

1 AN ACT relating to roofing contractors.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 9 of this Act, unless the context otherwise requires:*

6 *(1) "Roofing contractor":*

7 *(a) Means any person licensed by the department, including a subcontractor,*
8 *who in the ordinary course of business:*

- 9 *1. Engages in the business of commercial or residential roofing services*
10 *for a fee; or*
11 *2. Offers to engage in or solicits roofing-related services, including but*
12 *not limited to alteration, construction, installation, maintenance,*
13 *renovation, repair, and waterproofing; and*

14 *(b) Does not mean a person:*

- 15 *1. Engaged in the demolition of a structure or the cleanup of*
16 *construction waste and debris that contains roofing material; or*
17 *2. Working under the direct supervision of the roofing contractor and*
18 *who is hired by the roofing contractor as an employee, day laborer, or*
19 *contract laborer; and*

20 *(2) "Roofing contractor's license" or "license" means the license issued by the*
21 *department to a roofing contractor.*

22 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
23 READ AS FOLLOWS:

24 *(1) A person who is not licensed as a roofing contractor shall not represent himself*
25 *or herself to the public as a roofing contractor or use any terms, titles, or*
26 *abbreviations that express or imply that the person is a roofing contractor.*

27 *(2) A person shall not practice as a roofing contractor, unless that person has met*

1 the requirements of Sections 1 to 9 of this Act.

2 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
3 READ AS FOLLOWS:

4 (1) The department shall administer and enforce Sections 1 to 9 of this Act and shall
5 evaluate the qualifications of applicants for licensure.

6 (2) The department may:

7 (a) Refuse to issue or renew a roofing contractor's license;

8 (b) Suspend or revoke a roofing contractor's license;

9 (c) Impose supervisory or probationary conditions upon a licensee;

10 (d) Impose administrative disciplinary fines;

11 (e) Issue written reprimands or admonishments; and

12 (f) Take any combination of the actions permitted in this subsection.

13 (3) The department may seek injunctive relief in the Franklin Circuit Court or the
14 Circuit Court of the county in which the violation occurred or the business of the
15 accused is located to stop any unlawful practice prohibited by Sections 1 to 9 of
16 this Act and administrative regulations promulgated thereunder. The department
17 may also seek injunctive relief if unlicensed persons inappropriately use the title
18 "roofing contractor."

19 (4) The department may enter into reciprocal agreements with other states having
20 licensure, certification, or registration qualifications and requirements of a
21 similar scope of practice to those of this state.

22 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
23 READ AS FOLLOWS:

24 (1) The department shall promulgate administrative regulations in accordance with
25 KRS Chapter 13A necessary to carry out Sections 1 to 9 of this Act, including:

26 (a) Issuing and renewing roofing contractor's licenses to applicants who meet
27 the requirements of Section 5 of this Act;

- 1 (b) Denying, suspending, or revoking a roofing contractor's license;
- 2 (c) Maintaining a current register of license holders as a matter of public
- 3 record;
- 4 (d) Establishing procedures for receiving, investigating, and resolving
- 5 complaints against license holders;
- 6 (e) Conducting administrative hearings in accordance with KRS Chapter 13B
- 7 for disciplinary actions taken under paragraph (b) of this subsection and
- 8 Section 3 of this Act; and
- 9 (f) 1. Assessing fees for the issuance and renewal of licenses to cover
- 10 administrative and operating expenses of the department; and
- 11 2. Authorizing all disbursements necessary to administer Sections 1 to 9
- 12 of this Act.
- 13 (2) The department shall establish through administrative regulation the required fee
- 14 amounts to be paid by licensees and applicants for licensure under Sections 1 to 9
- 15 of this Act, including but not limited to:
- 16 (a) For an application for initial licensure as a roofing contractor, a
- 17 nonrefundable fee not to exceed two hundred dollars (\$200);
- 18 (b) The renewal fee for a roofing contractor, a fee not to exceed two hundred
- 19 dollars (\$200);
- 20 (c) For a duplicate or replacement license, a fee not to exceed twenty-five
- 21 dollars (\$25);
- 22 (d) For failure to renew a license for a roofing contractor, a reinstatement fee
- 23 not to exceed one hundred dollars (\$100); and
- 24 (e) Other reasonable fees for administrative services.

