

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 564

Introduced by Lathrop, 12.

Read first time January 21, 2009

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Contractor Registration Act; to amend
2 sections 48-2101 and 48-2105, Reissue Revised Statutes
3 of Nebraska, and section 48-2104, Revised Statutes
4 Cumulative Supplement, 2008; to require licensure as
5 prescribed; to provide an operative date; and to repeal
6 the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-2101, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-2101 Sections 48-2101 to 48-2116 and section 4 of this
4 act shall be known and may be cited as the Contractor Registration
5 Act.

6 Sec. 2. Section 48-2104, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 48-2104 Before performing any construction work in
9 Nebraska, a contractor shall be registered with the department. If
10 a contractor does business under more than one name, the contractor
11 shall obtain a registration number for each name under which the
12 contractor is doing business. No person required to be registered
13 under this section may act or hold themselves out as a contractor
14 without a license issued by the commissioner.

15 Sec. 3. Section 48-2105, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 48-2105 Each contractor shall apply to the department for
18 a registration number and license on an application form provided
19 by the department. The application shall contain the following
20 information:

21 (1) The name and, if the applicant is an individual, the
22 social security number of the contractor;

23 (2) The principal place of business of the contractor
24 in Nebraska. If the contractor's principal place of business is
25 outside Nebraska, the application shall state the address of the

1 contractor's principal place of business and the name and address
2 of the contractor's registered agent in Nebraska;

3 (3) The telephone number of the contractor in the State
4 of Nebraska. If the contractor's principal place of business is
5 outside Nebraska, the application shall state the telephone number
6 of the contractor's principal place of business and the telephone
7 number of the contractor's registered agent in Nebraska;

8 (4) The type of business entity of the contractor
9 such as corporation, partnership, limited liability company, sole
10 proprietorship, or trust;

11 (5) The following information about the business entity:

12 (a) If the contractor is a corporation, the name,
13 address, telephone number, and position of each officer of the
14 corporation; and

15 (b) If the contractor is other than a corporation, the
16 name, address, and telephone number of each owner;

17 (6) Proof of (a) a certificate or policy of insurance
18 written by an insurance carrier duly authorized to do business
19 in this state which gives the effective dates of workers'
20 compensation insurance coverage indicating that it is in force,

21 (b) a certificate evidencing approval of self-insurance privileges
22 as provided by the Nebraska Workers' Compensation Court pursuant
23 to section 48-145, or (c) a signed statement indicating that the
24 contractor is not required to carry workers' compensation insurance
25 pursuant to the Nebraska Workers' Compensation Act; and

1 (7) A description of the business which includes the
2 employer's standard industrial classification code or the principal
3 products and services provided.

4 Each application shall be renewed annually upon payment
5 of the fee prescribed in section 48-2107.

6 Sec. 4. (1) The examination and education requirements
7 for licensure shall be fulfilled by a qualifying person designated
8 by the potential licensee. The qualifying person shall be the
9 proprietor of the business or an employee who is regularly employed
10 by the licensee and is actively engaged in the business of
11 contracting on behalf of the licensee. Upon the departure or
12 disqualification of a licensee's qualifying person because of
13 death, disability, retirement, position change, or other reason,
14 the licensee shall notify the commissioner within fifteen business
15 days after the departure. The licensee shall have one hundred
16 twenty business days after the departure of the qualifying person
17 to obtain a new qualifying person. Failure to secure a new
18 qualifying person within such time will result in the automatic
19 termination of the license.

20 (2) Each licensee or applicant for licensure shall notify
21 the commissioner in writing of any change in the information
22 required for the application under section 48-2105 within thirty
23 days after the change and shall notify the commissioner in writing:

24 (a) Upon any change in control, ownership, officers
25 or directors, personal name, business name, license name, or

1 qualifying person, within fifteen days after the change;

2 (b) If the licensee or applicant for licensure is found
3 to be a debtor judgment based upon conduct requiring licensure,
4 within fifteen days after the finding;

5 (c) Within fifteen days after filing a petition for
6 bankruptcy; and

7 (d) Within ten days after conviction of the licensee
8 or applicant for licensure of a felony or misdemeanor or any
9 comparable offense related to contracting in this or any other
10 state or any other United States jurisdiction.

11 (3) Each qualifying person shall satisfactorily complete
12 a written examination to receive a license. The commissioner
13 shall establish the examination qualifications, including related
14 education experience and education, the examination procedure, and
15 the examination. The examination shall include at a minimum the
16 following areas:

17 (a) Appropriate knowledge of technical terms commonly
18 used and the knowledge of reference materials and code books to be
19 used for technical information; and

20 (b) Understanding of the general principles of business
21 management and other pertinent state laws.

22 (4) An individual's passing examination results expire
23 three years after the examination date.

24 Sec. 5. This act becomes operative on January 1, 2010.

25 Sec. 6. Original sections 48-2101 and 48-2105, Reissue

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- 1 Revised Statutes of Nebraska, and section 48-2104, Revised Statutes
- 2 Cumulative Supplement, 2008, are repealed.