

STATE OF LOUISIANA

Contractors Licensing Law

and

Rules and Regulations

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STATE LICENSING BOARD FOR CONTRACTORS

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

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

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

Chapter 24. CONTRACTORS

Part I. GENERAL

§2150. Purpose; legislative intent

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

§2150.1. Definitions

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

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

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

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

(4)(a) "Contractor" means any person who undertakes to, attempts to, or submits a price or bid or offers to construct, supervise, superintend, oversee, direct, perform, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, furnishing labor, or furnishing labor together with material or equipment, or installing material or equipment for any of the following:

(i) Any building, highway, road, railroad, sewer, grading, excavation, pipeline, public utility structure, project development, housing, or housing development, improvement, or any other construction undertaking for which the project value is fifty thousand dollars or more when the property is to be used for commercial purposes.

(ii) Any new residential structure for which the project value is fifty thousand dollars or more when the property is used for residential purposes.

(iii) Any improvements or repairs to an existing residential structure for which the project value is seven thousand five hundred dollars or more.

(iv) Any mold remediation for which the project value is seven thousand five hundred dollars or more.

(b) The term "contractor" includes persons who receive an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services.

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

(d) "Contractor" does not mean any person, supplier, manufacturer, or employee of such person who assembles, repairs, maintains, moves, puts up, tears down, or disassembles any patented or proprietary equipment supplied by such person to a contractor to be used solely by the contractor for a construction undertaking. "Proprietary" means specific and specialized equipment installation, manufacturing processes, uses, or components that are protected from disclosure to third parties by the owner or manufacturer of the equipment.

(5) "Controlled access" means the complete building or facility area under direct physical control within which an unauthorized person is denied access.

(6) "Electrical contractor" means any person who undertakes to, attempts to, or submits a price or bid or offers to construct, supervise, superintend, oversee, direct, perform, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or furnishing labor together with material and equipment, or installing the same for the wiring, fixtures, or appliances for the supply of electricity to any residential, commercial, or other project, for which the project value is ten thousand dollars or more. This Paragraph is not deemed or construed to limit the authority of a contractor, general contractor, or residential contractor, as those terms are defined in this Section, nor to require such individuals to become an electrical contractor.

(7) "Employee" means a worker whose employer deducts taxes from his wages and reports his annual earnings to the Internal Revenue Service using a W-2 form.

(8) "Executive director" means the person appointed by the board to serve as the chief operating officer in connection with the day-to-day operation of the board's business. The executive director is the appointing authority for all employees of the board.

(9)(a) "General contractor" means a person who contracts directly with the owner. The term "general contractor" includes the term "primary contractor" and wherever used in this Chapter or in regulations promulgated thereunder "primary contractor" means "general contractor".

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

(10) "Home improvement " means the reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, or demolition, or the construction of an addition to any preexisting residential structure which building is used or designed to be used as a residence or dwelling unit, or to structures which are adjacent to such residence or building for which the project value is seven thousand five hundred dollars or more. "Home improvement " does not include services rendered gratuitously.

(11) "Home improvement contractor" means any person who undertakes or attempts to undertake or submits a price or bid or offers to construct, supervise, superintend, oversee, direct, perform, or in any manner assume charge of a home improvement project for which the project value is at least seven thousand five hundred dollars but less than fifty thousand dollars. A home improvement contractor shall not perform any structural work that is integral to the structural integrity of any new or existing structure, including but not limited to footings, foundations, outside walls, skeleton, bearing columns and interior load bearing walls, floor slabs, or roofing systems to any type.

(12) "License" means any form of license or registration the board is authorized to issue in accordance with this Chapter.

(13) "Mechanical contractor" means any person who undertakes to, attempts to, or submits a price or bid or offers to construct, supervise, superintend, oversee, direct, perform, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or furnishing labor, or furnishing labor together with material and equipment, or installing the same for the construction, installation, maintenance, testing, and repair of air conditioning, refrigeration, heating systems, and plumbing for all residential, commercial, and industrial applications as well as ventilation systems, mechanical work controls, boilers and other pressure vessels, steam and hot water systems and piping, gas piping and fuel storage, and chilled water and condensing water systems and piping, including but not limited to any type of industrial process piping and related valves, fittings, and components, for which the project value is ten thousand dollars or

more. This Paragraph is not deemed or construed to limit the authority of a contractor, general contractor, or residential contractor, as those terms are defined in this Section, nor to require such individuals to become a mechanical contractor.

(14) "Mold remediation contractor" means any person who engages in removal, cleaning, sanitizing, demolition, or other treatment, including preventative activities, of mold or mold-contaminated matter that was not purposely grown at that location for which the project value is seven thousand five hundred dollars or more. Mold remediation applies only to the regulation of mold-related activities that affect indoor air quality and does not apply to routine cleaning when not conducted for the purpose of mold-related activities intended to affect indoor air quality.

(15) "Person" means any individual, firm, partnership, association, cooperative, corporation, limited liability company, limited liability partnership, or any other entity recognized by Louisiana law; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as a successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person; or any state or local governing authority or political subdivision

(16) "Plumbing contractor" means any person who installs, maintains, and repairs potable and nonpotable tap water or sewer systems within a building structure or residential structure for which the project value is ten thousand dollars or more.

(17) "Principal" means an owner, shareholder, or an officer or director of a corporation; a member or manager of a limited liability company; a general partner of a partnership; a sole proprietor; a trustee; a full-time employee with similar operational control or significant influence with respect to any person as determined by the board.

(18) "Qualifying party" means a natural person designated by the contractor to represent the contractor for the purpose of complying with the provisions of this Chapter including but not limited to meeting the requirements for the initial license and any continuation thereof.

