

LEGAL ISSUES ON HOME BUILDER: FOCUSING ON HOME IMPROVEMENT IN CONSUMER ASPECT*

*Duangkamol Kotaraphong***

ABSTRACT

The rising of accommodation nowadays leads to the increasing of homebuilder contractor. Some of them can be called as professional but some cannot. The latter could cost damages to consumers due to the problem of non-quality homebuilder which can be seen in many consumers' claims. This is because in Thailand, the Construction Profession Act B.E.2522 (1979) is not effective in terms of implementation to practical situations. This law was enacted to control, regulate and support the contractor profession to be under the same standard. However, there is no Council of Contractor under this Act to be the profession organization setting up regulations to regulate the contractor under the licensing system. Thus, the non-standard of homebuilders has caused many problems to consumers. They are the one suffering from the damages due to the non-quality or non-standard construction work. It is a waste of everything; time, feeling, money including a waste of reputation of the contractors themselves. This problem should urgently be healed by any proper and applicable solutions in order to protect consumers and to regulate the contractor profession with the intention to develop the construction industry to meet with international standard.

This thesis will study on the problem arising from the applicable law in construction business. Furthermore, it will propose an appropriate measurement regarding control of the homebuilder contractors to produce more quality work.

Keywords: Homebuilder, Contractor, Construction, Contractor license

บทคัดย่อ

ปัจจุบันอัตราการเติบโตของสิ่งปลูกสร้างประเภทที่อยู่อาศัยทั้งในรูปแบบของการก่อสร้างใหม่และปรับปรุงใหญ่ (Renovate) นั้นยังคงมีอยู่อย่างต่อเนื่อง เนื่องจากเป็น 1 ในปัจจัย 4 ของมนุษย์ที่ จะต้องมี ซึ่งเป็นนำไปสู่การเพิ่มขึ้นของผู้ที่ประกอบอาชีพรับเหมา ซึ่งถือเป็นบุคคลที่สำคัญ ที่สุดคนหนึ่งในก่อสร้างที่อยู่อาศัย ผู้ประกอบอาชีพนี้มีทั้งที่ทำงานมีคุณภาพ มีประสบการณ์ ทำงานเป็นมืออาชีพและไม่หนึ่งงาน แต่ก็มีหลายรายบางรายที่ไม่มีคุณสมบัติดังกล่าว ซึ่งเป็นสิ่งนำไปสู่ ความเสียหายต่อผู้บริโภค หรือเจ้าของที่อยู่อาศัยดังกล่าว ไม่มีความรับผิดชอบ จากการเลือกใช้ ผู้รับเหมาที่งานที่เกิดขึ้นไม่ได้คุณภาพ หรือเลวร้ายที่สุดคืองานไม่เสร็จ เกิดความเสียหาย และ ทำให้เกิดการร้องเรียนของผู้บริโภคเป็นจำนวนมาก ซึ่งในอดีตก็ได้มีการตราพระราชบัญญัติ การประกอบอาชีพ งานก่อสร้าง พ.ศ.

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** Graduate student of Master of Laws Program in Business Laws (English Program), Faculty of Law, Thammasat University.

