shall extend thereafter for a period of 18~~  
1043 ~~months. Furthermore, notwithstanding the foregoing, any person seeking licensure under~~  
1044 ~~this chapter and exemption from examination under paragraph (3) of subsection (a) of Code~~  
1045 ~~Section 43-41-8 may submit his or her application, including all necessary proof of the~~  
1046 ~~basis of such exemption starting January 1, 2007, and continuing thereafter.~~

1047 (b) As a matter of public policy, any contract entered into on or after July 1, 2008, for the  
1048 performance of work for which a residential contractor or commercial general contractor  
1049 license is required by this chapter and not otherwise exempted under this chapter and which  
1050 is between an owner and a contractor who does not have a valid and current license  
1051 required for such work in accordance with this chapter shall be unenforceable in law or in  
1052 equity by the unlicensed contractor. For purposes of this subsection, a contractor shall be  
1053 considered unlicensed only if the contractor was unlicensed on the effective date of the  
1054 original contract for the work, if stated therein, or, if not stated, the date the last party to the  
1055 contract executed such contract, if stated therein. If the contract does not establish such a  
1056 date, the contractor shall be considered unlicensed only if the contractor was unlicensed on  
1057 the first date upon which the contractor provided labor, services, or materials under the  
1058 contract. Notwithstanding any other provision of law to the contrary, if a contract is  
1059 rendered unenforceable under this subsection, no lien or bond claim shall exist in favor of  
1060 the unlicensed contractor for any labor, services, or materials provided under the contract  
1061 or any amendment thereto. This subsection shall not affect the rights of parties other than  
1062 the unlicensed contractor to enforce contract, lien, or bond remedies. This subsection shall  
1063 not affect the obligations of a surety that has provided a bond on behalf of an unlicensed  
1064 contractor. It shall not be a defense to any claim on a bond or indemnity agreement that  
1065 the principal or indemnitor is unlicensed for purposes of this subsection.

1066 (c) Any person who holds a license issued under this chapter may engage in the business  
1067 of residential or commercial general contracting, but only as prescribed by the license,  
1068 throughout the state and no municipality or county may require any such person licensed  
1069 under this chapter to comply with any additional licensing requirements imposed by such  
1070 municipality or county relative to the performance of construction work subject to the  
1071 licensing requirements under this chapter. However, nothing in this chapter shall preclude  
1072 the implementation and enforcement by any municipality or county of a local rule,  
1073 regulation, ordinance, order, or other requirement in effect and operation as of July 1, 2004,  
1074 that requires a person to obtain a locally issued license, registration, or certification in order  
1075 to:

1076 (1) Engage in the construction of improvements to real property to the extent such  
1077 activities are not encompassed by this chapter or by Chapter 14 of this title; or

1078 (2) Engage in residential or commercial general contracting within such jurisdiction;  
1079 provided, however, that:

1080 (A) The requirements and criteria for issuance of such local license, registration, or  
1081 certification shall have been at least as strict and stringent, in the sole judgment of the  
1082 board, as those for the issuance of a corresponding state-wide license issued under this  
1083 chapter;

1084 (B) Such local license, registration, or certification shall only apply to activities  
1085 performed within the geographical limits of such municipality or county; and

1086 (C) Such requirement shall not prevent or foreclose any contractor not holding such  
1087 local license, registration, or certification but holding a valid and current state-wide  
1088 license issued under this chapter or Chapter 14 of this title from the transaction of  
1089 contracting business in such local jurisdiction within the scope of his or her state-wide  
1090 license.

1091 (d) Any person qualified by the Department of Transportation to perform construction  
1092 work on roads, streets, bridges, highways, sidewalks, or other grading, paving, or repaving

1093 projects; airport runways or taxiways; or railroads, and services incidental thereto, for the  
1094 department shall not be required to be licensed under this chapter in order to perform any  
1095 such work for the department or for any other owner requiring similar work to be  
1096 performed. The commercial general contractor division of the board, in agreement with  
1097 the Department of Transportation, shall, by rule, define 'services incidental thereto' for the  
1098 purposes of this subsection only and shall likewise define any other necessary terms as to  
1099 the scope of the exemption provided by this subsection.

