

Georgia Occupational Regulation Review Council

House Bill 301: Proposal to Regulate Roofing Contractors

LC 33 4970

A Review of the Proposed Legislation

December 2013

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EXECUTIVE SUMMARY

As provided for in O.C.G.A. 43-1A, the Georgia Occupational Regulation Review Council reviews all bills proposing regulation of a profession or business referred to it by the chairperson of the legislative committee of reference. Accordingly, the Council, at the request of the Chairperson of the House Regulated Industries Committee, has reviewed House Bill 301 (LC 33 4970).

House Bill 301 proposes to license roofing contractors. This is the third time that the Council has reviewed legislation to regulate this profession. Reviews were conducted in 2004 and 1995.

During the course of this study, as well as the previous studies conducted in 2005 and 1995, the Council obtained input from as many sources as possible. Council staff documented the requirements of all other states that regulate roofing contractors. In addition, staff contacted the Governor's Office of Consumer Protection and other entities to determine and assess the nature and extent of consumer complaints.

Based on information reviewed and developed by the Council, the Council does not recommend passage of House Bill 301 (LC 33 4970), which proposes to license roofing contractors, because the proposal does not meet the criteria set forth in O.C.G.A. 43-1A-6.

INTRODUCTION

House Bill 301 (LC 33 4970) proposes to regulate roofing contractors in Georgia, by adding a Division of Roofing to O.C.G.A 43-14, the Construction Industry Licensing Board. Roofing contractors install and repair roofs on residential homes, business structures, and public buildings. The Roofing and Sheet Metal Contractors Association of Georgia supports House Bill 301. The Georgia Occupational Regulation Review Council (GORRC) considered the regulation of roofing contractors in 1995. Our review of the bill updates the information from prior years to reflect any changes in the profession.

In 1993, the General Assembly considered Senate Bill 190, which proposed to amend Chapter 14 of Title 43 of the *Official Code of Georgia Annotated* in a similar manner as House Bill 301. Although the legislature passed Senate Bill 190, the Governor vetoed the legislation because the Georgia Occupational Regulation Review Council had not reviewed it.

Membership of the Georgia Occupational Regulation Review Council (GORRC) is shown in Exhibit 1.

| Exhibit 1 | |
|--|--|
| Georgia Occupational Regulation Review Council | |
| Standing Members | Representing |
| Trip Addison, Chairperson Shawn Conroy Lauren M. Curry Russell Crutchfield Tim Fleming Christopher Sanders Joan Schoubert Ashley E. Short | Office of Planning and Budget Office of Consumer Protection Department of Natural Resources Department of Public Health Office of Secretary of State Department of Revenue Department of Accounting Department of Agriculture |
| Legislative Appointees | Representing |
| Representative Howard Maxwell Senator Jack Murphy | Georgia House of Representatives Georgia Senate |

In reviewing House Bill 301, GORRC solicited input from as many interested parties as possible. A questionnaire was sent to the applicant groups requesting background information that would support the need for regulation. The Roofing and Sheet Metal Contractors Association of Georgia (RSMCA) organized the application, providing the majority of the input. Additionally, the Council reviewed other states regulatory activities regarding roofing contractors. Input was solicited from the following groups:

- American Council of Engineering Companies of Georgia;
- Associated Builders and Contractors of Georgia;
- Associated General Contractors of America, Inc. (Georgia Branch);
- American Institute of Architects;
- American Council of Engineering Companies;
- Building Officials Association of Georgia;
- Georgia Department of Community Affairs (DCA);
- Georgia legislators authoring the legislation;
- Georgia Residential and General Contractors Board;
- Governor's Office of Consumer Protection;
- Home Builders Association of Georgia;
- Occupational Safety and Health Administration (OSHA)
- State Farm Insurance (Mark Tilkin, Counsel, Legislative/Regulatory Section)
- Other states where roofing contractors are regulated.

Meeting dates and times were made available to all interested parties. Representatives from all interested parties were given the opportunity to present information to the Council, either by oral presentation and/or through written material.

DESCRIPTION OF PROPOSED LEGISLATION

House Bill 301 (LC 33 4970) proposes to amend Chapter 14 of Title 43 of the *Official Code of Georgia Annotated (O.C.G.A.)*. Current law establishes a 27 member Construction Industry Licensing Board to regulate electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors. House Bill 301 proposes to add five new members to the Board to form the Division of Roofing Contractors. The proposed legislation gives the Board the authority to:

- Establish policies and standards regulating roofing and roofing contracting in Georgia;
- Determine the conditions for licensure including fees, investigations, and qualifications;
- Determine the type and content of examinations;

- Determine the grounds for compliance and the penalties for failing to comply with the Board's rules.

House Bill 301 would apply to all roofing installations and would supersede or preempt local licensing requirements. It should be noted that businesses engaged in roofing contracting would be required to have one licensed roofing contractor on staff. Hourly or salary employees of a business that is licensed must be supervised by a licensed roofer, but are not required to be separately licensed. A summary of the bill is included in Appendix A and a full text copy of the bill is included in Appendix B.

There are some differences between House Bill 301 and House Bill 1037, which was the 2004 legislation to license roofing contractors. The current legislation expands qualifications for roofing contracting to include a written safety plan, competency in roofing contracting business, and general liability insurance. House Bill 301 does not allow contractors to subdivide the \$500 requirement in order to be exempt from the law. No such specification was included in House Bill 1037.

PRESENT PRACTICES

Roofing contractors install and repair roofing systems on all types of structures new and old, commercial and residential. Systems range from standard shingles to built-up roofing using hot asphalt and felts to metal and single ply systems. There are two main types of roofing categories: residential and commercial. Residential buildings tend to have roofs with steep slopes. Commercial buildings tend to have low slope roofs. Commercial roofers often use hazardous materials such as flammable and toxic chemical sealants and adhesives and carcinogenic tar-based compounds to install or repair roofs. One commercial system requires the use of torches to heat the underside of a roofing material to release an adhesive compound. In general, residential applications and installations require fewer hazardous materials but may require basic skills and experience to perform properly.

According to the Bureau of Labor Statistics, there are currently 557 roofing contractor establishments in Georgia, employing 3,789 individuals. Additionally, there are 1,980 roofers currently in Georgia.

The Potential for Harm

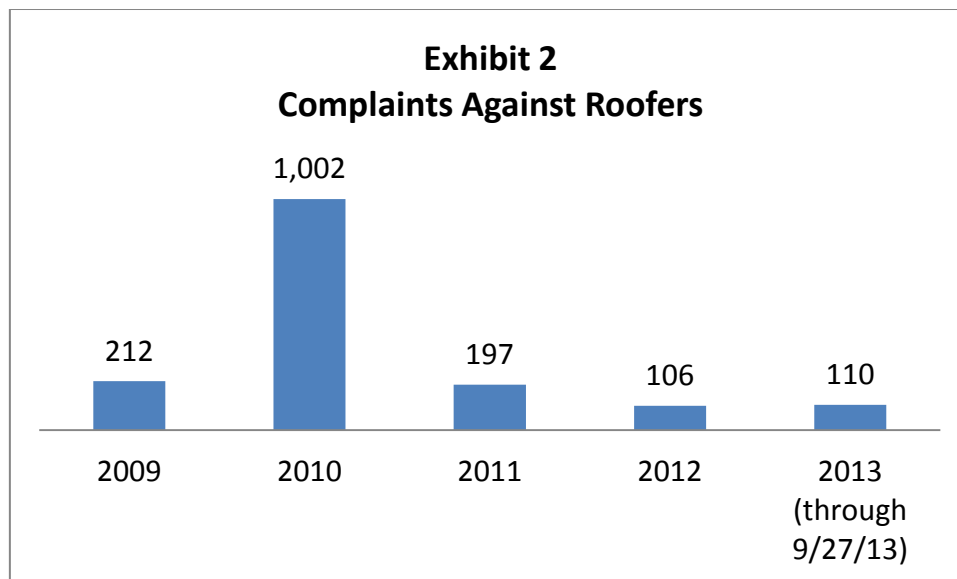
Unregulated roofing and roofing contracting poses a potential for harm to consumers in several ways. Consumers are at risk for harm when roofing contractors do not perform or complete work for which they have been paid. Customers also can be harmed when roofers perform substandard work that results in leaks that may damage the roof's supporting mechanism and the building's structure. Roofing contractors do not always follow current state and federal regulations that are in place to ensure safety (such as following the Federal Occupational Safety and Health Administration rules and regulations and following the State's Minimum Standard Codes).

Consumers may also be misled by advertisements that state that roofing contractors are "licensed". Consumers may not understand the difference between a standard business license and an occupational license addressing the contractor's roofing competency.