2522 ซึ่งเป็นกฎหมายเกี่ยวเนื่องโดยตรงในการควบคุม จักรเย็บผ้าวิชาชีพก่อสร้าง เพื่อขจัดปัญหาข้างต้น แต่ก็ยังไม่สามารถบังคับใช้ได้จริงในแง่ของ การปฏิบัติ กฎหมายฉบับนี้ถูกตราขึ้นเพื่อควบคุม จักรเย็บและดูแลผู้ประกอบการวิชาชีพงานก่อสร้าง โดยตรงให้มีคุณภาพอยู่ในระดับที่ได้มาตรฐานของวิชาชีพ แต่ในปัจจุบันยังไม่มีการจัดตั้งองค์กรที่จะ มาทำหน้าที่ดังกล่าวตามพระราชบัญญัติฉบับนี้ขึ้นมาตามเจตนารมณ์ ของกฎหมาย เพื่อที่จะกำกับ ดูแล และจักรเย็บโดยการขึ้นทะเบียนผู้ประกอบการวิชาชีพนี้ ตามที่ควรจะเป็น ซึ่งเท่ากับว่า เมื่อยังไม่มีองค์กรมากำกับดูแลจักรเย็บ เป็นผลทำให้เกิดปัญหา ระหว่างผู้ประกอบการอาชีพ ผู้รับเหมารายใหญ่ หรือรายย่อยที่รับจ้างทำงานก่อสร้างซ่อมแซม ปรับปรุงที่อยู่อาศัยกับผู้บริโภค ยังเกิดขึ้นอยู่ต่อไป ซึ่งปัญหาที่พบเจอส่วนใหญ่ เป็นการทำงานที่ไม่ได้คุณภาพ การทิ้งงานของผู้รับเหมา การเลือกใช้วัสดุที่ไม่ตรงกับที่ตกลงในสัญญา ข้อตกลงในสัญญาไม่เป็นธรรม เป็นต้น มักก่อให้เกิดความเสียหายต่อผู้บริโภคอยู่บ่อยครั้ง ไม่ว่าจะเป็นความเสียหายในทรัพย์สิน เวลา และ ความรู้สึก แม้กระทั่งความเสียหายต่อชื่อเสียงของผู้รับเหมารายนั้นเอง จากที่ได้กล่าวมาทั้งสิ้นนี้ ทำให้ปัญหาในเรื่องนี้ควรได้รับการแก้ไขเยียวยาอย่างจริงจัง โดยแก้ไขในทางที่เหมาะสมกับวิชาชีพ เพื่อจะได้มีมาตรการคุ้มครองและช่วยผู้บริโภคจากปัญหาต่างๆให้หมดสิ้นไป และยังเป็นการยกระดับ และพัฒนาวิชาชีพนี้ให้เป็นอยู่ในระดับสากล

วิทยานิพนธ์ฉบับนี้ จะศึกษาเกี่ยวกับปัญหาที่เกิดขึ้นกับผู้บริโภคในมุมมองของการปัญหา ที่เกิดจากการว่าจ้างผู้รับเหมาในปัจจุบัน และกฎหมายที่มีอยู่เพื่อบังคับใช้สำหรับวิชาชีพ ผู้รับเหมาก่อสร้าง โดยพร้อมชี้แนะแนวทางและมาตรการที่เหมาะสมในการควบคุม จักรเย็บ ดูแลวิชาชีพผู้รับเหมาก่อสร้างไทย เพื่อประโยชน์ในอนาคต

คำสำคัญ: ช่างซ่อมบ้าน ,ผู้รับเหมาก่อสร้าง ,การก่อสร้าง, ใบอนุญาตวิชาชีพผู้รับเหมาก่อสร้าง

Introduction

Nowadays, there is a high development of real estate businesses which have increased the number of home constructions and promotes the relationship between consumers and local contractors or homebuilders. Due to the varied choices in choosing a contractor, consumers may face the problem of irresponsible contractors.

Most of the consumers are willing to hire a good local contractor or home builder with a reasonable price. However, there is no way of proving the ability and reliability of the contractors they have chosen. Disputes between the owner of the house and the contractor happen very often which results in the replacement of the contractor. The reasons behind these conflicts may come from unspecialized contractors or from the consumers themselves due to the lack of insight or helping guidance for the contractor. The construction of a house in the home improvement industry is usually done by the owners of the house themselves, which can lead to many difficulties. This may be inferred from the increasing number of complaints through the Office of Consumer Protection on the construction or home improvement services, which include complaints of poor quality of work, risks from unfinished work, soft contract which cannot be enforced in practice, etc.¹

¹ สำนักงานคณะกรรมการคุ้มครองผู้บริโภค, สถิติรับเรื่องร้องเรียนจากผู้บริโภคในระบบคุ้มครอง ผู้บริโภคแบบเบ็ดเสร็จ ปีงบประมาณ พ.ศ. 2558 (1 พ.ย.- 30 พย. 2557).

The Office of Consumer Protection board, *Statistics complaints from consumers in the form of comprehensive consumer protection* (1 Nov 2014-30 Nov 2014), http://www.ocpb.go.th/more_news.php?cid=19 (last visited Jun. 4, 2015).

Although the Office of Consumer Protection imposes a fine penalty to entrepreneurs through civil claims in many cases in the past few years, these problems still persist.²

In fact, in Thailand there is the enactment of the Construction Profession Act, B.E. 2522 (1979) (hereinafter referred to as the “Act”). The Act mentions the requirement to set up the Council of Contractors similar to the Council of Engineers and the Council of Architects which have been set up following the Engineer Act B.E. 2542 (1999). The main objective of setting up the Council of Contractors is to supervise and control juristic persons such as construction companies and construction limited partners. However, the Act provides no protection to individual persons such as small/minor or local contractors, or small groups of consumers which are provided for under the engineer or architect profession. In any case, some provisions in relation to the Council of Contractors are similar to those of the engineer or architect profession, namely, the provisions to control the standard of construction services by considering the standard of work, the quality of work, the safety of work and also the ethics of contractors. A licensing system is also provided under this Act. If the contractors conduct anything wrong or improper in bad faith, their licenses will be revoked by the Council. The purpose here is to develop this profession to have more quality in terms of construction work, to boost the standard of the profession to reach the international standard, and also to protect the consumers.

