



## **H.B. 465**

125th General Assembly  
(As Introduced)

**Reps. Wolpert, D. Evans, Flowers, Setzer, Webster, Allen, Ujvagi**

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### **BILL SUMMARY**

- Establishes licensure for residential roofing and siding contractors by the Ohio Construction Industry Examining Board and requires persons to be licensed as the bill prescribes.
- Creates the Residential Roofing and Siding Section of the Ohio Construction Industry Examining Board and increases the membership of the Board from 17 to 22 members.
- Includes residential roofing and siding contractors as specialty contractors that municipal corporations and boards of county commissioners may register or license in the same manner as other specialty contractors.
- Prohibits the Superintendent of Insurance from issuing a certificate of authority to act as a public insurance adjuster to a residential roofing or siding contractor.
- Prohibits a residential roofing or siding contractor from communicating directly with an insurance company in connection with a claim and provides penalties for violating the prohibition.

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### **CONTENT AND OPERATION**

#### **Overview**

The Ohio Construction Industry Examining Board licenses five types of contractors: heating, ventilation, and air conditioning contractors, refrigeration contractors, electrical contractors, plumbing contractors, and hydronics contractors. The bill adds "residential roofing or siding contractor" as a type of contractor the Board licenses and prohibits a person from acting or claiming to be

a residential roofing or siding contractor unless that person is licensed (R.C. 4740.01(A) and 4740.13).

### **Residential Roofing and Siding Section**

The bill creates the Residential Roofing and Siding Section of the Ohio Construction Industry Examining Board to serve on the Board in addition to the three continuing sections and increases the membership of the Board from 17 to 22 members to accommodate the new section. (R.C. 4740.02(A).) The new section of the Board consists of five members appointed by the Director of Commerce. At least two of the members must have no affiliation with any union representing residential roofing or siding contractors. (R.C. 4740.02(E).) The bill establishes guidelines for the initial appointments and the continuing terms of office that are equivalent to the terms of office for members of the other sections under continuing law. (R.C. 4740.02(F)(2).) As with the other sections, one member from the section is elected annually to serve as a member of the Administrative Section. (R.C. 4740.02(A).)

To reflect the increased membership, the bill increases the vote needed for the Administrative Section to take action. Existing law requires the concurrence of at least three members to take action. Under the bill, at least four members must concur before the Administrative Section may take action. (R.C. 4740.03(A).) The duties of the Administrative Section apply to the new section in the same manner as the already existing sections. These duties include scheduling examinations (R.C. 4740.04(A)), issuing licenses to persons who pass the examination and meet the other requirements the Board establishes (R.C. 4740.04(C)), and keeping records of licensees. (R.C. 4740.04(E).)

The Residential Roofing and Siding Section is given responsibilities equivalent to those of the other sections under continuing law. These include adopting rules, investigating allegations of violations, maintaining record of proceedings, and granting approval for offering continuing education classes (R.C. 4740.05).

### **Licensure requirements**

The general requirements for obtaining a license as a residential roofing or siding contractor under the bill are the same as the general requirements that other types of contractors must meet to be licensed by the Board (R.C. 4740.06). These include meeting the specified qualifications prior to being permitted to take an examination (R.C. 4740.06(B)) and passing the examination. (R.C. 4740.06(C).) The bill also prohibits the Board from issuing licenses to residential roofing and siding contractors for the same reasons that it is prohibited from issuing licenses to other types of contractors under continuing law. In addition, the bill authorizes the

Board to receive complaints and investigate alleged violations in the same manner as for other licensed contractors (R.C. 4740.10).

### **Relationship to local regulations**

The bill adds residential roofing and siding to the continuing law that governs the relationship of state licensing to local regulations. The bill specifies that the provisions for licensure by the Ohio Construction Industry Examining Board does not limit the operation of local regulations or registration systems governing the installation, repair, maintenance, or alteration of roofing (R.C. 4740.12). The bill also adds residential roofing and siding contractors to the types of contractors called "specialty contractors." (R.C. 715.27(F) and 3781.102(H).) Under continuing law, municipal corporations and boards of county commissioners may require specialty contractors licensed under Chapter 4740. to register and pay a fee before working within the jurisdiction. (R.C. 715.27(C) and 3781.102(D).) A municipal corporation, under continuing law (unchanged by the bill), also may license specialty contractors who are not required to hold a license issued by the Ohio Construction Industry Examining Board. (R.C. 715.27(A)(3).)

### **Prohibits residential roofing and siding contractors from acting as insurance adjusters**

Under continuing law, the Superintendent of Insurance issues certificates of authority to persons who act as public insurance adjusters. The bill prohibits the Superintendent from issuing a certificate of authority to a residential roofing or siding contractor. The bill also prohibits residential roofing and siding contractors from communicating directly with an insurance company in connection with the adjustment or settlement of a customer's or a potential customer's insurance claim, whether for compensation or without compensation. (R.C. 3951.04(B).)

A residential roofing or siding contractor who violates the prohibition against communicating directly with an insurance company is deemed to have acted as an unauthorized public insurance adjuster for penalty purposes, and may be fined not less than \$100 nor more than \$500 for each loss adjusted. (R.C. 3951.99(B).)

### **Definitions**

The bill establishes the following definitions related to the new category of licensing:

Residential roofing or siding contractor is defined to mean "any individual or business entity that satisfies both of the following:

(1) For compensation, directs, supervises, or has responsibility for the means, method, and manner of satisfying a contract for the installation, improvement, renovation, repair, or maintenance of residential roofing or siding and that offers, identifies, advertises, or otherwise holds out or represents that they are permitted and qualified to perform, direct, supervise, or have responsibility for the means, method, and manner of the installation, improvement, renovation, repair, or maintenance of residential roofing or siding;

(2) Is a tradesperson who performs or employs tradespersons who are trained to perform and perform, and the installation, improvement, renovation, repair, or maintenance of residential roofing or siding." (R. C. 4740.01(G).)

Residential roofing or siding is defined as "the roofing or siding present on an existing single-family or two-family dwelling." "Residential roofing or siding" does not include roofing or siding found on dwellings under construction or on additions of living space to existing dwellings. (R.C. 4740.01(H).)

Roofing is the "weatherproofing materials or substances, including tar, pitch, asphalt, prepared paper, tile, slate, metal, translucent materials, and shingles or asphalt or wood, used to cover the roof of an existing single-family or two-family dwelling." (R.C. 4740.01(I).)

Siding is defined as the "material used to cover the exterior walls of an existing single-family or two-family dwelling, excluding paint." (R.C. 4740.01(J).)

**Time schedule for licensure**

The bill provides that it does not require residential roofers and siders to obtain a license until a Residential Roofing or Siding Section is created within the Ohio Construction Industry Examining Board, initial appointments are made to the Section, rules adopted governing the licensure and continuing education requirements for residential roofing and siding contractors, and sufficient time has been provided by the Section so that residential roofers and siders may apply, examine, and obtain a license prior to the date the Board sets. (Section 3.)

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	04-20-04	p. 762

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