

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Bisbee**

A Bill

ACT 553 OF 1995
HOUSE BILL 1466

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 17-22-101 CONCERNING
LICENSURE AS A CONTRACTOR AND COMPLIANCE WITH THE
CONTRACTOR_S LICENSURE LAW; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT CONCERNING LICENSURE AS A
CONTRACTOR AND COMPLIANCE WITH THE
CONTRACTOR_S LICENSURE LAW."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 17-22-101 is amended to read as follows:

"17-22-101. Definition.

(a) As used in this chapter, unless the context otherwise requires,
contractor means any person, firm, partnership, copartnership, association,
corporation, or other organization, or any combination thereof, who, for a
fixed price, commission, fee, or wage, attempts to or submits a bid to
construct, or contracts or undertakes to construct, or assumes charge, in a
supervisory capacity or otherwise, or manages the construction, erection,
alteration, or repair, or has or have constructed, erected, altered, or
repaired, under his, their, or its direction, any building, apartment,
condominium, highway, sewer, utility, grading, or any other improvement or
structure on public or private property for lease, rent, resale, public
access, or similar purpose, except single-family residences, when the cost of
the work to be done, or done, in the State of Arkansas by the contractor,
including, but not limited to, labor and materials, is twenty thousand dollars

1 (\$20,000) or more. However, when a person or entity acts as a contractor in
2 the construction, erection, alteration, or repair of his own or its own
3 property, such action shall not result in the person or entity being required
4 to obtain a license, but the person or entity must comply with all other
5 provisions of this subchapter.

6 (b) However, the twenty thousand dollar (\$20,000) exception shall not
7 apply to any project of construction in which any of the construction work
8 necessary to complete the project, except any in-progress change orders, is
9 divided into separate contracts of amounts less than twenty thousand dollars
10 (\$20,000), a purpose being to circumvent the provisions of this chapter.

11 (c) It is the intention of this definition to include all improvements
12 or structures, excepting only single-family residences.

13 (d) Materials purchased by a prime contractor from a third party shall
14 not be considered as part of the subcontractor_s project, if the prime
15 contractor has the proper classification listed on a current contractor_s
16 license for the work being performed by the subcontractor."

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18 SECTION 2. All provisions of this act of a general and permanent
19 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
20 Code Revision Commission shall incorporate the same in the Code.

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22 SECTION 3. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 4. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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31 SECTION 5. EMERGENCY. It is found and determined by the Eightieth
32 General Assembly of the State of Arkansas that it is customary for prime
33 contractors to supply materials to certain types of subcontractors; that in
34 determining whether a subcontractor is involved in a project for which he must
35 be licensed, the cost of the materials is included, even if the materials have

1 been provided by the prime contractor; that this requirement places an unfair
2 burden on some subcontractors and that this act is necessary to provide
3 immediate relief to the subcontractors. Therefore, an emergency is hereby
4 declared to exist and this act being necessary for the immediate preservation
5 of the public peace, health and safety shall be in full force and effect from
6 and after its passage and approval.

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APPROVED: 3-8-95

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