1100 (e) Nothing in this chapter shall prevent any person holding a valid license issued by the  
1101 State Construction Industry Licensing Board, or any division thereof, pursuant to Chapter  
1102 14 of this title from performing any work defined in the Code sections under which the  
1103 license held by said person was issued. Furthermore, nothing in this chapter shall preclude  
1104 a person licensed under Chapter 14 of this title to perform plumbing, conditioned air  
1105 contracting, utility contracting, electrical contracting, or low-voltage contracting from  
1106 offering to perform, performing, engaging in, or contracting to engage in the performance  
1107 of construction work or services directly with an owner, which work would otherwise  
1108 require a license under this chapter, where the total scope of the work to be performed is  
1109 predominantly of the type for which such contractor is duly licensed to perform under  
1110 Chapter 14 of this title such that any other work involved is incidental to and an integral  
1111 part of the work performed within the scope of such license under said chapter and does  
1112 not exceed the greater of \$10,000.00 or 25 percent of the total value at the time of  
1113 contracting of the work to be performed; provided, however, that such contractor may not  
1114 delegate or assign the responsibility to directly supervise and manage the performance of  
1115 such other work to a person unless such person is licensed under this chapter and the work  
1116 being performed by such person is within the scope of that person's license.

1117 (f) Nothing in this chapter shall preclude a specialty contractor from offering or  
1118 contracting to perform or undertaking or performing for an owner limited, specialty, or  
1119 specific trade contractor work. However, nothing in this chapter shall permit a specialty

1120 contractor to perform work falling within the licensing requirements of Chapter 14 of this  
1121 title where such specialty contractor is not duly licensed under such chapter to perform  
1122 such work. The board shall, by rule or policy ~~by January 1, 2008~~, identify specialty  
1123 contractors or other criteria to determine eligibility under the exemption of this subsection.  
1124 The specialty contractor otherwise exempted from license requirements under this chapter  
1125 may perform work for an owner that would otherwise require a license under this chapter  
1126 where the total scope of the work to be performed is predominantly of the type for which  
1127 such specialty contractor is duly recognized as exempt under this subsection by the board,  
1128 provided that such other work involved is incidental to and an integral part of the exempt  
1129 work performed by the specialty contractor and does not exceed the greater of \$10,000.00  
1130 or 25 percent of the total value at the time of contracting of the work to be performed.

1131 (g) Nothing in this chapter shall preclude a person from offering or contracting to perform  
1132 or undertaking or performing for an owner repair work, provided that the person  
1133 performing the repair work discloses to the owner that such person does not hold a license  
1134 under this chapter and provided, further, that such work does not affect the structural  
1135 integrity of the real property. The board shall by rule or regulation further define the term  
1136 'repair' as used in this subsection and any other necessary terms as to the scope of this  
1137 exemption.

1138 (h) Nothing in this chapter shall preclude any person from constructing a building or  
1139 structure on real property owned by such person which is intended upon completion for use  
1140 or occupancy solely by that person and his or her family, firm, or corporation and its  
1141 employees, and not for use by the general public and not offered for sale or lease. In so  
1142 doing, such person may act as his or her own contractor personally providing direct  
1143 supervision and management of all work not performed by licensed contractors. However,  
1144 if, under this subsection, the person or his or her family, firm, or corporation has previously  
1145 sold or transferred a building or structure which had been constructed by such person  
1146 acting without a licensed residential or commercial general contractor within the prior 24

1147 month period, starting from the date on which a certificate of occupancy was issued for  
1148 such building or structure, then such person may not, under this subsection, construct  
1149 another separate building or structure without having first obtained on his or her own  
1150 behalf an appropriate residential or commercial general contractor license or having  
1151 engaged such a duly licensed contractor to perform such work to the extent required under  
1152 this chapter, or it shall be presumed that the person, firm, or corporation did not intend such  
1153 building solely for occupancy by that person and his or her family, firm, or corporation.  
1154 Further, such person may not delegate the responsibility to directly supervise and manage  
1155 all or any part of the work relating thereto to any other person unless that person is licensed  
1156 under this chapter and the work being performed is within the scope of that person's  
1157 license. In any event, however, all such work must be done in conformity with all other  
1158 applicable provisions of this title, the rules and regulations of the board and division  
1159 involved, and any applicable county or municipal resolutions, ordinances, codes,  
1160 permitting, or inspection requirements.

