HB193 ENROLLED



- 1 6Y5S3Z-2
- 2 By Representative Simpson
- 3 RFD: Boards, Agencies and Commissions
- 4 First Read: 23-Mar-23

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6 2023 Regular Session



1 Enrolled, An Act,

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- Relating to the Alabama Sunset Law; to continue the
- 4 existence and functioning of the State Licensing Board for
- 5 General Contractors until October 1, 2024, with certain
- 6 modifications: To amend Section 34-8-7, Code of Alabama 1975,
- 7 to exempt routine landscape maintenance work from the practice
- 8 of general contracting.
- 9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- 10 Section 1. Pursuant to the Alabama Sunset Law, the
- 11 Sunset Committee recommends the continuance of the State
- 12 Licensing Board for General Contractors until October 1, 2024,
- 13 with the additional recommendation for statutory change as set
- 14 out in Section 3.
- 15 Section 2. The existence and functioning of the State
- 16 Licensing Board for General Contractors, created and
- functioning pursuant to Sections 34-8-1 to 34-8-28, inclusive,
- 18 Code of Alabama 1975, is continued until October 1, 2024, and
- those code sections are expressly preserved.
- 20 Section 3. Section 34-8-7 of the Code of Alabama 1975,
- 21 is amended to read as follows:
- 22 "\$34-8-7
- 23 (a) The following shall be exempted from this chapter:
- 24 (1) The practice of general contracting, as defined in
- 25 Section 34-8-1, by an authorized representative or
- 26 representatives of the United States Government, State of
- 27 Alabama, incorporated town, city, or county in this state,
- 28 which is under the supervision of a licensed architect or



- 29 engineer provided any work contracted out by the
- 30 representative shall comply with the provisions of this
- 31 chapter for general contractor.
- 32 (2) The construction of any residence or private
- 33 dwelling.
- 34 (3) A person, firm, or corporation constructing a
- 35 building or other improvements on his, her, or its own
- 36 property provided that any of the work contracted out complies
- 37 with the definition in this chapter for general contractor. A
- 38 municipal governing body or municipal regulatory body may not
- 39 enact any ordinance or law restricting or altering this
- 40 exemption. Any municipal ordinance or regulation that
- 41 conflicts with this exemption is repealed effective June 11,
- 42 2015.
- 43 (4) The installation, repair, maintenance, or removal
- 44 of facilities, equipment, or systems used in or substantially
- 45 related to the generation, transmission, or distribution of
- 46 electric power, natural gas, or telecommunications in an
- 47 emergency by a utility regulated by the Public Service
- 48 Commission, or any entity engaged in the generation,
- 49 transmission, or distribution of electric power, natural gas,
- or telecommunications, or any of their respective general
- 51 contractors or subcontractors, provided the work is performed
- 52 under the supervision of a licensed architect or engineer. For
- 53 purposes of this subdivision, the term emergency is defined as
- a situation whereby service to the consumer has been
- 55 interrupted or may be interrupted if work to remedy the
- 56 emergency is not performed and completed within 60 days, and

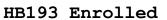


such other situations that are determined to be an emergency in the discretion of the board.

- (5) The repair, maintenance, replacement, reinstallation, or removal of facilities, equipment, or systems used in or substantially related to the generation, transmission, or distribution of electric power, natural gas, or telecommunications on a routine, regular, or recurring basis by a utility regulated by the Public Service Commission or any entity engaged in the generation, transmission, or distribution of electric power, natural gas, or telecommunications or any of their respective general contractors or subcontractors, provided the work is performed under the supervision of a licensed architect or engineer.
 - (6) Routine or regular maintenance, repair, replacement, reinstallation, or removal of equipment, specialized technological processes, or equipment facility systems as determined by the board with regard to scope, frequency, and speciality of the work to be performed.
 - (7) Routine landscape maintenance work that includes cutting grass; trimming, replacing, and removal of bushes, shrubs, and similar items; the placement and removal of pine straw, mulch, bark, and similar ground covers; and other routine ground maintenance.
 - (b) The aforementioned exemptions shall exclude a swimming pool contractor. Provided, however, a person, firm, or corporation constructing a swimming pool on his, her, or its own property shall be exempted from this chapter.
 - (c) A subcontractor, as defined in subsection (c) of

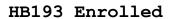


- Section 34-8-1, is subject to and shall comply with all the provisions of this chapter as specified for general contractor except as follows:
- 88 (1) A subcontractor shall pay one-half the fees as 89 required in this chapter for general contractor.
- 90 (2) No bid limits shall be established for a subcontractor.
- 92 (3) A subcontractor shall submit with license 93 application and renewals a statement of financial condition as 94 prescribed by the board.
- 95 (4) A subcontractor shall furnish three references from any combination of the following: Licensed general 96 97 contractors, registered professional engineers, or registered 98 architects, or qualified person, as declared by the board, for 99 whom they have worked. If a subcontractor has only been employed by one company, the subcontractor shall provide the 100 101 following: Three or more jobs he or she has worked on, the 102 amounts of the contracts, the time period of the contracts, 103 the location of the contracts, and a statement of experience.
- 104 (5) A subcontractor is not required to be licensed at
 105 the time a project is bid, but must be licensed with the board
 106 prior to beginning work on the project.
- 107 (6) A general contractor license and license number
 108 issued by the board to subcontractors shall denote
 109 subcontractor status.
- 110 (7) A subcontractor is not required to sit for any
 111 examination before being licensed."
- Section 4. This act shall become effective immediately





- 113 upon its passage and approval by the Governor, or upon its
- 114 otherwise becoming a law.





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128	I	I hereby certify that the within Act originated in a	nd
129		sed by the House 06-Apr-23.	
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