

# HB 1215 -- REGISTRATION CERTIFICATES FOR ROOFING CONTRACTORS

SPONSOR: Sauls

This bill requires roofing contractors to obtain a registration certificate in order to engage in the business of a roofing contractor, subject to a civil penalty. A roofing contractor cannot bring any claim, action, suit, or proceeding related to his or her roofing contractor business if he or she does not have a registration certificate. Roofing contractors must ensure that any independent contractors have a registration certificate, subject to having their own registration certificate revoked. However, a person working under the direct supervision of a roofing contractor as an employee, day laborer, or contract laborer is not required to be certified.

An applicant for a roofing contractor registration certificate must be at least 18 years of age and submit a copy of liability insurance with coverage of at least \$500,000 and proof of workers' compensation coverage, as well as any other information deemed necessary by the Division of Professional Registration within the Department of Commerce and Insurance. The application fee will be \$250. An application will be denied if the applicant has a revoked or suspended license for roofing contractors in another state or if the applicant has not paid his or her income taxes. A conviction will not automatically disqualify a person from registration as a roofing contractor if the conviction is truthfully disclosed, and the Division may conduct a criminal history records search.

In order to remain in good standing, a roofing contractor has to maintain his or her liability insurance, workers' compensation coverage, and roofing contractor registration, as well as any registration required by law in another state if registered in this state as a nonresident roofing contractor; file and pay all taxes due; notify the Division of any felony convictions or violations of the provisions of this bill; and maintain active status as a corporation, limited liability company, limited liability partnership, or limited partnership certificate of authority. The roofing contractor registration certificate can be renewed each year, with a 30-day grace period.

The bill prohibits a roofing contractor from:

- (1) Abandoning a roofing contract without legal grounds after money has been paid;
- (2) Diverting any funds entrusted to a roofing contractor;
- (3) Engaging in fraudulent or deceptive practices;

(4 ) Making false or misleading statements in an application for a roofing contractor registration certificate or renewal application or in soliciting a contract for roofing services;

(5) Violating a court judgment;

(6) Engaging in work without a roofing contractor registration certificate;

(7) Engaging in work without a required permit;

(8) Failing to comply with tax laws;

(9) Damaging or injuring a person or property for which the liability insurance coverage is inadequate; or

(10) Failing to comply with the registration requirements.

The bill allows complaints to be filed with the Attorney General's office. Under the provisions of the bill, a nonresident of the state may apply for a Missouri roofing contractor registration certificate. The bill also requires roofing contractors to supply their registration number in order to receive a permit and must display their registration number on each commercial vehicle, business sign, card, correspondence, and contract. Violations of the provisions of the bill will be deemed a deceptive and unconscionable practice under the Merchandising Practices Act. The bill establishes a "Roofing Contractor Registration Fund" for the registration of roofing contractors.

The provisions of the bill do not apply to:

(1) The owner of property who physically performs roofing services on his or her own dwelling;

(2) Any authorized employee of the federal, state, or local government;

(3) Any person who furnishes any fabricated or finished product to be affixed to property;

(4) Any person employed by a manufactured home manufacturer;

(5) Any person employed by a manufactured home dealer;

(6) Any person employed as a manufactured home installer;

(7) Any person who provides roofing services that in a fiscal year

is less than \$2000, unless the person advertises that he or she is a roofing contractor.

Violation of the provisions of the bill is a class D misdemeanor. A second conviction within 10 years is a class B misdemeanor.

This bill is similar to HB 2327 (2020).