

NOTICE OF INTENT

Office of the Governor Louisiana State Licensing Board for Contractors

(LAC 46:XXIX.Contractors)
Rules and Regulations Update

In accordance with the provisions of La. R.S. 49:950 et seq., which is the Administrative Procedure Act, and through the authority granted in R.S. 37:2150 - 2192, which is the Contractor Licensing Law, the Licensing Board for Contractors (LSLBC) hereby gives notice of its intent to update its rules and regulations regarding contracting matters under the jurisdiction of the LSLBC.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXIX. Contractors

Chapter 1. Applications and Licensing

§129. Licensure and Exemption of Exam for Individuals with Military Training and Experience, Military Spouses and Dependents [Formerly §321]

A. The board shall issue a license or registration to an applicant who is a member of the military, including United States Department of Defense civilian employees who have been assigned to duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee, if the member or United States Department of Defense civilian receives military orders for a change of station to a military installation or assignment located in this state or if the member or United States Department of Defense civilian has established this state as his state of legal residence as reflected in the member's or United States Department of Defense civilian's military record if, upon application to the board, all of the following conditions are satisfied by the applicant:

1. holds a current and valid occupational license in another state in an occupation with a similar scope of practice, as determined by the board.
2. has held the occupational license in the other state for at least one year.
3. has passed any examinations, or met any education, training, or experience standards as required by the board in the other state.
4. is held in good standing by the board in the other state.
5. does not have a disqualifying criminal record as determined by the board under the laws of this state.
6. has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.
7. did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in another state.
8. does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If there is an existing complaint, allegation or investigation pending, the board shall not issue or deny a license or registration until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board.

9. pays all applicable fees and meets all other requirements for licensure.

B. The board shall issue a license or registration to an applicant who is a member of the military,

or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee who has been assigned duty in Louisiana, upon application based on work experience in another state if, upon application to the board, all of the following conditions are satisfied by the applicant:

1. worked in a state that does not use an occupational license or governmental certification to regulate a lawful occupation, but the board regulates this lawful occupation with a similar scope of practice.

2. worked for at least three (3) years in the lawful occupation.

3. has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.

4. did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in another state.

5. does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If there is an existing complaint, allegation, or investigation pending, the board shall not issue or deny a license or registration until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board.

6. pays all applicable fees and meets all other requirements for licensure.

C. The board shall issue a license or registration to an applicant who is a member of the military or United States Department of Defense civilian employee who has been assigned duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee based on holding a private certification and work experience in another state if, upon application to the board, all of the following conditions are satisfied by the applicant:

1. worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but that occupation is lawfully regulated by this board through a license or registration.

2. has worked for at least two (2) years in the lawful occupation.

3. holds a current and valid private certification in the lawful occupation.

4. the private certification organization holds the applicant in good standing.

5. has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.

6. did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in another state.

7. does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If there is an existing complaint, allegation or investigation pending, the board shall not issue or deny a license or registration until the complaint, allegation, or investigation is resolved or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board.

8. pays all applicable fees and meets all other requirements for licensure.

D. The education, training, or experience requirements for an occupational license issued by the board will be determined by the presentation from the applicant of satisfactory evidence that the applicant received comparable education, training or experience as a member of the United States armed forces or any national guard or other reserve component.

E. The applicant will be required to complete the business and law course.

F. Upon receipt of all required and complete documents, the board will provide the applicant with

a written decision regarding the application for an occupational license within thirty (30) calendar days after receiving an application.

G. 1. The applicant may appeal any of the following decisions made by the board, in a court of general jurisdiction:

- a. denial of a license;
- b. determination of the classification;
- c. determination of the similarity of the scope or practice of the occupational license issued;

H. A person who obtains a license or registration pursuant to this rule is subject to all laws regulating the occupation in this state and the jurisdiction of this board.

I. The term “military” means the armed forces of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the Military Reserves of any state, or the naval militia of any state.

J. The term “dependent” means (1) a resident spouse or resident unmarried child under the age of twenty-one (21) years, (2) a child who is a student under the age of twenty-four (24) years and who is financially dependent upon the parent, or (3) a child of any age who is disabled and dependent upon the parent.

K. The provisions of this rule shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

L. This rule preempts laws by township, municipal, county and other governments in the state which regulate occupational licenses and government certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3651
HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 40:2575 (December 2014), LR 44:2146 (December 2018).

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, the impact of these proposed rules on the family has been considered. It is anticipated that changes to the Rules of the State Licensing Board for Contractors will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 by streamlining licensure for military members and their spouses/dependents.

Poverty Impact Statement

In accordance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of the changes to the rules have been considered. It is anticipated that these proposed rules will have no impact on child, individual, or family poverty and may produce a positive impact in gainful employment through licensure.

Small Business Statement

In accordance with 49:965.6, the proposed changes to the rules will not have an adverse impact on small businesses. Consequently, it will ease the application and renewal processes for military applicants and/or their spouses/dependents with comparable certification/experience seeking licensure with this agency.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of these proposed rules has been considered. It is anticipated that these proposed rules will have no known impact on providers of services for individuals with developmental disabilities.

Interested Persons

Interested persons may submit written comments on the proposed regulations to the Licensing Board for Contractors, attention Judy Dupuy, Board Administrator, 600 North Street, Baton Rouge, Louisiana 70802 before January 10, 2021 at 3:30 p.m.

Public Hearing

If it becomes necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held January 25, 2021 at 9:30 a.m. at the Louisiana State Licensing Board for Contractors at 600 North Street, Baton Rouge, Louisiana, 70802.

Michael McDuff
Executive Director