

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1284

4
5
6
7

By: Representatives Wills, Hyde, Adcock, Allen, Davis, Everett, George, Hoyt, Pierce, Reynolds

8
9
10
11

For An Act To Be Entitled

AN ACT TO INCLUDE DEMOLITION WORK UNDER THE
CONTRACTORS LICENSING LAW; AND FOR OTHER
PURPOSES.

12
13
14
15

Subtitle

TO INCLUDE DEMOLITION WORK UNDER THE
CONTRACTORS LICENSING LAW.

16
17
18

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

19
20
21

SECTION 1. Arkansas Code § 17-25-101 is amended to read as follows:
17-25-101. Definition.

22
23
24
25
26
27
28
29
30
31
32
33
34
35

(a)(1) 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 demolish, or contracts or undertakes to construct or demolish,
or assumes charge, in a supervisory capacity or otherwise, or manages the
construction, erection, alteration, demolition, or repair, or has or have
constructed, erected, altered, demolished, or repaired, under his or her,
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 (\$20,000) or more.

36

(2) However, when a person or entity acts as a contractor in the



1 construction, erection, alteration, demolition, or repair of his or her own
 2 or its own property, such action shall not result in the person or entity
 3 being required to obtain a license, but the person or entity ~~must~~ shall
 4 comply with all other provisions of this subchapter.

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

10 (c) It is the intention of this definition to include all
 11 improvements, demolition, or structures, excepting only single-family
 12 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. Materials
 17 purchased by a person or entity acting as a contractor in the construction,
 18 erection, alteration, or repair of his or her own or its own property from a
 19 third party shall not be considered as a part of the subcontractor's project,
 20 provided that the subcontract is for wood framing, shingle roofing, painting,
 21 floor covering, or concrete labor.

22
 23 SECTION 2. Arkansas Code § 17-25-103(a)(1), concerning penalties for
 24 engaging in certain actions without a contractor's license, is amended to
 25 read as follows:

26 (1) For a fixed price, commission, fee, or wage, attempts to or
 27 submits a bid or bids to construct or demolish or contracts to construct or
 28 demolish, or undertakes to construct or demolish, or assumes charge in a
 29 supervisory capacity or otherwise, or manages the construction, erection,
 30 alteration, demolition, or repair of, or has constructed, erected, altered,
 31 demolished, or repaired, under his or her or its direction, any building,
 32 apartment, condominium, highway, sewer, utility, grading, or any other
 33 improvement or structure, when the cost of the work to be done or done, in
 34 the State of Arkansas by the contractor, including, but not limited to, labor
 35 and materials, is twenty thousand dollars (\$20,000) or more, without first
 36 having procured a license with the proper classification to engage in the

1 business of contracting in this state;

2

3 SECTION 3. Arkansas Code § 17-25-401(b), concerning the definition of
4 a contractor under the contractors licensing law, is amended to read as
5 follows:

6 (b) However, when a person or entity acts as a contractor in the
7 construction, erection, alteration, demolition, or repair of his or her own
8 or its own property or of a single-family residence, or if the cost of the
9 work to be done, including, but not limited to, labor and materials, is less
10 than twenty thousand dollars (\$20,000), the person or entity shall not be
11 deemed a contractor under this chapter.

12

13 SECTION 4. Arkansas Code § 17-25-502(2), concerning the definition of
14 a residential building contractor under the contractors licensing law, is
15 amended to read as follows:

16 (2) "Residential building contractor" means any person, firm,
17 partnership, copartnership, association, corporation, or other organization
18 or any combination thereof, which for a fixed price, commission, fee, or wage
19 attempts to or submits a bid to construct, demolish, or contract, or
20 undertakes to construct, demolish, or contract, or assumes charge in a
21 supervisory capacity or otherwise manages the construction of single family
22 residences; and

23

24

25

26

27

28

29

30

31

32

33

34

35

36