

S.F. No. 0127	Exterior residential storm damage repair contracts.
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Sponsored By: Senator(s) Pappas, Emerich, Landen and
Nethercott and Representative(s) Byrd, Paxton
and Zwonitzer

AN ACT relating to consumer protection; providing disclosure requirements for exterior storm damage repair solicitations, proposals and repair contracts; providing for cancellation of exterior storm damage repair contracts and cancellation waiver; providing remedies; and providing for an effective date.

1/23/2017 Bill Number Assigned
1/24/2017 S Received for Introduction
1/24/2017 S Introduced and Referred to S09 - Minerals
1/31/2017 S09 - Minerals:Recommend Amend and Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Coe, Perkins, Rothfuss, Von Flatern

Nays: Senator Anderson

Ayes 4 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

1/31/2017 S Placed on General File

SF0127SS001/ADOPTED

Page 2-line 7 Delete "roofing" insert "roof".

Page 2-after line 7 Insert:

"(ii) "Emergency repairs" includes only those repairs from exterior storm damage reasonably necessary to prevent immediate or imminent harm to a residential building until a consumer and contractor can contract for exterior storm damage repair pursuant to the provisions of this article;".

Page 2-line 9 Delete "(ii)" insert "(iii)".

Page 2-lines 10 and 11 Delete and insert "by wind, hail or another weather-related event to the siding system, gutter system, roof system or window and skylight system of a residential building;".

Page 2-line 13 Delete "(iii)" insert "(iv)".

Page 2-line 17 Delete "(iv)" insert "(v)".

Page 3-line 9 Delete and insert:

"(ii) Whether the contractor has general liability insurance and any licensure required by the authority having jurisdiction.".

Page 3-line 11 Delete "(iii)" insert "(b)".

Page 3-line 13 Delete "he" insert "an individual or other entity"; after "license" delete "on" insert ", if the authority having jurisdiction requires such a license, shall appear in".

Page 3-line 17 Delete "(b)" insert "(c)".

Page 4-line 2 After "charged" delete balance of line and insert "unless the payment, rebate, allowance or discount is included in the contract to repair external storm damage; or".

Page 4-line 3 Delete.

Page 4-after line 3 Insert:

"(ii) Pay any compensation directly or indirectly to any person associated with the property unless disclosed to the consumer in

writing;".

Page 4-line 5 Delete "(ii)" insert "(iii)".

Page 4-line 7 After "number" insert "for the purpose of misrepresenting a contractor's identity as a licensed contractor;"; delete "This".

Page 4-lines 8 and 9 Delete.

Page 4-lines 11 through 15 Delete and insert:

"(iv) Offer to exclusively represent, advertise to exclusively represent or require by contract the right to exclusively represent a consumer with respect to any insurance claim in connection with exterior storm damage repair services; or".

Page 4-line 17 Delete "(iv)" insert "(v)".

Page 5-lines 14 through 16 Delete and insert:

"(iii) If damaged areas are excluded from the repair proposal, identification of those areas and any reasons for their exclusion.".

Page 6-line 19 Delete "five (5)" insert "ten (10)"; delete "in" insert "on".

Page 7-line 1 Delete "five (5)" insert "ten (10)".

Page 7-line 22 Delete "five (5)" insert "ten (10)".

Page 8-line 1 Delete "in" insert "on"; delete "five" insert "ten (10)".

Page 8-line 2 Delete "(5)".

Page 8-line 16 Delete "five (5)" insert "ten (10)".

Page 9-line 3 Delete "five (5)" insert "ten (10)".

Page 9-line 4 Delete "in" insert "on".

Page 9-line 5 Delete "five (5)" insert "ten (10)".

Page 10-line 12 After "effective" delete line and insert "July 1, 2017.".

Page 10-lines 13 through 15 Delete. VON FLATERN, CHAIRMAN

2/1/2017 S COW:Passed

SF0127S2001/ADOPTED

Page 3-line 3 Delete "such" insert "these".

Page 3-line 20 Before "Advertise" insert "Pay,".

Page 3-line 21 After "deductible" insert "." and delete balance of line.

Page 3-line 22 Delete.

Page 4-line 1 Delete.

Page 4-lines 2 and 3 Delete including the First Senate Standing Committee Amendment (SF0127SS001/A) to these lines and insert:

"Contractors may pay or rebate any discount available for the use of any goods or services, but, unless the insurer and the insured agree otherwise, this payment or rebate shall be made equally to the client and any insurer paying for the repair until the obligation of either the client or the insurer is exhausted;". SCOTT

2/2/2017 S 2nd Reading:Passed

SF0127S3001/ADOPTED

Page 1-line 4 After "contracts" insert "and cancellation waiver"

Page 6-line 14 After "**cancel**" insert "; **waiver**".

Page 6-line 22 After "policy" insert ",".

Page 7-after line 14 Insert:

"(b) The consumer may waive the ten (10) day cancellation period if the insurer has provided written notice that the claim has been approved. The waiver shall be in writing, signed by the consumer and accompanied by a copy of the insurer's notice of approval.".

Page 7-line 16 Delete "(b)" insert "(c)".