(19)(a) "Residential contractor" means any person who constructs a fixed building or structure for sale or use by another as a residence or who, for a price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction or superintending of the construction of any residential structure which is not more than three floors in height, to be used by another as a residence, for which the project value is fifty thousand dollars or more. The term "residential contractor" includes all persons who receive an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services.

(b) "Residential contractor" includes both of the following:

(i) Any person bidding or performing home improvement for which the project value is seven thousand five hundred dollars or more.

(ii) Any person performing the installation of a modular home with a value equal to or greater than fifty thousand dollars for which the total project value shall not include the cost of the component parts of the modular home in the condition each part leaves the factory pursuant to R. S. 40:1730.71.

(c) "Residential contractor" does not include any person engaged in building residential structures that are built to the United States Department of Housing and Urban Development's construction standards for manufactured housing as outlined at 42 U.S.C. 5401 et seq. or mounted on a metal chassis and wheels.

(20) "Residential roofing" means the construction, alteration, repair, improvement, demolition, putting up, tearing down, furnishing labor, or furnishing labor together with materials or equipment, or the installation of materials or equipment for any phase of roofing specific to a residential structure for which the project value is seven thousand five hundred dollars or more.

(21) "Residential roofing contractor" means any person who undertakes to, attempts to, or submits a price or bid, or offers to construct, supervise, superintend, oversee, direct, perform, or in any manner assume charge of a residential roofing project for which the project value is seven thousand five hundred dollars or more.

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

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

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

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

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

A. There is hereby created the State Licensing Board for Contractors within the office of the governor. The members shall serve without compensation.

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

(2) Each member shall have been actively engaged as a responsible contractor in the construction classification that he represents for the five-year period prior to his appointment as a board member, except for any member appointed pursuant to Paragraph (B)(7) of this Section if he represents the public at large.

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

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

(1) At least four members shall have had the greater part of their experience as a licensed contractor in the field of highway and street construction. Three members shall be appointed from a list of six names submitted by the Louisiana Associated General Contractors. One member shall be appointed from a list of three names submitted by the Louisiana Asphalt Pavement Association.

(2) At least six members have had the greater part of their experience as a licensed contractor in the fields of building or industrial construction, or both fields. Two members shall be appointed from a list of four names submitted by the Louisiana Associated General Contractors. Four members shall be appointed from a list of eight names submitted by the Associated Builders and Contractors of Louisiana.

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

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

(5) There shall be one member with the greater part of his experience as a licensed concrete contractor. The speaker of the House of Representatives shall submit to the governor a list of three members of the Louisiana Concrete Association, and the governor shall appoint this member.

(6) There shall be one member with the greater part of his experience as a subcontractor. The president of the Senate shall submit to the governor a list of three members of the American Subcontractors Association of Louisiana, and the governor shall appoint this member.

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

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

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

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

D. Members shall serve terms of six years; No member appointed after August 1, 2025, shall serve more than three consecutive terms. A member may be removed by the governor for cause or at the request of the chairman for failure to attend more than half of the regularly scheduled meetings within a twelve-month period or for cause.

§2152. Domicile; officers

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

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

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

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

C. Repealed by Acts 2022, No. 195, §2.

§2153. Powers of the board

A. The board is hereby vested with the authority requisite and necessary to carry out the intent of the provisions of this Chapter. The board shall have the power to make, amend, or repeal by-laws, rules, and regulations for the proper administration and enforcement of this Chapter and to carry out the purposes thereof, in accordance with the Administrative Procedure Act. The enumeration of specific matters which may be made, and the subject of rules and regulations, shall not be construed to limit general powers of the board to make all rules and regulations necessary to fully effectuate the purpose of this Chapter.

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

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

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

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

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

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

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

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

E. The board may sue and be sued and shall have the right and authority to obtain, in the jurisdiction in which a violation of the provisions of this Chapter occurs, upon submission of an affidavit in support, a temporary restraining order and preliminary and permanent injunctions, without the necessity of posting a bond or other security, restraining and prohibiting the violation of this Chapter and the performance of any work then being performed or about to be performed.

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

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

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

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

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

(5) Waive the trade portion of the examination requirement for any applicant holding a license in a comparable classification in another state as determined by the board, upon written certification from the licensing state that the applicant passed the examination for the classification and is in good standing. The business law requirement shall not be waived. Applicants shall comply with all other licensing requirements of this state; however, for good cause, the board may waive any other licensing requirement.

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

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

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

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

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

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

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

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

E. There shall be no voting by proxy.

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

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

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

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

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

A. There is hereby established within the board the Residential Contractors Subcommittee, hereinafter referred to as "residential subcommittee", consisting of five members who shall be residents of this state and who have been actively engaged in residential contracting for at least five years prior to appointment by the governor. Three members of the residential subcommittee shall be appointed by the governor from a list of not less than ten names submitted by the Louisiana Homebuilders Association as certified by its president and secretary. One member of the residential subcommittee shall be from and appointed to represent the first congressional district, one member shall be from and appointed to represent the second congressional district, one member shall be from and appointed to represent the third congressional district, one member shall be from and appointed to represent the fourth and fifth congressional districts, and one member shall be from and appointed to represent the sixth congressional district.

B. The terms of office of the initial members appointed to the residential subcommittee shall be one for a three-year term, one for a two-year term, and one for a one-year term, to be determined by the governor. Thereafter, all members shall be appointed for six-year terms. All terms shall commence thirty days after the appointment, and all members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the residential subcommittee for any reason shall be filled by appointment by the governor for the unexpired term. No member appointed after August 1, 2025, shall serve more than three consecutive terms. A member may be removed by the governor for cause or at the request of the chairman for failure to attend more than half of the regularly scheduled meetings within a twelve-month period or for cause.

