

HB 3117

FILED

2007 MAR 20 PM 4: 55

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

House Bill No. 3117

(By Delegates Morgan, Martin, Argento, Cann, Hartman, Hutchins, Palumbo,
D. Poling, Staggers, Swartzmiller and Andes)



Passed March 7, 2007

In Effect from Passage

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H. B. 3117

(BY DELEGATES MORGAN, MARTIN, ARGENTO, CANN, HARTMAN,
HUTCHINS, PALUMBO, D. POLING, STAGGERS, SWARTZMILLER
AND ANDES)

[Passed March 7, 2007; in effect from passage.]

AN ACT to amend and reenact §21-11-6 of the Code of West Virginia, 1931, as amended, relating to clarifying that contractors must have a state contractors license in order to submit a bid with the State of West Virginia.

Be it enacted by the Legislature of West Virginia:

That §21-11-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 11. WEST VIRGINIA CONTRACTOR LICENSING ACT.

§21-11-6. Necessity for license; exemptions.

- 1 (a) No person may engage in this state in any act as a
- 2 contractor, or submit a bid to perform work as a contractor,
- 3 as defined in this article, unless such person holds a license

4 issued under the provisions of this article. No firm,
5 partnership, corporation, association or other entity shall
6 engage in contracting in this state unless an officer thereof
7 holds a license issued pursuant to this article.

8 (b) Any person to whom a license has been issued under
9 this article shall keep the license or a copy thereof posted in
10 a conspicuous position at every construction site where work
11 is being done by the contractor. The contractor's license
12 number shall be included in all contracting advertisements
13 and all fully executed and binding contracts. Any person
14 violating the provisions of this subsection shall be subject,
15 after hearing, to a warning, a reprimand, or a fine of not more
16 than two hundred dollars.

17 (c) Except as otherwise provided in this code, the
18 following are exempt from licensure:

19 (1) Work done exclusively by employees of the United
20 States Government, the State of West Virginia, a county,
21 municipality or municipal corporation, and any governmental
22 subdivision or agency thereof;

23 (2) The sale or installation of a finished product, material
24 or article or merchandise which is not actually fabricated into
25 and does not become a permanent fixed part of the structure;
26

27 (3) Work performed personally by an owner or lessee of
28 real property on property the primary use of which is for
29 agricultural or farming enterprise;

30 (4) A material supplier who renders advice concerning
31 use of products sold and who does not provide construction
32 or installation services;

33 (5) Work performed by a public utility company
34 regulated by the West Virginia Public Service Commission
35 and its employees;

36 (6) Repair work contracted for by the owner of the
37 equipment on an emergency basis in order to maintain or
38 restore the operation of such equipment;

39 (7) Work performed by an employer's regular employees,
40 for which the employees are paid regular wages and not a
41 contract price, on property owned or leased by the employer
42 which is not intended for speculative sale or lease;

43 (8) Work personally performed on a structure by the
44 owner or occupant thereof; and

45 (9) Work performed when the specifications for such
46 work have been developed or approved by engineering
47 personnel employed by the owner of a facility by registered
48 professional engineers licensed pursuant to the laws of this
49 state when the work to be performed because of its
50 specialized nature or process cannot be reasonably or timely
51 contracted for within the general area of the facility.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



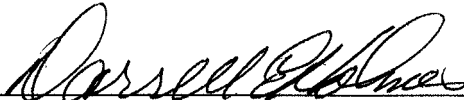
Chairman Senate Committee



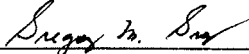
Chairman House Committee

Originating in the House.

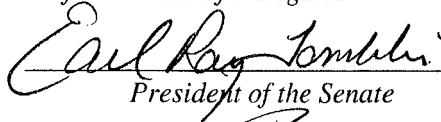
In effect from passage.



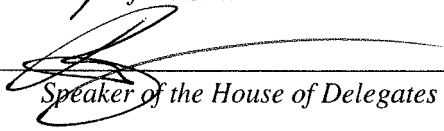
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 20th
day of March 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 15 2007

Time 4:05 pm