

HOUSE BILL No. 2554

By Committee on Insurance

1-26

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

1 award contracts for the construction or reconstruction of public work.

2 Any public contract also includes any subcontract undertaken to
3 perform works covered by the original public contract or any part thereof.

4 (e) "Attorney general" means the attorney general of the state of
5 Kansas or the attorney general's designee.

6 Sec. 3. (a) (1) No person shall engage in the business of or act in the
7 capacity of a roofing contractor within this state without having a valid
8 registration certificate as required by this act.

9 (2) No person may bring or maintain any claim, action, suit, or
10 proceeding in any court of this state related to such person's business or
11 capacity as a roofing contractor without having a valid registration
12 certificate as required by this act.

13 (b) (1) Any person who fails to obtain a valid registration certificate
14 prior to acting as a roofing contractor as defined in this act, shall be liable
15 for a civil penalty as provided in subsection (a) of K.S.A. 50-636, and
16 amendments thereto, which civil penalty shall be in addition to any other
17 relief which may be granted or other penalty prescribed by law. The grant
18 of powers to the attorney general in this act does not affect remedies
19 available to consumers under other principles of law or equity.

20 (2) Any person who acts as a roofing contractor while such person's
21 registration certificate as a roofing contractor is suspended or revoked
22 shall be liable for a civil penalty as provided in subsection (a) of K.S.A.
23 50-636, and amendments thereto, which civil penalty shall be in addition
24 to any other relief which may be granted or other penalty prescribed by
25 law.

26 Sec. 4. (a) Subject to appropriations for this act, the attorney general
27 is authorized to administer and implement the provisions of this act. The
28 attorney general may administer and implement any provision of this act
29 through use of the internet or other technology as deemed necessary or
30 appropriate.

31 (b) The attorney general may create any forms necessary for the
32 administration of this act.

33 (c) In accordance with the rules and regulations filing act, the
34 attorney general is hereby authorized to adopt rules and regulations
35 necessary to implement the provisions of this act. Such rules and
36 regulations may include, but are not limited to, provisions concerning:

37 (1) Fees necessary to fund the expenses and operating costs incurred
38 in the administration and enforcement of the provisions of this act.

39 (2) The acquisition of insurance, indemnity coverage or surety bonds in
40 amounts determined by the attorney general.

41 (3) Any other matter deemed necessary by the attorney general to carry
42 out, implement and enforce the provisions of this act.

43 Sec. 5. (a) (1) To obtain a roofing contractor registration certificate

1 under this act, an applicant who is at least 18 years shall submit an
2 application under oath containing:

3 (A) A statement of the applicant's experience and qualifications as a
4 roofing contractor, if any.

5 (B) The applicant's name, physical address, business name and
6 address, information on any other person who will be authorized to act as
7 the business entity, and the applicant's phone number.

8 (C) A copy of the roofing contractor's certificate of liability insurance
9 shall be filed with the application and shall be not less than \$500,000. Any
10 insurance company issuing a liability policy to a roofing contractor
11 pursuant to the provisions of this act shall be required to notify the
12 attorney general in the event such liability policy is canceled for any
13 reason or lapses for nonpayment of premiums.

14 (D) Proof satisfactory to the attorney general that the applicant has
15 secured either workers' compensation coverage satisfactory under the
16 workers' compensation act or an affidavit of exemption or self insurance as
17 authorized pursuant to the workers' compensation act.

18 (E) Any other information deemed necessary or to assist the attorney
19 general in registering the person as a roofing contractor.

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

21 (A) Desires the issuance of a roofing contractor registration
22 certificate.

23 (B) Will comply with the provisions of this act.

24 (C) Will comply with all federal and state laws and local ordinances.

25 (D) (i) Has or has not been registered or licensed as a roofing
26 contractor in another state; and

27 (ii) whether any disciplinary action was taken against such
28 registration or license or whether such registration or license is currently in
29 good standing.

30 (E) If the applicant is not a resident of this state, that the nonresident
31 applicant appoints the secretary of state as legal agent for service of
32 process or as otherwise provided in this act.