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

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

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

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

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

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

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

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

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

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

(2) To issue, suspend, or revoke licenses to do business in this state pursuant to the provisions of R.S. 37:2150 et seq.

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

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

(5) If an alleged violation is known to the residential subcommittee, the residential subcommittee may correct it or take appropriate action without formal complaint.

§2156. Applications; licenses; fees; renewals

A. (1) Upon application, the license of a person shall be issued, upon approval by the board, after all the requirements have been met.

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

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

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

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

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

(1) Examination fee \$50.00

(2) License fee \$100.00

(3) Renewal fee \$100.00

(4) Delinquent fee \$50.00

(5) Home Improvement fee \$50.00

D. The board may assess an additional surcharge of not more than four hundred dollars in connection with the application for and issuance of a contractor's license to a contractor not domiciled in this state, to be utilized to defray the additional cost of the investigation of the application of the non-Louisiana contractor.

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

F. (1) The licensee shall not be permitted to bid or perform any type of work not included in the classification under which his license was issued.

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

G. A licensee may add classifications to an existing license by applying, successfully completing all requirements, and paying the required fees. Additions or changes to an existing license shall become effective upon board approval.

H. (1) Licenses and renewals issued pursuant to the provisions of this Chapter shall expire on the anniversary of the date on which the license was originally issued. Licensees shall elect upon renewal one-, two-, or three-year license renewal terms, and licenses may be issued by the board on a multiple-year basis, not to exceed a three-year renewal term for any license. Licenses dependent on insurance requirements or certifications shall not be eligible for multiple-year renewal. The license becomes invalid on the last day of the term for which it was issued unless renewed; however, after a license has expired, the person to whom the license was issued shall have fifteen days following the expiration date to file an application for the renewal

of the license without the payment of a penalty. Any person who makes an application for the renewal of a license after fifteen days following the expiration date of the license shall be charged a delinquent fee not exceeding the sum of fifty dollars.

(2) Licenses or classifications based on certifications or credentials shall expire upon the expiration date of the credential or certification.

I. All applications are considered active for a period of one year after the date of submission. Applications not completed for any reason shall be considered invalid after that time.

J. If a license is not renewed within a period of one year from the date of its expiration, it is no longer eligible for renewal. An application for a new license may be submitted and upon approval, a new license shall be issued.

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

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

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

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

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

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

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

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

M. No license shall be issued to any domestic or foreign entity required to be registered with the secretary of state which does not hold a certificate of authority to do business, in good standing.

N. Except for the licenses, fees, and assessments authorized by this Chapter, and except for the occupational license taxes authorized by the constitution and laws of this state, and except for permit fees charged by parishes and municipalities for

inspection purposes, and except for licenses required by parishes and municipalities for the purpose of determining the competency of mechanical or plumbing contractors, or both, and electrical contractors, no contractor shall be liable for any fee or license as a condition of engaging in the contracting business.

§2156.1. Requirements for issuance of a license

A. To become licensed in accordance with the provisions of this Chapter, an applicant shall make application to the board on a form adopted by the board and shall state the classifications for which he is applying from the list of major classifications listed herein or from the list of subclassifications and specialty classification as adopted by rule. The major classifications are:

- (1) Building construction.
- (2) Highway, street, and bridge construction.
- (3) Heavy construction.
- (4) Municipal and public works construction.
- (5) Electrical.
- (6) Mechanical.
- (7) Plumbing.
- (8) Hazardous materials.
- (9) Residential construction.
- (10) Mold remediation
- (11) Home improvement

B. (1) An applicant for a license or registration shall submit a financial statement on a form supplied by the board, current to within twelve months of the date of filing the application, prepared and signed by an accountant, bookkeeper, or certified public accountant and signed by the applicant, attesting the statement is true and correct. In lieu of a signature by a certified public accountant on the board's form, a current financial statement prepared by a certified public accountant may be attached.

(2) Residential and commercial licenses, their subclassifications, and all specialty classifications with the exception of labor only specialty, shall have a net worth of fifty thousand dollars or more. Home improvement, mold remediation, and labor only specialties shall have a net worth of twenty-five thousand dollars or more. An applicant without the net worth required by this Paragraph may satisfy the net worth requirement for all purposes by submitting an irrevocable letter of credit in the amount of the net worth requirement plus the amount of the applicant's negative net worth if any. The financial statement and any information contained therein, as well as any other financial information required to be submitted by a contractor, shall be confidential and not subject to the provisions of the Public Records Law, R.S. 44:1 et seq.

C. The applicant, each principal, and each designated qualifying party shall complete an application and pass a background investigation. An applicant shall provide all information or documentation requested by the board, including but not limited to documentation relative to identification, criminal history, and financial history. The board may deny approval of the applicant, any of its principals, or any qualifying party for cause. The background investigation shall be conducted in relation to all of the following:

- (1) Fiduciary or monetary matters including but not limited to any bankruptcy, judgment, insolvency, or lien.

(2) Any criminal offense resulting in a conviction, guilty plea, or plea of nolo contendere.

D.(1) An applicant for licensure shall designate a qualifying party for each classification and for the Louisiana business and law requirement. The qualifying party shall meet all application requirements and shall satisfy any examination and credential requirement.

(2) Any principal or full-time employee as defined in this Chapter may be the qualifying party of an applicant or licensee upon the satisfaction of all requirements.

(3) A qualifying party may also be a qualifying party for any subsidiary of a licensee.

(4) The board may exempt any qualifying party from the required examinations. The board shall exempt from testing for a residential construction license any person who holds a building construction license that was issued by the board.