There is also a safety concern. According to the U. S. Bureau of Labor Statistics (BLS), full time roofers experienced a work related injury and illness rate that was much higher than national average. The industry continues to rank in the top five most dangerous occupations. BLS reported three roofing related deaths in Georgia for 2011 and four deaths in 2012.

Complaints from Consumers

Staff contacted the Governor's Office of Consumer Protection of Georgia (GOCP) to determine the number of complaints on roofers and the roofing industry. GOCP receives complaints on roofing contractors in Georgia and investigates the complaints as warranted. Between 2009 and 2013, GOCP received 1,627 complaints against roofers, with 2010 comprising the highest number of complaints (1,002). This increase was due to two companies who were under investigation by the GOCP. American Shingle and Siding, Inc. and Georgia Roofing and Construction, LLC filed for bankruptcy in 2010. With a combined total of 797 complaints, these two companies represent an outlier in typical yearly complaints against roofers.



When multiple complaints are filed about the same contractor, GOCP will pursue an action against the contractor for the benefit of the public by enforcing the Fair Business Practices Act. However, GOCP does not have the resources to fully pursue individual complaints and refers these consumers to private attorneys or magistrate court. The vast majority of contractors have only one or two complaints

against them, which makes it difficult for OCP to show a pattern of unfair and deceptive practices.

Staff also researched complaint and inquiry statistics from the Better Business Bureau, which receives inquiries from consumers seeking pre-purchase information about local businesses as well as complaints about the practices of those businesses. Nationally, the U.S. Better Business Bureau ranks thousands of trades, professions and business by number of inquiries and complaints. Nationwide, there were over 3 million inquiries about roofing contractors in 2012, more than any other industry. However, less than one percent of all industry complaints (7,956) related to roofing contractors, ranking it 16th among nearly 5,000 industry classifications. Among the regional Better Business Bureau offices serving Georgia, there were 562 roofing complaints in 2011, comprising less than one percent of all Better Business Bureau complaints.

To offer perspective on the prevalence of roofing related complaints, the Council considered the size of the roofing market. According to the American Community Survey, in 2011, there were 2,715,056 detached units in Georgia, which offers a proxy for the number of properties that might need periodic roof replacement. Assuming that roofs are replaced once every 15 years, approximately 181,000 roofs are eligible for replacement annually. In 2011, GOCP recorded 197 roofing complaints and Better Business Bureau recorded 562 Georgia roofing complaints. Although not a precise measure of complaints, it appears that less than one half of one percent of all roofing jobs result in a complaint.

Staff conversations with those in the insurance industry highlighted the need for licensure in order to prevent insurance fraud. While the Department of Insurance has certain resources to investigate and enforce insurance laws, the insurance community still sees the need to further regulate the roofing contracting industry. The National Insurance Crime Bureau (NICB) is a national organization tasked with investigating insurance fraud. NICB supports licensing roofing contracting in order for consumers to have further protection. In their letter to the GORRC Committee, they maintain that qualified and licensed roofing contractors would help prevent insurance fraud, particularly after catastrophic events. (Appendix E)

PRESENT REQUIREMENTS AND VOLUNTARY EFFORTS

There are federal and State requirements for the roofing industry. Other regulatory agencies and voluntary organizations also address various aspects of the installation and repair of roofs in Georgia. These efforts are described in the following paragraphs.

Legal Requirements

Federal Requirements

The Federal Occupational Safety and Health Administration (OSHA) enforces regulations relating to the building industry. The OSHA regulations (Title 29 of the Code of Federal Regulation) require that the construction and building industries ensure that any person working above six feet be protected from falling off or through the surface of a structure (such as a roof). This protection may be achieved through the use of lines and guardrails secured to the roof itself. OSHA has compliance officers in Georgia who inspect building sites for violations. Inspections are typically the result of complaints, but inspectors may investigate any building site if they believe that violations are occurring.

OSHA also has regulations that concern the use of hazardous materials. Roofing contractors must supply OSHA with a material safety data sheet when using certain hazardous chemicals and substances (Code of Federal Regulations 23-3). Along with this data sheet, employees of roofing businesses must be trained in the proper care and use of these substances.

State of Georgia Requirements

Georgia has 14 state minimum standard codes that each consist of a base code and a set of Georgia amendments to that base code. Eight of the 14 state minimum standard codes are mandatory, while the other six are permissive. Exhibit 3 contains a listing of the state minimum standard codes. Georgia Department of Community Affairs (DCA) indicated that Georgia law adopts the International Residential Code for mandatory building standards, of which Chapter 9 governs the design, materials, construction and quality of roof assemblies. Few provisions among the permissive codes relate to roofing construction and assembly.

State law provides local governments with broad discretionary powers with regard to the enforcement of the State Minimum Standard Codes. Local governments in Georgia can choose whether or not they will enforce building codes in their jurisdiction. According to the Department of Community Affairs, 75 percent of Georgia's counties enforce one or more of the construction codes. (See Appendix C)

Regardless of whether or not the local government chooses to enforce the state minimum standard codes, any structure built in Georgia must comply with the eight mandatory codes. Since the state law gives the eight mandated codes statewide applicability, local governments do not have to adopt these codes in order to enforce them. However, in order to enforce one or more of the permissive codes, the selected code(s) must be locally adopted by either an ordinance or a resolution. A copy of the ordinance or resolution adopted must be forwarded to DCA.

As applied to roofing, the Minimum Standard Codes are intended to control the design and construction of roof coverings and installations on all buildings. The purpose of the Minimum Standard Codes is to ensure that roof coverings provide a

barrier against the elements to protect the supporting mechanism of the roof itself and the structure of the building underneath. This code outlines the conditions under which roofs should be installed, the types of coverings allowed (asphalt or slate shingles, metal roofing, tile or wood shingles or shakes), and the provisions for applying each type of roofing material.

| |
|---|
| <p>Exhibit 3 Georgia State Minimum Standard Codes</p> |
| <p>MANDATORY CODES</p> |
| <ol style="list-style-type: none"> 1. Standard Building Code 2. National Electrical Code as published by the National Fire Protection Association 3. Standard Gas Code 4. Standard Mechanical Code 5. Standard Plumbing Code 6. Council of American Building Officials One- and Two-Family Dwelling Code with the exception of Part V- Plumbing 7. Model Energy Code - Georgia 8. Standard Fire Prevention Code |
| <p>PERMISSIVE CODES</p> |
| <ol style="list-style-type: none"> 1. Standard Housing Code 2. Standard Amusement Device Code 3. Standard Excavation and Grading Code 4. Standard Existing Building Code 5. Standard Swimming Pool Code 6. Standard Unsafe Building Abatement Code |
| <p>Source: Official Code of Georgia Annotated, Title 8, Chapter 2</p> |

In addition to the State’s Minimum Standard Codes for building and construction, other laws offer consumer protections for the roofing and roofing contracting industries.

Currently, roofing contractors work with at least seven trades that are currently licensed by the state. As such, roofing jobs often benefit from existing regulations and requirements related to these licensed professions. Licensed general or residential contractors, for example, may have a construction job that includes roof replacement. The roofing job may be handled by the contractor’s employees or by subcontracted workers. Because the roofing job is under a general or residential contractor, the consumer can benefit from the regulatory protections associated with the licensed contractor including liability insurance, workers’ compensation coverage, bonds and oversight by a licensed professional.

Despite heavy regulation and coding in the contracting industry, there have

been some issues with final construction work. Staff research revealed that even though contractors are licensed, the complaint volume has only been moderately affected. Substandard work continues despite this industry being regulated. One media investigation found that the state licensing board on construction has had difficulty enforcing regulations and balancing a higher volume of complaints. For example, of the 1,048 complaints, only four cases ended with license revocation, and none of those were due to shoddy work¹.

Additionally, the Georgia General Assembly passed new legislation for roofing contractors in 2012 to protect consumers from unscrupulous storm-chasers. HB 423 amended OCGA Title 33, Art. 1, Ch. 6 to allow “a person who has entered into a written contract with a residential roofing contractor to provide goods or services to be paid from the proceeds of a property and casualty insurance policy may cancel the contract prior to midnight on the fifth business day after the insured has received written notice from the insurer that all or any part of the claim or contract is not a covered loss under such insurance policy.” Further, under this law, a residential roofing contractor shall not require any payments from an insured until the five-day cancellation period has expired, unless the payment is for emergency services, as documented in writing, to prevent damage to the premises.

Voluntary Efforts

Apprenticeship Programs

Certain contractors offer apprenticeship programs for their employees. Qualifications are not specified but normally require individuals to be over the age of 18 and have 2,000 hours of on-the-job training.