33 (b) The attorney general shall refuse to register any person if the
34 attorney general determines:

35 (1) The application contains false, misleading, or incomplete
36 information.

37 (2) The applicant fails or refuses to provide any information
38 requested by the attorney general.

39 (3) The applicant fails or refuses to pay the required fees.

40 (4) The applicant is ineligible for registration due to a suspended or
41 revoked registration in this state.

42 (5) The nonresident applicant has a revoked or suspended registration
43 or license for roofing contractors required by law in another state.

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

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

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

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

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

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

22 (1) Maintain liability insurance coverage;

23 (2) maintain workers' compensation coverage satisfactory under the
24 workers' compensation act, or provide an affidavit of exemption or self-
25 insurance as authorized pursuant to the workers' compensation act;

26 (3) maintain an active status of a corporation or registration as a
27 foreign corporation, a limited liability company or registration as a foreign
28 limited liability company, a limited liability partnership registration or
29 foreign limited liability partnership registration, or a limited partnership
30 certificate or limited partnership or foreign limited partnership certificate
31 of authority, with the office of the secretary of state;

32 (4) maintain or renew a roofing contractor registration as provided in
33 this act;

34 (5) notify the attorney general for any act or omission specified in
35 subsection (a) of section 13, and amendments thereto or any other
36 violation of this act;

37 (6) maintain any registration as required by law in another state while
38 registered in this state as a nonresident roofing contractor; or

39 (7) file and pay all taxes when due in this state.

40 (e) The attorney general shall send a written notice to the person
41 when such person's registration is not in good standing. Notification shall
42 be deemed sufficient if mailed, via first class mail, to the address listed in
43 the last registration or renewal form filed by the applicant. Any roofing

1 contractor who has been notified by the attorney general that such person
2 registration is not in good standing shall cease soliciting or entering new
3 roofing services and projects as of the date of such notification. The
4 roofing contractor shall be allowed to complete roofing projects where
5 actual physical work has begun prior to the date of issuance of the notice
6 that such person registration is not in good standing. If the roofing
7 contractor fails to correct the deficiency specified in the notice by evidence
8 satisfactory to the attorney general within 30 days of the date of the notice,
9 or if the roofing contractor solicits or enters into new roofing services
10 contracts or projects while the roofing contractor's registration certificate is
11 not in good standing, or while such registration certificate is suspended or
12 revoked, the roofing contractor shall be in violation of the provisions of
13 this act. Any registration certificate that is not in good standing shall be
14 revoked 30 days from the date of notification to the roofing contractor that
15 the registration is not in good standing. Notice of revocation shall be
16 deemed sufficient if mailed, via first class mail, to the address listed in the
17 last application, registration or renewal form filed by the applicant. The
18 roofing contractor may reinstate such roofing contractor's registration
19 certificate to good standing by paying the required fees provided in section
20 12, and amendments thereto, and complying with all other requirements
21 for issuance of a registration in good standing.

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

25 Sec. 6. (a) There shall be a question on all application and renewal
26 forms requiring the applicant to answer under oath whether or not the
27 applicant has been convicted of a felony offense in this state, another state,
28 or any other place, and the nature of that offense upon which a conviction
29 was imposed.

30 (b) Conviction of an offense shall not disqualify a person from
31 registration as a roofing contractor under this act, provided the applicant
32 has truthfully disclosed the conviction and nature of the offense.

33 (c) When deemed appropriate, the attorney general may conduct a
34 criminal history records search or background check on any applicant or
35 registered roofing contractor and may investigate the information
36 submitted on a roofing contractor application or renewal form, provided no
37 adverse action may be taken against the person until the person has been
38 notified and given an opportunity to respond in writing.