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

E. Residential construction and its subclassifications, mold remediation, and home improvement applicants shall be required to submit certificates evidencing workers' compensation coverage in compliance with Title 23 of the Louisiana Revised Statutes of 1950, and liability insurance in a minimum amount of one hundred thousand dollars or liability protection provided by a liability trust fund as authorized by R.S. 22:46(9)(d) in a minimum amount of one hundred thousand dollars.

F. (1) Notwithstanding any other provision of law to the contrary, any residential home improvement or mold remediation licensee in good standing with the board for not less than one consecutive year may apply to transfer the license to an inactive status.

(2) An inactive licensee shall follow the same renewal requirements as an active licensee as provided in this Chapter, including the payment of fees, with the exception of the submission of current insurance certificates.

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

(4) A licensee may request transfer from inactive status to active status at any time, if:

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

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

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

G. Before a license is issued, a mold remediation license applicant shall be required to furnish

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

H. (1) Mechanical, plumbing, and electrical contractors licensed pursuant to the provisions of this Section are excluded from local, municipal, or parish regulatory authority examination procedures and may bid and perform work within any local jurisdiction upon paying all appropriate fees.

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

I. (1) Any plumbing contractor who currently holds a Master Plumber License from the State Plumbing Board of Louisiana shall be exempt from any trade examination requirement

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

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

§2156.2. Requirements of a licensee; record keeping; duty to report

A. (1) A licensee shall maintain and provide upon request by the board all unredacted records, documents, and other such information as the board may require to ensure the licensee is in compliance with the law. These records shall be maintained for five years.

(2) A licensee shall provide records upon request by the board or any employee of the board within five business days of receipt of the request.

B. A licensee shall have a continuing duty to provide written notification to the board within thirty calendar days of both of the following:

(1) Any change to the information provided in the original application or any amendments thereto.

(2) Any criminal, civil, or administrative actions instituted or pending in any jurisdiction against or involving the licensee or any principal of the licensee.

§2156.3. Installation of solar energy equipment and systems

A. A Solar Energy Equipment license shall be required to install solar energy equipment or solar energy systems for which the project value is ten thousand dollars or more.

B. An applicant for Solar Energy Equipment shall hold one or more of the following major license classifications:

(1) Building Construction.

(2) Electrical.

(3) Mechanical.

(4) Residential Construction.

C. An Electrical license is required to connect wiring or hookups for any photovoltaic panel or system for which the project value is ten thousand dollars or more

D. A Mechanical license is required to connect piping or equipment for any solar thermal system for which the project value is ten thousand dollars or more

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

§2156.4 Residential Roofing

- A. On and after January 1, 2026, any person who advertises, solicits, undertakes, attempts, offers, or submits a price, bid, quote or estimate to construct, supervise, direct, oversee, or perform any construction, modification, repair, or maintenance of any portion of a roofing system on a residential structure for which the project value is seven thousand five hundred dollars or more shall hold the classification of Residential Roofing or Residential Construction.
- B. A residential roofing contractor shall pass the residential roofing trade examination and meet all other licensure requirements of a residential contractor.
- C. Residential roofing is a subclassification of residential construction.

§2157. Exemptions

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

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

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

(3) Any person donating labor and services for the supervision and construction of or for the maintenance and repair of a building dedicated to worship owned by a legally established church. An affidavit of exemption shall be provided to obtain the building permit on a form provided by the board.

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

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

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

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

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

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

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

(11) Any work covering dewatering or water mitigation.

(12) Any employee of any licensee.

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

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

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

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

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

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

(i) Landscaping.

(ii) Interior painting or wall covering.

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

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

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

(17) Any person performing work as a subcontractor for a residential construction license holder, except for electrical, mechanical, plumbing, mold remediation, asbestos, or hazardous materials scopes of work.

(18) Any person performing home improvement work for a building construction license holder, except for electrical, mechanical, plumbing, mold remediation, asbestos, or hazardous material scopes of work.

(19) Electrical, mechanical, and plumbing licensees who are acting exclusively within the scope of their classification.

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

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

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

(1) Undertaking, attempting to, or submitting a price or bid; offering to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down; furnishing labor or furnishing labor together with material or equipment; or installing material or equipment for any building, highway, road, railroad, sewer grading, excavation, pipeline, public utility structure, project development, housing,

or housing development, improvement, or any other construction undertaking without possessing a license for which a license is required or without possessing a license with the proper classification.

(2) Publishing, transmitting, distributing, or otherwise publicly circulating a misleading or false claim related to a person's license status or classification in any medium, including but not limited to digital platforms.

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

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

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

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

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

(8)(a) Permitting a license to be used for any purpose by any person other than the person to whom the license is issued.

(b) Misrepresentation or fraudulent use of a license for any purpose by any person other than the person to whom the license is issued.

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

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

(11) Problems relating to the ability of the contractor, its qualifying party, or any of its principals to engage in the business of contracting.

(12) Disqualification or debarment by any public entity.

(13)(a) Failure to provide written notification to the board of any change to the information provided in the original application and any amendments thereto within thirty calendar days.

(b) Failure to provide written notification to the board of a criminal, civil, or administrative action instituted or pending in another jurisdiction against or involving the licensee or a principal of the licensee within thirty days.

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

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

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

(17) Efforts to deceive or defraud the public.

(18) Failure to obtain a permit to perform work or beginning work prior to the issuance of a permit in the jurisdiction as required or misrepresenting the value or scope of work.

(19) Failure to obtain inspections as required by law.

(20) Failure to have written contract signed and dated by all parties.

(21) Failure to bid, contract, or perform work in the name as it appears on the current license or registration and the official records of the board.

(22) Failure to maintain and provide to the board requested records, documents, and other information as required within five business days of receipt of request.