Roofing and Sheet Metal Contractor's Association of Georgia

The Roofing and Sheet Metal Contractor's Association of Georgia offers a voluntary credentialing program for roofing contractors. The purpose of this program is to ensure that roofers comply with federal, State, and local roofing requirements. The Association states that the objective of the voluntary credentialing program is to "promote professionalism in the roofing and sheet metal contracting industry in the State of Georgia and to assist consumers by providing them with some measure of assurance that a participant in the Voluntary Program has met minimum criteria established by the Association." This program requires applicants to pass an examination developed by the National Roofing Contractors Association. This examination covers basic safety, insurance, state and federal regulations and general business and roofing technology for low slope and steep slope applications to include built-up roofing, metal roofing and shingles. The program also requires applicants to have proof of insurance, business license, legitimate business address, and state and federal tax identification numbers.

¹ Choosing a Licensed Contractor Does Not Always Protect You.” WSB-TV Atlanta 15 November 2013.

Applicants for Association credentials must also have liability and property damage insurance, carry workers' compensation insurance, meet various state and federal employee requirements, and pay a fee to obtain credentials from the Association. To apply for recognition under this voluntary program, applicants need not be an Association member. According to the Association, only two roofing contractors who are not members have participated in the program. Association officials noted that, in Georgia, 24 roofing contractors are currently certified under this voluntary program. This number is down slightly from previous years. Discussions with RSMCA of Georgia highlight the need for exams to be updated and for greater awareness of the program.

OTHER STATES' PRACTICES

The majority of states in the U.S. require either licensing or registration for roofing contractors. Specifically, 23 states require licensing, 10 states require registration with the state, and 17 states (not counting Georgia) have no licensing or registration requirements for roofing contractors. Although many of the states that require licensing or registrations do not specifically mention roofing in the state statutes, the practice of roofing falls under the category of either general or residential contracting and roofing is specifically addressed through administrative rule.

In addition, the majority of states (24 states) that license or register roofing contractors require applicants to pass a state-administered examination. Most of these state examinations (23 states) test the actual trade and technical skills needed for roofing, whereas other state examinations (13 states) test the business and law aspects of contracting. Many, however, test both the business and law practices as well as technical practices for roofing contractors. Furthermore, the majority of the states with licensing or registration requirements for roofing contractors require bonds, liability insurance and/or workers' compensation coverage.

FINDINGS

The Georgia Occupational Regulation Review Council is required by *O.C.G.A. 43-1A-6* to apply the following criteria when evaluating whether a profession or business should be regulated:

1. Potential harm or endangerment to the health, safety, welfare of citizens?

There are certain risks to consumers, particularly as it relates to fraud. Storm chasers and fly by night businesses can certainly take advantage of consumers. However, there are resources available to consumers. Remedies exist through the new notice of cancellation law (House Bill, 423), Better Business Bureau and GOCP. Poor workmanship can also be addressed by local building inspectors and insurance adjustor.

2. Requires specialized skill or training? Will public benefit by assurances of occupational ability?

The industry does require special skills. However, most residential roofing skills can be acquired on the job. The more complex the job, the more likely the job will require a residential contractor, which is licensed by the state. The same criteria would apply to commercial jobs as well. As mentioned in this report, there are voluntary certification programs and apprenticeships offered by the RSMA and other contractors. However, their participation and enrollment is limited.

3. Are citizens effectively protected by other means?

As mentioned above, other citizen protections include the notice of cancellation law (HB 423), oversight by licensed contractor, local building code inspection and enforcement, and efforts by the regional Better Business Bureau offices and the Governor's Office of Consumer Protection.

4. Overall cost effectiveness and economic impact would be positive?

Costs and overall impact to small roofing companies still remains a question.

5. Are there means other than state regulation to protect the interests of the state?

OSHA operates on the federal level to ensure both safety and employer compliance with fall protection. On the state level, there are several building codes as well as House Bill 423, the Notice of Cancellation Law. Georgia's Fair Business Practices Act provides protection to consumers against unfair and deceptive practices. Finally, there are building code inspectors and enforcement at the local level.

RECOMMENDATION

The Council does not recommend passage of House Bill 301 (LC 33 4970), which proposes to license roofing contractors, because the proposal does not meet the criteria set forth in O.C.G.A. 43-1A-6. As discussed in the report's findings, other regulatory mechanisms exist to protect consumers and requiring licensure of roofing contractors would not alleviate the potential for harm to the public.

Appendix A: Summary of HB 301

APPENDIX A- House Bill 301 Summary

| Section | Key Points |
|-----------------|---|
| 43-14-1 | This chapter is enacted for the purpose of safeguarding homeowners, other property owners, tenants, and the general public against faulty roofing contracting |
| 43-14-2 | Definitions |
| 43-14-3 | Revising of State Construction Industry Licensing Board to be composed of 32 members; including 5 for the Division of Roofing Contractors |
| 43-14-4 | Chairperson, meetings, organization of divisions, and quorums |
| 43-14-5 | General powers of the board |
| 43-14-6 | Powers and division of duties; Division of Roofing Contractors will license industry; develop examination, investigate, and review amendments |
| 43-14-7 | No person shall engage in roofing contracting without appropriate license; qualifications, exceptions and exemptions |
| 43-14-8 | Violations, ramifications, and fines (Investigator not required, advertising forbidden) |
| 43-14-9 | Applications of law; who law applies to |
| 43-14-10 | Act shall be effective once funds are appropriated |
| 43-14-11 | All laws and parts of laws in conflict with Act shall be repealed |

Appendix B: HB 301 (LC 33 4970) Full Text

House Bill 301

By: Representatives Weldon of the 3rd, Meadows of the 5th, Smith of the 134th, Maxwell of the 17th, and Shaw of the 176th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to
 2 licensure and regulation of the practices of electrical contracting, plumbing contracting,
 3 low-voltage electrical contracting, utility contracting, and conditioned air contracting, so as
 4 to create the Division of Roofing Contractors within the State Construction Industry
 5 Licensing Board; to provide for the licensure and regulation of roofing contractors; to revise
 6 the statement of legislative purpose and add definitions; to provide for requirements for
 7 licensure; to prohibit unlicensed performance of roofing contracting; to provide exceptions;
 8 to provide for sanctions for violations; to provide for related matters; to provide for a
 9 contingent effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to licensure and
 13 regulation of the practices of electrical contracting, plumbing contracting, low-voltage
 14 electrical contracting, utility contracting, and conditioned air contracting, is amended by
 15 revising Code Section 43-14-1, relating to declaration of purpose, as follows:

16 "43-14-1.

17 This chapter is enacted for the purpose of safeguarding homeowners, other property
 18 owners, tenants, and the general public against faulty, inadequate, inefficient, or unsafe
 19 electrical, plumbing, low-voltage wiring, utility contracting, roofing contracting, or
 20 conditioned air installations. The practice of electrical contracting, plumbing contracting,
 21 installing, or repairing, low-voltage contracting, utility contracting, roofing contracting, and
 22 conditioned air contracting are declared to be businesses or professions affecting the public
 23 interest; and this chapter shall be liberally construed so as to accomplish the purposes
 24 stated in this Code section."

25 **SECTION 2.**

26 Said chapter is further amended by revising paragraph (12.1) of Code Section 43-14-2,
27 relating to definitions, as follows:

28 "(12.1) 'Roofing contracting' means the construction, installation, application, alteration,
29 repair, remediation, reconstruction, removal, or replacement of a roof or roofing system
30 of a building or structure, including application of roof covering, sheathing, coating
31 materials and waterproofing membranes and the related substrate, insulation,
32 interconnecting soffit and gutter systems, roof ventilation systems and underlayment, and
33 flashing materials comprising such roof or roofing system.

34 (12.2) 'Roofing contractor' means any person, including an individual, sole
35 proprietorship, partnership, limited liability company, or corporation who is engaged in
36 roofing contracting under express or implied contract or who bids for, offers to perform,
37 purports to have the capacity to perform, or does perform roofing contracting under
38 express or implied contract. An employee of a roofing contractor who receives only a
39 salary or hourly wage for performing roofing contracting work shall not be required to
40 be licensed under this chapter, except that those employees upon whom the qualification
41 for licensing of a partnership, limited liability company, corporation, or other legal entity
42 is based, as required pursuant to Code Section 43-14-8.5, shall be licensed.

43 (12.3) 'Telecommunication system' means a switching system and associated apparatus
44 which performs the basic function of two-way voice or data service, or both, and which
45 can be a commonly controlled system capable of being administered both locally and
46 remotely via secured access."

