

1 AN ACT relating to roofing contractors.

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

3 ➔Section 1. KRS 367.628 is amended to read as follows:

4 (1) ~~{On or after July 12, 2012, }~~A roofing contractor shall not represent, negotiate, or
5 advertise to represent or negotiate on behalf of an owner of residential real estate on
6 any insurance claim in connection with the repair or replacement of a roof system.

7 Nothing in this subsection shall be construed to prohibit a roofing contractor from:

- 8 (a) Providing an estimate for repair, replacement, construction, or reconstruction
9 of the property to the owner of residential real estate; or
10 (b) Conferring with an insurance company's representative about damage to the
11 property after a claim has been submitted by the owner of residential real
12 estate.

13 This subsection shall not apply to a public adjuster licensed under Subtitle 9 of KRS
14 Chapter 304.

15 (2) ~~{On or after July 12, 2012, }~~**Where the goods or services are expected to be paid**
16 **from the proceeds of a property and casualty policy,** a roofing contractor or person
17 representing a roofing contractor shall not:

18 (a) **Cause damage to any part of a roof system in order to increase the scope of**
19 **repair or replacement, or encourage a person to cause damage to any part**
20 **of a roof system in order to secure a contract for repair or replacement;**

21 (b) Offer to pay or rebate all or any portion of an insurance deductible or claims
22 proceeds as an inducement to the sale of goods or services related to a
23 residential roof contract;

24 (c)~~{(b)}~~ Grant an allowance or discount against the fee to be charged under the
25 contract; or

26 (d)~~{(e)}~~ Pay **or offer to pay** the owner of residential real estate **or his or her**
27 **representative** for whom services have been **or will be** performed pursuant to

1 KRS 367.620 to 367.628, for any reason, any form of compensation in excess
2 of one hundred dollars (\$100), including but not limited to a:

- 3 1. Bonus;
- 4 2. Coupon;
- 5 3. Credit;
- 6 4. Gift;
- 7 5. Prize;
- 8 6. Referral fee; or
- 9 7. Any other item having a monetary value.

10 ➔SECTION 2. A NEW SECTION OF KRS 367.620 TO 367.628 IS CREATED
11 TO READ AS FOLLOWS:

12 *(1) (a) Any person may maintain an action to enjoin continuing any act in*
13 *violation of KRS 367.620 to 367.628 and, if injured by the act, may also*
14 *maintain an action for the recovery of damages.*

15 *(b) If the court finds based on evidence presented by the plaintiff that the*
16 *defendant is violating or has violated any of the provisions of KRS 367.620*
17 *to 367.628, the court shall enjoin the defendant from continuing the*
18 *violations.*

19 *(c) It shall not be necessary that actual economic damages be alleged or proved*
20 *by the plaintiff in order for the court to enjoin violations.*

21 *(2) In addition to injunctive relief, the plaintiff in the action shall be entitled to*
22 *recover from the defendant two (2) times the amount of any actual economic*
23 *damages sustained.*

24 *(3) The court may award reasonable attorneys' fees and costs to the owner of*
25 *residential real estate who prevails in an action under subsection (1) of this*
26 *section, in addition to any other relief the residential real estate owner may be*
27 *entitled to under this section.*

- 1 (4) In addition to the provisions of this section, all of the remedies, powers, and
2 duties provided for the Attorney General by KRS Chapter 367 shall apply with
3 equal force and effect to any act declared unlawful by KRS 367.620 to 367.628.
- 4 (5) Nothing in this section shall prohibit a person from pursuing the recovery of
5 damages afforded elsewhere under the law.