

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A
BILL

to provide for registration of contractors and for related matters

WHEREAS it is expedient to provide for registration of contractors; to regulate their conduct; to provide for the mechanism for construction defect liability and for related matters.

It is hereby enacted as follows:-

1. **Short title, application and commencement.**-(1) This Act may be called the Contractors Registration Act, 2021.

(2) It shall apply to Contractors undertaking or intends to undertake public works under the Federal Government or undertaking all other works in such areas of the Federation which are not part of any province.

(3) It shall come into force at once.

2-Definitions.—unless there is anything repugnant in the subject or context.—

(a) "**Contractor**" includes any person, firm, corporation, or other entity who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, develop, move, wreck, or demolish any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith, the installation or repair of roofing or siding, performing tree removal services, or cabinet or similar installation; or, who, to do similar work upon his or her own property, employs members of more than one

trade upon a single job or project or under a single building permit except as otherwise provided in this chapter.

(b) "**Contractor**" also includes a consultant acting as a general contractor.

(c) "**Contractor**" also includes any person, firm, corporation, or other entity covered by this subsection (1), whether or not registered as required under this chapter or who are otherwise required to be registered or licensed by law, who offer to sell their property without occupying or using the structures, projects, developments, or improvements for more than one year from the date the structure, project, development, or improvement was substantially completed or abandoned. A person, firm, corporation, or other entity is not a contractor under this subsection (1)(c) if the person, firm, corporation, or other entity contracts with a registered general contractor and does not superintend the work.

(2) "**Department**" means the Ministry/relevant departments of Ministry of Housing and Works and Ministry of Communications or any other Ministry or government department.

(3) "**Director**" means the director of the department of Housing and Works or the Communications or designated representative employed by the department any of these departments.

(4) "**Filing**" means delivery of a document that is required to be filed with an agency to a place designated by the agency.

(5) "**General contractor**" means a contractor whose business operations require the use of more than one building trade or craft upon a single job or project or under a single building permit. A general

contractor also includes one who superintends, or consults on, in whole or in part, work falling within the definition of a contractor.

(6) "**Notice of infraction**" means a form used by the department to notify contractors that an infraction under this chapter has been filed against them.

(7) "**Partnership**" means a business formed under Partnership Act, 1932, and includes public-private partnerships also.

(8) "**Registration cancellation**" means a written notice from the department that a contractor's action is in violation of this chapter and that the contractor's registration has been revoked.

(9) "**Registration suspension**" means either an automatic suspension as provided in this chapter, or a written notice from the department that a contractor's action is a violation of this chapter and that the contractor's registration has been suspended for a specified time, or until the contractor shows evidence of compliance with this chapter.

(10) "**Residential homeowner**" means an individual person or persons owning or leasing real property:

(a) Upon which one single-family residence is to be built and in which the owner or lessee intends to reside upon completion of any construction; or

(b) Upon which there is a single-family residence to which improvements are to be made and in which the owner or lessee intends to reside upon completion of any construction.

(11) "**Specialty contractor**" means a contractor whose operations do not fall within the definition of "general contractor". A specialty contractor

may only subcontract work that is incidental to the specialty contractor's work.

(12) "Substantial completion" means the same as "substantial completion of construction".

(13) "**Unregistered contractor**" means a person, firm, corporation, or other entity doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired, revoked, or suspended. "Unregistered contractor" does not include a contractor who has maintained a valid bond and the insurance or assigned account required by this law, and whose registration has lapsed for thirty or fewer days.

(15) "**Unsatisfied final judgment**" means a judgment or final tax warrant that has not been satisfied either through payment, court approved settlement, discharge in bankruptcy, or assignment under this law.

(16) "**Verification**" means the receipt a contractor registration card that is current on its face, checking the department's contractor registration database, or calling the department to confirm that the contractor is registered.

**3-Registration required—Prohibited acts—Criminal penalty—
Monitoring program.**

(1) Every contractor shall register with the department.

(2) It is a gross misdemeanor for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;