Regarding the construction contract, normally in Thailand, the said contract is recognized as the Hire of work Contract under the Civil and Commercial Code B.E. 2535 (1992) under Section 587 to Section 607. However, these provisions are not strict and there is no official format for the contract. Thus, even an oral agreement is enough to be considered as a hire of work contract. In some cases when there are any accidents, damages or actions, the oral agreement is not enough to be evidence to prove the facts of the case.

Nonetheless, despite all of the above facts, the number of homebuilders or home improvement works in the construction industry is increasing. The subsequent problems then also increase for the consumer. The contractors or homebuilders should meet the standard of work and be controlled by a specific organization. The improvement of this profession should be made and everyone who receives the effect from non-quality work should have more protection. Consumers should receive the quality of work which is worth the money they have paid for. Should these problems continue without any measurement to encounter the problem, it can cause much harm to the consumers. Therefore, such problems should be seriously addressed. It is highly recommended to have something to ensure the consumer by ways of helping them choose contractors to take care of their accommodation such as licensing standard or any certificated of standard work.

2.Problems on Home Builder in Consumer Aspect

² *Id*

Once a house has been inhabited for some time, residents may need to renovate to improve the quality of the accommodation as sufficient accommodation is one of basic needs in life. Renovation may be needed when the family expands, which may lead to more members of the family and more residents, or a family member living in the home could want a higher quality residence. In some cases, buyers may have plans for home renovation in mind when purchasing a residence. In other cases, residents may want to renovate after having bought a new house from a housing developer which does not meet their demands in terms of decoration or certain structures, and want to make home improvements to meet their demands immediately. Home owners then decide to make home improvements by hiring a homebuilder or contractor to do it for them. However, when considering home renovations or improvements, the home owner usually does not know much about construction. The Thai law does not particularly focus or help to realize that home improvement is significant and has a great effect on the quality of life. There is rarely sufficient available information to educate about home improvement and the home builder, which may lead to many severe problems for consumers nowadays.

In general, we do not have an exact explanation on the types of home improvement in the Construction Profession Act B.E. 2522 (1979). However, we can conclude that home improvement is the construction on housing developments which are directly related to home owners, such as repairing, remodeling, altering, converting, or the modernizing of, or adding to residential properties and includes, but is not limited to, the construction. Home improvement is also the installation of home improvement goods or the furnishing of home improvement services.³

Problems occurring from the homebuilder in home improvement can be seen in the present every day. The increasing amount of homebuilders, home development, population and economic growth are all factors of increased home improvement.⁴ However, the main reason for consumer problems is the lack of control of homebuilders' actions.

The contractor problems in home improvement should be more carefully addressed. This has a great and direct effect on the consumer's life. For example, it can cause damage to property, loss of money spent on an unsatisfying contractor's work, loss of time in waiting for the correcting of the work, and even bodily harm or loss of life in the case that the contractor did not exercise precautionary care. This is the reason why we need to control the construction occupation business by granting licenses. This measure would act as a precaution to prevent any damage from the occurring.

³Edmund G. Brown, Jr., *California Contractors License Law & Reference Book with CD-ROM* (2013, last accessed Jun. 14, 2015).

⁴สมาคมรับสร้างบ้านฯเตือนผู้บริโภค อย่าเห็นแก่ของถูก! ชี้ต้องระวังปัญหาผู้รับเหมาทิ้งงาน-ก่อสร้างล่าช้า (2558) ThaiContractor.com, *Homebuilders Association warns consumers not to hire cheap; to beware of contractors abandoning work and delays on construction*, available at <http://www.thaicontractor.com> (last visited June 12, 2015).

3. Legal Control on Home Builder in California Law

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In California, for most professions such as accountants, contractors, professional engineers or attorneys and many others, there are legal provisions concerning each profession under the California Business and Profession Code or BPC⁵. The Code consists of a general California focuses on public protection. They are concerned with the consequence of this profession and have issued the guidelines for the regulation of the contractor and enforcing licensing of the contractor under their law. Moreover, they have set up the Contractors State License Board under the Department of Consumer Affairs to continue the intention of Contractor law part and 9 divisions. Under Division 3 concerning ***Professions and Vocations Generally***, each chapter from chapters 1 to 21.5 provides regulations and describes penalties of each profession.

