

**Substitute for HOUSE BILL No. 2024**

By Committee on Commerce, Labor and Economic Development

2-26

1 AN ACT enacting the Kansas roofing contractor registration act.

2

3 *Be it enacted by the Legislature of the State of Kansas:*

4 ~~Sec. 1.~~ **Section 1** Sections 1 through 18, and amendments thereto,  
5 shall be 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 *in the ordinary course of*  
9 *business*:

10 (A) Engages in the business of commercial or residential roofing  
11 services for a fee; or

12 (B) offers to engage in or solicits roofing-related services, including  
13 construction, installation, renovation, repair, maintenance, alteration and  
14 waterproofing.

15 (2) Roofing contractor shall not mean:

16 (A) A person engaged in the demolition of a structure or the cleanup  
17 of construction waste and debris that contains roofing material; or

18 (B) a person working under the direct supervision of the roofing  
19 contractor and who is hired by such roofing contractor as an employee,  
20 day laborer, or contract laborer.

21 (b) "Nonresident contractor" means any contractor who:

22 (1) Has not established and maintained a place of business as a  
23 roofing contractor in this state within the preceding year;

24 (2) claims residency in another state; or

25 (3) has not submitted an income tax return as a resident of this state  
26 within the preceding year.

27 (c) "Person" means any individual, firm, partnership, association,  
28 corporation, limited liability company, or other group or combination  
29 thereof acting as a unit, unless the intent to give a more limited meaning is  
30 disclosed clearly by this act.

31 (d) "Attorney general" means the attorney general of the state of  
32 Kansas or the attorney general's designee.

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

36 (2) No person may bring or maintain any claim, action, suit, or

1 proceeding in any court of this state related to such person's business or  
2 capacity as a roofing contractor without having a valid registration  
3 certificate as required by this act.

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

11 (2) Any person who acts as a roofing contractor while such person's  
12 registration certificate as a roofing contractor is suspended or revoked  
13 shall be liable for a civil penalty as provided in subsection (a) of K.S.A.  
14 50-636, and amendments thereto, which civil penalty shall be in addition  
15 to any other relief which may be granted or other penalty prescribed by  
16 law.

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

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

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

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

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

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

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

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

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

42 (C) A copy of the roofing contractor's certificate of liability insurance  
43 shall be filed with the application and shall be not less than \$500,000. Any

1 insurance company issuing a liability policy to a roofing contractor  
2 pursuant to the provisions of this act shall be required to notify the  
3 attorney general in the event such liability policy is canceled for any  
4 reason or lapses for any reason.

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

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

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

12 (A) Desires the issuance of a roofing contractor registration  
13 certificate.

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

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

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

18 (ii) whether any disciplinary action was taken against such  
19 registration or license or whether such registration or license is currently in  
20 good standing.

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

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

26 (1) The application contains false, misleading, or incomplete  
27 information.

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

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

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

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

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

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

43 (2) Notification shall be deemed sufficient if mailed, via first class

1 mail, to the address listed in the last application for registration or for  
2 renewal filed by the applicant.

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

8 (4) All application, renewal and reapplication fees shall not be  
9 refundable.

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

13 (1) Maintain liability insurance coverage;

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

17 (3) maintain an active status of a corporation or registration as a  
18 foreign corporation, a limited liability company or registration as a foreign  
19 limited liability company, a limited liability partnership registration or  
20 foreign limited liability partnership registration, or a limited partnership  
21 certificate or limited partnership or foreign limited partnership certificate  
22 of authority, with the office of the secretary of state;

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

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

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

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

31 (e) The attorney general shall send a written notice to the person  
32 when such person's registration is not in good standing. Notification shall  
33 be deemed sufficient if mailed, via first class mail, to the address listed in  
34 the last registration or renewal form filed by the applicant. Any roofing  
35 contractor who has been notified by the attorney general that such person's  
36 registration is not in good standing shall cease soliciting or entering new  
37 roofing services and projects as of the date of such notification. The  
38 roofing contractor shall be allowed to complete roofing projects where  
39 actual physical work has begun prior to the date of issuance of the notice  
40 that such person's registration is not in good standing. If the roofing  
41 contractor fails to correct the deficiency specified in the notice by evidence  
42 satisfactory to the attorney general within 30 days of the date of the notice,  
43 or if the roofing contractor solicits or enters into new roofing services

1 contracts or projects while the roofing contractor's registration certificate is  
2 not in good standing, or while such registration certificate is suspended or  
3 revoked, the roofing contractor shall be in violation of the provisions of  
4 this act. Any registration certificate that is not in good standing shall be  
5 revoked 30 days from the date of notification to the roofing contractor that  
6 the registration is not in good standing. Notice of revocation shall be  
7 deemed sufficient if mailed, via first class mail, to the address listed in the  
8 last application, registration or renewal form filed by the applicant. The  
9 roofing contractor may reinstate such roofing contractor's registration  
10 certificate to good standing by paying the required fees provided in section  
11 12, and amendments thereto, and complying with all other requirements  
12 for issuance of a registration in good standing.