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

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

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

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

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

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

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

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

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

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

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

§2159. Written contract required; claims of unlicensed persons

A. Every agreement to perform contracting services that requires licensure or registration as defined by this Chapter shall include all of the following documents and information:

(1) The complete agreement between the parties, including a clear description of any other documents which are or shall be incorporated into the agreement.

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

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

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

(b) An approximation of the cost expected to be borne by the owner under a cost-plus contract or a time-and-materials contract.

(5) The signature of all parties.

(6) Current certificates of insurance providing proof of workers' compensation coverage and the amount of liability coverage maintained for any licensee for which insurance is a requirement.

B. At the time of signing, all parties shall be furnished with a copy of the signed contract. No work shall begin prior to the signing of the contract by all parties.

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

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

§2159.1. Contracting; prohibited acts; property insurance

The following acts are prohibited by persons or companies performing contracting services:

(1) Interpreting insurance policy provisions regarding coverage or duties under an insured's property insurance policy or advertising or soliciting such services. A contractor shall be considered to have violated the provisions of this Paragraph if a person working on behalf of the contractor including but not limited to a compensated employee or a nonemployee who is compensated by the contractor violates the provisions of this Paragraph.

(2) Adjusting a property insurance claim on behalf of an insured as a public adjuster, as defined in R.S. 22:1692, or advertising or soliciting such services. A contractor shall be considered to have violated the provisions of this Paragraph if a person working on behalf of the contractor including but not limited to a compensated employee or a nonemployee who is compensated by the contractor violates the provisions of this Paragraph.

(3) Providing an insured with an agreement authorizing repairs or construction without providing a good faith estimate of the itemized and detailed costs of services and materials for repairs undertaken pursuant to a property damage claim. A contractor shall be considered to have violated the provisions of this Paragraph if a person working on behalf of the contractor including but not limited to a compensated employee or a nonemployee who is compensated by the contractor violates the provisions of this Paragraph. A contractor does not violate this Paragraph if, as a result of the insurer adjusting a claim, the actual cost of repairs differs from the initial estimate.

(4) Sharing in any legal fee earned by an attorney.

(5) Requiring an insured to sign an attorney representation agreement on behalf of an attorney.

(6) Accepting a fee, commission, or other valuable consideration, regardless of form or amount, in exchange for a referral by the person or company to an attorney or law firm.

(7) Advertising or soliciting as insurance claim specialists.

(8) Advertising or soliciting as providing any insurance claim or policy interpretation related services to an insured.

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

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

B. A local building department shall not issue a building permit to any person who does not hold an active license in the appropriate classification for the scope of work for which the permit is issued. Nothing in this Section shall prohibit a local building department from issuing a permit for work that does not require a license pursuant to this Chapter.

C. The local building permit official shall require any applicant claiming an exemption for residential construction activities to execute an affidavit attesting to the claimed exemption. Such affidavit shall be executed on a form provided by the board and submitted to the local building permit official prior to the issuance of a permit.

D. The provisions of this Chapter shall preempt any municipal or other local regulatory examination authority over all licensees. If the governing authority or any municipality or parish finds that the state minimum standards do not meet its needs, the local government may provide requirements not less stringent than those specified by the state.

§2161. Construction management

A. Any person who performs, attempts to perform, or submits a price, bid or offer to perform work in construction management whose scope of authority and responsibility includes supervision, oversight, direction, or in any manner assumes charge for the construction services provided to an owner by a general contractor or contractors, shall possess a license in the same classification or in the major classification for the scope of work as provided in this Chapter.

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

(C) An employee of the owner who ensures compliance with the plans and specifications on behalf of the owner but does not act as a contractor does not have to be licensed.

§2162. Joint venture

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

§2163. Engaging in business of contracting without authority prohibited; penalty

A. (1) It shall be unlawful for any person to engage or to continue in this state in the business of contracting, or to act as a contractor as defined in this Chapter, unless he holds an active license as a contractor in accordance with the provisions of this Chapter.

(2) It shall be unlawful for any contractor, licensed or unlicensed to publish, transmit, distribute, or otherwise publicly circulate a misleading or false claim related to a person's license or classification in any medium, including but not limited to digital platforms.

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

C. (1) Anyone found to be in violation of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined a sum not to exceed five hundred dollars per day of violation, or three months in prison, or both.

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

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

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

2164. Violations; civil penalty; jurisdiction

A. Any person who violates any provision of this Chapter shall, after notice and a hearing, be liable to the board for a fine of up to ten percent of the total contract or the value of the work bid or being performed for which there is a violation. In addition to the fine, the board may impose administrative costs and attorney fees for each offense. In determining the amount of the administrative penalty, the board or residential subcommittee shall consider the circumstances and seriousness of the violation, cooperation on the part of the contractor, and the history of previous violations.

B. A monetary penalty assessed by the board or the residential subcommittee is payable within ninety days or as provided by law. Failure to pay an outstanding penalty may be cause to deny issuance or renewal of a license or registration and may be subject to collection efforts as provided by law.

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

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

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

F. In the suit for an injunction, the board may demand of the defendant a penalty as provided in Subsection A of this Section. A judgment for penalty, attorney fees, and costs may be rendered in the same judgment in which the injunction is made

absolute. If the board brings an action against a person pursuant to the provisions of this Section and fails to prove its case, then it shall be liable to the person for the payment of his attorney fees and costs.

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

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

I. All fines or penalties collected by the board pursuant to the provisions of this Section for violations of any provision of this Chapter shall, annually, at each audit of the board, be transferred to a separate contractor's educational trust fund to be used for educational purposes as determined by the trustees of the fund. The Construction Education Trust Fund shall make an audited financial report to the board annually.