The contractor profession is described in Chapter 9, thoroughly providing regulations and a code of practice for construction in the article 1 to article 12.⁶ Article 1, section 7000 stipulates that, "*This chapter constitutes, and may be cited as, the Contractors' State License Law.*"⁷

California focuses on public protection. They are concerned with the consequence of this profession and have issued the guidelines for the regulation of the contractor and enforcing licensing of the contractor under their law. Moreover, they have set up the Contractors State License Board under the Department of Consumer Affairs to continue the intention of Contractor law. CSLB has the responsibility to enforce California's Contractors State License Law including investigating complaints against licensed and unlicensed contractors; issuing citations and suspending or revoking licenses; seeking administrative, criminal, and civil sanctions against violators; and informing consumers, contractors, and the industry about CSLB actions

Contractor licenses are divided into the following three basic branches of construction business, under the provision under section 7055⁸

⁵ Contractors State License Board, California Business and Professions Code, available at <http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=BPC&tocTitle=+Business+and+Professions+Code+--+BPC> (last visited Jun. 1, 2015).

⁶ *Id*

⁷ California Business and Profession Code, Chapter 9, Article 1 sec. 7000

⁸ California Business and Profession code, Chapter 9, Article 4 sec. 7055

(1) Class “A” General Engineering Contracting concerns fixed works requiring specialized engineering knowledge and skill. Infrastructure and similar projects also require specialized engineering knowledge and skill.

(2) Class “B” General Building Contracting concerns any structure built, being built, or to be built, requiring in its construction the use of at least two unrelated building trades or crafts.

(3) Class “C” Special Contractor for the contractor whose construction work requires special skills

The application of a contractor license requires that the contractor who is applying to be a licensed contractor must be 18 years of age or older and have the experience and skills necessary to manage the daily activities of a construction business, including field supervision, or be represented by a qualifying individual with the necessary experience and skills.⁹

The contractor must have had, within the ten years immediately before the filing of the application, at least four full years of experience at a journey level, or as a foreman, supervisor, or contractor in the classification for which he or she is applying. The experience claimed on the application must be verifiable and individuals who have knowledge of the experience must certify the accuracy of the experience information provided by the applicant.¹⁰ The contractor must have had, within the ten years immediately before the filing of the application, at least four full years of experience at a journey level, or as a foreman, supervisor, or contractor in the classification for which he or she is applying. All businesses or individuals who construct or alter any building, highway, road, parking facility, railroad, excavation, or other structure in California must be licensed by the California Contractors State License Board if the total cost (labor and materials) of one or more contracts on the project is US\$500 or more. Contractors must be licensed before submitting bids.¹¹

All California contractors who are occupied in the home improvement business or who provided goods and services for home improvement are required to have Home Improvement licenses and must provide a home improvement contract to the parties.

CSLB recommends that, “A contract is one of the most significant instruments you have to help you avoiding the problem with unclear agreement. A well-written contract can help its communication between the homebuilder and the home owner. An unclear written contract can quickly lead to miscommunication and misunderstandings; problems that could lead to have a prosecution in court or under investigation by the Contractors State License Board (CSLB).”¹²

⁹ Contractor State License Board, *Building your career as Contractor*, available at <http://www.cslb.ca.gov/> (last visited June 12, 2015).

¹⁰ *Id*

¹¹ *Supra* note 9

¹² Contractor State License Board, *Contracting for Success: A contractor’s guide to home improvement contract*,

We can conclude that CSLB protects the homeowner by being a representative mediation offering a complaint system process for the consumer. If you hire unlicensed contractors, the CSLB Board may not be able to help you with a resolution to a complaint. Thus, compensations and remedies against unlicensed contractors may exist only in civil procedures in court. This is the reason that licensing is significant to California's construction industry and is beneficial to consumer protection from undesirable occurrences in home improvement or other construction works. It is illegal for one contractor to use another contractor's license, just as it is illegal for someone to use another person's driver's license.¹³

This contract is the most important communication tool between the homebuilder or the employer and the contractor; it should identify all project expectations to help avoid any confusion. A comprehensive contract details who will do the work, what materials will be used, where the work will be done, when it will be done, and how much it will cost.