39 Sec. 7. The holder of a roofing contractor registration certificate is
40 entitled to engage in the roofing business within this state pursuant to the
41 provisions of this act, and subject to the following limitations:

42 (a) A roofing contractor's registration certificate number shall be
43 valid and in good standing at the time of soliciting a project and during

1 subsequent job performance;

2 (b) a roofing contractor's registration certificate number shall be
3 submitted when applying for any permit issued by the state, or any of its
4 political subdivisions, for commercial or residential roofing services or
5 projects, if a permit is required by such authority, and shall be written upon
6 each permit issued;

7 (c) a roofing contractor's registration certificate cannot be shared or
8 used by any other individual or business entity, except that a business firm,
9 partnership, association, corporation, limited liability company or other
10 group or combination thereof acting as a unit may be granted a single
11 roofing registration certificate number for use by designated roofing
12 contractors acting as agents for the business entity when the application for
13 registration certificate contained sufficient information on each member,
14 partner, officer and agent, and the attorney general issued a single
15 certificate number to such persons as a business unit;

16 (d) upon any change to the name, address, business entity or legal
17 service agent of a roofing contractor or upon adjudication by a court of
18 competent jurisdiction for a violation of this act or an act or omission
19 specified in subsection (a) of section 13, and amendments thereto, the
20 attorney general shall be notified in writing;

21 (e) a roofing contractor shall comply with all state laws and local
22 ordinances; and

23 (f) a roofing contractor must pay taxes due in this state.

24 Sec. 8. (a) At the time of making application for a roofing contractor
25 registration certificate pursuant to this act, the applicant shall pay to the
26 attorney general a fee to be set by the attorney general, which shall not
27 exceed \$500 for the annual registration certificate.

28 (b) There is hereby established in the state treasury the roofing
29 contractor registration fund to be administered by the attorney general. All
30 moneys received by the attorney general from fees, charges or penalties
31 shall be remitted to the state treasurer in accordance with the provisions of
32 K.S.A. 75-4215, and amendments thereto, who shall deposit the entire
33 amount thereof in the state treasury to the credit of the roofing contractor
34 registration fee fund. All expenditures from such fund shall be made in
35 accordance with appropriation acts upon warrants of the attorney general
36 and the director of accounts and reports issued pursuant to vouchers
37 approved by the attorney general or the attorney general's designee. All
38 moneys credited to the roofing contractor registration fee fund shall be
39 expended for the administration of the duties, functions and operating
40 expenses of the roofing contractor registration act.

41 (c) On or before the 10th of each month, the director of accounts and
42 reports shall transfer from the state general fund to the roofing contractor
43 registration fee fund established in subsection (a) interest earnings based

1 on:

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

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

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

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

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

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

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

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

29 (4) any person employed by a manufactured home and modular home
30 manufacturer while performing services and work for the manufactured
31 home and modular home manufacturer.

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

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

1 until June 30 of the subsequent year.

2 Sec. 11. Not later than 10 days after the date of a change in a roofing
3 contractor's name, address or legal service agent, or upon a registered
4 roofing contractor ceasing business as a roofing contractor, the person
5 shall notify the attorney general of the change on a form provided by the
6 attorney general. A change of name or address shall be accompanied by a
7 fee set by the attorney general not to exceed \$25. No person shall change
8 such person's name under an active registration certificate if the change is
9 associated with a change in the legal status of the business entity other
10 than a change in marital status. Doing business under a new business name
11 or a change in legal status of a business requires issuance of a new
12 registration certificate. When a registered roofing contractor ceases to be
13 active as a roofing contractor, the contractor shall notify the attorney
14 general within 10 days and the attorney general shall suspend the
15 registration certificate of such contractor as soon as practical after
16 receiving the notification.

17 Sec. 12. (a) (1) Any roofing contractor registration certificate issued
18 under this act may be renewed for each successive fiscal year by obtaining
19 from the attorney general a certificate of renewal. To obtain a certificate of
20 renewal, the person shall file with the attorney general a renewal
21 application by June 30 and pay the renewal fee. The application for
22 renewal shall require statements under oath that the applicant has or has
23 not been convicted of any felony offense, and the nature of such offense,
24 since issuance of the prior registration certificate, and whether or not the
25 applicant has been adjudicated by a court of competent jurisdiction for any
26 violation of this act or any act or omission specified in subsection (a) of
27 section 13, and amendments thereto.

