

Article 8.—Roofing Contractors

16-8-1. Definitions. For the purpose of the act and this article, each of the following terms shall have the meaning specified in this regulation:

(a) “Act” means Kansas roofing registration act.

(b) “Applicant” means a person applying for an initial registration certificate or the renewal or reinstatement of a registration certificate.

(c) “Conviction” shall include the following, whether the penalty has been imposed, reduced, or suspended, unless the conviction has been legally expunged:

(1) An unvacated adjudication of guilt;

(2) a plea of guilty or nolo contendere accepted by the court; and

(3) a deferred judgment, diversion, or probation agreement.

(d) “Direct supervision” means that the registered roofing contractor is overseeing the person being supervised and is physically present at the work site.

(e) “Roofing material” shall include cedar, cement, metal, and composition shingles; wood shakes; cement and clay tile; built-up roofing; single-ply roofing materials; fluid-type roofing systems; spray urethane foam; asphalt; protective or reflective materials; deck coatings; sheet metal; and tar.

(f) “Roofing services” shall include the following services on any type of roof:

(1) Installation or repair of any roofing material;

(2) installation or repair of roof sheathing;

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

JUN 19 2013

JUN 19 2013

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(3) installation, application, or repair of roof dampproofing or weatherproofing, roof insulation panels, or other roof insulation systems, including work incidental to the installation or application;

(4) repair of structural damage to an existing roof-support system; and

(5) installation or repair of skylights.

(g) "Valid registration certificate" means a roofing contractor registration certificate issued by the attorney general that has not been suspended or revoked. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,122 and 50-6,124; effective, T-16-6-28-13, July 1, 2013; effective P-_____.)

ATTORNEY GENERAL

OCT 03 2013

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DEPT. OF ADMINISTRATION

OCT 03 2013

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16-8-2. Initial application. Each person seeking an initial registration certificate shall submit an application that includes the following:

(a) An initial application form provided by the attorney general and fully completed by the applicant;

(b)(1) If the applicant is a natural person, a copy of a current state or federal government-issued photographic identification that demonstrates that the applicant is at least 18 years old; or

(2) if the applicant is a business entity, a copy of a current state or federal government-issued photograph identification for each designated agent who will act as a roofing contractor for the entity that demonstrates that each designated agent is at least 18 years old;

(c) a copy of the applicant's current and valid certificate of liability insurance in an amount of at least \$500,000 from an insurance company authorized by the Kansas insurance department to do business in Kansas or a nonadmitted insurer eligible to write excess coverage on Kansas risks as permitted by Kansas law;

(d) a copy of the applicant's current and valid certificate of workers' compensation insurance under the Kansas workers' compensation act, an affidavit of exemption, or a copy of a valid self-insurance permit issued by the Kansas department of labor;

(e) a current and valid tax clearance certificate from the Kansas department of revenue;

(f) if the applicant is a nonresident contractor, a current and valid appointment of the Kansas secretary of state as legal agent for service of process;

(g) payment of the initial registration certificate fee specified K.A.R. 16-8-6; and

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OCT 03 2013

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DEPT. OF ADMINISTRATION

OCT 03 2013

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(h) if the applicant holds or has held a registration, certificate, permit, or license as a roofing contractor issued by any other state, current and certified documentation from the appropriate state agency in each such state showing whether the applicant is in good standing, has pending disciplinary proceedings, or has had disciplinary action taken against the registration, certificate, permit, or license. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 50-6,125; effective, T-16-6-28-13, July 1, 2013; effective P-_____.)

ATTORNEY GENERAL

OCT 03 2013

APPROVED BY *87*

DEPT. OF ADMINISTRATION

OCT 03 2013

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16-8-3. Renewal application. Each person seeking renewal of a registration certificate shall submit a renewal application that includes the following:

(a) A renewal form provided by the attorney general and fully completed by the applicant;

(b) a copy of the applicant's current and valid certificate of liability insurance in an amount of at least \$500,000 from an insurance company authorized by the Kansas insurance department to do business in Kansas or a nonadmitted insurer eligible to write excess coverage on Kansas risks as permitted by Kansas law;

(c) a copy of the applicant's current and valid certificate of workers' compensation insurance under the Kansas workers' compensation act, an affidavit of exemption, or a copy of a valid self-insurance permit issued by the Kansas department of labor;

(d) a current and valid tax clearance certificate from the Kansas department of revenue;

(e) payment of the applicable fee or fees specified in K.A.R. 16-8-6; and

(f) if the applicant holds or has held a registration, certificate, permit, or license as a roofing contractor issued by any other state, current and certified documentation from the appropriate state agency in each such state showing whether applicant is in good standing, has pending disciplinary proceedings, or has had disciplinary action taken against the registration, certificate, permit, or license. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,132; effective, T-16-6-28-13, July 1, 2013; effective P-_____.)

ATTORNEY GENERAL

OCT 03 2013

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DEPT. OF ADMINISTRATION

OCT 03 2013

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16-8-4. Suspension, revocation, and reinstatement. (a) Any registration certificate may be revoked or suspended by the attorney general upon finding that the registered roofing contractor has violated any provision of the act or this article.

