

HB 471 -- ROOFING CONTRACTORS

SPONSOR: Kidd

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:

- (1) Be at least 18 years of age;
- (2) Submit their personal information;
- (3) Submit a copy of liability insurance with coverage of at least \$500,000;
- (4) Submit proof of workers' compensation coverage; and
- (5) Submit any other information necessary to the dDivision of Professional Registration within the Department of Commerce and Insurance.

An application fee cost is \$150. 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, and the Division may conduct a criminal history records search.

A roofing contractor has to maintain liability insurance; maintain Workers' Compensation coverage; maintain active status as a corporation, limited liability company, limited liability partnership, or limited partnership certificate of authority; maintain the roofing contractor registration certificate; notify the Division of any act or omission; maintain registration if required in another state; file and pay all taxes due.

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;
- (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.

A nonresident of the state may apply for a Missouri Roofing Contractor Registration Certificate.

Roofing contractors must 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 supplies merchandise to be attached to a 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 the same as HB 2576 (2020) and similar to HB 2327 (2020).