A home improvement contract should be in writing, legible, easy to understand, and inform the right to cancel or rescind the contract. If you are promised something orally, it should be included and informed in writing. Any changes to the contract must also be in writing and included in the paperwork.¹⁴

With respect, based on California law and the construction industry in California, it seems that CSLB play an important role for this career by enforcing a licensing system to the contractor which impacts regulations in the construction industry from small business to large company, as we see from the condition of contractors working for the amount of US\$ 500 or higher must have a license. If they work under unlicensed conditions or underground work, it would be illegal in California.

4. Legal Control on Home Builder in Thailand

According to The Royal Decree on reserved professions for Thai people B.E. 2522,¹⁵ craftsman or masonry is one of 39 professions reserved solely for Thai people. Although there such laws that set a reservation for careers in which only those with Thai nationality can work, foreign companies can carry a permit to use foreigners in some projects.

In this respect, there are many laws which concern the construction industry, such as Architect Act B.E. 2543, Engineer Act B.E. 2542, Building Act B.E. 2522 and

<http://www.cslb.ca.gov/Resources/GuidesAndPublications/ContractingForSuccess.pdf> (last visited Jun. 15, 2015).

¹³ *Supra* note 9

¹⁴ *Supra* note 12

¹⁵ พระราชกฤษฎีกากำหนดงานในอาชีพและวิชาชีพที่ห้ามคนต่างด้าวทำ พ.ศ. 2522 (Royal Decree prohibiting aliens from working in professions and vocations B.E. 2522) available at <http://www.lawreform.go.th> (last visited Jun. 20, 2015).

specifically the Construction Profession Act B.E. 2522 which should be similar and effective for use in the contractor profession; however, most contractors are opposed to them, as in the past, the older contractors feel that this act does not support them, but only limits them to work under the regulation.

This law is issued to set up a government organization in order to organize and control the contractor profession including construction work which should be controlled construction work. This is one of the significant alternative policies from the government to control this profession and may prevent subsequent construction-related problems which occur in the period of legislating.

In conclusion, since B.E. 2522, this law has not been enforced in practice because there is no organization established to enforce the law under this act. Thus, contractors have not been regulated as per the objective of this act.

There are, however, many private organizations set up by grouping the members from this career and related businesses to form associations, such as Thai Home Builders Association (THBA), Thai Contractors Association Under H.M.The King's Patronage (TCA) and Construction Institute of Thailand (CIT).

For the construction work which requires the Engineer profession, there is particular law to control and regulate them; Engineers, Act B.E.2542, established in order to regulate the profession of engineer. The law states that the engineer needs to be control and have a licensed to work on the regulated work. The license is considered and issued by Council of Engineers.¹⁶ The council of Engineer is important organization to push up the engineer profession The council mission is to safeguard life, property and welfare of the public by setting high standard for registering and regulating professional engineers.¹⁷ Although there is a license to regulate the engineer, the licensed engineer still has a duty to follow the 15 code of ethics of the engineering profession.¹⁸

In general homebuilder's problems about home improvement between the homebuilder and homeowner in Thailand are enforced by an agreement based on the hire of work contract under The Civil and Commercial code, Section 587.¹⁹ Hire of work contract is a contract that does not have a restricted form of contract by law. The contract can be made simply by inform the intention of the agreement. It can even be verbal, and it can be used in

¹⁶ *Id*

¹⁷ Council of Engineers, *Mission of Council of Engineers*, available at <http://www.coe.or.th/coe-2/eng/main/appMain.php?aMain=2&aMenu=1020> (last visited Jun. 15, 2015).

¹⁸ Council of Engineers, *Ethics*, available at http://www.coe.or.th/e_engineers/ethics.php (last visited Jun. 19, 2015).

¹⁹ นฤนาท เกษสระ, บทวิเคราะห์: การบอกเลิกสัญญาจ้างก่อสร้าง

Narunat Ketissara, *Analysis: Cancellation of construction contract*, available at <http://tsumis.tsu.ac.th/tsukm/UploadFolder%5CCancle%20Contract.pdf> (last visited Jun. 15, 2015).

court without any evidence in writing.²⁰ However, in general usage of normal people or small private segments, there are some loops of law with no formal form. The contract would generally be an informal contract or verbal contract, providing few details in the contractor's obligations. This leads to the consumer problems between the contractor and project owner (homeowner).

