

1 AN ACT relating to roofing contractors.

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:*

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 that 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:

5 (a) Administer and enforce Sections 1 to 9 of this Act; and

6 (b) Evaluate the qualifications of applicants for licensure.

7 (2) The department may:

8 (a) Refuse to issue or renew a roofing contractor's license;

9 (b) Suspend or revoke a roofing contractor's license;

10 (c) Impose supervisory or probationary conditions upon a licensee;

11 (d) Impose administrative disciplinary fines;

12 (e) Issue written reprimands or admonishments; and

13 (f) Take any combination of the actions permitted in this subsection.

14 (3) The department may seek injunctive relief in the Franklin Circuit Court or the
15 Circuit Court of the county in which the violation occurred or the business of the
16 accused is located to stop any unlawful practice prohibited by Sections 1 to 9 of
17 this Act and administrative regulations promulgated thereunder. The department
18 may also seek injunctive relief if an unlicensed person inappropriately uses the
19 title "roofing contractor."

20 (4) The department may enter into reciprocal agreements with other states having
21 licensure, certification, or registration qualifications and requirements of a
22 similar scope of practice to those of this state.

23 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
24 READ AS FOLLOWS:

25 (1) The department shall promulgate administrative regulations in accordance with
26 KRS Chapter 13A necessary to carry out Sections 1 to 9 of this Act, including:

27 (a) Issuing and renewing roofing contractor's licenses to applicants who meet

- 1 the requirements of Section 5 of this Act;
- 2 (b) Denying, suspending, or revoking a roofing contractor's license;
- 3 (c) Maintaining a current register of license holders as a matter of public
- 4 record;
- 5 (d) Establishing procedures for receiving, investigating, and resolving
- 6 complaints against license holders;
- 7 (e) Conducting administrative hearings in accordance with KRS Chapter 13B
- 8 for disciplinary actions taken under paragraph (b) of this subsection and
- 9 Section 3 of this Act; and
- 10 (f) 1. Assessing fees for the issuance and renewal of licenses to cover
- 11 administrative and operating expenses of the department; and
- 12 2. Authorizing all disbursements necessary to administer Sections 1 to 9
- 13 of this Act.
- 14 (2) The department shall establish through administrative regulation the required fee
- 15 amounts to be paid by licensees and applicants for licensure under Sections 1 to 9
- 16 of this Act, including:
- 17 (a) A nonrefundable application fee for initial licensure as a roofing contractor
- 18 not to exceed two hundred dollars (\$200);
- 19 (b) A renewal fee for a roofing contractor not to exceed two hundred dollars
- 20 (\$200);
- 21 (c) A fee for a duplicate or replacement license not to exceed twenty-five dollars
- 22 (\$25);
- 23 (d) A reinstatement fee for failure to renew a license for a roofing contractor
- 24 not to exceed one hundred dollars (\$100); and
- 25 (e) Other reasonable fees for administrative services.

26 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO

27 READ AS FOLLOWS:

1 An applicant for a roofing contractor's license shall:

2 (1) Be at least eighteen (18) years of age;

3 (2) Be a citizen of the United States or a resident alien who is authorized to work in
4 the United States;

5 (3) Have paid to the department the application fee and the appropriate examination
6 fee, which shall not exceed the actual 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. Any examination selected and approved for licensing shall be a nationally
20 recognized examination that has been determined through proper validation
21 techniques to successfully measure an individual's competency to perform the
22 licensed practice.

23 (2) The department shall offer the examination 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 the examination required for licensure.

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

1 READ AS FOLLOWS:

2 (1) There is hereby established in the State Treasury a trust and agency account to be
3 known as the roofing contractors fund. The fund shall consist of moneys received
4 by the department under Sections 1 to 9 of this Act.

5 (2) The fund shall be administered by the department.

6 (3) Amounts deposited in the fund shall be used for the department's expenses
7 related to the regulation and enforcement of Sections 1 to 9 of this Act.

8 (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
9 year shall not lapse but shall be carried forward into the next fiscal year.

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

12 (1) Following a hearing pursuant to KRS Chapter 13B, the department may impose
13 sanctions set forth in Section 3 of this Act upon proof that the licensee has:

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

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

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

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

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

26 (3) At any time during the investigative or hearing processes, the department may
27 enter into an agreed order or accept an assurance of voluntary compliance with

1 the license holder that effectively deals with the complaint.

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

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

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