28 (2) The applicant shall include with the renewal application a copy of
29 the certificate of liability insurance, proof of workers' compensation
30 coverage, unless exempt under the workers' compensation act, and, if
31 applicable, a copy of the current registration certificate required by law for
32 roofing contractors and a current tax clearance certificate or letter from the
33 Kansas department of revenue.

34 (b) The attorney general shall refuse to renew a roofing contractor's
35 registration certificate for any reason stated in subsection (b) of section 5,
36 and amendments thereto. The attorney general shall notify the applicant in
37 writing if the attorney general denies the renewal as provided in subsection
38 (c) of section 5, and amendments thereto.

39 (c) If any roofing contractor fails to file a renewal application by the
40 June 30 deadline, that contractor's registration certificate shall be deemed
41 not to be in good standing. A roofing contractor has a 30-day grace period
42 after June 30 to renew such registration certificate without a late fee. The
43 late fee shall be set by the attorney general but shall not exceed \$300. If

1 the certificate is not renewed before July 31, the certificate shall be
2 revoked.

3 (d) (1) A roofing contractor desiring to renew a registration certificate
4 that has been suspended for any cause provided in this act prior to the June
5 30 annual renewal date shall be assessed a fee equal to twice the amount of
6 the fee established by subsection (c) of section 8, and amendments thereto.

7 (2) The attorney general shall assess a reinstatement fee in an amount
8 to be set by the attorney general not to exceed \$500 plus the fee
9 established by section 8, and amendments thereto, for any registration
10 certificate that has been revoked for any cause provided in this act.

11 (3) A roofing contractor submitting an application for registration
12 certificate after suspension or revocation of that contractor's registration
13 certificate must be otherwise eligible for registration under this act.

14 (e) The attorney general shall include a registration status notation in
15 a roofing contractor's record if the status of registration changes from
16 active and valid to not in good standing, denied, suspended or revoked.

17 Sec. 13. (a) No roofing contractor or any person providing services as
18 a roofing contractor shall:

19 (1) Abandon a roofing contract without legal grounds after a deposit
20 of money or other consideration has been paid;

21 (2) divert any funds or property entrusted to a roofing contractor;

22 (3) engage in any fraudulent or deceptive acts or practices or
23 misrepresentation of products, services or qualifications as a roofing
24 contractor;

25 (4) make a false or misleading statement in an application for roofing
26 contractor registration certificate or renewal application or in soliciting a
27 contract for roofing services;

28 (5) violate any judgment or order by a court of competent jurisdiction
29 against the roofing contractor for a violation of the provisions of this act;

30 (6) engage in work without a valid registration certificate as required
31 for roofing contractors pursuant to this act or performing roofing services
32 during any period when the roofing contractor's registration certificate is
33 denied, suspended or revoked;

34 (7) engage in roofing services without obtaining a proper permit as
35 may be required by any state or local authority;

36 (8) fail to comply with any tax laws authorized by the state or any of
37 its political subdivisions;

38 (9) damage or injure any person or property while performing roofing
39 services under a valid roofing contractor registration certificate for which
40 the roofing contractor's liability insurance or worker's compensation
41 coverage was inadequate; or

42 (10) fail to comply with any provision of this act or any rule and
43 regulation adopted thereunder.

1 (b) Any person may file a duly verified complaint with the attorney
2 general alleging one or more violations of subsection (a). The complaint
3 shall be on a form approved by the attorney general and shall set forth the
4 alleged act or omission stated in subsection (a), and a statement of
5 sufficient facts upon which a reasonable person could conclude that the act
6 or omission specified in subsection (a) has been committed. Nothing in
7 this section shall be construed to require the complainant to first file a
8 complaint with the attorney general before seeking relief or remedies
9 allowed by law.

