

1 HB632
2 137775-1
3 By Representatives Tuggle, Ball and Laird
4 RFD: Commerce and Small Business
5 First Read: 03-APR-12

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8 SYNOPSIS: Under existing law, the definition of a
9 residential home builder includes, as a
10 requirement, the minimum cost of the construction
11 or repair of a residence to exceed \$10,000.

12 This bill would increase the minimum cost
13 amount from \$10,000 to \$30,000.
14

15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Section 34-14A-2, Code of Alabama 1975,
20 relating to definitions for the Home Builders Licensure Board;
21 to increase the minimum construction or repair cost amount for
22 defining a person as a residential home builder from \$10,000
23 to \$30,000.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 34-14A-2 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§34-14A-2.

1 "As used in this chapter, the following terms shall
2 have the following meanings, respectively, unless the context
3 clearly indicates otherwise:

4 "(1) BOARD. The Home Builders Licensure Board.

5 "(2) CONTRACTING. Except as exempted herein,
6 engaging in residential and private residence construction
7 business as a contractor.

8 "(3) HOME BUILDERS LICENSURE BOARD. The board
9 created herein to regulate the home building and residential
10 construction industry.

11 "(4) HOMEOWNER. One who owns and resides or intends
12 to reside in a structure constructed or remodeled by a
13 licensee of the board, or who contracts with a licensee for
14 the purchase, construction, repair, improvement, or
15 reimprovement of a structure to be used as a residence.

16 "(5) INACTIVE LICENSE. A license issued at the
17 request of a licensee, or a building official or a building
18 inspector, which is renewable, but which is not currently
19 valid.

20 "(6) LICENSE. A new license or a renewal license
21 issued by the board pursuant to this chapter.

22 "(7) LICENSEE. A holder of a certificate issued
23 pursuant to this chapter.

24 "(8) PERSON. Any natural person, limited or general
25 partnership, corporation, association, limited liability
26 company, or other legal entity, or any combination thereof.

1 "(9) RESIDENCE. A single unit providing complete
2 independent residential living facilities for one or more
3 persons, including permanent provisions for living, sleeping,
4 eating, cooking, and sanitation.

5 "(10) RESIDENTIAL HOME BUILDER. One who constructs a
6 residence or structure for sale or who, for a fixed price,
7 commission, fee, or wage, undertakes or offers to undertake
8 the construction or superintending of the construction, or who
9 manages, supervises, assists, or provides consultation to a
10 homeowner regarding the construction or superintending of the
11 construction, of any residence or structure which is not over
12 three floors in height and which does not have more than four
13 units in an apartment complex, or the repair, improvement, or
14 reimprovement thereof, to be used by another as a residence
15 when the cost of the undertaking exceeds ~~ten thousand dollars~~
16 ~~(\$10,000)~~ thirty thousand dollars (\$30,000). Nothing herein
17 shall prevent any person from performing these acts on his or
18 her own residence or on his or her other real estate holdings.
19 Anyone who engages or offers to engage in such undertaking in
20 this state shall be deemed to have engaged in the business of
21 residential home building.

22 "(11) STRUCTURE. A residence, including a site-built
23 home, a condominium, a duplex or multi-unit residential
24 building consisting of not more than four residential units.

25 "(12) TRANSACTION. The act of entering into a
26 contract with a licensee for the purchase, construction,

1 repair, improvement, or reimprovement of a structure to be
2 used as a residence."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.