1161 (i) Nothing in this chapter shall preclude an architect licensed pursuant to Chapter 4 of this  
1162 title, an interior designer registered pursuant to Chapter 4 of this title, or an engineer  
1163 registered pursuant to Chapter 15 of this title from performing work or providing services  
1164 within the scope of his or her registration for the practice of architecture or interior design  
1165 or license for practicing engineering.

1166 (j) Nothing in this chapter shall preclude an architect licensed pursuant to Chapter 4 of this  
1167 title, an interior designer registered pursuant to Chapter 4 of this title, or an engineer  
1168 registered pursuant to Chapter 15 of this title from offering to perform or offering or  
1169 rendering design-build services to an owner; provided, however, that such offer or contract  
1170 shall clearly indicate at the time of such offer or contract that all services of a commercial  
1171 general contractor incident to the design-build performance shall be performed by a duly  
1172 licensed commercial general contractor in compliance with other provisions of this chapter  
1173 and that all services so offered or provided falling within the scope of the licensing

1174 requirements of this chapter are offered and rendered by a licensed commercial general  
1175 contractor in accordance with this chapter.

1176 (k) Nothing in this chapter shall apply to the construction, alteration, or repair of buildings  
1177 classified as an agricultural occupancy or that are used for agricultural storage or  
1178 agricultural purposes.

1179 (l) A contractor licensed under this chapter shall not be required to list on the face of a bid  
1180 or proposal envelope the license number of any contractor licensed under Chapter 14 of  
1181 this title that may or will be engaged to perform any work within the licensing requirements  
1182 of Chapter 14 of this title which comprises part of the work for which such bid or proposal  
1183 is submitted.

1184 (m) Dams, including both earth dams and concrete dams, designed for electrical  
1185 generation, water storage, or any other purpose may be constructed by either a commercial  
1186 general contractor licensed under this chapter or by a utility contractor licensed pursuant  
1187 to Chapter 14 of this title.

1188 (n) Nothing in this chapter shall apply to the construction or installation of manufactured  
1189 homes as defined in paragraph (4) of Code Section 8-2-131.

1190 43-41-18.

1191 (a) As used in this Code section, the term:

1192 (1) 'Discharge' means an honorable discharge or a general discharge from active military  
1193 service. Such term shall not mean a discharge under other than honorable conditions, a  
1194 bad conduct discharge, or a dishonorable discharge.

1195 (2) 'Military' means the armed forces of the United States or a reserve component of the  
1196 armed forces of the United States, including the National Guard.

1197 (b) A committee composed of the division director, members of the Governor's Office of  
1198 Workforce Development, and members of the licensing board representing the profession  
1199 of residential=light-commercial contracting shall determine the military specialties or

1200 certifications the training, experience, and testing for which substantially meet or exceed  
1201 the requirements to obtain a residential-light-commercial contractor's license. The  
1202 Governor shall designate a chairperson from among the membership of the committee.  
1203 (c) Any current or former member of the military may apply to the licensing board for the  
1204 immediate issuance of a license or certification based upon his or her having obtained a  
1205 military specialty or certification the training or experience for which substantially meets  
1206 or exceeds the requirements to obtain a residential-light-commercial contractor's license.  
1207 In order to qualify under this subsection, an applicant shall make application not later than  
1208 180 days after his or her discharge. Such application shall be in such form and shall  
1209 require such documentation as the division director shall determine. If the applicant  
1210 satisfies the requirements of this Code section, the division director shall direct the  
1211 appropriate division to issue the license, and such division shall immediately issue such  
1212 license; provided, however, that the applicant shall satisfy all financial and insurance  
1213 requirements for the issuance of such license. This Code section shall only apply to the  
1214 initial issuance of a license. After the initial issuance of a license, the licensee shall be  
1215 subject to any provisions relating to the renewal of the license applicable to all licensees.

1216 ~~43-41-19.~~

1217 ~~Reserved."~~

1218 **SECTION 2.**

1219 All laws and parts of laws in conflict with this Act are repealed.