

SB 523-FN - AS INTRODUCED

2026 SESSION

26-2153

09/06

SENATE BILL        **523-FN**

AN ACT            establishing the registration and oversight of builders.

SPONSORS:        Sen. Ward, Dist 8; Sen. Pearl, Dist 17; Sen. Innis, Dist 7; Sen. Watters, Dist 4;  
Sen. Altschiller, Dist 24

COMMITTEE:      Commerce

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ANALYSIS

This bill establishes a board of builder registration, administratively attached to the department of labor. This bill requires the registration of and sets regulatory requirements for certain builders and general contractors engaged in construction-related business on any residential property.

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Explanation:      Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT establishing the registration and oversight of builders.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Chapter; Builders. Amend RSA by inserting after chapter 310-C the following new  
2 chapter:

3 CHAPTER 310-D

4 BUILDERS

5 310-D:1 Definitions. In this chapter:

6 I. "Board" means the board of builder registration, administratively attached to the New  
7 Hampshire department of labor.

8 II. "Registration program administrator" or "RPA" means a New Hampshire non-profit  
9 organization qualified under section 501(c)(3), registered with the director of charitable trusts, and  
10 under contract with the board to administer this chapter in accordance with board rules.

11 III. "Builder" means any individual, partnership, or limited liability company engaged in the  
12 business of constructing, renovating, remodeling, or other similar activities on residential buildings  
13 that are not otherwise required to hold a professional license within the state of New Hampshire.

14 IV. "Construction-related business" means the provisioning of contracting, remodeling,  
15 renovation, or repair services for compensation on property not domiciled by the applicant.

16 V. "Approved education program" means a course or series of courses, totaling not less than  
17 8 hours of instruction covering construction safety, building codes, and professional business  
18 practices, approved by the board under this chapter.

19 VI. "Continuing education" means additional instruction provided by an approved program  
20 as required for the biennial renewal of registration.

21 VII. "Falsification" means the intentional misrepresentation, alteration, or concealment of  
22 any material fact in any application or supporting documentation submitted under this chapter.

23 310-D:2 Board Established; Powers and Duties; Composition.

24 I. There is established the board of builder registration within the New Hampshire  
25 department of labor.

26 II. The board shall consist of 8 members:

27 (a) Three members of the New Hampshire Home Builders Association with at least 5  
28 years of active experience in residential construction, appointed by the New Hampshire Home  
29 Builders Association. One member shall serve a 4 year term, another for a 3 year term and the third  
30 for a 2 year term.

1 (b) One member of the building code review board, appointed by the chair of the building  
2 code review board. This position shall serve for a 3 year term.

3 (c) One member of a New Hampshire consumer advocacy organization, appointed by the  
4 governor. This member shall serve for a 2 year term.

5 (d) One current or former member of a New Hampshire municipal zoning or planning  
6 board, appointed by the New Hampshire Building Officials Association. This member shall serve a  
7 term of 3 years.

8 (e) One member with experience in electrical, plumbing, or engineering as nominated by  
9 Associated General Contractors.

10 (f) The commissioner of the New Hampshire department of labor or their designee as a  
11 permanent member.

12 III. The chief executive officer of the New Hampshire Home Builders Association shall serve  
13 as a non-voting member as a permanent member.

14 IV. The board shall:

15 (a) Adopt rules in consultation with the RPA under RSA 541-A by the department of  
16 labor for applications, renewals, continuing education, insurance minimums, complaint handling,  
17 investigations, sanctions, advertising and permit verification, and RPA performance metrics.

18 (b) Issue, renew, deny, suspend, revoke, or otherwise discipline registrations after notice  
19 and opportunity for hearing.

20 (c) Oversee the RPA; approve its forms and policies; audit compliance; and require  
21 corrective action.

22 (d) Maintain ultimate authority over final disciplinary decisions and sanctions.

23 (e) Establish and adjust fees through rulemaking process for initial registration,  
24 renewal, and other services as necessary to support the administration of this chapter.

25 310-D:3 Registration Program Administrator; Designation and Contract.

26 The board may designate an RPA through a competitive process and shall enter into a written  
27 contract approved by the governor and council. The contract shall:

28 I. Set measurable performance standards and require annual independent financial and  
29 performance audits.

30 II. Authorize administrative fees as established by board rules to cover operating costs.

31 III. Require annual reporting, secure data access for the board, and cooperation with the  
32 department of labor and the office of the attorney general.