Regarding to the details of Construction Profession Act B.E.2522 (1979), it does not provide the necessary information on the construction work and contractors in a proper manner and has less information about the kind of construction work, the code of practice, or even the ethics in this profession. On the other hand, it only focuses on providing the steps to establish an organization and the committee including the authority and duty to control the licensed contractors conducting regulated construction work which would be set from the Ministerial Regulations. At present, no Ministerial Regulation has been issued under this act, nor has there been information on which construction work is to be considered as regulated construction work. In other words, without the establishment of regulated construction work, there will also not be any licensed contractors to register to conduct said regulated construction work. The problem persists, leading to damage for the consumer.

This is a severe problem that the legislation and relevant departments, including the Department of Public Works and Town & Country Planning should seriously address. If the Department of Public Works and Town & Country Planning chooses to issue a policy to fast track this law to be enforced, there would then be a mechanism to support the contractor and regulate them in the proper manner

Regarding to the law, provide the provision to control the contractor under the regulated work which focusing only to large scale construction work as set by the Ministerial regulation. This shows that this law is not up to date in the different types of construction work. Nowadays there are various kinds of construction; the types of construction can start from small project like home improvement to a big project like a construction for a government project. Problems may occur in every step of the construction work, thus, the law should be able to cover every type of construction work and not only be limited to large scale contractors; small contractors should also be included.

At present, the Thai law still does not have a potential solution to resolve the consumer's distress. The Construction Profession Act B.E 2522 (1979), was established specifically to control and regulate the profession of contractors; however, this law has not been practically enforced. Since the establishment of this act, there have been no ministry regulations for regulated construction work as the law states under Section 26. Moreover, the Council of Contractors still has not been set up until now for the same reasons suggested above.

²⁰ Council of Engineers, *Persons practicing the Regulated Engineering*, available at <http://www.coe.or.th/coe-2/eng/main/appMain.php?aMain=2&aMenu=1040> (last visited Jun. 19, 2015).

Nonetheless, the standard of the profession is not obviously regulated. Regarding contractors in the construction industry, some small contractors may be able to learn from experience, becoming a business owner with their own workers in their command. Some big companies have many employees who have knowledge and educated skills. This is the gap in the construction profession, and the reason to create a standard of profession which is acknowledged throughout the construction industry along with examinations to test their knowledge, similar to that in California.

Conclusion and Recommendations

Thailand is close to having a particular law which would like to control and regulate the contractor at the present; however, loopholes in the law and in practice still exist, as the writer has analyzed and recommended to amend. The law will be drive the construction industry to achieve a higher potential, and will generate more income to our country. It would be necessary for those relevant persons in construction profession to realize seriously to amend it for the public interest as consumer protection and contractor benefit and the country's construction development would be higher.

For abovementioned, in conclusion, first of all, it is essential to set up the Council of Contractors (the "Council") in Thailand as is the case for other professions for the implementation of the legal provisions under the Construction Profession Act B.E. 2522 (1979). The Council will have the authority to regulate the construction business in general, and both minor and major contractors, regardless of whether they are individual or juristic persons. It is important to have a government organization as a working body to implement and set the rules and regulations for this career. This working entity will educate the contractors or relevant people in the construction business to be more aware of illegal or improper working manners. The Council will also improve the quality of construction works, alleviating the current problem. Furthermore, this working entity will also be responsible for the enforcement of the relevant laws and regulations.

Secondly, in general, small constructions such as home improvement should be more focused and protected. The Construction Profession Act B.E. 2522 (1979) should introduce measures to control the contractors.

Thirdly, In order to prevent the damages at this time and also in the near future, the Thai law should adapt and implement the licensing system as used in foreign countries. The initial objective of enacting the Construction Profession Act B.E. 2522 (1979) was to license construction works and the contractors themselves.

Moreover, The license is not a limitation of occupation. On the contrary, it generates added value to the construction career. Consumers will give more attention to small construction businesses. This may generate more income for small and minor contractors than being an underground contractor, although the contractors may have to incur more costs

in order to obtain the license. It is a way of guaranteeing that these licensed contractors or homebuilders have a kind of official recognition from a government authority as they would be required to pass many exams and training as stipulated by the relevant rules and regulations in order to obtain a license. This will reduce problems which consumers are facing nowadays. The advantages outweigh the disadvantages in this regard. The development of construction business will grow further after applying this system. They have to acquire sufficient knowledge and experiences to work and to demonstrate to the consumer that they are qualified to do the work properly, and may call for higher wages.

Therefore, the Thai construction business should have a standard of construction work and the contractors themselves should pass these standards before delivery of any work to the project owner.

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