

2018 Kansas Statutes

50-6,125. Same; registration application requirements; refusal to register; notification. (a) (1) To obtain a roofing contractor registration certificate under this act, an applicant who is at least 18 years of age shall submit an application under oath containing:

- (A) A statement of the applicant's experience and qualifications as a roofing contractor, if any.
- (B) The applicant's name, physical address, business name and address, information on any other person who will be authorized to act as the business entity, and the applicant's phone number.
- (C) A copy of the roofing contractor's certificate of liability insurance shall be filed with the application and shall be not less than \$500,000. Any insurance company issuing a liability policy to a roofing contractor pursuant to the provisions of this act shall be required to notify the attorney general in the event such liability policy is canceled for any reason or lapses for any reason.
- (D) Proof satisfactory to the attorney general that the applicant has secured either workers' compensation coverage satisfactory under the workers' compensation act or an affidavit of exemption or self-insurance as authorized pursuant to the workers' compensation act.
- (E) Any other information deemed necessary in assisting the attorney general to register the person as a roofing contractor.

(2) The application shall contain statements that the applicant:

- (A) Desires the issuance of a roofing contractor registration certificate.
- (B) Will comply with the provisions of this act.
- (C) Will comply with all federal and state laws and local ordinances.
- (D) (i) Has or has not been registered or licensed as a roofing contractor in another state; and
(ii) whether any disciplinary action was taken against such registration or license or whether such registration or license is currently in good standing.
- (3) If the applicant is not a resident of this state, then the nonresident applicant will appoint the secretary of state as legal agent for service of process or as otherwise provided in this act.
- (b) The attorney general shall refuse to register any person if the attorney general determines:
 - (1) The application contains false, misleading, or incomplete information.
 - (2) The applicant fails or refuses to provide any information requested by the attorney general.
 - (3) The applicant fails or refuses to pay the required fees.
 - (4) The applicant is ineligible for registration due to a suspended or revoked registration in this state.
 - (5) The nonresident applicant has a revoked or suspended registration or license for roofing contractors required by law in another state.

(6) The applicant has failed to provide a current tax clearance certificate or letter from the Kansas department of revenue along with the filing of any application.

(c) (1) The attorney general shall notify the applicant in writing if the attorney general denies an application for a registration or renewal of a certificate, and shall provide the applicant an opportunity to respond to or cure any defect in the written application or renewal for a period of 10 days from the date of the written notification.

(2) Notification shall be deemed sufficient if mailed, via first class mail, to the address listed in the last application for registration or for renewal filed by the applicant.

(3) An applicant aggrieved by a decision of the attorney general denying a registration or renewal may appeal the decision as provided in the Kansas administrative procedure act. In the alternative, the applicant may reapply after the expiration of a 90-day waiting period, if the applicant is otherwise eligible under the provisions of this act.

(4) All application, renewal and reapplication fees shall not be refundable.

(d) The attorney general shall classify as not in good standing the registration certificate of any roofing contractor who fails to do any of the following:

- (1) Maintain liability insurance coverage;
- (2) maintain workers' compensation coverage satisfactory under the workers' compensation act, or provide an affidavit of exemption or self-insurance as authorized pursuant to the workers' compensation act;
- (3) maintain an active status of a corporation or registration as a foreign corporation, a limited liability company or registration as a foreign limited liability company, a limited liability partnership registration or foreign limited liability partnership registration, or a limited partnership certificate or limited partnership or foreign limited partnership certificate of authority, with the office of the secretary of state;
- (4) maintain or renew a roofing contractor registration as provided in this act;
- (5) notify the attorney general for any act or omission specified in subsection (a) of K.S.A. 2018 Supp. 50-6,133, and amendments thereto, or any other violation of this act;
- (6) maintain any registration as required by law in another state while registered in this state as a nonresident roofing contractor; or
- (7) file and pay all taxes when due in this state.

(e) The attorney general shall send a written notice to the person when such person's registration is not in good standing. Notification shall be deemed sufficient if mailed, via first class mail, to the address listed in the last registration or renewal form filed by the applicant. Any roofing contractor who has been notified by the attorney general that such person's registration is not in good standing shall cease soliciting or entering new roofing services and projects as of the date of such notification. The roofing contractor shall be allowed to complete roofing projects where actual physical work has begun prior to the date of issuance of the notice that such person's registration is not in good standing. If the roofing contractor fails to correct the deficiency specified in the notice by evidence satisfactory to the attorney general within 30 days of the date of the notice, or if the roofing contractor solicits or enters into new roofing services contracts or projects while the roofing contractor's registration certificate is not in good standing, or while such registration certificate is suspended or revoked, the roofing contractor shall be in violation of the provisions of this act. Any registration certificate that is not in good standing shall be revoked 30 days from the date of notification to the roofing contractor that the registration is not in good standing. Notice of revocation shall be deemed sufficient if mailed, via first class mail, to the address listed in the last application, registration or renewal form filed by the applicant. The roofing contractor may reinstate such roofing contractor's registration certificate to good standing by paying the required fees provided in K.S.A. 2018 Supp. 50-6,132, and amendments thereto, and complying with all other requirements for issuance of a registration in good standing.

Any person aggrieved by the decision of the attorney general to suspend or revoke a registration certificate pursuant to this section may appeal such decision as provided in the administrative procedure act.

History: L. 2013, ch. 115, § 5; July 1.