J. Upon the expiration of the delays set forth in the Administrative Procedure Act for an aggrieved party to appeal any fine or penalty assessed by the board, if an appeal has not been so filed, the board may initiate civil proceedings against the party seeking to obtain a judgment against that party in an amount equivalent to the amount of the fine assessed, together with legal interest and all reasonable attorney fees incurred by the board in bringing the action. The proceedings shall be conducted on a summary basis, with the defendant being limited to the defense of lack of notice as to the meeting of the board during which the fine was assessed. All proceedings brought pursuant to the provisions of this Subsection shall lie in any court of competent jurisdiction in this state.

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

§2165. Bid procedures; penalty

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

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

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

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

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

(6) Any person required to be licensed by the board that bids a project requiring a bid bond, the posting of a bid bond for the project, or certificates of insurance evidencing mandated coverage and fails to provide such valid bonds or coverage when due shall be subject to all provisions for violations and penalties thereof.

(7) Upon being awarded a bid, the person required to be licensed shall maintain the required insurance coverage or bonding as required in the bid proposal.

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

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

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

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

(2) In addition to the penalties prescribed in Paragraph (1) of this Subsection, the board may, after notice and a hearing, impose a fine upon any awarding authority or its agent who intentionally violates the provisions of this Section. The board may not impose any fine as authorized by this Paragraph on the state, its agencies, boards, or commissions, or any political subdivision thereof.

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

CHAPTER 1. APPLICATIONS AND LICENSING

§101. Authority

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

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, State Licensing Board for Contractors, LR 44:2143 (December 2018), amended LR 49:1917 (November 2023).

§103. Definitions

A. As used in these rules and regulations, words and phrases shall be defined as provided in R.S. 37:2150.1, in R.S. 37:2150-2165, and as otherwise defined in these rules and regulations.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, State Licensing Board for Contractors, LR 44:2143 (December 2018), amended LR 49:1917 (November 2023).

§105. Requirements

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

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

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

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

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

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 1:401 (September 1975), amended LR 3:11 (January 1977), LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 16:602 (July 1990), amended Department of Economic Development, Licensing Board for Contractors, LR 22:94 (February 1996), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:150, 156 (January 2012), LR 44:2143 (December 2018), LR 49:1917 (November 2023).

§107. Report of Changes

A. It shall be the responsibility of a person licensed or registered by the board to provide to the board all of the following information upon application for a license or registration and to notify the board in writing within 30 days of any change to the following information:

1. the licensee's type of business structure (sole proprietorship, partnership, limited liability company, corporation, etc.);
2. the licensee's business address (physical and U.S. postal service mailing address);
3. a telephone, cell phone, and facsimile number;
4. the licensee's email address;
5. the licensee's name;
6. the identity and address of the licensee's registered agent;
7. the identity of each officer and the office held;
8. the identity or address of each partner;
9. the identity or address of each member;
10. the licensee's federal tax identification number;
11. the licensee's state of incorporation;
12. for residential, home improvement, or mold remediation contractors, any change in insurance including, but not limited to, suspension or cancellation;
13. a bankruptcy judgment whether voluntary or involuntary; and
14. any order by a court of competent jurisdiction for a licensee or registrant to cease operations or whose operations are closed due to operation of any law.

B. The failure of a person licensed or registered by the board to notify the board of changes to any of the enumerated items in Paragraph A within 30 days of the change may result in a suspension of license or disciplinary action by the board.

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2144 (December 2018), LR 49:1918 (November 2023).

§109. Qualifying Party [Formerly §109, 111, 113]

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

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

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

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

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

E. When a qualifying party's employment or association with the licensee is terminated for any reason, the licensee shall comply with R.S. 37:2156.1 (D) (1) by notifying the board in writing within 30 days of the termination. The licensee shall submit and qualify a new person as its qualifying party within 60 days of the termination of the prior qualifying party. If the licensee fails to qualify a new qualifying party within 60 days as required herein, the licensee's license may be suspended or revoked, or have a classification(s) removed by the board.

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:136 and 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 and 19:1127 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 23:1495 (November 1997), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 and 38:151 (January 2012), LR 44:2144 and 44:2145 (December 2018), LR 49:1918 (November 2023).

§111. Examination Scheduling [Formerly §117]

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, State Licensing Board for Contractors, LR 21:1214 (November 1995), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:153 (January 2012), LR 40:2576 (December 2014), LR 44:2145 (December 2018), LR 49:1919 (November 2023).

§113. Examination Administration Procedures [Formerly §119]

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 21:1214 (November 1995), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:153 (January 2012), LR 40:2576 (December 2014), LR 44:2145 (December 2018), LR 49:1919 (November 2023).

§115. Test Item Challenges [Formerly §121]

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

B. Examination comments will be reviewed by board staff.

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 21:1214 (November 1995), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:153 (January 2012), LR 40:2576 (December 2014), LR 44:2145 (December 2018), LR 49:1919 (November 2023).

§117. Examination Reviews [Formerly §123]

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 21:1215 (November 1995), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:154 (January 2012), LR 44:2146 (December 2018), LR 49:1919 (November 2023).

§119. Application of Subsidiary [Formerly §125]

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

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:151 (January 2012), LR 44:2146 (December 2018), LR 49:1920 (November 2023).

§121. Approval Withheld [Formerly §127]

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

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, LR 8:138 (March 1982), amended LR 11:341 (April 1985), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:151 (January 2012), LR 44:2146 (December 2018), LR 49:1920 (November 2023).

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

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

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

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

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

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

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

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

E. The applicant will be required to meet all other requirements for licensure.

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

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

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

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

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

J. The term *dependent* means:

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

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

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

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 40:2575 (December 2014), LR 44:2146 (December 2018), LR 47:364 (March 2021), LR 49:1920 (November 2023).

