

HOUSE BILL No. 2254

By Committee on Commerce, Labor and Economic Development

2-6

Proposed Amendments for HB No. 2254
For Committee on Commerce, Labor and
Economic Development
Prepared By: Chuck Reimer
Office of Revisor of Statutes

1 AN ACT concerning roofing contractor registration; relating to exemption
2 of certain general contractors; amending K.S.A. 2014 Supp. 50-6,122
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 50-6,122 is hereby amended to read as
7 follows: 50-6,122. As used in K.S.A. 2014 Supp. 50-6,121 through 50-
8 6,138, and amendments thereto:

9 (a) (1) "Roofing contractor" means any person, including a
10 subcontractor and nonresident contractor, who in the ordinary course of
11 business:

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

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

17 (2) Roofing contractor shall not mean:

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

20 (B) a person working under the direct supervision of the roofing
21 contractor and who is hired by such roofing contractor as an employee
22 day laborer ~~or contract laborer~~; or

23 (C) *an exempt general contractor*.

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

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

27 (2) claims residency in another state; or

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

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

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

36 (e) *"Exempt general contractor" means a "general contractor," as*

or

1 defined in K.S.A. 12-154(d), and amendments thereto, who meets the
2 following conditions:

: (1) The general contractor, upon request of the attorney
general, demonstrates by a preponderance of the evidence
all of the following:

3 (4) (A) The general contractor is in compliance with all requirements
4 to do business in the state of Kansas, including any municipality or county
5 requirements applicable to the location in which the general contractor
6 intends to do business that involves roofing services;

7 (B) the general contractor engages in roofing services in addition to
8 construction, installation, renovation, repair, maintenance, alteration or
9 waterproofing services on the project, and the roofing services do not
10 constitute more than 50% of the total project cost; and

or its agents, employees or representatives do

11 (C) the general contractor ~~does~~ not engage in "door-to-door sales,"
12 as defined in K.S.A. 50-640(c)(1), and amendments thereto; or

13 (2) the general contractor contracts for the performance of roofing
14 services and upon request of the attorney general, demonstrates by a
15 preponderance of the evidence all of the following:

16 (A) The general contractor does not directly supervise the roofing
17 contractor's employees or agents and the roofing contractor is a separate
18 legal business entity;

19 (B) neither the general contractor nor any of its agents or employees
20 engages in roofing services;

21 (C) the roofing contractor used by the general contractor holds an
22 active, valid roofing contractor registration certificate in good standing
23 and the general contractor secures a copy of the roofing contractor's
24 registration certificate and has it available for inspection during business
25 hours at the location where roofing services are being provided;

26 (D) the contract between the general contractor and the roofing
27 contractor specifies that the roofing contractor shall perform and be
28 responsible for all roofing services, maintain direct supervision of any
29 agent of such roofing contractor or person hired by such roofing
30 contractor to perform roofing services, and ~~be~~ notify the general contractor
31 immediately if the roofing contractor's roofing registration certificate is
32 suspended or otherwise becomes invalid under the provisions of this act or
33 the roofing contractor is no longer in compliance with any of the
34 requirements of this act;

35 (E) the general contractor is in compliance with all other
36 requirements to do business in the state of Kansas, including any
37 municipality or county requirements applicable to the location in which
38 the general contractor intends to do business that involves roofing
39 services; and

or its agents, employees or representatives do

40 (F) the general contractor ~~does~~ not engage in "door-to-door sales,"
41 as defined in K.S.A. 50-640(c)(1), and amendments thereto.

42 New Sec. 2. In the event a general contractor is notified or becomes
43 aware that a roofing contractor used by the general contractor has violated

1 or is no longer in compliance with any of the requirements of this act, the
2 general contractor shall immediately inform the attorney general.

3 New Sec. 3. The attorney general may, upon request of a general
4 contractor, issue a letter of exemption stating that the general contractor is
5 an exempt general contractor, as defined by this act.

6 Sec. 4. K.S.A. 2014 Supp. 50-6,122 is hereby repealed.

7 Sec. 5. This act shall take effect and be in force from and after its
8 publication in the statute book.