

367.379 Definitions for section -- Activities of contractors during declared state of emergency -- Registration requirement -- Enforcement by Attorney General -- Prohibition against solicitation -- Restrictions on local governments -- Administrative regulation.

- (1) As used in this section:
 - (a) "Contractor" means any person or business engaged in:
 1. Roofing or siding repair or replacement;
 2. Water damage mitigation or restoration; or
 3. Tree or debris removal;
 - (b) "Designated area" means the geographical area indicated in a state of emergency declaration issued by:
 1. The Governor, or a local chief executive officer, under KRS 39A.100; or
 2. A local government under KRS 39B.070; and
 - (c) "Local government" means any city, county, urban-county government, consolidated local government, charter county government, or unified local government.
- (2)
 - (a) When a state of emergency is declared by the Governor, a local chief executive officer, or a local government under KRS 39A.100 or 39B.070, as applicable, and the state of emergency results from an incident or situation that causes destruction to real estate, the Attorney General may issue an order requiring all persons engaging in business as a contractor in the designated area to comply with this section for a period of time determined by the Attorney General to be sufficient to protect the lives, property, and welfare of citizens in the designated area, which period of time may be extended by subsequent order.
 - (b) If an order is issued under paragraph (a) of this subsection, the Attorney General shall:
 1. Subject to subsection (6)(c) of this section, issue an order determining whether a local government within the designated area imposes greater emergency registration or emergency licensure requirements on contractors doing business in the designated area than the requirements in subsection (3)(a), (b), and (c) of this section; and
 2. Issue a certificate of registration to any contractor that submits a completed registration application that meets the requirements of this section.
 - (c) All contractors engaging in business within the designated area shall comply with this section in accordance with any order issued by the Attorney General under paragraph (a) of this subsection.
 - (d) A certificate of registration issued under paragraph (b)2. of this subsection shall not be transferred, leased, or sold.
 - (e) Any peace officer in the designated area shall be authorized to enforce an order issued under paragraph (a) of this subsection.
- (3) Except as provided in subsection (5) of this section, a contractor subject to an order

issued under subsection (2)(a) of this section shall:

- (a) Submit an application for registration to the Attorney General, and on a form established by the Attorney General, which shall at a minimum, include:
 - 1. The name, physical address, phone number, mailing address, and email address of the contractor;
 - 2. The name, Social Security number, physical address, mailing address, and phone number of the owner of the contractor business;
 - 3. The name, driver's license number, Social Security number, and date of birth of a local contact person, who shall be responsible for the conduct of all employees and solicitors of the contractor in the designated area;
 - 4. The following:
 - a. Evidence that the contractor has a liability insurance policy or bond;
 - b. The name and phone number of the insurer or bond company; and
 - c. If applicable, the policy number;
 - 5. Evidence of the contractor's compliance with applicable workers' compensation laws and, if applicable, the risk number;
 - 6. Any former names under which the contractor has operated in the past ten (10) years; and
 - 7. Whether the contractor has been the subject of a business-related lawsuit;
 - (b) Upon request, provide a copy of the contractor's certificate of registration to any:
 - 1. Person doing business with the contractor in the designated area, including but not limited to customers and prospective customers;
 - 2. Official, employee, or other representative of a local government in the designated area; and
 - 3. Peace officer in the designated area;
 - (c) Conspicuously post a copy of the contractor's certificate of registration at each job site within the designated area;
 - (d) Provide proof of the contractor's registration under this section to an insured and the insured's insurer with any authorization of a direction of payment under a property, casualty, or property and casualty insurance claim; and
 - (e) Comply with:
 - 1. Subsection (4) of this section; and
 - 2. KRS 367.620 to 367.628.
- (4) (a) Except as provided in paragraph (b) of this subsection, in order to protect the safety and well-being of first responders, victims of the declared state of emergency, and others in the designated area, a contractor shall not solicit business in person within the designated area for ninety (90) days after the state of emergency was declared without prior approval of the property owner.
- (b) This subsection shall not prohibit:

1. A contractor from soliciting business in person upon the request of the property owner;
 2. Public advertising; or
 3. Direct communications by telephone or digital means.
- (5) (a) Except as provided in paragraph (b) of this subsection, a local government shall not require any emergency registration or emergency licensure for a contractor that complies with subsection (3)(a), (b), and (c) of this section during the period of time determined by the Attorney General under subsection (2)(a) of this section.
- (b) If the Attorney General issues an order under subsection (2)(b)1. of this section determining that a local government in the designated area imposes emergency registration or emergency licensure requirements for contractors that are greater than the requirements imposed under subsection (3)(a), (b), and (c) of this section, a contractor doing business in the designated area shall:
1. Comply with all of the emergency registration or emergency licensure requirements of the local government; and
 2. Be exempt from subsection (3)(a), (b), and (c) of this section.
- (6) (a) When a state of emergency is declared by the Governor, a local chief executive officer, or a local government under KRS 39A.100 or 39B.070, as applicable, and the state of emergency results from an incident or situation that causes destruction to real estate, a local government in the designated area may submit a written declaration to the Attorney General that:
1. States that the local government's emergency registration or emergency licensure requirements for contractors are greater than the requirements imposed under subsection (3)(a), (b), and (c) of this section; and
 2. Includes a copy of the applicable ordinances, orders, or regulations of the local government.
- (b) If a local government files a declaration under paragraph (a) of this subsection, the Attorney General shall, within five (5) days of receiving the declaration, provide a written response to the local government that:
1. Affirms the declaration; or
 2. Rejects the declaration.
- (c) An order issued by the Attorney General under subsection (2)(b)1. of this section shall conform to the response provided to the local government under paragraph (b) of this subsection.
- (7) The Attorney General may promulgate administrative regulations in accordance with KRS Chapter 13A necessary for or as an aid to the effectuation of this section.
- (8) This section shall not prevent a local government from enforcing any ordinance or regulation of general applicability related to occupational licenses, including the local government's existing ordinances governing itinerant merchants.

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