47 **SECTION 3.**

48 Said chapter is further amended by revising subsection (b) of Code Section 43-14-3, relating
49 to the creation of the State Construction Industry Licensing Board, as follows:

50 "(b) The board shall be composed of ~~27~~ 32 members as follows:

51 (1) Five members known as the Division of Electrical Contractors, one of whom shall
52 be a consulting engineer engaged in electrical practice, another of whom shall be the
53 chief electrical inspector of a county or municipality and shall have served in such office
54 for five years immediately preceding appointment to the board, and the remaining three
55 of whom shall be engaged in the electrical contracting business;

56 (2) Five members known as the Division of Master Plumbers and Journeyman Plumbers,
57 one of whom shall be a full-time plumbing inspector of a county or municipality, three
58 of whom shall be master or contracting plumbers, and one of whom shall be a
59 journeyman plumber;

60 (3) Five members known as the Division of Conditioned Air Contractors, one of whom
 61 shall be a licensed professional engineer engaged in mechanical practice, one of whom
 62 shall be the chief conditioned air inspector of a county or municipality, and three of
 63 whom shall be conditioned air contractors with more than five years of installation and
 64 service experience in the trade;

65 (4) Five members known as the Division of Low-voltage Contractors, one of whom shall
 66 be an alarm system low-voltage contractor, one of whom shall be an unrestricted
 67 low-voltage contractor, one of whom shall be a telecommunication system low-voltage
 68 contractor, one of whom shall be a professional electrical engineer, and one of whom
 69 shall be the chief electrical inspector of a county or municipality;

70 (5) Five members known as the Division of Utility Contractors, three of whom shall be
 71 utility contractors, one of whom shall be a registered professional engineer, and one of
 72 whom shall be an insurance company representative engaged primarily in the bonding of
 73 construction projects; ~~and~~

74 (6) Five members known as the Division of Roofing Contractors, three of whom shall
 75 be roofing contractors, one of whom shall be a licensed architect or a registered
 76 professional engineer, and one of whom shall be the chief building inspector of a county
 77 or municipality at the time of appointment; and

78 ~~(6)(7)~~ Two members who shall not have any connection with the electrical contracting,
 79 roofing contracting, plumbing, or conditioned air contracting businesses whatsoever but
 80 who shall have a recognized interest in consumer affairs and consumer protection
 81 concerns."

82 **SECTION 4.**

83 Said chapter is further amended by revising subsection (a) of Code Section 43-14-4, relating
 84 to the chairperson, meetings, organization of divisions, meetings of divisions, and quorums
 85 within divisions, as follows:

86 "(a) The office of chairperson shall be rotated among the ~~five~~ six divisions enumerated in
 87 Code Section 43-14-3 unless the board, through its rules and regulations, provides
 88 otherwise. Any vacancy in the office of chairperson shall be filled by the members for the
 89 unexpired term. The person selected to fill the vacancy shall be a member of the same
 90 division as the previous chairperson."

91 **SECTION 5.**

92 Said chapter is further amended by revising paragraphs (2) and (4) of Code Section 43-14-5,
 93 relating to the general powers of the board, as follows:

94 "(2) Provide by regulation for reciprocity with other states in the registration and
 95 licensing of electrical contractors, master plumbers, journeyman plumbers, low-voltage
 96 contractors, utility contractors, roofing contractors, or conditioned air contractors and in
 97 the certification of utility contracting foremen, provided that such other states have
 98 requirements substantially equal to the requirements in force in this state for registration,
 99 licensure, and certification; provided, further, that a similar privilege is offered to
 100 residents of this state;"

101 "(4) Establish the policies for regulating the businesses of electrical contracting,
 102 plumbing, low-voltage, utility, roofing, and conditioned air contracting;"

103 **SECTION 6.**

104 Said chapter is further amended by revising subsection (a) of Code Section 43-14-6, relating
 105 to powers and duties of divisions, as follows:

106 "(a) The Division of Electrical Contractors, with respect to applicants for a license to
 107 engage in or licensees engaging in the business of electrical contracting; the Division of
 108 Master Plumbers and Journeyman Plumbers, with respect to applicants for a license to
 109 engage in or licensees engaging in the business of plumbing as master plumbers or
 110 journeyman plumbers; the Division of Low-voltage Contractors, with respect to applicants
 111 for a license to engage in or licensees engaging in the business of low-voltage contracting;
 112 the Division of Utility Contractors, with respect to applicants for a license to engage in or
 113 licensees engaging in the business of utility contracting and with respect to applicants for
 114 a certificate to be a utility manager or utility foreman or holders of a utility manager or
 115 utility foreman certificate; ~~and~~ the Division of Conditioned Air Contractors, with respect
 116 to applicants for a license to engage in or licensees engaging in the business of conditioned
 117 air contracting; and the Division of Roofing Contractors, with respect to applicants for a
 118 license to engage in or licensees engaging in the business of roofing contracting, shall:

119 (1) Approve examinations for all applicants for licenses or certificates, except for utility
 120 contractor licenses and utility foreman certificates. The Division of Electrical
 121 Contractors shall approve separate examinations for Class I and Class II licenses. Class
 122 I licenses shall be restricted to electrical contracting involving multifamily structures of
 123 not more than two levels or single family dwellings of up to three levels. In addition, the
 124 structures shall have single-phase electrical installations which do not exceed 400
 125 amperes at the service drop or the service lateral. Class II licenses shall be unrestricted.
 126 The Division of Master Plumbers and Journeyman Plumbers shall approve separate
 127 examinations for Master Plumber Class I, Master Plumber Class II, and Journeyman
 128 Plumbers. Master Plumber Class I licenses shall be restricted to plumbing involving
 129 single-family dwellings and one-level dwellings designed for not more than two families

130 and commercial structures not to exceed 10,000 square feet in area. Master Plumber
131 Class II licenses shall be unrestricted. The Division of Conditioned Air Contractors shall
132 approve separate examinations for Class I and Class II licenses. Class I licenses shall be
133 restricted to the installation, repair, or service of conditioned air systems or equipment
134 not exceeding 175,000 BTU (net) of heating and five tons (60,000 BTU) of cooling.
135 Class II licenses shall be unrestricted. The Division of Low-voltage Contractors shall
136 approve separate examinations for Low-voltage Contractor Class LV-A, Low-voltage
137 Contractor Class LV-T, Low-voltage Contractor Class LV-U, and Low-voltage
138 Contractor Class LV-G. Class LV-A licenses shall be restricted to alarm and general
139 system low-voltage contracting, Class LV-T licenses shall be restricted to
140 telecommunication and general system low-voltage contracting, Class LV-G licenses
141 shall be restricted to general system low-voltage contracting, and Class LV-U licenses
142 shall be unrestricted and permit the performance of alarm, telecommunication, and
143 general system low-voltage contracting. The Division of Roofing Contractors shall have
144 authority to develop and approve an examination for roofing contracting in accordance
145 with the provisions of Code Section 43-14-8.5;

146 (2) Register and license or grant a certificate and issue renewal licenses and renewal
147 certificates biennially to all persons meeting the qualifications for a license or certificate.

148 The following licenses or certificates shall be issued by the divisions:

- 149 (A) Electrical Contractor Class I;
- 150 (B) Electrical Contractor Class II;
- 151 (C) Master Plumber Class I;
- 152 (D) Master Plumber Class II;
- 153 (E) Journeyman Plumber;
- 154 (F) Conditioned Air Contractor Class I;
- 155 (G) Conditioned Air Contractor Class II;
- 156 (H) Low-voltage Contractor Class LV-A;
- 157 (I) Low-voltage Contractor Class LV-T;
- 158 (J) Low-voltage Contractor Class LV-G;
- 159 (K) Low-voltage Contractor Class LV-U;
- 160 (L) Utility Contractor; Class A;
- 161 (M) Utility Contractor; Class B;
- 162 (N) Utility Contractor; Class U;
- 163 (O) Utility Manager (certificate); **and**
- 164 (P) Utility Foreman (certificate); **and**
- 165 (Q) Roofing Contractor;