(b) Each roofing contractor seeking to reinstate a revoked registration certificate shall submit a reinstatement application that includes the following:

(1) A reinstatement application form provided by the attorney general and fully completed by the applicant;

(2) a copy of the applicant's current and valid certificate of liability insurance in an amount of at least \$500,000 from an insurance company authorized by the Kansas insurance department to do business in Kansas or a nonadmitted insurer eligible to write excess coverage on Kansas risks as permitted by Kansas law;

(3) a copy of the applicant's current and valid certificate of workers' compensation insurance under the Kansas workers' compensation act, an affidavit of exemption, or a copy of a current and valid self-insurance permit issued by the Kansas department of labor;

(4) a current and valid tax clearance certificate from the Kansas department of revenue;

(5) payment of the reinstatement fee specified in K.A.R. 16-8-6; and

(6) if the applicant holds or has held a registration, certificate, permit, or license as a roofing contractor issued by any other state, current and certified documentation from the appropriate state agency in each such state showing whether applicant is in good standing, has pending disciplinary proceedings, or has had disciplinary action taken against the registration, certificate, permit, or license.

ATTORNEY GENERAL

OCT 03 2013

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DEPT. OF ADMINISTRATION

OCT 03 2013

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(c) A reinstatement application shall not be submitted until all terms and conditions specified in the revocation order have been fulfilled.

(d) A roofing contractor shall not be required to apply for annual renewal while that roofing contractor's registration certificate is suspended.

(1) If the suspension is lifted in the same fiscal year as that in which the suspension was ordered, the roofing contractor shall pay the renewal fee for a suspended registration certificate specified in K.A.R. 16-8-6 at the time of the next renewal.

(2) If the suspension was ordered in a previous fiscal year, the suspension shall not be lifted until the roofing contractor submits an application for renewal in accordance with K.A.R. 16-8-3, accompanied by payment of the renewal fee for a suspended registration certificate specified in K.A.R. 16-8-6, and the attorney general approves the application. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,132 and 50-6133; effective, T-16-6-28-13, July 1, 2013; effective P-_____.)

ATTORNEY GENERAL

OCT 03 2013

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DEPT. OF ADMINISTRATION

OCT 03 2013

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16-8-5. Incomplete applications. (a) If an incomplete application for an initial registration certificate or for renewal or reinstatement of a registration certificate is submitted to the attorney general, the applicant may be notified by the attorney general that the application will be held in abeyance for 30 days. If the applicant fails to provide all missing information, documents, and fees within 30 days of this notification, the application shall be deemed abandoned, and all fees accompanying the application shall be retained by the attorney general and shall not be refunded to the applicant.

(b) The timeline specified in the act for issuance of a registration certificate shall not begin until the date on which a complete application is received in the office of the attorney general. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,125, 50-6,130, and 50-6,132; effective, T-16-6-28-13, July 1, 2013; effective P-_____.)

ATTORNEY GENERAL

OCT 03 2013

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DEPT. OF ADMINISTRATION

OCT 03 2013

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16-8-6. Fees. (a) Each applicant shall pay the following fee or fees, as applicable:

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| (1) Initial registration certificate | \$ 250 |
| (2) Renewal of a registration certificate | \$ 250 |
| (3) Renewal of a suspended registration certificate | \$ 500 |
| (4) Reinstatement of a revoked registration certificate | \$ 750 |
| (5) Late renewal fee | \$ 250 |
| (6) Change of name or address | \$ 25 |

(b) The renewal fee for a suspended registration certificate shall be paid at the time specified in K.A.R. 16-8-4.

(c) If a person submits a complete application for an initial registration certificate to the attorney general on or after January 1 and the attorney general issues the registration certificate on or before April 30 of that year, the applicant shall pay a prorated initial registration certificate fee of \$125 instead of the initial registration certificate fee specified in subsection (a).

(Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,128, 50-6,130, 50-6,131, and 50-6,132; effective, T-16-6-28-13, July 1, 2013; effective P-_____.)

ATTORNEY GENERAL

OCT 03 2013

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DEPT. OF ADMINISTRATION

OCT 03 2013

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16-8-7. Status of registration. (a) If a registered roofing contractor ceases to be active as a roofing contractor, the roofing contractor shall notify the office of the attorney general within 10 days, and the roofing contractor's registration certificate shall be suspended by the attorney general pursuant to K.S.A. 2013 Supp. 50-6,131, and amendments thereto. This suspension shall not constitute a suspension for cause requiring payment of additional renewal fees. The suspended registration certificate shall be classified as "inactive." The roofing contractor shall not engage in business as a roofing contractor while that person's registration certificate is inactive. Any registration certificate may be returned to active status as follows:

(1) In the same fiscal year as that in which the registration certificate was initially classified as inactive, if the roofing contractor notifies the office of the attorney general at least 10 days before resuming business as a roofing contractor; or

(2) in a subsequent fiscal year, if the roofing contractor submits a complete renewal application to the office of the attorney general as specified in K.A.R. 16-8-3. However, the certificate shall not be deemed active until the renewal application is approved by the attorney general.

(b) If a roofing contractor's registration certificate is lost or stolen, the roofing contractor shall notify the office of the attorney general within 10 days after discovery of the fact.

(c) Each change in ownership of at least 50 percent of a business entity shall constitute a change in the legal status of the business requiring a new registration certificate pursuant to the act.

ATTORNEY GENERAL

OCT 03 2013

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DEPT. OF ADMINISTRATION

OCT 03 2013

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(d) If a registration certificate has been issued to a business entity for use by a group of designated roofing contractors and any designated roofing contractor in that group ceases to be an agent or employee of the entity, the entity shall notify the office of the attorney general within 10 days.

(e) Any business entity may designate new employees to act as roofing contractors under the entity's existing registration certificate by submitting an addendum to the entity's application, on a form provided by the attorney general, to the attorney general. (Authorized by K.S.A. 2013 Supp. 50-6,124; implementing K.S.A. 2013 Supp. 50-6,127 and 50-6,131; effective, T-16-6-28-13, July 1, 2013; effective P-_____.)

DEPT. OF ADMINISTRATION

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OCT 03 2013

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