

**HOUSE BILL No. 2554**

By Committee on Insurance

1-26

Proposed Amendment to HB 2554  
Exception for home inspectors  
February 13, 2012  
Prepared by Chuck Reimer  
Office of Revisor of Statutes

1 AN ACT enacting the Kansas roofing contractor registration act.

2  
3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. Sections 1 through 18, and amendments thereto, shall be  
5 known and may be cited as the Kansas roofing registration act.

6 Sec. 2. As used in sections 1 through 18, and amendments thereto:

7 (a) (1) "Roofing contractor" means any person, including a  
8 subcontractor and nonresident contractor, who:

9 (A) Engages in the business of commercial or residential roofing  
10 services for a fee; or

11 (B) offers to engage in or solicits roofing-related services, including  
12 construction, installation, renovation, repair, maintenance, alteration and  
13 waterproofing.

14 (2) Roofing contractor shall not mean:

15 (A) A person engaged in the demolition of a structure or the cleanup  
16 of construction waste and debris that contains roofing material; or

17 (B) a person working under the direct supervision of the roofing  
18 contractor and who is hired by such roofing contractor as an employee,  
19 day laborer, or contract laborer.

20 (b) "Nonresident contractor" means any contractor who:

21 (1) Has not established and maintained a place of business as a  
22 roofing contractor in this state within the preceding year;

23 (2) claims residency in another state; or  
24 (3) has not submitted an income tax return as a resident of this state  
25 within the preceding year.

26 (c) "Person" means any individual, firm, partnership, association,  
27 corporation, limited liability company, or other group or combination  
28 thereof acting as a unit, unless the intent to give a more limited meaning is  
29 disclosed clearly by this act.

30 (d) "Public contract" means a contract with:

31 (1) The state of Kansas, any political subdivision, board, commission  
32 or department thereof; or

33 (2) any board of county commissioners;

34 (3) any city council;

35 (4) any school board or with any state or municipal agency; or

36 (5) any other public board, body, commission or agency authorized to

on:

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

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

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

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

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

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

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

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

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

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

(5) any person registered as a home inspector pursuant to K.S.A. 2011 Supp. 58-4501, et. seq., and amendments thereto, while performing functions pursuant to such act.

Sec. 10. Within 30 calendar days from the date of application, the attorney general shall either issue or deny the roofing contractor registration certificate. No registration certificate shall be issued to an applicant until the attorney general receives all documentation and fees necessary to obtain a registration certificate in good standing. The registration certificate issued on an original application entitles the person to act as a roofing contractor within this state, subject to the limitations of this act, until the expiration of the then current fiscal year ending June 30, except that an initial registration certificate issued in May or June is valid

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43