- 166 (3) Investigate, with the aid of the division director, alleged violations of this chapter or
167 other laws and rules and regulations of the board relating to the profession;
- 168 (4) After notice and hearing, have the power to reprimand any person, licensee, or
169 certificate holder, or to suspend, revoke, or cancel the license or certificate of or refuse
170 to grant, renew, or restore a license or certificate to any person, licensee, or certificate
171 holder upon any one of the following grounds:
- 172 (A) The commission of any false, fraudulent, or deceitful act or the use of any forged,
173 false, or fraudulent document in connection with the license or certificate requirements
174 of this chapter or the rules and regulations of the board;
- 175 (B) Failure at any time to comply with the requirements for a license or certificate
176 under this chapter or the rules and regulations of the board;
- 177 (C) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to
178 such an extent as to render the license or certificate holder unsafe or unfit to practice
179 any profession licensed or certified under this chapter;
- 180 (D) Engaging in any dishonorable or unethical conduct likely to deceive, defraud, or
181 harm the public;
- 182 (E) Knowingly performing any act which in any way assists an unlicensed or
183 noncertified person to practice such profession;
- 184 (F) Violating, directly or indirectly, or assisting in or abetting any violation of any
185 provision of this chapter or any rule or regulation of the board;
- 186 (G) The performance of any faulty, inadequate, inefficient, or unsafe electrical,
187 plumbing, low-voltage contracting, utility contracting, roofing contracting, or
188 conditioned air work likely to endanger life, health, or property. The performance of
189 any work that does not comply with the standards set by state codes or by local codes
190 in jurisdictions where such codes are adopted, provided that such local codes are as
191 stringent as the state codes, or by other codes or regulations which have been adopted
192 by the board, shall be prima-facie evidence of the faulty, inadequate, inefficient, or
193 unsafe character of such electrical, plumbing, low-voltage contracting, utility
194 contracting, roofing contracting, or conditioned air work; provided, however, that the
195 board, in its sole discretion, for good cause shown and under such conditions as it may
196 prescribe, may restore a license to any person whose license has been suspended or
197 revoked;
- 198 (H) With respect to utility contractors, the bidding by such a utility contractor in excess
199 of license coverage; or
- 200 (I) With respect to utility contractors, violations of Chapter 9 of Title 25;
- 201 (5) Review amendments to or revisions in the state minimum standard codes as prepared
202 pursuant to Part 1 of Article 1 of Chapter 2 of Title 8; and the Department of Community

203 Affairs shall be required to provide to the division director a copy of any amendment to
 204 or revision in the state minimum standard codes at least 45 days prior to the adoption
 205 thereof; ~~and~~
 206 (6) Contract with the department for the provision of all goods and services required for
 207 the purposes of this chapter to be provided by the department, and the reimbursement of
 208 the department therefor; and
 209 ~~(6)(7)~~ Do all other things necessary and proper to exercise their powers and perform their
 210 duties in accordance with this chapter."

211 **SECTION 7.**

212 Said chapter is further amended by adding a new Code section to read as follows:

213 "43-14-8.5.

214 (a) For purposes of this Code section only, the term 'division' means the Division of
 215 Roofing Contractors.

216 (b) On and after one year from the date that this Code section becomes effective:

217 (1) No person shall engage in the business of roofing contracting as a roofing contractor,
 218 as an individual or sole proprietorship, unless such person has a valid license from the
 219 division; and

220 (2) No partnership, limited liability company, or corporation shall engage in the business
 221 of roofing contracting unless there is regularly connected with such partnership, limited
 222 liability company, or corporation a person or persons actually engaged in the performance
 223 of such business on a full-time basis and supervising the roofing contracting work of all
 224 employees of such partnership, limited liability company, or corporation, who have valid
 225 licenses for roofing contracting issued to them as provided in this Code section. In a case
 226 where a partnership, limited liability company, or corporation has more than one office
 227 location from which roofing contracting is performed, at least one person stationed in
 228 each such separate office of such partnership, limited liability company, or corporation,
 229 engaged in the performance of roofing contracting on a full-time basis and supervising
 230 the roofing contracting work of all employees of each such office locations, shall have
 231 a valid license issued as provided in this chapter.

232 (c) Any person desiring to qualify under the provisions of this Code section who meets the
 233 requirements of this Code section, submits proper application to the division, is determined
 234 to be qualified by the division in accordance with the requirements of this Code section and
 235 pursuant to any rules or regulations promulgated by the division, satisfactorily completes
 236 the examination required by this chapter, and pays or has paid the required fees and is not
 237 otherwise in violation of this chapter shall be issued a state-wide Roofing Contractor
 238 license. Such license shall be issued to the applicant as an individual or sole proprietor to

239 engage in the roofing contracting business in his or her own name, and if the applicant is
240 an individual already holding a valid license or qualifying as an applicant for issuance of
241 such license issued by the division upon whom the qualification for licensing of a
242 partnership, limited liability company, or corporation is based, then such license shall also
243 be in the name of such partnership, limited liability company, or corporation.

244 (d) The decision of the division as to the necessity of taking the examination or as to the
245 qualifications of applicants taking the required examination, shall, in the absence of fraud,
246 be conclusive.

247 (e) On and after one year from the effective date of this Code section, all individuals
248 desiring to engage in the business of roofing contracting either as an individual person
249 doing business in a trade name or as a sole proprietor or as an individual person qualifying
250 any partnership, limited liability company, or corporation to engage in the business of
251 roofing contracting shall take the examination and qualify under this Code section before
252 engaging in such vocation. Notwithstanding the foregoing, where the applicant is an
253 individual person acting as a qualifier for a partnership, limited liability company, or
254 corporation and has previously obtained and maintained continuously a license issued by
255 the division then the examination requirement shall not apply to such application.

256 (f) It shall be the duty of all partnerships, limited liability companies, and corporations
257 qualified under this Code section to notify the division in writing, in accordance with board
258 rules, of death or other severance of connection with any such person or persons upon
259 whom the qualification of any such partnership, limited liability company, or corporation
260 was based. Such notice shall additionally specify whether any other licensed individual
261 then currently qualifies the partnership, limited liability company, or corporation under this
262 chapter, and of the name and address of such person. The employees or successors of such
263 individual or such partnership, limited liability company, or corporation shall continue to
264 be authorized to engage in the business of roofing contracting under a license which was
265 valid at the time of the individual licensee's death or severance for a period of 90 days
266 following the date of such death or severance without replacement of such licensed
267 individual.

268 (g)(1) All applicants for examinations and licenses provided for by this Code section and
269 all applicants for renewal of licenses under this Code section shall be required to fill out
270 a form which shall be provided by the division, which form shall show whether the
271 applicant is an individual doing business in a trade name or a sole proprietorship or an
272 individual seeking to qualify a partnership, limited liability company, or corporation. The
273 form shall require the name and address of the individual applicant, and, if a partnership,
274 limited liability company, or corporation, its name and business address, the name and
275 address of each partner, member, or officer, and when and where formed or incorporated.

276 and such other information as the division may require in its discretion. All forms of
277 application for renewal of licenses shall show whether or not the applicant, if it is a
278 partnership, limited liability company, or corporation, has connected with it a qualified
279 person holding a license issued by the division, and if so the name and address of each
280 such person.

281 (2) As further qualification for issuance of a roofing contracting license, or renewal of
282 such license, an applicant shall demonstrate to the satisfaction of the division by
283 information submitted in the application and proofs furnished in support, in a manner to
284 be determined by the division, that the applicant:

285 (A) Has adopted and implemented a written safety plan or policy addressing the
286 welfare and safety of employees and other persons or property that may be affected by
287 the performance of its work as a roofing contractor, including a requirement for
288 regularly scheduled safety meetings for all field personnel;

289 (B) Possesses the requisite competency, ability, and integrity to engage in and perform
290 the business of roofing contracting;

291 (C) Is financially responsible and possesses sufficient financial resources to engage in
292 the roofing contracting business; and

293 (D) Has general liability insurance relative to the engagement in the business of
294 roofing contracting, and workers' compensation insurance as required by law;

295 provided, however, that where an application is submitted by a person acting as a
296 qualifier of a partnership, limited liability company, or corporation, the proofs and
297 information provided for by this subsection shall relate to such partnership, limited
298 liability company, or corporation.

299 (h) The division shall notify each local governing authority of the provisions of this Code
300 section relating to licensure, especially the provisions of subsection (b) of this Code
301 section. The division shall notify such governing authorities that one year after the
302 effective date of this Code section any person desiring a license to engage in roofing
303 contracting shall be required to pass an examination as provided in this chapter.

304 (i) On and after one year from the effective date of this Code section, it shall be unlawful
305 for any person to contract with any other person for performance of roofing contracting
306 requiring a license from the division for such work unless the contracting party has a
307 current, valid license as a roofing contractor pursuant to this chapter.

