

HOUSE BILL NO. HB0045

Roofing contractors.

Sponsored by: Representative(s) Illoway, Esquibel, K., Lubnau, Patton and Zwonitzer, Dn. and Senator(s) Anderson, Emerich and Esquibel, F.

A BILL

for

1 AN ACT relating to consumer protection; providing
2 disclosure requirements for roofing solicitations, roofing
3 proposals and roofing repair contracts; providing for
4 cancellation of roofing contracts; providing remedies; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 40-12-601 through 40-12-606 are
10 created to read:

11

12

ARTICLE 6

13

ROOFING CONTRACTS

14

15 **40-12-601. Definitions.**

1

2 (a) As used in this article:

3

4 (i) "Nonresident roofing contractor" means any
5 roofing contractor or subcontractor who has not established
6 and maintained a physical office as a roofing contractor in
7 this state within the preceding year or who claims
8 residency in another state;

9

10 (ii) "Roofing contractor" means a person or
11 entity in the business of contracting or offering to
12 contract with an owner or possessor of residential real
13 estate to repair or replace roof systems.

14

15 **40-12-602. Requirements for roofing solicitations and**
16 **advertisements.**

17

18 (a) An individual or company contacting anyone for
19 the purposes of soliciting roofing services, including
20 general advertisements for such services, shall disclose
21 the following information to the consumer:

22

23 (i) The business name;

24

1 (ii) Beginning July 1, 2013, the contractor
2 license or registration number for any jurisdiction in
3 which he holds a contractor's license on all contracts,
4 bids and advertisements involving roofing services; and

5

6 (iii) If the individual or company making the
7 solicitation is a nonresident roofing contractor, he shall
8 disclose that fact, as well as the name and address of the
9 company on behalf of which he is acting.

10

11 (b) Roofing contractors soliciting roofing services
12 in this state shall not:

13

14 (i) Advertise or promise to pay or rebate all or
15 any portion of any insurance deductible as an inducement to
16 the sale of goods or services, including granting any
17 allowance or offering any discount against the fees to be
18 charged or paying any compensation directly or indirectly
19 to any person associated with the property;

20

21 (ii) Accept money or any form of compensation in
22 exchange for allowing another contractor to use its
23 business name or contractor's license number;

24

1 (iii) Represent, offer to represent, or
2 advertise to represent a homeowner with respect to any
3 insurance claim in connection with roofing services; or

4
5 (iv) Claim to be, or act as, an adjuster as
6 defined in W.S. 26-1-102(a)(i) or an insurance consultant
7 as defined in W.S. 26-9-220, with respect to any insurance
8 claim.

9
10 **40-12-603. Disclosure requirements for roofing**
11 **proposals.**

12
13 (a) An individual or company who prepares a repair
14 proposal for roofing services in anticipation entering into
15 a roofing contract shall disclose the following information
16 to the consumer:

17
18 (i) A precise description and location of all
19 damage claimed or included in the repair proposal;

20
21 (ii) A detailed description and itemization of
22 any emergency repairs already completed; and

23

1 (iii) If damaged areas are not included in the
2 repair proposal, a specification of those areas and any
3 reason for their exclusion from the repair proposal.

4
5 (b) The disclosures required under subsection (a) of
6 this section shall be made in writing and shall be included
7 in the repair proposal.

8
9 **40-12-604. Disclosure requirements for roofing repair**
10 **contracts.**

11
12 (a) Any contract for roofing repairs shall include
13 all of the following:

14
15 (i) A copy of a repair proposal that contains
16 the disclosures required under W.S. 40-12-603(a); and

17
18 (ii) A disclosure that the consumer is
19 responsible for payment for any work performed if the
20 insurer should deny payment or coverage of any part of the
21 loss.

22
23 **40-12-605. Roofing contracts; right to cancel.**

24

1 (a) A person who has entered into a written contract
2 with a contractor to provide roofing goods and services has
3 the right to cancel the contract within five (5) business
4 days of the date in which the contract was entered into or,
5 if the services are to be paid directly by or on behalf of
6 the consumer from the proceeds of a property or casualty
7 insurance policy within five (5) business days after the
8 consumer has received notice in writing from the insurer
9 that the claim has been denied, in whole or in part,
10 whichever is later. Cancellation is evidenced by the
11 consumer giving written notice of cancellation to the
12 contractor at the address stated in the contract. Notice
13 of cancellation may be in electronic form effective the
14 date of the electronic transmission or, if given by mail,
15 is effective upon postmark, properly addressed to the
16 contractor and postage prepaid. Written notice also may be
17 given to the contractor by personal delivery. Notice of
18 cancellation need not take a particular form and is
19 sufficient if it indicates, by any form of written
20 expression, the intention of the consumer not to be bound
21 by the contract.

22

23 (b) Before entering a contract referred to in
24 subsection (a) of this section, the contractor shall:

1

2 (i) Furnish the consumer with a statement in
3 boldface type of a minimum size of ten (10) points, in
4 substantially the following form: "You may cancel this
5 contract at any time within five (5) business days of the
6 date in which the contract was entered into or within five
7 (5) business days after you have been notified that your
8 insurer has, in whole or in part, denied your claim to pay
9 for the goods and services to be provided under this
10 contract, whichever is later. See attached notice of
11 cancellation form for an explanation of this right."; and

12

13 (ii) Furnish each consumer a fully completed
14 form captioned, "NOTICE OF CANCELLATION," which shall be
15 attached to or accompany the contract and which shall
16 contain in boldface type of a minimum size of ten (10)
17 points the following information and statements:

18

19

"NOTICE OF CANCELLATION

20

21 You may cancel this contract within five (5) business days
22 from when it is entered into for any reason or, if your
23 insurer in whole or in part denies your claim to pay for
24 goods and services to be provided under this contract, you

1 may cancel the contract by mailing or delivering (including
 2 via electronic transmission) a signed and dated copy of
 3 this cancellation notice or any other written notice - to
 4 (name of contractor) at (address of contractor's place of
 5 business, e-mail address and facsimile number if
 6 applicable) at any time within five (5) business days of
 7 the date in which the contract was entered into or within
 8 five (5) business days after you have been notified that
 9 your claim has been denied, whichever is later. If you
 10 cancel, any payments made by you under the contract will be
 11 returned within ten (10) business days following receipt by
 12 the contractor of your cancellation notice.

13

14 I HEREBY CANCEL THIS TRANSACTION.

15
.....

16 (date)

17
.....

18 (Consumer's signature)"

19

20 (c) Within ten (10) days after a contract referred to
 21 in subsection (a) of this section has been canceled, the
 22 contractor shall tender to the consumer any payments made
 23 by the consumer and any note or other evidence of
 24 indebtedness. If the contractor has performed any emergency

1 services, the contractor is entitled to separately bill the
2 consumer for such services if the consumer has received a
3 detailed description and itemization of charges for those
4 services.

5

6 **40-12-606. Private remedies.**

7

8 Any person who violates this article shall be subject to
9 the remedy provisions relating to unlawful trade practices
10 provided in W.S. 40-12-108 and 40-12-109.

11

12 **Section 2.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17

(END)