

## HOUSE BILL NO. HB0270

Contractor licensing.

Sponsored by: Representative(s) Martin, Boswell, Diercks,  
Latta, McOmie, Parady, Thompson and Walsh  
and Senator(s) Boggs and Job

A BILL

for

1 AN ACT relating to professions and occupations; providing  
2 for the licensure of contractors; providing definitions;  
3 creating a contractors licensing board; providing duties  
4 and powers of the board; providing for fees; granting  
5 rulemaking authority; providing for suspension and  
6 revocation of licenses; making certain acts unlawful;  
7 providing penalties; requiring display of certificates of  
8 license; specifying public access to information collected  
9 by the board; setting limitations; providing an  
10 appropriation; specifying when licensing is required; and  
11 providing for an effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 33-42-101 through 33-42-111 are  
16 created to read:

1

2

CHAPTER 42

3

CONTRACTOR LICENSING

4

5

**33-42-101. Definitions.**

6

7

(a) As used in this act:

8

9

(i) "Actively engaged" means having as a primary occupation or profession both currently and previously for a period of at least three (3) years;

12

13

(ii) "Board" means the Wyoming contractor licensing board;

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16

(iii) "Construction services" means the construction, reconstruction, alteration, repair, addition to, subtraction from, improvement of, moving, wrecking or demolition of any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith;

24

1 (iv) "Contractor" means:

2

3 (A) A person who undertakes or does himself  
4 or by or through others construction services;

5

6 (B) Any person who in any capacity  
7 undertakes, or offers to undertake, or purports to have the  
8 capacity to undertake construction services for another; or

9

10 (C) A construction manager who performs  
11 construction management services.

12

13 (v) "This act" means W.S. 33-42-101 through  
14 33-42-111.

15

16 **33-42-102. Wyoming contractor licensing board;**  
17 **creation; membership.**

18

19 (a) There is created the Wyoming contractor licensing  
20 board. The board shall consist of five (5) members  
21 appointed by the governor who shall be residents of the  
22 state of Wyoming. The initial board shall have staggered  
23 terms of one (1) member for one (1) year, two (2) members  
24 for two (2) years, and two (2) members for three (3) years.

1 After the initial board, all members shall serve terms of  
2 three (3) years.

3

4 (b) Membership of the board shall include at least one  
5 (1) member actively engaged in the practice of public works  
6 contracting, at least one (1) member actively engaged in the  
7 practice of electrical contracting, at least one (1) member  
8 actively engaged in the practice of plumbing contracting, at  
9 least one (1) member actively engaged in the practice of  
10 home building contracting and one (1) member from a  
11 contractor employee organization. After the initial board,  
12 each member of the board required to be actively engaged as  
13 a contractor shall be licensed as required by this act.

14

15 (c) The governor may remove any board member pursuant  
16 to W.S. 9-1-202. Any vacancy in the membership of the board  
17 occurring other than by expiration of the term shall be  
18 filled by appointment by the governor for the unexpired  
19 term.

20

21 **33-42-103. Compensation of board members.**

22

23 Board members shall receive no compensation for their  
24 services but shall receive per diem and travel expenses in

1 the manner and amount provided for state employees by W.S.  
2 9-3-102 and 9-3-103.

3

4 **33-42-104. Meetings; quorum; powers and duties.**

5

6 (a) The board shall meet within thirty (30) days after  
7 the appointment of all its members and thereafter at such  
8 other times as may be necessary for the proper performance  
9 of its duties, provided that the board shall meet not less  
10 than once during each calendar quarter. At the board's  
11 first meeting, the members shall elect one (1) member to be  
12 chairman. Meetings of the board shall be called by the  
13 chairman or upon the request of not less than three (3) of  
14 the board members. Three (3) members of the board shall  
15 constitute a quorum for the transaction of business, and no  
16 decision shall be made unless it receives the affirmative  
17 vote of at least three (3) members of the board.

18

19 (b) The board shall:

20

21 (i) Grant, suspend or revoke the license of any  
22 contractor in this state. The board shall examine  
23 applications for contractor licenses and may grant, suspend  
24 or revoke a contractor license on the basis of the

1 applicant's credentials or upon other cause as specified by  
2 this act. The board shall adopt a seal to be affixed to all  
3 certificates of license and other documents issued pursuant  
4 to this act;

5

6 (ii) Develop or approve standards relating to the  
7 necessary training for and other qualifications of  
8 contractors in this state, including the establishment of  
9 minimum educational requirements;

10

11 (iii) Establish fees to be charged for  
12 application, licensure, renewal and for other purposes as  
13 provided by this act;

14

15 (iv) Conduct investigations, hold hearings or  
16 meetings, administer oaths, take affidavits, summon  
17 witnesses and take testimony as to matters coming within the  
18 scope of its duties. The board shall keep a record of the  
19 proceedings of the board, which shall be open to public  
20 inspection in accordance with W.S. 16-4-201 through  
21 16-4-205;

22

23 (v) Exercise such powers and duties as are  
24 reasonably necessary to carry out this act, including

1 adopting rules in accordance with the Wyoming Administrative  
2 Procedure Act.