308 (j) As a condition to the renewal of licenses, the division may require licensees to complete
309 continuing education in safety, technical training and advances, business management, and
310 government regulation, or other topics addressing the business of roofing contracting, in
311 a format approved by the division, and not exceeding four hours per renewal. The division
312 shall be authorized to waive the requirements of this subsection in cases of hardship,

313 disability, or illness or under such other circumstances as the division deems appropriate.
 314 All provisions of this subsection relating to continuing education shall be administered by
 315 the division.
 316 (k) Notwithstanding any other provision of this chapter, a person who engages in roofing
 317 contracting in which the contract price of the work on any roofing project does not exceed
 318 \$500.00 shall not be required to comply with the requirements of this chapter applicable
 319 to roofing contractors; provided, however, that it shall be unlawful to subdivide a single
 320 roofing project to avoid the requirements of this chapter.
 321 (l) Notwithstanding any other provision of this chapter to the contrary, any person desiring
 322 to qualify for a roofing contracting license under the provisions of this chapter, either
 323 individually or as a qualifying agent, shall be eligible for issuance of such a license by the
 324 division without examination, provided that:
 325 (1) Such person submits a proper application and proofs prior to January 1, 2014, pays
 326 or has paid the required fees, otherwise meets the requirements for such licensure, and
 327 is not otherwise in violation of this chapter; and
 328 (2) Such person has successfully and efficiently engaged in the comparable category of
 329 roofing contracting in this state as provided in this chapter for a continuous period of not
 330 less than two years immediately preceding such application and provides proof thereof
 331 satisfactory to the division; provided, however, that such person shall be either a resident
 332 and citizen of the State of Georgia or, if applying as a qualifying agent for a business
 333 organization, such business organization shall be either incorporated in Georgia or
 334 authorized and certified to transact business in Georgia with a regular office and place of
 335 business in Georgia currently and having had such office and place of business
 336 continuously for the two years immediately preceding such application.
 337 (m) The division shall be authorized to promulgate reasonable rules and regulations for the
 338 implementation of the provisions of this Code section."

339 **SECTION 8.**

340 Said chapter is further amended by adding a new Code section to read as follows:

341 "43-14-12.3.

342 (a) If a person is in violation of Code Section 43-14-8.5, it shall not be necessary for an
 343 investigator to observe or witness the unlicensed person engaged illegally in the process
 344 of work or to show work in progress or work completed in order to prove the unlawful
 345 practice of roofing contracting by an unlicensed person.

346 (b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed
 347 as a roofing contractor advertises that such person is in the business or profession of a
 348 roofing contractor or advertises in a manner such that the general public would believe that

349 such person is a licensed roofing contractor or in the business or profession of roofing
 350 contracting. Advertising under this subsection includes, but is not limited to, newspaper,
 351 television, radio, telephone directory, mailings, business cards, or signage at a place of
 352 business or attached to a vehicle.

353 (c) Notwithstanding the provisions of Code Section 43-1-20.1, after notice and hearing,
 354 the board may issue a cease and desist order prohibiting any person from violating the
 355 provisions of this chapter by engaging in the business or profession of roofing contracting
 356 without a license as required under this chapter.

357 (d) The violation of any cease and desist order of the board issued under subsection (c) of
 358 this Code section shall subject the person violating the order to further proceedings before
 359 the board, and the board shall be authorized to impose a fine not to exceed \$500.00 for each
 360 violation thereof. Each day that a person practices in violation of this Code section and
 361 chapter shall constitute a separate violation.

362 (e) Nothing in this Code section shall be construed to prohibit the board from seeking
 363 remedies otherwise available by statute without first seeking a cease and desist order in
 364 accordance with the provisions of this Code section."

365 **SECTION 9.**

366 Said chapter is further amended by revising Code Section 43-14-13, relating to applicability
 367 of the chapter, as follows:

368 "(a) This chapter shall apply to all installations, alterations, and repairs of plumbing,
 369 air-conditioning and heating, roofing, or electrical or low-voltage wiring or utility systems
 370 within or on public or private buildings, structures, or premises except as otherwise
 371 provided in this Code section.

372 (b) Any person who holds a license issued under this chapter may engage in the business
 373 of plumbing, electrical contracting, conditioned air contracting, low-voltage contracting,
 374 roofing contracting, or utility contracting but only as prescribed by the license, throughout
 375 the state; and except as provided in Code Section 43-14-12, no municipality or county may
 376 require such person to comply with any additional licensing requirements imposed by such
 377 municipality or county.

378 (c) This chapter shall not apply to the installation, alteration, or repair of plumbing,
 379 air-conditioning and heating, utility systems, or electrical services, except low-voltage
 380 wiring services, up to and including the meters where such work is performed by and is an
 381 integral part of the system owned or operated by a public service corporation, an electrical,
 382 water, or gas department of any municipality in this state, a railroad company, a pipeline
 383 company, or a mining company in the exercise of its normal function as such.

384 (d) This chapter shall not prohibit an individual from installing, altering, or repairing
385 plumbing fixtures, air-conditioning and heating, air-conditioning and heating fixtures,
386 utility systems, a roof or its elements and components, or electrical or low-voltage wiring
387 services in a residential dwelling owned or occupied by such individual; provided,
388 however, that all such work must be done in conformity with all other provisions of this
389 chapter, the rules and regulations of the board, and any applicable county or municipal
390 resolutions, ordinances, codes, or inspection requirements.

391 (e) This chapter shall not prohibit an individual employed on the maintenance staff of a
392 facility owned by the state or by a county, municipality, or other political subdivision from
393 installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating
394 fixtures, utility systems, a roof or its elements and components, or electrical or low-voltage
395 wiring services when such work is an integral part of the maintenance requirements of the
396 facility; provided, however, that all such work must be done in conformity with all other
397 provisions of this chapter and the orders, rules, and regulations of the board.

398 (f) This chapter shall not prohibit any person from installing, altering, or repairing
399 plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, a roof
400 or its elements and components, or electrical or low-voltage wiring services in a farm or
401 ranch service building or as an integral part of any irrigation system on a farm or ranch
402 when such system is not located within 30 feet of any dwelling or any building devoted to
403 animal husbandry. Nothing in this subsection shall be construed to limit the application
404 of any resolution, ordinance, code, or inspection requirements of a county or municipality
405 relating to such connections.

406 (g) This chapter shall not apply to low-voltage wiring performed by public utilities, except
407 that such portion of the business of those public utilities which involves the installation,
408 alteration, repair, or service of telecommunication systems for profit shall be covered under
409 this chapter.

410 (h) This chapter shall not apply to the installation, construction, or maintenance of power
411 systems or telecommunication systems for the generation or distribution of electric current
412 constructed under the National Electrical Safety Code, which regulates the safety
413 requirements of utilities; but the interior wiring regulated by the National Electrical Safety
414 Code would not be exempt and must be done by an electrical contractor except as
415 otherwise provided by law.

416 (i) This chapter shall not apply to any technician employed by a municipal or
417 county-franchised community antenna television (CATV) system or a municipally owned
418 community antenna television system in the performance of work on the system.

419 (j) This chapter shall not apply to regular full-time employees of an institution,
420 manufacturer, or business who perform plumbing, electrical, low-voltage wiring, utility

421 contracting, roofing, or conditioned air work when working on the premises of that
422 employer.

423 (k) This chapter shall not apply to persons licensed as manufactured or mobile home
424 installers by the state fire marshal when:

425 (1) Coupling the electrical connection from the service entrance panel outside the
426 manufactured housing to the distribution panel board inside the manufactured housing;

427 (2) Connecting the exterior sewer outlets to the above-ground sewer system; or

428 (3) Connecting the exterior water line to the above-ground water system.

429 (l) Any person qualified by the Department of Transportation to perform work for the
430 department shall not be required to be licensed under Code Section 43-14-8.2 or 43-14-8.5
431 or certified under Code Sections 43-14-8.3 and 43-14-8.4 in order to perform work for the
432 department. Any person qualified by the Department of Transportation to perform work
433 for the department shall not be required to be licensed under Code Section 43-14-8.2 or
434 43-14-8.5 or certified under Code Sections 43-14-8.3 and 43-14-8.4 in order to perform
435 work for a county, municipality, authority, or other political subdivision when such work
436 is of the same nature as that for which the person is qualified when performing department
437 work; provided, however, that such work is not performed on a utility system as defined
438 in paragraph (17) of Code Section 43-14-2 for which the person receives compensation.

439 (m) This chapter shall not prohibit any person from installing, altering, or repairing the
440 plumbing component of a lawn sprinkler system from a backflow preventer which was
441 installed by a licensed plumber; provided, however, that all such work must be done in
442 conformity with all other provisions of this chapter, the rules and regulations of the board,
443 and ordinances of the county or municipality.

