

HB193 ENROLLED



1 6Y5S3Z-2
2 By Representative Simpson
3 RFD: Boards, Agencies and Commissions
4 First Read: 23-Mar-23
5
6 2023 Regular Session



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1 Enrolled, An Act,

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3 Relating to the Alabama Sunset Law; to continue the
4 existence and functioning of the State Licensing Board for
5 General Contractors until October 1, 2024, with certain
6 modifications: To amend Section 34-8-7, Code of Alabama 1975,
7 to exempt routine landscape maintenance work from the practice
8 of general contracting.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Pursuant to the Alabama Sunset Law, the
11 Sunset Committee recommends the continuance of the State
12 Licensing Board for General Contractors until October 1, 2024,
13 with the additional recommendation for statutory change as set
14 out in Section 3.

15 Section 2. The existence and functioning of the State
16 Licensing Board for General Contractors, created and
17 functioning pursuant to Sections 34-8-1 to 34-8-28, inclusive,
18 Code of Alabama 1975, is continued until October 1, 2024, and
19 those code sections are expressly preserved.

20 Section 3. Section 34-8-7 of the Code of Alabama 1975,
21 is amended to read as follows:

22 "§34-8-7

23 (a) The following shall be exempted from this chapter:

24 (1) The practice of general contracting, as defined in
25 Section 34-8-1, by an authorized representative or
26 representatives of the United States Government, State of
27 Alabama, incorporated town, city, or county in this state,
28 which is under the supervision of a licensed architect or



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29 engineer provided any work contracted out by the
30 representative shall comply with the provisions of this
31 chapter for general contractor.

32 (2) The construction of any residence or private
33 dwelling.

34 (3) A person, firm, or corporation constructing a
35 building or other improvements on his, her, or its own
36 property provided that any of the work contracted out complies
37 with the definition in this chapter for general contractor. A
38 municipal governing body or municipal regulatory body may not
39 enact any ordinance or law restricting or altering this
40 exemption. Any municipal ordinance or regulation that
41 conflicts with this exemption is repealed effective June 11,
42 2015.

43 (4) The installation, repair, maintenance, or removal
44 of facilities, equipment, or systems used in or substantially
45 related to the generation, transmission, or distribution of
46 electric power, natural gas, or telecommunications in an
47 emergency by a utility regulated by the Public Service
48 Commission, or any entity engaged in the generation,
49 transmission, or distribution of electric power, natural gas,
50 or telecommunications, or any of their respective general
51 contractors or subcontractors, provided the work is performed
52 under the supervision of a licensed architect or engineer. For
53 purposes of this subdivision, the term emergency is defined as
54 a situation whereby service to the consumer has been
55 interrupted or may be interrupted if work to remedy the
56 emergency is not performed and completed within 60 days, and



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

59 (5) The repair, maintenance, replacement,
60 reinstallation, or removal of facilities, equipment, or
61 systems used in or substantially related to the generation,
62 transmission, or distribution of electric power, natural gas,
63 or telecommunications on a routine, regular, or recurring
64 basis by a utility regulated by the Public Service Commission
65 or any entity engaged in the generation, transmission, or
66 distribution of electric power, natural gas, or
67 telecommunications or any of their respective general
68 contractors or subcontractors, provided the work is performed
69 under the supervision of a licensed architect or engineer.

70 (6) Routine or regular maintenance, repair,
71 replacement, reinstallation, or removal of equipment,
72 specialized technological processes, or equipment facility
73 systems as determined by the board with regard to scope,
74 frequency, and speciality of the work to be performed.

75 (7) Routine landscape maintenance work that includes
76 cutting grass; trimming, replacing, and removal of bushes,
77 shrubs, and similar items; the placement and removal of pine
78 straw, mulch, bark, and similar ground covers; and other
79 routine ground maintenance.

80 (b) The aforementioned exemptions shall exclude a
81 swimming pool contractor. Provided, however, a person, firm,
82 or corporation constructing a swimming pool on his, her, or
83 its own property shall be exempted from this chapter.

84 (c) A subcontractor, as defined in subsection (c) of



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85 Section 34-8-1, is subject to and shall comply with all the
86 provisions of this chapter as specified for general contractor
87 except as follows:

88 (1) A subcontractor shall pay one-half the fees as
89 required in this chapter for general contractor.

90 (2) No bid limits shall be established for a
91 subcontractor.

92 (3) A subcontractor shall submit with license
93 application and renewals a statement of financial condition as
94 prescribed by the board.

95 (4) A subcontractor shall furnish three references from
96 any combination of the following: Licensed general
97 contractors, registered professional engineers, or registered
98 architects, or qualified person, as declared by the board, for
99 whom they have worked. If a subcontractor has only been
100 employed by one company, the subcontractor shall provide the
101 following: Three or more jobs he or she has worked on, the
102 amounts of the contracts, the time period of the contracts,
103 the location of the contracts, and a statement of experience.

104 (5) A subcontractor is not required to be licensed at
105 the time a project is bid, but must be licensed with the board
106 prior to beginning work on the project.

107 (6) A general contractor license and license number
108 issued by the board to subcontractors shall denote
109 subcontractor status.

110 (7) A subcontractor is not required to sit for any
111 examination before being licensed."

112 Section 4. This act shall become effective immediately

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 06-Apr-23.

John Treadwell
Clerk

Senate **18-Apr-23**

Passed

House **25-Apr-23**

Concurred in
Senate Amdt.