25 ➔ SECTION 5. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO

26 READ AS FOLLOWS:

27 An applicant for a roofing contractor's license shall:

- (1) Be at least eighteen (18) years of age;
- (2) Be a citizen of the United States or a resident alien who is authorized to work in the United States;
- (3) Have paid to the department the application fee and the appropriate examination fee, which shall not exceed the actual cost of examination;
- (4) Have achieved a passing score, as set by the department, on all portions of the examination required by the department;
- (5) Have met the training and experience requirements established in administrative regulations promulgated by the department; and
- (6) Have submitted proof that he or she has complied with workers' compensation and unemployment insurance laws and administrative regulations and has obtained a general liability insurance policy of not less than five hundred thousand dollars (\$500,000).

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO READ AS FOLLOWS:

- (1) The department shall select and approve an examination to be used in determining the competency of persons to be licensed under Sections 1 to 9 of this Act. Examinations selected and approved for licensing shall be nationally recognized examinations that have been determined through proper validation techniques to measure successfully an individual's competency to perform the licensed practice.
- (2) The department shall offer the examinations on a regularly scheduled basis in localities around the state.
- (3) The department may contract with an outside entity or testing service for the administration of examinations required for licensure.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO READ AS FOLLOWS:

1 (1) The roofing contractors fund is hereby created as a trust and agency account to
2 be administered by the department. All moneys collected by the department under
3 Sections 1 to 9 of this Act shall be deposited into the fund.

4 (2) Moneys deposited into the roofing contractors fund shall be used for the
5 department's expenses related to the regulation and enforcement of Sections 1 to
6 9 of this Act.

7 (3) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
8 year shall not lapse but shall be carried forward into the next fiscal year.

9 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
10 READ AS FOLLOWS:

11 (1) The department may, following a hearing pursuant to KRS Chapter 13B, impose
12 sanctions specified in Section 3 of this Act upon proof that the licensee has:

13 (a) Misrepresented or concealed a material fact in obtaining a license, or in the
14 reinstatement thereof;

15 (b) Been incompetent or negligent in the practice of performing roofing work;

16 (c) Failed to comply with an order issued by the department or an assurance of
17 voluntary compliance; or

18 (d) Violated any provision of Sections 1 to 9 of this Act or administrative
19 regulations promulgated thereunder.

20 (2) One (1) year from the date of a revocation, any former licensee whose license has
21 been revoked may petition the department for reinstatement. The department
22 shall investigate the petition and may reinstate the license upon a finding that the
23 applicant has complied with any terms prescribed by the department and is again
24 able to competently engage in the practice of performing roofing work.

25 (3) At any time during the investigative or hearing processes, the department may
26 enter into an agreed order or accept an assurance of voluntary compliance with
27 the license holder which effectively deals with the complaint.

1 (4) The department may reconsider, modify, or reverse its probations, suspensions, or
2 other disciplinary actions.

3 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
4 READ AS FOLLOWS:

5 Any person who violates or aids in the violation of any provision of Sections 1 to 9 of
6 this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less
7 than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or
8 sentenced to jail for not less than ten (10) nor more than one hundred eighty (180)
9 days, or both.

10 ➔Section 10. KRS 367.620 is amended to read as follows:
11 As used in KRS 367.620 to 367.628:

- 12 (1) "Residential real estate" means a new or existing building constructed for habitation
13 by one (1) to four (4) families, including detached garages;
- 14 (2) "Roof system" means the components of a roof to include but not be limited to
15 covering, framing, insulation, sheathing, ventilation, and weatherproofing; and
- 16 (3) "Roofing contractor" has the same meaning as in Section 1 of this Act~~means a~~
17 ~~person or entity in the business of contracting or offering to contract with an owner~~
18 ~~of residential real estate to repair or replace a roof system].~~