

Proposed Amendments for HB 2024
 February 13, 2013
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 Office of the Revisor of Statutes

House Commerce & Economic
 Development Committee
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1 and in good standing at the time of soliciting a project and during
 2 subsequent job performance;

3 (b) a roofing contractor's registration certificate number shall be
 4 submitted when applying for any permit issued by the state, or any of its
 5 political subdivisions, for commercial or residential roofing services or
 6 projects, if a permit is required by such authority, and shall be written upon
 7 each permit issued;

8 (c) a roofing contractor's registration certificate cannot be shared or
 9 used by any other individual or business entity, except that a business firm,
 10 partnership, association, corporation, limited liability company or other
 11 group or combination thereof acting as a unit may be granted a single
 12 roofing registration certificate number for use by designated roofing
 13 contractors acting as agents for the business entity when the application for
 14 registration certificate contained sufficient information on each member,
 15 partner, officer and agent, and the attorney general issued a single
 16 certificate number to such persons as a business unit;

17 (d) upon any change to the name, address, business entity or legal
 18 service agent of a roofing contractor or upon adjudication by a court of
 19 competent jurisdiction for a violation of this act or an act or omission
 20 specified in subsection (a) of section 13, and amendments thereto, the
 21 attorney general shall be notified in writing;

22 (e) a roofing contractor shall comply with all state laws and local
 23 ordinances; and

24 (f) a roofing contractor must pay taxes due in this state.
 25 Sec. 8. (a) At the time of making application for a roofing contractor
 26 registration certificate pursuant to this act, the applicant shall pay to the
 27 attorney general a fee to be set by the attorney general, which shall not
 28 exceed \$500 for the annual registration certificate.

\$100

29 (b) There is hereby established in the state treasury the roofing
 30 contractor registration fund to be administered by the attorney general. All
 31 moneys received by the attorney general from fees, charges or penalties
 32 shall be remitted to the state treasurer in accordance with the provisions of
 33 K.S.A. 75-4215, and amendments thereto, who shall deposit the entire
 34 amount thereof in the state treasury to the credit of the roofing contractor
 35 registration fee fund. All expenditures from such fund shall be made in
 36 accordance with appropriation acts upon warrants of the attorney general
 37 and the director of accounts and reports issued pursuant to vouchers
 38 approved by the attorney general or the attorney general's designee. All
 39 moneys credited to the roofing contractor registration fee fund shall be
 40 expended for the administration of the duties, functions and operating
 41 expenses of the roofing contractor registration act.

42 (c) On or before the 10th of each month, the director of accounts and
 43 reports shall transfer from the state general fund to the roofing contractor

1 registration fee fund established in subsection (a) interest earnings based
2 on:

3 (1) The average daily balance of money in the roofing contractor
4 registration fee fund for the preceding month; and

5 (2) the net earnings rate of the pooled money investment fund
6 portfolio for the preceding month.

7 (d) The fee to be submitted with an application for a roofing
8 contractor registration certificate may be prorated as set by the attorney
9 general. Unless prorated at the time of initial registration, fees shall be
10 paid in full at the time an application for a registration certificate is filed
11 and such registration certificate shall expire on June 30 of each year.

12 (e) An annual renewal fee for renewal of a roofing contractor
13 registration certificate shall be set by the attorney general. Such renewal
14 fee shall not exceed ~~\$500~~ \$25.

15 Sec. 9. (a) The roofing contractor registration act shall not apply to:

16 (1) An actual owner of residential or farm property who physically
17 performs, or has employees who perform, roofing services including,
18 construction, installation, renovation, repair, maintenance, alteration,
19 waterproofing or removal of materials or structures on such owner's own
20 dwelling or another structure located on the residential or farm property
21 owned by such person without the assistance of any registered roofing
22 contractor;

23 (2) any authorized employee, representative or representatives of the
24 United States government, the state of Kansas, or any county, municipality,
25 or other political subdivision of this state;

26 (3) any person who furnishes any fabricated or finished product,
27 material, or article of merchandise which is not incorporated into or
28 attached to real property by such person so as to become affixed thereto;

29 (4) any person employed by a manufactured home and modular home
30 manufacturer while performing services and work for the manufactured
31 home and modular home manufacturer;

32 (5) any person registered as a home inspector pursuant to K.S.A. 58-
33 4501 et seq., and amendments thereto, while performing functions
34 pursuant to that act;

35 (6) any person employed by a manufactured home dealer while acting
36 within the scope of that license; and

37 (7) any person employed as a manufactured home installer while
38 acting within the scope of that license.

39 (b) Any administrative or governing body with authority to enter into
40 public contracts shall require individual roofing contractor registration for
41 purposes of such persons submitting or entering into any bid or contract.

42 Sec. 10. Within 30 calendar days from the date of application, the
43 attorney general shall either issue or deny the roofing contractor

1 writing if the attorney general denies the renewal as provided in subsection
2 (c) of section 5, and amendments thereto.

3 (c) If any roofing contractor fails to file a renewal application by the
4 June 30 deadline, that contractor's registration certificate shall be deemed
5 not to be in good standing. A roofing contractor has a 30-day grace period
6 after June 30 to renew such registration certificate without a late fee. The
7 late fee shall be set by the attorney general but shall not exceed ~~\$300~~ \$100. If
8 the certificate is not renewed before July 31, the certificate shall be
9 revoked.

10 (d) (1) A roofing contractor desiring to renew a registration certificate
11 that has been suspended for any cause provided in this act prior to the June
12 30 annual renewal date shall be assessed a fee equal to twice the amount of
13 the fee established by subsection (c) of section 8, and amendments thereto.

14 (2) The attorney general shall assess a reinstatement fee in an amount
15 to be set by the attorney general not to exceed ~~\$500~~ \$100 plus the fee
16 established by section 8, and amendments thereto, for any registration
17 certificate that has been revoked for any cause provided in this act.

18 (3) A roofing contractor submitting an application for a registration
19 certificate after suspension or revocation of that contractor's registration
20 certificate must be otherwise eligible for registration under this act.

21 (e) The attorney general shall include a registration status notation in
22 a roofing contractor's record if the status of registration changes from
23 active and valid to not in good standing, denied, suspended or revoked.

24 Sec. 13. (a) No roofing contractor or any person providing services as
25 a roofing contractor shall:

26 (1) Abandon a roofing contract without legal grounds after a deposit
27 of money or other consideration has been paid.

28 (2) Divert any funds or property entrusted to a roofing contractor;

29 (3) Engage in any fraudulent or deceptive acts or practices or
30 misrepresentation of products, services or qualifications as a roofing
31 contractor;

32 (4) Make a false or misleading statement in an application for a
33 roofing contractor registration certificate or renewal application or in
34 soliciting a contract for roofing services;

35 (5) Violate any judgment or order by a court of competent jurisdiction
36 against the roofing contractor for a violation of the provisions of this act;

37 (6) Engage in work without a valid registration certificate as required
38 for roofing contractors pursuant to this act or performing roofing services
39 during any period when the roofing contractor's registration certificate is
40 denied, suspended or revoked;

41 (7) Engage in roofing services without obtaining a proper permit as
42 may be required by any state or local authority;

43 (8) Fail to comply with any tax laws authorized by the state or any of