3

4 (c) The board may, subject to legislative  
5 appropriation, employ such personnel as are necessary to  
6 discharge the duties imposed by this act. Costs related to  
7 these services shall be paid from the special revenue fund  
8 account as provided by W.S. 33-42-110.

9

10 (d) The board shall have the authority to enter into  
11 interstate or intrastate agreements and associations with  
12 other boards of licensure for the purpose of establishing  
13 reciprocity, developing examinations, evaluating applicants  
14 or other activities to enhance the services of the board to  
15 the state, the licensee and the public.

16

17 **33-42-105. Unlawful activities; penalties.**

18

19 (a) On and after July 1, 2004, it shall be unlawful  
20 for any person to engage in the business of, or otherwise  
21 act as, a contractor within this state without having a  
22 valid license issued pursuant to this act. It shall be  
23 unlawful for a contractor to engage a subcontractor who is  
24 required by this chapter to be licensed unless the

1 subcontractor furnishes satisfactory proof to the contractor  
2 that the subcontractor is licensed pursuant to this act.

3

4 (b) Any violation of subsection (a) of this section  
5 shall be a misdemeanor punishable by a fine of not more than  
6 one thousand dollars (\$1,000.00).

7

8 (c) In addition to other penalties provided by this  
9 section, any person who violates subsection (a) of this  
10 section shall be denied all lien rights for the construction  
11 services performed in violation of subsection (a) of this  
12 section.

13

14 **33-42-106. Application for license; certificate;**  
15 **renewal of a license.**

16

17 (a) An applicant for licensing as a contractor shall  
18 submit an application in writing under oath upon a form to  
19 be prescribed by the board which shall include:

20

21 (i) The name and address under which the  
22 applicant conducts business;

23



1           (ii) Satisfactory proof that the applicant has  
2 complied or is in the process of complying with all  
3 provisions relating to worker's compensation or a statement  
4 by the contractor as to why such certificate or coverage is  
5 not required for the applicant;

6  
7           (iii) A certificate issued by an insurance  
8 company authorized to do business in the state of Wyoming  
9 that the applicant has procured and has in effect, liability  
10 and property damage insurance covering the applicant's  
11 construction services in the sum of not less than one  
12 hundred thousand dollars (\$100,000.00) for injury or damage  
13 to persons or property;

14  
15           (iv) Wyoming state sales/use tax and unemployment  
16 insurance account tax numbers or statement as to why such  
17 certificate or coverage is not required;

18  
19           (v) A statement of the type of construction to be  
20 undertaken by the applicant, with a brief chronological work  
21 history, including information about claims and judgments  
22 against the applicant and settlements by the applicant for  
23 any defective or inadequate construction services performed  
24 by the applicant;

1

2 (vi) A statement that the applicant has never  
3 been denied or had suspended or revoked a contractor's  
4 license or registration privilege in this or in any other  
5 state, or, if a license or registration privilege has been  
6 denied, suspended or revoked in this or in any other state,  
7 an explanation of any such denial, suspension or revocation;

8

9 (vii) A license fee as may be set by the board to  
10 cover its administrative and enforcement costs not to exceed  
11 two hundred fifty dollars (\$250.00) per year.

12

13 (b) If the board determines that an applicant meets  
14 the minimum qualifications for a contractor's license, the  
15 board shall issue to the applicant a license that shall be  
16 evidenced by a certificate of license. The certificate of  
17 license issued by the board shall clearly state the  
18 licensee's name, license number and period for which the  
19 license shall be valid. A license issued pursuant to this  
20 subsection shall be valid for a period of one (1) year from  
21 the date of issue.

22

23 (c) Except as provided by this subsection, a license  
24 issued pursuant to this act may be renewed by following the

1 procedures for obtaining a new license under subsections (a)  
2 and (b) of this section. An application for renewal of  
3 license shall be filed not later than forty-five (45) days  
4 prior to the expiration date of the expiring license, along  
5 with a renewal application fee as may be set by the board  
6 not to exceed two hundred fifty dollars (\$250.00). Upon  
7 receipt of a renewal application and fee and verification  
8 that the contractor continues to meet the requirements for  
9 licensure, the board may renew the license, which shall be  
10 evidenced by issuance of a new certificate of license. The  
11 board shall make a decision within thirty (30) days of  
12 receipt of the renewal application.

