

2 **ESSB 6124** - CONF REPT
3 By Conference Committee

4 ADOPTED 3/9/94

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that many homeowners
8 are solicited by siding and roofing contractors to purchase home
9 improvements. Some contractors misrepresent the financing terms or the
10 cost of the improvements, preventing the homeowner from making an
11 informed decision about whether the improvements are affordable. The
12 result is that many homeowners face financial hardship including the
13 loss of their homes through foreclosure. The legislature declares that
14 this is a matter of public interest. It is the intent of the
15 legislature to establish rules of business practice for roofing and
16 siding contractors to promote honesty and fair dealing with homeowners.

17 NEW SECTION. **Sec. 2.** Unless the context clearly requires
18 otherwise, the definitions in this section apply throughout this
19 chapter.

20 (1) "Roofing or siding contract" means an agreement between a
21 roofing or siding contractor or salesperson and a homeowner that
22 includes, in part, an agreement to install, repair or replace
23 residential roofing or siding for a total cost including labor and
24 materials in excess of one thousand dollars.

25 This chapter does not apply to the following contracts:

26 (a) Residential remodel or repair contracts where the cost
27 specified for roofing or siding is less than twenty percent of the
28 total contract price;

29 (b) Contracts where the roofing or siding is part of a contract to
30 build a new dwelling or an addition that provides additional living
31 space;

32 (c) Contracts for emergency repairs made necessary by a natural
33 disaster such as an earthquake, wind storm, or hurricane, or after a
34 fire in the dwelling;

35 (d) Homes being prepared for resale; or

1 (e) Roofing or siding contracts in which the homeowner was not
2 directly solicited by a roofing or siding contractor or salesperson.
3 If a roofing or siding contractor or roofing or siding salesperson
4 generally does business by soliciting, it shall be a rebuttable
5 presumption that any roofing or siding contract entered into with a
6 homeowner shall have been the result of a solicitation.

7 (2) "Roofing or siding contractor" means a person who owns or
8 operates a contracting business that purports to install, repair, or
9 replace or subcontracts to install, repair, or replace residential
10 roofing or siding.

11 (3) "Roofing or siding salesperson" means a person who solicits,
12 negotiates, executes, or otherwise endeavors to procure a contract with
13 a homeowner to install, repair, or replace residential roofing or
14 siding on behalf of a roofing or siding contractor.

15 (4) "Residential roofing or siding" means roofing or siding
16 installation, repair or replacement for an existing single-family
17 dwelling or multiple family dwelling of four or less units, provided
18 that this does not apply to a residence under construction.

19 (5) "Person" includes an individual, corporation, company,
20 partnership, joint venture, or a business entity.

21 (6) "Siding" means material used to cover the exterior walls of a
22 residential dwelling, excluding paint application.

23 (7)(a) "Solicit" means to initiate contact with the homeowner for
24 the purpose of selling or installing roofing or siding by one of the
25 following methods:

26 (i) Door-to-door contact;

27 (ii) Telephone contact;

28 (iii) Flyers left at a residence; or

29 (iv) Other promotional advertisements which offer gifts, cash, or
30 services if the homeowner contacts the roofing or siding contractor or
31 salesperson, except for newspaper advertisements which offer a seasonal
32 discount.

33 (b) "Solicit" does not include:

34 (i) Calls made in response to a request or inquiry by the
35 homeowner; or

36 (ii) Calls made to homeowners who have prior business or personal
37 contact with the residential roofing or siding contractor or
38 salesperson.

1 roofing or siding contract, the roofing or siding contractor shall not
2 begin work until after the homeowner's rescission rights provided in
3 section 3(9) of this act have expired. If the roofing or siding
4 contractor commences work under the contract before the homeowner's
5 rescission rights have expired, the roofing or siding contractor or
6 salesperson shall be prohibited from enforcing terms of the contract,
7 including claims for labor or materials, in a court of law and shall
8 terminate any security interest or statutory lien created under the
9 transaction within twenty days of receiving written rescission of the
10 contract from the customer.

11 NEW SECTION. **Sec. 5.** A person who purchases or is otherwise
12 assigned a roofing or siding contract shall be subject to all claims
13 and defenses with respect to the contract that the homeowner could
14 assert against the siding or roofing contractor or salesperson. A
15 person who sells or otherwise assigns a roofing or siding contract
16 shall include a prominent notice of the potential liability under this
17 section.

18 NEW SECTION. **Sec. 6.** The legislature finds and declares that a
19 violation of this chapter substantially affects the public interest and
20 is an unfair and deceptive act or practice and unfair method of
21 competition in the conduct of trade or commerce as set forth under
22 chapter 19.86 RCW.

23 NEW SECTION. **Sec. 7.** A roofing or siding contractor or
24 salesperson who fails to comply with the requirements of this chapter
25 shall be liable to the homeowner for any actual damages sustained by
26 the person as a result of the failure. Nothing in this section shall
27 limit any cause of action or remedy available under section 6 of this
28 act or chapter 19.86 RCW.

29 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act shall
30 constitute a new chapter in Title 19 RCW."

1 **ESSB 6124** - CONF REPT
2 By Conference Committee

ADOPTED 3/9/94

3
4 On page 1, line 2 of the title, after "practices;" strike the
5 remainder of the title and insert "adding a new chapter to Title 19
6 RCW; and creating a new section."

--- END ---