§125. Ownership of License [Formerly §131]

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

B. A domestic business entity licensed or registered by the board as a limited liability company, business corporation, partnership in commendam, or partnership, that converts under the provisions of R.S. 12:1601 et seq., or is a surviving entity following a merger pursuant to 26 U.S.C. 368(a)(1)(f) where ownership of the entity does not change, shall be recognized by the board without having to file a new application for a license or registration provided that these changes have been reported to the Louisiana Secretary of State. Prior to updating a license or registration of the converted entity or surviving entity, the converted entity or surviving entity must furnish a copy of the revised certificate(s) of insurance in the new name of the converted entity or surviving entity for any coverage required for the issuance of the updated license or registration.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2165 and R.S. 12:1308.

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:136 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:150 (January 2012), LR 40:2575 (December 2014), LR 44:2147 (December 2018), LR 49:1921 (November 2023).

§127. Name [Formerly §133]

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

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2147 (December 2018), LR 49:1921 (November 2023).

§129 Contractor’s Recordkeeping [Formerly §135]

A. It shall be the responsibility of each person licensed or registered by the board to maintain current records for five years showing compliance with contractor licensing laws and rules and regulations for all contracts, subcontracts and subcontractors

performing work or providing services on a construction project. Upon request by the board or any employee of the board, such records shall be made available for review and/or copies provided to the board employee in person or by electronic means. The failure to maintain current records or the failure to furnish copies of any requested records or documents within 72 hours after receipt of notice requesting production of the records shall constitute a violation of this rule and may result in disciplinary action by the board.

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:135 (March 1982), amended LR 12:761 (November 1986), amended by the Department of Economic Development, Licensing Board for Contractors, LR 16:601 (July 1990), LR 19:1125 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2147 (December 2018), LR 49:1922 (November 2023).

§131. Fee for Licenses [Formerly §137]

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

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 2:271 (September 1976), amended LR 8:136 (March 1982), LR 10:199 (March 1984), LR 11:341 (April 1985), LR 12:761 (November 1986), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1128 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:155 (January 2012), LR 44:2147 (December 2018), LR 49:1922 (November 2023).

CHAPTER 3. CLASSIFICATIONS

§301. Classifications, Subclassifications, and Specialties

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Culverts and Drainage Structures: the construction, installation, maintenance, or repair of culverts, wingwalls, catch basins, and other drainage structures. Culverts and Drainage Structures is a subclassification of Highway, Street, and Bridge Construction.

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

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

11. Driveways, Parking Areas, Asphalt, and Concrete: the construction, maintenance, or repair of asphalt or concrete pavements. Includes sidewalks, parking areas, and driveways. Driveways, Parking Areas, Asphalt, and Concrete is a subclassification of Building Construction and Highway, Street, and Bridge Construction.

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

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

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

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

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

17. Flooring and Decking: the installation, maintenance, or repair of all types of stone, marble, granite, slate and resilient

flooring and flooring systems (vinyl, bamboo, parquet, rubber, polyethylene, cork, linoleum, etc.), ceramic tile, terrazzo systems and slabs carpeting, and decking, poured and sealed concrete or epoxy flooring, as well as floor underlayments, etc. Does not include flooring materials used on walls and ceilings, etc. Flooring and Decking is a subclassification of Building Construction.

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

19. Foundations for Buildings, Equipment, or Machinery: the construction, installation, maintenance, or repair of foundations for buildings, equipment or machinery including deep or shallow foundations and slabs. Allows a contractor to raise and level buildings and residential structures. Foundations for Buildings, Equipment or Machinery is a subclassification of Building Construction.

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

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

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

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

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

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

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

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

28. Industrial Cleaning and Material/Waste Handling: the cleaning and maintenance of tanks, pipelines, buildings, equipment, catalysts, etc. using hydro blasting, vacuum and material pumping services, chemical cleaning, pigging, etc. Includes nonhazardous waste treatment or removal as well as the removal of construction and storm debris and waste. Also includes construction of non-hazardous landfills.

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

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

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

32. Labor Only: the furnishing of the supply of labor only for the use of a contractor or subcontractor. Does not include contracts for supply of materials nor responsibility for the supervision of a project. This classification is for companies that provide labor only for contractors, when the scope of work, including labor and materials, exceeds \$50,000 (or \$10,000 for Electrical/Mechanical/Plumbing work, or \$1 for Hazardous Materials work). No examination or credential is required. Labor Only is a subclassification of Building Construction; Highway, Street, and Bridge Construction; Heavy Construction; Municipal and Public Works Construction; Electrical; Plumbing; Mechanical; and Hazardous Materials.

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

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

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

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

37. Masonry, Brick, Stone: the construction, installation, maintenance, or repair of masonry structures, veneers, refractories, or manholes, including brick, firebrick, stone, concrete block, structural tile, glass block and all related accessories. Masonry, Brick, Stone is a subclassification of Building Construction.

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

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

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

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

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

43. Permanent or Paved Highways and Streets (Asphalt): the construction, installation, maintenance, or repair of asphalt roads, streets, and highways. Permanent or Paved Highways and Streets (Asphalt) is a subclassification of Highway, Street, and Bridge Construction.

44. Permanent or Paved Highways and Streets (Concrete): the construction, installation, maintenance, or repair of concrete pavements. Permanent or Paved Highways and Streets (Concrete) is a subclassification of Highway, Street, and Bridge Construction.

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

46. Pipe Work (water lines): the construction, installation, maintenance, or repair of distribution mains and pump stations and related components for water utility systems. Pipe Work (water lines) is a subclassification of Municipal and Public Works

Construction.

