

The Specialty Contractors Committee of the State Licensing Board for Residential and General Contractors met on August 22, 2007 at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia, for the purpose of discussing business.

Members present:

Bob Barnard, Committee Chairman  
Roger Huggins  
Morgan Wheeler

Others present:

Kyle Floyd, Executive Director  
Mark Woodall, Associated General Contractors;  
Penny Round, Greater Atlanta Home Builders Association.

Committee Chairman Bob Barnard established that a quorum was present and called the meeting to order at 9:09 a.m.

Chairman Barnard asked if everyone in attendance had received a copy of the memorandum done by Scarlett Elliot, Assistant Attorney General, regarding the 25 percent provision of O.C.G.A. § 43-41-17(e).

Chairman Barnard restated the question, "If an electrician holds a \$20 million contract with an owner and \$14 million is his electrical work, \$4 million is mechanical trade work, and \$2 million is incidental work, do the licensed trades count as part of the 25%?" The answer that was given by Assistant A.G. Elliot was affirmative.

Chairman Barnard mentioned that he felt that the definition given by Assistant A.G. Elliot helped to simplify the way the committee was going to look at the 25 percent provision.

Chairman Barnard mentioned that he had conversed with a couple of cell tower builders, as well as with Kevin Veler of the Pool Contractors Association, with the understanding that the main concern from both groups was their ability to sit for the exam if they could prove they had experience. Chairman Barnard stated that he did not have a problem with them sitting for the exam if the requirements were met.

Mark Woodall asked the committee and Kyle Floyd, whether or not there was any flexibility for the Committee and Board in meeting the January 1, 2008 deadline as Senate Bill 115 was drafted to allow the Board to mandate policy? If so, can the Board put policy in place as of the deadline with the understanding it is a living document which will continue to evolve?

Kyle Floyd stated that Mark Woodall was correct.

Chairman Barnard stated his belief that the Committee could take the verbiage of the law and write a very simple paragraph which states that a contractor who exceeds the specialty contractor parameters and can show applicable experience will be allowed to sit for the exam.

He further commented that the Committee could create a document and, using a pool contractor as an example stated, "If you are a pool contractor you can build the pool, hire the electrician, hire the plumber and hire the fence guy. However, when the contractor gets to the bathhouse if the work is going to exceed 25% of the total scope of the contract or \$10,000, whichever is the greater, than the contractor would have to have a license."

Chairman Barnard then suggested that the Committee go through the contractor list that Roger Huggins provided to the Committee and designate what items would be included in the scope of work. He also mentioned that once posted, contractors could review the list and let the Committee know if something additional should be included under their scope.

Mark Woodall mentioned that between the scopes of work Penny Round provided the Board, through the Partnering Guide as published by the Greater Atlanta Home Builders Association, and the list that Roger Huggins created, it should be easy for the Committee to get a list started.

The Committee then discussed whether or not there was a better mechanism than the Partnering Guide to use in defining the scopes of work or whether the Committee wanted to create a small, simple scope for each specialty.

Chairman Barnard suggested that the Board start by writing the general definitions under the specialty trades. Roger Huggins commented it would not be definitions but explanations.

Roger Huggins asked the Committee whether or not everyone agreed to breakdown the specialty contractors into two categories: traditional unlicensed specialty contractors; and limited service unlicensed specialty contractors.

He then suggested the Committee develop a list to be presented for discussion at the next Board meeting.

Roger Huggins also suggested that the list include notification that it is still in the stages of development.

Chairman Barnard commented that the Partnering Guide provided too much detail and suggested the Committee go through the list provided by Roger Huggins and do a simple list with a broad definition.

Chairman Barnard asked Roger Huggins the difference between what Mr. Huggins calls a Limited Service Unlicensed Specialty Contractor and a Traditional Unlicensed Specialty Contractor.

Roger Huggins responded that a Limited Service Unlicensed Specialty Contractor is someone who coordinates other specialty contractors. A Traditional Unlicensed Specialty Contractor is one traditionally considered a specialty contractor, by name, in the industry.

Discussion continued with how best to create the scopes of work.

Chairman Barnard suggested again that the committee go with a general definition for exemption but clarify that it does not include those contractors building a vertical structure or dealing with structural entities.

Roger Huggins commented that the law does not mention vertical structures, and Mark Woodall affirmed his comment.

Mark Woodall suggested that there were additional types of structures beyond buildings such as bridges and cell towers and thus it could be dangerous to say 'vertical' structures.

The Committee then generally discussed bridges and DOT prequalification under the law.

Roger Huggins commented that if a General Contractor has already pulled a permit then no one will be looking to see what his subcontractors are doing, as the General Contractor is responsible for all the work done under the permit.

Mark Woodall stated that the list should be generated to cover those specialty contractors contracting directly with an owner.

Chairman Barnard agreed and commented that the list should clarify for building officials, when considering permit applications, who must have a license to pull a permit and who does not need a license.

Morgan Wheeler also agreed and commented that building officials do consider the General Contractor the responsible party under the permit and this committee's list should address those specialties working specifically with consumers.

Roger Huggins suggested that the Committee draft a simple set of preambles to the list. He suggested for the first: *"Anyone on this list who is working for a licensed GC under a valid permit is exempt from having to hold a license of their own unless covered under another law."*

The Committee then held a general discussion about local licensing and home rule laws.

Mark Woodall suggested the second preamble be: *“Licensed specialties under Chapter 14 and non-licensed specialties do not have to hold a [contractors] license if they are performing work within their specialty. The [State Licensing] Board [for Residential and General Contractors] has been directed by January 1, 2008 to identify what those specialties are and what their scope is within those specialties to allow them to contract directly with an owner without being a [licensed contractor].”*

Roger Huggins and Morgan Wheeler commented on the need to simplify the language.

Chairman Barnard suggested the third point be: *“Vertical structures that are going to house consumers or the general public that exceed the \$10,000 or the 25 percent total scope of work require a license in the appropriate field.”*

Roger Huggins commented that using vertical structure is walking on thin ice and suggested that ‘vertical’ be left out.

Chairman Barnard then suggested that the fourth preamble should be: *“If you have been building these structures you can sit for the exam based on past experience.”*

Roger Huggins felt that it would be inappropriate to list on this page how someone would get a license.

Chairman Barnard responded that the Committee is defining the law and should clarify the option to sit for the exam.

Penny Round suggested that if clarification is necessary, then the exam option should be included on the general frequently asked questions. Roger Huggins agreed.

Chairman Barnard shared his concerns over listing the exam option in general frequently asked questions primarily for convenience and ease of use.

The final preamble was suggested by Roger Huggins as: *“The Board recognizes that limited service unlicensed specialty contractors can coordinate multiple specialty trades within the scopes of work listed below.”*

Mark Woodall suggested that the very top of the list should reference that it was developed pursuant to 43-41-17(f).

Kyle Floyd reiterated the need to note that the list was ongoing and subject to change.

The Committee then reviewed the list of Traditional Unlicensed Specialty Contractors and Limited Service Unlicensed Specialty Contractors, developed scopes of work and created a general statement for specialty contractors without specific scopes of work requiring them to follow all applicable codes and ordinances.

With no further business to be discussed, Chairman Barnard adjourned the meeting at 12:45 p.m.