444 (n) Any person who contracts with a licensed conditioned air contractor as part of a
445 conditioned air contract to install, alter, or repair duct systems, control systems, or
446 insulation is not required to hold a license from the Division of Conditioned Air
447 Contractors. The conditioned air contractor must retain responsibility for completion of
448 the contract, including any subcontracted work. Any person who contracts with a licensed
449 conditioned air contractor to perform a complete installation, alteration, or repair of a
450 conditioned air system must hold a valid license from the Division of Conditioned Air
451 Contractors. Any person who contracts to perform for or on behalf of a conditioned air
452 contractor to install, alter, or repair electrical, low-voltage, or plumbing components of a
453 conditioned air system must hold a valid license from the appropriate division of the board.

454 (o) This chapter shall not prohibit any propane dealer who is properly insured as required
455 by law and who holds a liquefied petroleum gas license issued by the Safety Fire
456 Commissioner from installing, repairing, or servicing a propane system or the gas piping
457 or components of such system; provided, however, that such propane dealers shall be

458 prohibited from performing the installation of conditioned air systems or forced air heating
459 systems unless licensed to do so under this chapter.

460 (p) This chapter shall not apply to any employee or authorized agent of a regulated gas
461 utility or municipal owned gas utility while in the course and scope of such employment.

462 (q) Any utility contractor holding a valid utility contractor's license under this chapter shall
463 be authorized to bid for and perform work on any utility system in this state without
464 obtaining a license under Chapter 41 of this title. It shall be unlawful for the owner of a
465 utility system or anyone soliciting work to be performed on a utility system to refuse to
466 allow a utility contractor holding a valid utility contractor's license under this chapter to bid
467 for or perform work on a utility system on the basis that such contractor does not hold a
468 license under Chapter 41 of this title.

469 (r) Nothing in this chapter shall preclude a person, including an individual, sole
470 proprietorship, partnership, limited liability company, or corporation, possessing a current
471 and valid residential contracting or general contracting license issued under Chapter 41 of
472 this title, from performing construction work or services with its own employees under
473 engagement directly by or otherwise directly for an owner of real property, which work
474 would otherwise constitute roofing contracting requiring a license under this chapter for
475 such work, provided that:

476 (1) The total scope of the work to be performed is predominantly of the type for which
477 such contractor is licensed under Chapter 41 of this title, and any work comprising
478 roofing contracting under the provisions of this chapter is incidental to and an integral
479 part of the work performed within the scope of such license under Chapter 41 of this title
480 and does not exceed 25 percent of the total value at the time of contracting of the work
481 to be performed;

482 (2) Such residential or general contractor licensee shall not delegate or assign the
483 responsibility to directly supervise and manage the performance of such work to another
484 person unless such person is licensed under this chapter and the work being performed
485 by such person is within the scope of that person's license; and

486 (3) The residential or general contractor licensee performing such work has completed
487 continuing education in safety, technical training and advances, business management,
488 and government regulation, or other topics addressing the business of roofing contracting
489 that would satisfy the continuing education requirements of subsection (j) of Code
490 Section 43-14-8.5 as a condition of license renewal."

491 **SECTION 10.**

492 This Act shall become effective only when funds are specifically appropriated for purposes
493 of this Act in an appropriations Act making specific reference to this Act.





494 **SECTION 11.**

495 All laws and parts of laws in conflict with this Act are repealed.

Appendix C: Construction Codes in Georgia

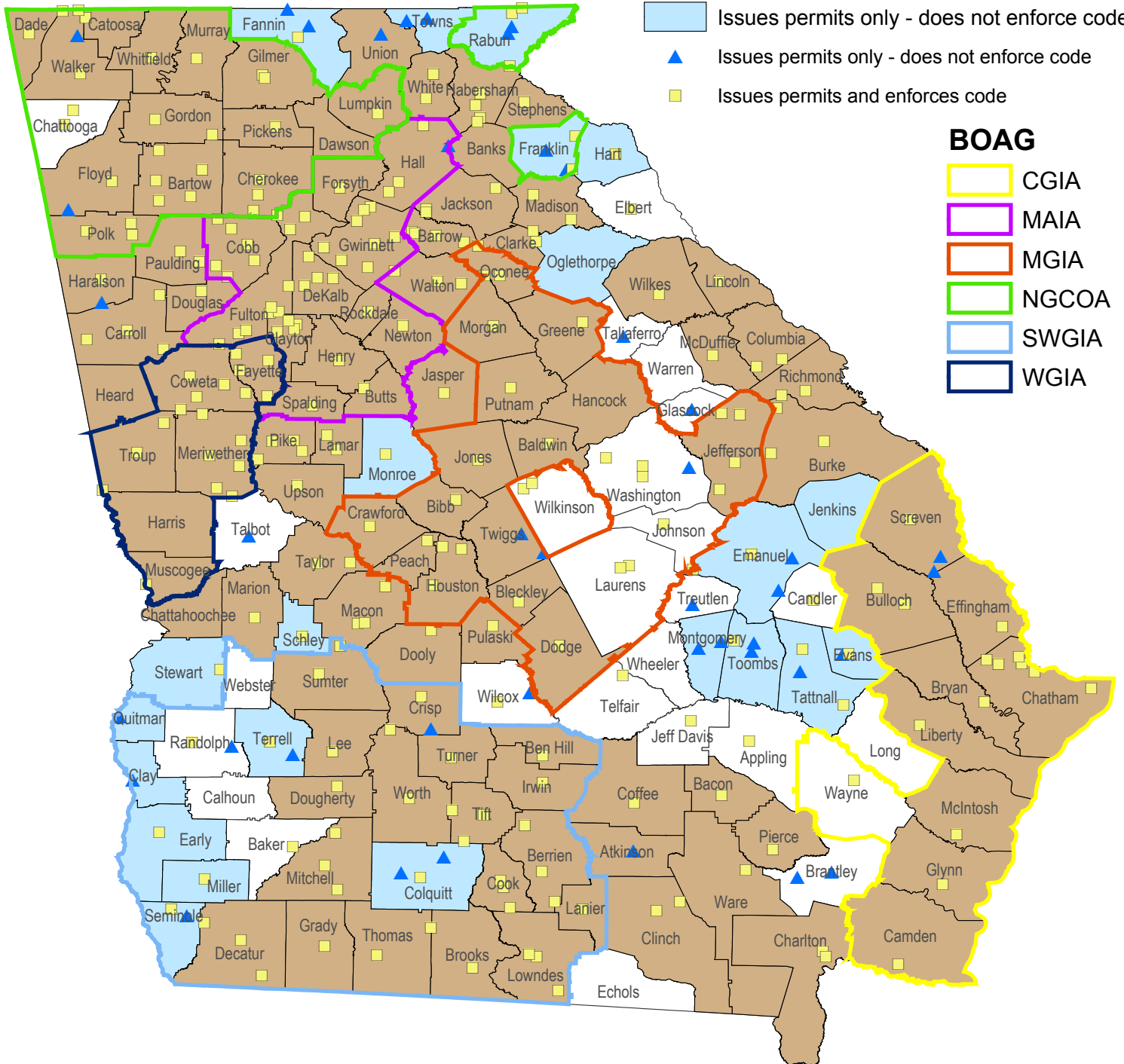
Construction Codes in Georgia

Legend

-  Issues permits and enforces code
-  Issues permits only - does not enforce code
-  Issues permits only - does not enforce code
-  Issues permits and enforces code