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

48. **Pneumatic Tubes and Conveyors:** the installation, maintenance, or repair of pneumatic tube systems and other types of conveyor systems and related components. Pneumatic Tubes and Conveyors is a subclassification of Building Construction.

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

50. **Residential Construction:** the construction of a residential structure as defined in 37:2150.1(16), when the cost of the undertaking exceeds \$75,000. Residential Construction also refers to home improvement contracting as provided for in 37:2150.1(8) when the cost of the undertaking exceeds \$75,000 dollars. It shall not include the manufactured housing industry or those persons engaged in building residential structures that are mounted on metal chassis and wheels.

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

52. **Rigging, House Moving, Wrecking, and Dismantling:** the rigging, hoisting, and general demolishing work of buildings, houses, bridges, and other structures. Allows a contractor to raise, level, and move buildings and residential structures. Rigging, House Moving, Wrecking, and Dismantling is a subclassification of Building Construction.

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

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

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

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

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

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

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

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

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

62. **Wharves, Docks, Harbor Improvements and Terminals:** the construction, maintenance or repair of shipyards, wharves,

docks and related terminals, piers, waterfront pile driving and related equipment, dolphins, breakwaters, revetments, bulkheads, seawalls, retaining walls, cofferdams, caissons, underwater welding, marine diving and salvaging, underwater construction, and related dredging and draglines for harbors and other construction in navigable waterways. Wharves, Docks, Harbor Improvements and Terminals is a subclassification of Heavy Construction.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:1922 (November 2023).

§303. Raising a Residential Structure

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

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

1. building construction;
2. rigging, house moving, wrecking, and dismantling;
3. foundations for buildings, equipment, or machinery;
4. foundations and pile driving.

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

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:1926 (November 2023).

§305. Demolition

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:1926 (November 2023).

§307. Dewatering

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

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:1926 (November 2023).

§309. Project Classification

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

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 49:1926 (November 2023).

CHAPTER 5. RESIDENTIAL

§501. Definitions

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

B. With respect to modular housing, "cost of the project" shall not include the cost of the component parts of the modular home in the condition each part leaves the factory, in accordance with R.S. 40:1730.71.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 22:94 (February 1996), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:155 (January 2012), LR 44:2149 (December 2018), LR 49:1927 (November 2023).

§503. Residential Swimming Pools Licensing [Formerly §507]

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

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

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

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 42:52 (January 2016), amended LR 44:2150 (December 2018), LR 49:1927 (November 2023).

§505. Maintenance of Skills [Formerly §513]

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

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

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:150 (January 2012), LR 40:2574 (December 2014), LR 44:2150 (December 2018), LR 49:1927 (November 2023).

CHAPTER 7. ENFORCEMENT AND HEARINGS

§701. Enforcement of Act and Rules

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

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2151 (December 2018), LR 49:1928 (November 2023).

§703. Correction Without Complaint

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

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:149 (January 2012), LR 44:2151 (December 2018), LR 49:1928 (November 2023).

§705. Failure to Insure or Bond

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

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

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

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1128 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:155 (January 2012), LR 44:2151 (December 2018), LR 49:1928 (November 2023).

§707. License Revocation and Suspension [Formerly §709]

A. Any person duly licensed or registered under the provisions of the Contractors Licensing Law who violates any provisions of the Contractors Licensing Law or any rule or regulation of the board may, after due hearing, be required to pay fines and costs and have its license or registration suspended or revoked by the board.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, LR 8:138 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1126 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:151 (January 2012), LR 44:2152 (December 2018), LR 49:1928 (November 2023).

§709. Residential Subcommittee Review [Formerly §713]

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

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

C. In addition to or in lieu of any of the penalties provided in this Chapter, the subcommittee is empowered to issue a cease-and-desist order. Further, the subcommittee may seek the other civil remedies provided in R.S. 37:2164 for violations of this Chapter, subject to the final approval of the Licensing Board for Contractors.

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR 22:95 (February 1996), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:156 (January 2012), LR 44:2152 (December 2018), LR 49:1928 (November 2023).

§711. Penalties [Formerly §715]

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Licensing Board for Contractors, LR22:95 (February 1996), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:156 (January 2012), LR 40:2577 (December 2014), LR 44:2152 (December 2018), LR 49:1928 (November 2023).

§713 Hearings [Formerly §717]

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

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

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

1. a signed return receipt of certified or registered mail, confirming delivery and receipt of the notice;

2. a signed confirmation by a board employee that actual physical delivery was made to the party, contractor, or agent of the contractor delivered to the address provided to the board by the party or contractor or the last known address discovered during the investigatory process;

3. a confirmation of facsimile transmission to the number provided to the board by the party or contractor;

4. a copy of the delivery notice by electronic mail transmission to the electronic address provided to the board by the party or contractor;

5. a printed electronic confirmation of delivery to the party or contractor and/or confirmation of signature from the U.S. Postal Service;

6. a written, electronic, or facsimile response to the notice or subpoena provided therewith, from the party, contractor or its representative; or

7. appearance by the party, contractor or its authorized representative at the hearing.

D. As authorized by R.S. 49:977.4, the board may hear and decide petitions for declaratory orders and rulings as to the applicability of any statutory authority or of any rule or order of the board. Such orders and rulings shall have the same status as board decisions or orders in adjudicated cases.

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Licensing Board for Contractors, November 1974, amended and promulgated LR 4:69 (March 1978), LR 8:137 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 19:1127 (September 1993), amended by the Office of the Governor, Licensing Board for Contractors, LR 38:154 (January 2012), LR 44:2152 (December 2018), LR 49:1929 (November 2023).