

HOUSE BILL No. 2024

By Committee on Commerce, Labor and Economic Development

1-17

Proposed Amendments for HB 2024  
February 12, 2013  
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Office of the Revisor of Statutes

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;~~

36 (5) ~~any state or municipal agency; or~~

~~(6) any other public board, body, commission or agency authorized to award contracts for the construction or reconstruction of public work.~~

~~Any public contract also includes any subcontract undertaken to perform work covered by the original public contract or any part thereof.~~

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

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

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

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

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

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

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

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

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

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

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

1 Sec. 5. (a) (1) To obtain a roofing contractor registration certificate  
2 under this act, an applicant who is at least 18 years shall submit an  
3 application under oath containing:

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

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

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

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

19 (E) Any other information deemed necessary in assisting the attorney  
20 general to register the person as a roofing contractor.

21 (2) The application shall contain statements that the applicant:  
22 (A) Desires the issuance of a roofing contractor registration  
23 certificate.

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

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

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

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

31 (3) If the applicant is not a resident of this state, then the nonresident  
32 applicant will appoint the secretary of state as legal agent for service of  
33 process or as otherwise provided in this act.

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

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

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

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

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

43 (5) The nonresident applicant has a revoked or suspended registration

1 or license for roofing contractors required by law in another state.

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

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

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

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

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

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

23 (1) Maintain liability insurance coverage;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 43 (a) A roofing contractor's registration certificate number shall be valid

may

1 and in good standing at the time of soliciting a project and during  
2 subsequent job performance;

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

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

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

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

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

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

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

42 (c) On or before the 10<sup>th</sup> of each month, the director of accounts and  
43 reports shall transfer from the state general fund to the roofing contractor

resident

1 registration fee fund established in subsection (a) interest earnings based  
2 on:

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

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

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

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

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

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

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

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

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 (5) any person registered as a home inspector pursuant to K.S.A. 58-  
33 4501 et seq., and amendments thereto, while performing functions  
34 pursuant to that act;

35 (6) any person employed by a manufactured home dealer while acting  
36 within the scope of that license; and  
37 (7) any person employed as a manufactured home installer while  
38 acting within the scope of that license.

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

42 Sec. 10. Within ~~30~~ calendar days from the date of application, the  
43 attorney general shall either issue or deny the roofing contractor

1 registration certificate. No registration certificate shall be issued to an  
2 applicant until the attorney general receives all documentation and fees  
3 necessary to obtain a registration certificate ~~in good standing~~. The  
4 registration certificate issued on an original application entitles the person  
5 to act as a roofing contractor within this state, subject to the limitations of  
6 this act, until the expiration of the then current fiscal year ending June 30,  
7 except that an initial registration certificate issued in May or June is valid  
8 until June 30 of the subsequent year.

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

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

35 (2) The applicant shall include with the renewal application a copy of  
36 the certificate of liability insurance, proof of workers' compensation  
37 coverage, unless exempt under the workers' compensation act, and, if  
38 applicable, a copy of the current registration certificate required by law for  
39 roofing contractors and a current tax clearance certificate or letter from the  
40 Kansas department of revenue.

41 (b) The attorney general shall refuse to renew a roofing contractor's  
42 registration certificate for any reason stated in subsection (b) of section 5,  
43 and amendments thereto. The attorney general shall notify the applicant in

or self-insured



1 writing if the attorney general denies the renewal as provided in subsection  
2 (c) of section 5, and amendments thereto.

3 (c) If any roofing contractor fails to file a renewal application by the  
4 June 30 deadline, that contractor's registration certificate shall be deemed  
5 not to be in good standing. A roofing contractor has a 30-day grace period  
6 after June 30 to renew such registration certificate without a late fee. The  
7 late fee shall be set by the attorney general but shall not exceed \$300. If  
8 the certificate is not renewed before July 31, the certificate shall be  
9 revoked.

10 (d) (1) A roofing contractor desiring to renew a registration certificate  
11 that has been suspended for any cause provided in this act prior to the June  
12 30 annual renewal date shall be assessed a fee equal to twice the amount of  
13 the fee established by subsection (c) of section 8, and amendments thereto.