10 (c) A complaint received by the attorney general as provided in this
11 section may be investigated by the attorney general or referred to any
12 county or district attorney for appropriate disposition or investigation. The
13 attorney general is hereby authorized to:

14 (1) Make investigations and examinations of the registrant's
15 operations, books and records as the attorney general deems necessary for
16 the protection of the public and control access to any documents and
17 records of the licensee or registrant under examination or investigation;

18 (2) charge reasonable costs of investigation, examination and
19 administration of this act, to be paid by the applicant, licensee or
20 registrant;

21 (3) exchange any information regarding the administration of this act
22 with any agency of the United States or any state which regulates the
23 licensee or registrant or administers statutes, rules and regulations or
24 programs related to the roofing business, or which administers statutes,
25 rules and regulations or other programs related to the roofing business and
26 to enter into information-sharing arrangements with other governmental
27 agencies or associations representing governmental agencies which are
28 deemed necessary or beneficial to the administration of this act;

29 (4) disclose to any person or entity that an applicant's, licensee's or
30 registrant's application, license or registration certificate has been denied,
31 suspended, revoked or refused renewal;

32 (5) require or permit any person to file a written statement, under oath
33 or otherwise as the attorney general may direct, setting forth all the facts
34 and circumstances concerning any apparent violation of this act, or any
35 rule and regulation promulgated thereunder or any order issued pursuant to
36 this act;

37 (6) receive, as a condition in settlement of any investigation or
38 examination, a payment designated for the roofing contractor registration
39 fee fund as directed by the attorney general;

40 (7) refer such evidence as may be available concerning any violation
41 of this act or of any rule and regulation or order hereunder to the proper
42 county or district attorney, who may in the attorney general's discretion,
43 with or without such a referral, institute the appropriate criminal

1 proceedings under this act;

2 (8) establish relationships or contracts with any other government
3 programs which require the licensing or registration of roofing contractors
4 or other entities to collect and maintain records and process transaction
5 fees or other fees related to applicants, licensees, registrants or other
6 persons subject to this act and to take such other actions as may be
7 reasonably necessary to facilitate cooperation between such governmental
8 entities or agencies and industry trade associations. The attorney general
9 shall regularly report violations of law, as well as enforcement actions and
10 other relevant information to any multistate or nationwide licensing system
11 and registry; and

12 (9) require any registrant to file with any such roofing contractor
13 licensing or registry in the form prescribed by the attorney general or the
14 attorney general's designee.

15 (d) For the purpose of any examination, investigation or proceeding
16 under this act, the attorney general or any officer designated by the
17 attorney general may administer oaths and affirmations, subpoena
18 witnesses, compel such witnesses' attendance, adduce evidence and require
19 the production of any matter which is relevant to the examination or
20 investigation, including the existence, description, nature, custody,
21 condition and location of any books, documents or other tangible things
22 and the identity and location of persons having knowledge of relevant
23 facts, or any other matter reasonably calculated to lead to the discovery of
24 relevant information or items.

25 (e) In case of refusal to obey a subpoena or court order issued to any
26 person, any court of competent jurisdiction, upon application by the
27 attorney general, may issue to that person an order requiring the person to
28 appear before the attorney general, or the officer designated by the
29 attorney general, to produce documentary evidence if so ordered or to give
30 evidence touching the matter under investigation or in question. Any
31 failure to obey the order of the court may be punished by the court as a
32 contempt of court.

33 (f) No person is excused from attending and testifying or from
34 producing any document or record before the attorney general or in
35 obedience to the subpoena of the attorney general or in any proceeding
36 instituted by the attorney general, on the ground that the testimony or
37 evidence, documentary or otherwise, required of the person may tend to
38 incriminate the person or subject the person to a penalty or forfeiture. No
39 individual may be prosecuted or subjected to any penalty or forfeiture for
40 or on account of any transaction or matter concerning which such person is
41 compelled, after claiming privilege against self-incrimination, to testify or
42 produce evidence, documentary or otherwise, except that the individual so
43 testifying shall not be exempt from prosecution and punishment for

1 perjury committed in so testifying.

2 Sec. 14. (a) (1) Every applicant for a roofing contractor's registration
3 certificate who is a nonresident contractor, may apply for a registration
4 certificate by signing and filing the application, appointing the secretary of
5 state as the applicant's true and lawful agent upon whom may be served all
6 lawful process in any action or proceeding against such nonresident
7 contractor for construction projects performed in this state. Such
8 appointment shall be evidence of the roofing contractor's consent that any
9 process against the contractor which is served upon the secretary of state
10 shall be of the same legal force and effect as if served upon the contractor
11 personally within this state.