33 IV. Mandate ethics policies and compliance with privacy and records-retention standards.

34 V. Provide remedies for breach, including suspension or termination for cause.

35 310-D:4 Applicability and Registration Requirements.

1 I. The provisions of this chapter shall apply to all builders and general contractors engaged  
2 in construction-related business on any residential property not owned by the builder/general  
3 contractor (GC), the aggregate annual volume of which is \$5,000 or more.

4 II. This chapter shall not apply to any individual already required to be licensed pursuant to  
5 existing state law and working under the scope of their license.

6 III. This chapter shall apply when requesting a permit from a New Hampshire municipality  
7 on a non-builder/GC owned or builder/GC occupied structure.

8 IV. Registration application requirements shall include:

9 (a) The business name and principal place of business, together with the owner's legal  
10 name, phone number, email address, physical address, and mailing address. This shall include all  
11 other legal entities qualifying for registration under the owner's name and responsibility. While  
12 companies may be held under a limited liability corporation (LLC), the name of the person  
13 responsible for its legal filing, creation, and performance of duties shall be registered along the LLC  
14 name as a "doing business as" ("dba").

15 (b) Owner's social security number, or individual taxpayer identification number.

16 (c) Proof of current liability and workers' compensation insurance conforming to state  
17 standards.

18 (d) Certification of successful completion of an approved education program of not less  
19 than 8 hours.

20 (e) Payment of initial registration fee as established by board rules.

21 (f) A surety bond in the amount of no less than \$50,000.

22 (g) A statement of any bankruptcy filing within the last 7 years.

23 (h) Documentation of any applicable out of state registration or licensing to conduct  
24 residential building construction, remodeling, and/or renovation.

25 310-D:5 Duties of the RPA.

26 The RPA's duties shall be to:

27 I. Offer recommendations on the rules to the department of labor for board approval.

28 II. Develop and operate an online application and renewal portal; verify identity, insurance,  
29 and continuing education; issue registration numbers once approved by the board or under delegated  
30 ministerial authority.

31 III. Maintain a public registry showing business name, registration status, and insurance  
32 effective dates, excluding personal identifying information.

33 IV. Manage continuing-education approvals and rosters; transmit completions to the board.

34 V. Work with the secretary of state's office to include an online reminder in the secretary of  
35 state's business name filing system stating: "RSA 310-D:4 requires you to register your residential  
36 construction/remodeling business with the department of labor at [insert website address]" or  
37 similar department of labor approved language.

1 VI. Complaint intake and early resolution:

2 (a) Receive consumer and municipal complaints; conduct pre-hearing investigation; offer  
3 mediation; request records; and prepare a written report with a probable cause recommendation to  
4 the board's disciplinary unit.

5 (b) In emergencies implicating safety of lives, make an immediate referral to the board  
6 for interim suspension consideration and notify the local building official.

7 (c) Maintain confidentiality of investigative files until the board votes on probable cause,  
8 consistent with board rules.

9 VII. Provide an internal review and appeal mechanism for administrative denials.

10 310-D:6 Continuing Education and Renewal.

11 I. Each registration issued under this chapter shall remain valid for a period of 2 years,  
12 after which renewal is required.

13 II. Renewal shall be conditioned upon submission of:

14 (a) Documentation evidencing completion of not less than 8 hours of continuing  
15 education provided in approved programs including at least 2 hours of "building code update"  
16 classes. The "building code update" class shall be mandatory for each new and renewing  
17 registration.

18 (b) Updated evidence of current liability and workers' compensation insurance.

19 (c) Payment of biennial renewal fee as established by board rules.

20 (d) Any additional information as may be required by the board.

21 III. Failure to satisfy the continuing education requirement within the prescribed time  
22 period shall result in administrative penalties, including possible suspension of registration until  
23 such deficiency is remedied up to and including possible criminal proceedings.

24 310-D:7 Enforcement; Criminal Penalties.

25 I. Unregistered practice; failure to maintain insurance; falsification; violation of this chapter  
26 or rules; and noncompliance with board orders are grounds for discipline.

27 II. The board may impose fines up to \$5,000 per violation and up to \$500 per day for  
28 continuing violations, order restitution as appropriate, and require additional education, suspend,  
29 revoke, or refuse renewal.

30 III. Any applicant or registrant who willfully violates any provision of this chapter,  
31 including by falsification of documents, shall be subject to criminal prosecution. Such offense shall  
32 be a class B felony punishable by imprisonment for a period not to exceed 5 years and by additional  
33 fines as provided by law.