13

14 (d) A renewal license issued pursuant to subsection  
15 (e) of this section shall be valid from the date of  
16 expiration of the expiring license for a period of one (1)  
17 year. The board may assess an administrative penalty not to  
18 exceed one hundred twenty-five dollars (\$125.00) for  
19 applicants who fail to file for renewal within the renewal  
20 period provided by this subsection.

21

22 (e) A license or certificate issued pursuant to this  
23 act shall not be assignable or transferable. Upon any  
24 change in ownership of a licensed entity, including

1 termination, the board shall be notified by the licensed  
2 entity in writing within thirty (30) days.

3

4 **33-42-107. Display of license.**

5

6 (a) A contractor licensed pursuant to this act shall  
7 prominently display his contractor license for public view  
8 in his place of business as well as on advertising,  
9 contracts, permits, company or business letterheads,  
10 purchase orders and subcontracts.

11

12 (b) No building inspector or such other authority of  
13 any county or municipality shall issue any permit to any  
14 contractor without first obtaining the contractor's Wyoming  
15 license number which shall be entered on any permit issued.  
16 All building permits or other permits for construction of  
17 any type shall be prominently posted at the construction  
18 site with the contractor's license number clearly visible on  
19 the permit.

20

21 **33-42-108. Suspension or revocation of license;**  
22 **reinstatement.**

23

1           (a) The board shall suspend or revoke a contractor's  
2 license if, after an opportunity for a contested case  
3 hearing in accordance with the Wyoming Administrative  
4 Procedure Act and upon a showing by clear and convincing  
5 evidence, the board determines that:

6

7           (i) Any insurance or other coverage required by  
8 this act has ceased to be effective;

9

10           (ii) The contractor has violated any law relating  
11 to consumer protection;

12

13           (iii) The contractor made a misstatement of a  
14 material fact during or has failed to pay any required fee  
15 in the licensing process; or

16

17           (iv) The contractor has been convicted of or  
18 engaged in conduct constituting a violation of any laws,  
19 ordinances or rules of this state, or any subdivision  
20 thereof, relevant to contracting, reflecting on the  
21 licensee's ability or qualifications to continue contracting  
22 for other persons, or making the licensee a threat to public  
23 safety, health or well-being.

24

1           (b) The board shall maintain a list for public  
2 inspection of all contractors whose licenses have been  
3 suspended or revoked.

4

5           (c) A contractor whose license has been suspended or  
6 revoked shall have all rights accorded to persons in  
7 contested case hearings pursuant to the Wyoming  
8 Administrative Procedure Act, including the right to  
9 judicial review.

10

11           (d) In addition to other remedies provided by this act  
12 or other law to a contractor whose license has been  
13 suspended or revoked, the board may reinstate a suspended or  
14 revoked license upon a showing that the grounds therefor  
15 have been eliminated, that such a violation is not likely to  
16 reoccur in the future, and that the public interest is not  
17 jeopardized by the reinstatement of the license.

18

19           **33-42-109. Public information.**

20

21 The board shall provide, upon request or as otherwise  
22 provided by rule of the board, information to any person  
23 regarding those contractors duly licensed under the  
24 provisions of this act.

1

2           **33-42-110. Contractor board fund; creation.**

3

4 Monies received by the board shall be deposited with the  
5 state treasurer who shall credit the money to an account  
6 within the special revenue fund. All monies credited to the  
7 account shall be expended only upon appropriation by the  
8 legislature to defray costs and expenses incurred in the  
9 administration of this act.

10

11           **33-42-111. Limitations.**

12

13 Nothing in this act shall be construed to include any person  
14 who performs construction services for personal use or who  
15 is the employee of another with wages as his sole  
16 compensation, or a professional architect or engineer acting  
17 solely in his professional capacity.

18

19           **Section 2.** There is appropriated from the general  
20 fund ten thousand dollars (\$10,000.00) to the Wyoming  
21 contractor licensing board to be deposited in the account  
22 created by W.S. 33-42-110 for the purposes of this act.

23

24           **Section 3.**

1

2           (a) This act is effective immediately upon completion  
3 of all acts necessary for a bill to become law as provided  
4 by Article 4, Section 8 of the Wyoming Constitution.

5

6           (b) The board may begin licensing and performing its  
7 duties under this act upon the effective date of this act.  
8 However, no person shall be required to be licensed  
9 pursuant to this act prior to July 1, 2004.

10

11

(END)