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

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

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

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

30 Sec. 7. The holder of a roofing contractor registration certificate may  
31 engage in the roofing business within this state pursuant to the provisions  
32 of this act, and subject to the following limitations:

33 (a) A roofing contractor's registration certificate number shall be valid  
34 and in good standing at the time of soliciting a project and during  
35 subsequent job performance;

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

41 (c) a roofing contractor's registration certificate cannot be shared or  
42 used by any other individual or business entity, except that a business firm,  
43 partnership, association, corporation, limited liability company or other

1 group or combination thereof acting as a unit may be granted a single  
2 roofing registration certificate number for use by designated roofing  
3 contractors acting as agents for the business entity when the application for  
4 registration certificate contained sufficient information on each member,  
5 partner, officer and agent, and the attorney general issued a single  
6 certificate number to such persons as a business unit;

7 (d) upon any change to the name, address, business entity or resident  
8 agent of a roofing contractor or upon adjudication by a court of competent  
9 jurisdiction for a violation of this act or an act or omission specified in  
10 subsection (a) of section 13, and amendments thereto, the attorney general  
11 shall be notified in writing;

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

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

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

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

32 (c) On or before the 10<sup>th</sup> of each month, the director of accounts and  
33 reports shall transfer from the state general fund to the roofing contractor  
34 registration fee fund established in subsection (a) interest earnings based  
35 on:

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

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

40 (d) The fee to be submitted with an application for a roofing  
41 contractor registration certificate may be prorated as set by the attorney  
42 general. Unless prorated at the time of initial registration, fees shall be  
43 paid in full at the time an application for a registration certificate is filed

1 and such registration certificate shall expire on June 30 of each year.

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

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

6 (1) An actual owner of **commercial**, residential or farm property who  
7 physically performs, or has employees who perform, roofing services  
8 including, construction, installation, renovation, repair, maintenance,  
9 alteration, waterproofing or removal of materials or structures on such  
10 owner's own dwelling or another structure located on the residential or  
11 farm property owned by such person without the assistance of any  
12 registered roofing contractor;

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

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

19 (4) any person employed by a manufactured home and modular home  
20 manufacturer while performing services and work for the manufactured  
21 home and modular home manufacturer;

22 (5) any person registered as a home inspector pursuant to K.S.A. 58-  
23 4501 et seq., and amendments thereto, while performing functions  
24 pursuant to that act;

25 (6) any person employed by a manufactured home dealer while acting  
26 within the scope of that license;

27 (7) any person employed as a manufactured home installer while  
28 acting within the scope of that license; and

29 ~~(8) any person having the necessary technical knowledge to properly  
30 plan and supervise the erection, remodel or addition to any building not  
31 exceeding three stories in height and nonstructural remodeling of any  
32 building.~~

33 ***(8) any person who engages in providing roofing services that on  
34 each and every undertaking or project during any fiscal year bear an  
35 aggregate price, including labor, materials and all other items, that is  
36 quoted, bid, offered, agreed, contracted, billed, collected and paid at less  
37 than \$1,000. This exemption does not apply to a person who advertises  
38 or puts out any sign or card or other device which might indicate to the  
39 public that the person is a roofing contractor or that the person is  
40 qualified to engage in the business of a roofing contractor.***

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

1       Sec. 10. Within 60 calendar days from the date of application, the  
2 attorney general shall either issue or deny the roofing contractor  
3 registration certificate. No registration certificate shall be issued to an  
4 applicant until the attorney general receives all documentation and fees  
5 necessary to obtain a registration certificate. The registration certificate  
6 issued on an original application entitles the person to act as a roofing  
7 contractor within this state, subject to the limitations of this act, until the  
8 expiration of the then current fiscal year ending June 30, except that an  
9 initial registration certificate issued in May or June is valid until June 30 of  
10 the subsequent year.

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

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

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

43       (b) The attorney general shall refuse to renew a roofing contractor's



1 registration certificate for any reason stated in subsection (b) of section 5,  
2 and amendments thereto. The attorney general shall notify the applicant in  
3 writing if the attorney general denies the renewal as provided in subsection  
4 (c) of section 5, and amendments thereto.

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

12 (d) (1) A roofing contractor desiring to renew a registration certificate  
13 that has been suspended for any cause provided in this act prior to the June  
14 30 annual renewal date shall be assessed a fee equal to twice the amount of  
15 the fee established by subsection (c) of section 8, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

43 (7) engage in roofing services without obtaining a proper permit as

1 may be required by any state or local authority;

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

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

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

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

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

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

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

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

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

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

1 this act;

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

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

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

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

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

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

41 (f) No person is excused from attending and testifying or from  
42 producing any document or record before the attorney general or in  
43 obedience to the subpoena of the attorney general or in any proceeding

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

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

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

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

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

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

1 permit.

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

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

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

18 (b) The attorney general shall establish a system for the public to  
19 confirm roofing contractor registration certificates. Such system shall  
20 include a listing of valid registration certificates and such other  
21 information collected pursuant to this act, and amendments thereto, as the  
22 attorney general may determine is appropriate. In addition, the system may  
23 include a notation for any conviction of a criminal violation in this state,  
24 another state, or the United States when disclosed by a criminal history  
25 records search on the individual roofing contractor. Disclosure of any  
26 information through use of the roofing contractor registration certificate  
27 system or information maintained by the attorney general shall not be  
28 deemed to be an endorsement of any roofing contractor or determination  
29 of any facts, qualifications, information or reputation of any roofing  
30 contractor by the attorney general, the state, or any of their respective  
31 agents, officers, employees or assigns.

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

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

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

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