34 IV. The board may seek injunctive relief in superior court.

35 V. Proceedings shall be governed by RSA 541-A, with appeals under RSA 541.

36 310-D:8 Municipal Permits.

1 No municipality shall issue a permit for covered work unless the applicant lists a valid  
2 registration number, which the RPA and board shall make available for instant online verification.

3 310-D:9 Advertising, Vehicle Identification, and Contractual Disclosure Requirements.

4 I. Every builder or general contractor registered under this chapter shall, as a condition of  
5 doing business:

6 (a) Clearly display the official registration number on all company vehicles used in the  
7 conduct of business.

8 (b) Conspicuously include the official registration number on all marketing materials  
9 and advertisements, whether distributed in print, broadcast, digital, or via any other medium. Font  
10 size and display requirements shall be established by rules adopted by the board.

11 (c) Incorporate the official registration number into any contract, written or electronic,  
12 entered into with a consumer for the provision of construction-related services.

13 (d) Incorporate the official registration number into any written or electronic estimate  
14 provided to the consumer for the possible providing of construction-related services.

15 II. Any advertisement or contract failing to meet the requirements of this section shall be  
16 deemed noncompliant with the provisions of this chapter and subject to the enforcement and penalty  
17 provisions set forth herein.

18 310-D:10 Builder Registration Fund.

19 There is established a non-lapsing dedicated fund for fees, fines, and settlements. The board,  
20 through the department of labor, shall pay the RPA from this fund according to the contracted  
21 administrative fee structure as established by board rules.

22 310-D:11 Rulemaking.

23 The board shall adopt rules under RSA 541-A to implement this chapter, including but not  
24 limited to:

25 I. Fee schedules for initial registration, renewal, and other services.

26 II. RPA performance metrics and audit standards.

27 III. Data-sharing protocols and registry format.

28 IV. Complaint timelines and mediation procedures.

29 V. Advertising and vehicle identification display requirements.

30 VI. Insurance minimum requirements and standards.

31 VII. Education program approval criteria and continuing education requirements.

32 2 New Subparagraph; Application of Receipts; Builder Registration Fund. Amend RSA 6:12,  
33 I(b) by inserting after subparagraph (410) the following new subparagraph:

34 (411) Moneys deposited in the builder registration fund as established in RSA 310-  
35 D:10.

36 3 Effective Date. This act shall take effect January 1, 2028.

**SB 523-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT establishing the registration and oversight of builders.

**FISCAL IMPACT: This bill does not provide funding.**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	Indeterminable Increase	Indeterminable Increase
<i>Revenue Fund(s)</i>	Builder Registration Fund			
<b>Expenditures*</b>	\$0	\$0	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	Builder Registration Fund and General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable		
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable		

**METHODOLOGY:**

This bill establishes a Board of Builder Registration, administratively attached to the Department of Labor to regulate residential builders and general contractors. The Board will oversee builder registration, continuing education, insurance requirements, and enforcement actions. It also establishes a Builder Registration Fund for fee and penalty revenue to support board operations.

The Department of Labor states that its role will be limited to participation in rulemaking and consultation with the Board and the Registration Program Administrator. The Department anticipates its direct agency costs to be minimal and can be absorbed into their current budget. However, the bill requires the newly created Board to contract with a nonprofit Registration

Program Administrator that will develop and operate the registration portal, verify insurance and continuing education, process applications, manage complaint intake, conduct early investigations, and provide administrative support to the Board. All operating costs for the Board and the Registration Program Administrator must be paid from the new established Builder Registration Fund. It is unclear how start up and initial implementation costs will be covered prior to the collection of fees, and the Department notes it does not have funds budgeted for these activities. As a result, state expenditures associated with establishing and operating the new Board and supporting the contracted Registration Program Administrator are indeterminable.

The Department of Labor also states the bill authorizes the Board to establish and collect initial registration fees, renewal fees, administrative fees, and civil penalties of up to \$5,000 per violation and \$500 per day for continuing violations. These revenues will be deposited into the newly created Builder Registration Fund. Because the number of builders who will be required to register is unknown and fee levels will be set through future rulemaking, the amount of anticipated revenue cannot be estimated at this time.

Lastly, this bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: [https://gencourt.state.nh.us/lba/Budget/Fiscal\\_Notes/JudicialCorrectionalCosts.pdf](https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf)

**AGENCIES CONTACTED:**

Department of Labor, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association