12 (2) Registered foreign corporations, registered foreign limited
13 liability companies, foreign limited liability partnerships and foreign
14 limited partnerships which are authorized to do business in this state and
15 which have a current registered agent and registered address on file in the
16 office of the secretary of state shall not be required to appoint the secretary
17 of state as agent for service of process under this section.

18 (b) Within 10 days after service of the summons upon the secretary of
19 state, notice of such service with the summons and complaint in the action
20 shall be sent to the defendant roofing contractor at the defendant
21 contractor's last-known address by registered or certified mail with return
22 receipt requested and proof of such mailing shall be attached to the
23 summons.

24 (c) The secretary of state shall keep a record of all process served
25 upon the secretary of state under this section, showing the day and hour of
26 service. Whenever service of process was made under this section, the
27 court, before entering a default judgment, or at any stage of the
28 proceeding, may order such continuance as may be necessary to afford the
29 defendant contractor reasonable opportunity to defend any action pending
30 against the defendant contractor.

31 Sec. 15. (a) When applying for any permit required by the state or
32 any of its political subdivisions for roofing services or jobs, a roofing
33 contractor shall supply the permit-issuing official the roofing contractor's
34 registration certificate number issued pursuant to this act. That official
35 shall enter a roofing contractor's registration certificate number on the
36 permit.

37 (b) Although exempt from the registration requirements of this act,
38 any person performing as a roofing contractor on such person's own
39 property shall, when applying for a permit required for the project, supply
40 the permit-issuing official any roofing contractor registration certificate
41 number, as soon as available, of each roofing subcontractor engaged in
42 roofing services and doing work covered by the permit, if any. That
43 official shall enter each roofing contractor registration certificate number

1 so supplied before inspection of the job.

2 (c) A roofing contractor shall display such contractor's roofing
3 contractor registration certificate number issued pursuant to this act on
4 each commercial vehicle used for roofing services and upon every
5 business sign, card, correspondence and contract used to solicit and
6 conduct roofing services in this state.

7 Sec. 16. (a) Upon request, the attorney general shall verify a roofing
8 contractor registration certificate number to city, county and state
9 enforcement officials and to the public.

10 (b) The attorney general shall establish through the internet or other
11 technology a verification system or direct access system for confirming
12 roofing contractor registration certificates. The system shall include the
13 notation of each complaint received against an individual roofing
14 contractor, such roofing contractor's response to each complaint by noting
15 whether the roofing contractor admits or denies the allegation, any court
16 disposition of a complaint, if known, and any adjudication of a violation of
17 the provisions of this act. In addition, the system may include a notation
18 for any conviction of a criminal violation in this state, another state, or the
19 United States when disclosed by a criminal history records search on the
20 individual roofing contractor. Disclosure of any information through use of
21 the roofing contractor registration certificate system or information
22 maintained by the attorney general shall not be deemed to be an
23 endorsement of any roofing contractor or determination of any facts,
24 qualifications, information or reputation of any roofing contractor by the
25 attorney general, the state, or any of their respective agents, officers,
26 employees or assigns.

27 Sec. 17. This act shall be construed to be in addition to, and not in
28 lieu of, any required licensure of persons for certain professions and trades
29 in this state, and further, this act shall not be deemed to conflict with or
30 affect the authority of any state or local agency, board or commission
31 whose duty and authority is to administer or enforce any law or ordinance
32 or to establish, administer or enforce any policy, rule, qualification or
33 standard for any trade or profession.

34 Sec. 18. (a) Any violation of this act shall be deemed to be an
35 unconscionable act or practice under the provisions of the Kansas
36 consumer protection act.

37 (b) This act shall be part of and supplemental to the Kansas consumer
38 protection act.

39 Sec. 19. This act shall take effect and be in force from and after its
40 publication in the statute book.

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