

1 AN ACT relating to roofing contractors and making an appropriation therefor.

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 which 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 in Sections 1 to 9 of this Act and*
16 *administrative regulations promulgated thereunder. The department may also*
17 *seek injunctive relief if unlicensed persons inappropriately use the title "roofing*
18 *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 necessary to carry*
25 *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 amount of
- 14 the fees required to be paid by the applicants for licensure and those licensed
- 15 under Sections 1 to 9 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 not to exceed two hundred dollars
- 19 (\$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 (1) Be at least eighteen (18) years of age;
2 (2) Be a citizen of the United States or a resident alien who is authorized to work in
3 the United States;
4 (3) Have paid to the department the application fee not to exceed two hundred dollars
5 (\$200) and the appropriate examination fee, which shall not exceed the actual
6 cost of examination;
7 (4) Have achieved a passing score, as set by the department, on all portions of the
8 examination required by the department;
9 (5) Have met the training and experience requirements established in administrative
10 regulations promulgated by the department; and
11 (6) Have submitted proof that he or she has complied with workers' compensation
12 and unemployment insurance laws and administrative regulations and has
13 obtained a general liability insurance policy of not less than five hundred
14 thousand dollars (\$500,000).

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

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

27 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO

1 READ AS FOLLOWS:

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

5 (2) Any interest earnings of the fund shall become a part of the fund and shall not
6 lapse. Notwithstanding KRS 45.229, amounts in the fund at the close of any fiscal
7 year shall not lapse but shall be carried forward into the next fiscal year.

8 (3) Moneys deposited into the roofing contractors fund are hereby appropriated for
9 the purposes set forth in Sections 1 to 9 of this Act and shall not be appropriated
10 or transferred by the General Assembly for any other purpose.

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

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

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

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

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

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

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

27 (3) At any time during the investigative or hearing processes, the department may

1 enter into an agreed order or accept an assurance of voluntary compliance with
2 the license holder which effectively deals with the complaint.

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

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

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

12 ➔Section 10. KRS 367.620 is amended to read as follows:

13 As used in KRS 367.620 to 367.628:

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