BOAG

-  CGIA
-  MAIA
-  MGIA
-  NCGOA
-  SWGIA
-  WGIA



Appendix D: Other States' Practices

Appendix D: Other States' Practices

| State | Citation | Roofers | General Contractor | Residential Contractor | Bond | Workers' Compensation | Liability Insurance | Business and Law Examination | Trade Examination |
|----------------------|--|--------------|--------------------|------------------------|------|-----------------------|---------------------|------------------------------|-------------------|
| Alabama | 34-8-2 | License | X | | X | | X | X | X |
| Alaska | 8-18-11; 8-18-171 | Registration | X | X | X | X | X | X | X |
| Arizona | 32-1122 | License | X | X | X | X | X | X | X |
| Arkansas | 17-25-101; 17-25-501 | License | X | X | X | X | X | X | X |
| California | 3-9-5 | License | X | X | X | X | X | X | X |
| Colorado | | None | | | | | | | |
| Connecticut | 400-20 | Registration | X | X | X | X | X | X | X |
| Delaware | | None | X | X | X | X | X | X | X |
| District of Columbia | | None | X | X | X | X | X | X | X |
| Florida | 32-489-105 | License | X | X | X | X | X | X | X |
| Georgia | 43-4-1 | None | X | X | X | X | X | X | X |
| Hawaii | 16-77 | License | X | X | X | X | X | X | X |
| Idaho | | None | X | X | X | X | X | X | X |
| Illinois | 225 ILCS 335 | License | | | X | X | X | X | X |
| Indiana | | None | | | | | | | |
| Iowa | 13-4 | Registration | X | X | X | X | X | X | X |
| Kansas | Kansas Roofing Contractor Registration Act, enacted by the Legislature in 2013 | Registration | | | | | | | |
| Kentucky | | None | | | | | | | |
| Louisiana | 37-24 | License | X | X | X | X | X | X | X |
| Maine | | None | | | | | | | |
| Maryland | 9-8 | License | | | | | | | |
| Massachusetts | 20-142 | License | X | X | X | X | X | X | X |
| Michigan | 299-1980-24 | License | X | X | X | X | X | X | X |
| Minnesota | 326B-81 | License | X | X | X | X | X | X | X |
| Mississippi | 73-59-15 | License | X | X | X | X | X | X | X |
| Missouri | | None | | | | | | | |
| Montana | | None | X | X | X | X | X | X | X |
| Nebraska | 48-2104 | Registration | X | X | X | X | X | X | X |
| Nevada | 54-624 | License | X | X | X | X | X | X | X |
| New Hampshire | | None | | | | | | | |
| New Jersey | | None | X | X | X | X | X | X | X |
| New Mexico | 16-6-6 | License | X | X | X | X | X | X | X |
| New York | | None | | | | | | | |
| North Carolina | 87-1 | License | X | X | X | X | X | X | X |
| North Dakota | 43-7 | License | X | X | X | X | X | X | X |
| Ohio | | None | | | | | | | |
| Oklahoma | 59-1151 | Registration | X | X | X | X | X | X | X |
| Oregon | 52-701 | License | X | X | X | X | X | X | X |
| Pennsylvania | 73-517 | Registration | X | X | X | X | X | X | X |
| Rhode Island | 5-65 | Registration | X | X | X | X | X | X | X |
| South Carolina | 40-59-220; 40-59-240 | License | X | X | X | X | X | X | X |
| South Dakota | | None | | | | | | | |
| Tennessee | 62-6 | License | X | X | X | X | X | X | X |
| Texas | | None | | | | | | | |
| Utah | 58-55; R156-55a-301 | License | X | X | X | X | X | X | X |
| Vermont | | None | | | | | | | |
| Virginia | 54-11 | License | X | X | X | X | X | X | X |
| Washington | 18-27 | Registration | X | X | X | X | X | X | X |
| West Virginia | 21-11-1 | License | X | X | X | X | X | X | X |
| Wisconsin | 305-3-30 | Registration | X | X | X | X | X | X | X |
| Wyoming | | None | | | | | | | |

| | | |
|----|---|--------------------------------------|
| 23 | 13 States Require Business and Law Examinations | 23 States Require Trade Examinations |
| 10 | 10 States Require Business and Law Examinations | 10 States Require Trade Examinations |
| 18 | 18 States Total Require Examinations | 18 States Total Require Examinations |
| 51 | 51 States Total Require Examinations | 51 States Total Require Examinations |

Appendix E: Letter from the National Insurance Crime Bureau



November 14, 2013

Georgia Occupational Regulation Review Council (GORRC)

C/O Georgia State Capital
Atlanta, GA 30334

Re: HB 301

Dear Council Members:

The National Insurance Crime Bureau (NICB) is a national, not-for-profit organization supported by approximately 1,100 property/casualty insurance companies, including many who write business in the state of Georgia. Working with our member companies and law enforcement, we investigate organized criminal conspiracies dealing with insurance fraud and vehicle theft.

Because of our interest in preventing insurance fraud we want to express our strong support for House Bill 301 that would help protect consumers from unscrupulous roofing contractors. Strengthening Georgia law to provide consumer protections as well as defined guidelines for licensing roofing contractors will have a positive impact on the fight against insurance fraud in the state.

Storm victims are confronted with a series of decisions that make them vulnerable to roofing contractor scams. This is magnified when we see a large number of claims after a catastrophic event. This proposed bill would provide Georgia consumers peace of mind knowing that their roofing contractor is qualified and licensed.

We strongly believe the proposed bill is in the best interest of the citizens of Georgia. If you have any questions please feel free to contact me at ahaskins@nicb.org or 847-544-7075.

Thank you for your time and consideration.

Sincerely,

Alan Haskins
Director, Government Affairs
National Insurance Crime Bureau

Appendix F: Census of Fatal Occupational Injuries in Roofing Contractor Industry

Appendix F: Census of Fatal Occupational Injuries in Roofing Contractor Industry*

| | Roofing Contractors | Fatal Occupational Injuries In 2011 | Fatal Occupational Injuries in 2012 (Preliminary) | Average Fatal Occupational Injuries in 2011 and 2012 | Employment of Roofers (May 2012)* | Rate of Average Fatal Occupational Injuries (per 10,000 Roofers) |
|----------------------|---------------------|-------------------------------------|---|--|-----------------------------------|--|
| Alabama | License | | | | 950 | |
| Alaska | Registration | | | | 220 | |
| Arizona | License | | | | 3,080 | |
| Arkansas | License | | | | 730 | |
| California | License | 8 | 3 | 5.5 | 12,270 | 4.48 |
| Colorado | None | | | | 2,510 | |
| Connecticut | Registration | | 1 | 1 | 800 | 12.50 |
| Delaware | None | | | | 170 | |
| District of Columbia | None | | | | 30 | |
| Florida | License | 3 | 12 | 7.5 | 9,700 | 7.73 |
| Georgia | None | 3 | 4 | 3.5 | 1,980 | 17.68 |
| Hawaii | License | | | | 590 | |
| Idaho | None | | | | 550 | |
| Illinois | License | 4 | 4 | 4 | 4,190 | 9.55 |
| Indiana | None | | 1 | 1 | 2,450 | 4.08 |
| Iowa | Registration | | | | 1,430 | |
| Kansas | Registration | 3 | | 3 | 1,180 | 25.42 |
| Kentucky | None | | | | 820 | |
| Louisiana | License | 4 | 3 | 3.5 | 820 | 42.68 |
| Maine | None | | | | 330 | |
| Maryland | License | | 1 | 1 | 1,850 | 5.41 |
| Massachusetts | License | | | | 1,910 | |
| Michigan | License | 3 | 3 | 3 | 2,500 | 12.00 |
| Minnesota | License | 3 | | 3 | 1,700 | 17.65 |
| Mississippi | License | | | | 370 | |
| Missouri | None | | 4 | 4 | 2,130 | 18.78 |
| Montana | None | | | | 580 | |
| Nebraska | Registration | | | | 800 | |
| Nevada | License | | | | 770 | |
| New Hampshire | None | | | | 230 | |
| New Jersey | None | | 3 | 3 | 1,550 | 19.35 |
| New Mexico | License | | | | 910 | |
| New York | None | | 4 | 4 | 4,170 | 9.59 |
| North Carolina | License | 4 | 4 | 4 | 3,000 | 13.33 |
| North Dakota | License | | | | 390 | |
| Ohio | None | | 5 | 5 | 4,790 | 10.44 |
| Oklahoma | Registration | 2 | | 2 | 1,000 | 20.00 |
| Oregon | License | | | | 1,700 | |
| Pennsylvania | Registration | 6 | 4 | 5 | 4,180 | 11.96 |
| Rhode Island | Registration | | | | 190 | |
| South Carolina | License | | | | 980 | |
| South Dakota | None | | | | 330 | |
| Tennessee | License | 4 | | 4 | 1,930 | 20.73 |
| Texas | None | 10 | 8 | 9 | 4,720 | 19.07 |
| Utah | License | | | | 1,060 | |
| Vermont | None | | 1 | 1 | 230 | 43.48 |
| Virginia | License | | | | 2,360 | |
| Washington | Registration | | | | 3,350 | |
| West Virginia | License | | | | 570 | |
| Wisconsin | Registration | | | | 2,260 | |
| Wyoming | None | | | | 340 | |
| Total | | 57 | 65 | 77 | 97,650 | 7.89 |

*Estimates do not include self-employed workers

| | |
|---|-------|
| Rate of Total Fatal Occupational Injuries (per 10,000 Roofers) for States with Licensing or Registration | 6.67 |
| Rate of Total Fatal Occupational Injuries (per 10,000 Roofers) for States without Licensing or Registration | 10.93 |
| Rate of Total Fatal Injuries (per 10,000 Roofers) for All States | 7.89 |

*Source: Bureau of Labor Statistics Website, November 2013