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

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

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

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

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

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

29 (3) engage in any fraudulent or deceptive acts or practices or  
30 misrepresentation of products, services or qualifications as a roofing  
31 contractor;

32 (4) make a false or misleading statement in an application for a  
33 roofing contractor registration certificate or renewal application or in  
34 soliciting a contract for roofing services;

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

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

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

43 (8) fail to comply with any tax laws authorized by the state or any of

1 its political subdivisions;

2 (9) damage or injure any person or property while performing roofing  
3 services under a valid roofing contractor registration certificate for which  
4 the roofing contractor's liability insurance or workers' compensation  
5 coverage was inadequate; or

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

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

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

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

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

28 (3) exchange any information regarding the administration of this act  
29 with any agency of the United States or any state which regulates the  
30 licensee or registrant or administers statutes, rules and regulations or  
31 programs related to the roofing business, and to enter into information-  
32 sharing arrangements with other governmental agencies or associations  
33 representing governmental agencies which are deemed necessary or  
34 beneficial to the administration of this act;

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

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

43 (6) receive, as a condition in settlement of any investigation or

or political subdivision thereof

1 examination, a payment designated for the roofing contractor registration  
2 fee fund as directed by the attorney general;

3 (7) refer such evidence as may be available concerning any violation  
4 of this act or of any rule and regulation or order hereunder to the proper  
5 county or district attorney, who may in the attorney general's discretion,  
6 with or without such a referral, institute the appropriate criminal  
7 proceedings under this act;

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

18 (9) require any registrant to file with any such roofing contractor  
19 licensing system or registry in the form prescribed by the attorney general  
20 or the attorney general's designee.

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

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

39 (f) No person is excused from attending and testifying or from  
40 producing any document or record before the attorney general or in  
41 obedience to the subpoena of the attorney general or in any proceeding  
42 instituted by the attorney general, on the ground that the testimony or  
43 evidence, documentary or otherwise, required of the person may tend to

1 incriminate the person or subject the person to a penalty or forfeiture. No  
2 individual may be prosecuted or subjected to any penalty or forfeiture for  
3 or on account of any transaction or matter concerning which such person is  
4 compelled, after claiming privilege against self-incrimination, to testify or  
5 produce evidence, documentary or otherwise, except that the individual so  
6 testifying shall not be exempt from prosecution and punishment for  
7 perjury committed in so testifying.

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

18 (2) Registered foreign corporations, registered foreign limited  
19 liability companies, foreign limited liability partnerships and foreign  
20 limited partnerships which are authorized to do business in this state and  
21 which have a current registered agent and registered address on file in the  
22 office of the secretary of state shall not be required to appoint the secretary  
23 of state as agent for service of process under this section.

24 (b) Within 10 days after service of the summons upon the secretary of  
25 state, notice of such service with the summons and complaint in the action  
26 shall be sent to the defendant roofing contractor at the defendant  
27 contractor's last known address by registered or certified mail with return  
28 receipt requested and proof of such mailing shall be attached to the  
29 summons.

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

37 Sec. 15. (a) When applying for any permit required by the state or  
38 any of its political subdivisions for roofing services or jobs, a roofing  
39 contractor shall supply the permit-issuing official the roofing contractor's  
40 registration certificate number issued pursuant to this act. That official  
41 shall enter a roofing contractor's registration certificate number on the  
42 permit.

43 (b) Although exempt from the registration requirements of this act,

1 any person performing as a roofing contractor on such person's own  
 2 property shall, when applying for a permit required for the project, supply  
 3 the permit-issuing official any roofing contractor registration certificate  
 4 number, as soon as available, of each roofing subcontractor engaged in  
 5 roofing services and doing work covered by the permit, if any. That  
 6 official shall enter each roofing contractor registration certificate number  
 7 so supplied before inspection of the job.

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

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

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

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

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

43 (b) This act shall be part of and supplemental to the Kansas consumer

a system for the public to confirm

Such system shall include a listing of valid registration certificates and such other information collected pursuant to this act, and amendments thereto, as the attorney general may determine is appropriate.

a deceptive or

- 1 protection act.
- 2 Sec. 19. This act shall take effect and be in force from and after its
- 3 publication in the statute book.
- 4