Page 8-line 6 After "right." insert "You may waive this right if your insurer has provided written notice that your claim has been approved. The waiver must be in writing, signed by you and accompanied by a copy of the insurer's notice of approval.".

Page 9-line 18 Delete "(c)" insert "(d)". PAPPAS

2/3/2017 S 3rd Reading:Passed 29-1-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Case

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/6/2017 H Received for Introduction

2/9/2017 H Introduced and Referred to H09 - Minerals

2/16/2017 H09 - Minerals:Recommend Amend and Do Pass 6-3-0-0-0

ROLL CALL

Ayes: Representative(s) Byrd, Crank, Eyre, Gray, Henderson, Lindholm

Nays: Representative(s) Clausen, Greear, Loucks

Ayes 6 **Nays** 3 **Excused** 0 **Absent** 0 **Conflicts** 0

2/16/2017 H Placed on General File

SF0127HS001/ADOPTED

(TO ENGROSSED COPY)

Page 3-line 3 After "structures," insert "including farm and ranch structures,".

Page 7-line 19 Delete "ten (10)" insert "three (3)".

Page 8-line 1 Delete "ten (10)" insert "three (3)".

Page 8-line 16 Delete "ten (10)" insert "three (3)".

Page 9-line 7 Delete "ten (10)" insert "three (3)".

Page 9-line 8 Delete "ten".

Page 9-line 9 Delete "(10)" insert "three (3)".

Page 10-line 6 Delete "ten (10)" insert "three (3)".

Page 10-line 15 Delete "ten (10)" insert "three (3)".

Page 10-line 17 Delete "ten (10)" insert "three (3)".

Page 10-line 19 After "later." insert "Notice of cancelation, if in electronic form, is effective the date of the electronic transmission or, if given by mail, is effective upon postmark, properly addressed to the contractor and postage prepaid.".

Page 10-line 20 Delete "ten (10)" insert "three (3)".

Page 11-line 8 Delete "ten (10)" insert "three (3)".

Page 11-line 13 Delete "services" insert "repair". GREEAR, CHAIRMAN

2/28/2017 H COW:Passed

SF0127H2001/ADOPTED (TO ENGROSSED COPY)

Page 2-After line 3 Insert:
 "(i) "Consumer" means an individual who enters into a transaction primarily for personal, family or household purposes;".

Page 2-line 5 Delete "(i)" insert "(ii)".

Page 2-line 10 Delete "(ii)" insert "(iii)".

Page 2-line 17 Delete "(iii)" insert "(iv)".

Page 3-line 1 Delete "(iv)" insert "(v)".

Page 3-line 5 Delete "(v)" insert "(vi)".

Page 3-line 12 Delete "anyone" insert "a consumer".

Page 4-line 15 After "services" insert ";" and delete balance of the line.

Page 4-lines 16 through 19 Delete entirely.

Page 5-lines 1 through 3 Delete entirely.

Page 5-line 5 Delete "(iii)" insert "(ii)".

Page 5-line 11 Delete "(iv)" insert "(iii)".

Page 5-line 17 Delete "(v)" insert "(iv)".

Page 6-lines 18 through 20 Delete entirely.

Page 7-line 2 Delete "(a)".

Page 7-lines 3 Delete "all of the following:".

Page 7-line 5 Delete "(i)".

Page 7-line 6 After "40-12-703(a)" insert "." and delete balance of the line.

Page 7-lines 8 through 11 Delete entirely.

Page 7-line 16 Delete "person" insert "consumer".

Page 7-line 18 Delete "goods and services".

Page 7-line 20 After "into" insert "." and delete balance of the line.

Page 7-lines 21 and 22 Delete entirely.

Page 8-lines 1 through 3 Delete entirely, including the standing committee amendment (SF0127HS001/AE) to these lines.

Page 8-lines 16 through 20 Delete entirely, including the standing committee amendment (SF0127HS001/AE) to these lines.

Page 9-line 1 Delete "(c)" insert "(b)".

Page 9-line 8 After "into" insert "." and delete balance of the line, including the standing committee amendment (SF0127HS001/AE) to this line.

Page 9-lines 9 through 11 Delete entirely, including the standing committee amendment (SF0127HS001/AE) to these lines.

Page 9-line 12 Delete through "later.".

Page 9-line 13 Delete "You may".

Page 9-lines 14 through 16 Delete entirely.

Page 9-line 17 Delete through "approval.".

Page 10-line 7 After "reason" insert "." and delete balance of the line.

Page 10-line 8 Delete entirely.

Page 10-line 9 Delete entirely and insert "You".

Page 10-line 16 After "into" insert "." and delete balance of the line.

Page 10-lines 17 and 18 Delete entirely, including the standing committee amendment (SF0127HS001/AE) to these lines.

Page 10-line 19 Delete "is later.".

Page 11-lines 3 through 6 Delete entirely and insert:

"Name . . .
Address . . .
Location of work associated with contract . . .
Date . . .
Customer's Signature . . .".

Page 11-line 8 Delete "(d)" insert "(c)". GREEAR

3/1/2017 H 2nd Reading:Passed

SF0127H3001/ADOPTED (TO ENGROSSED COPY)

Page 6-lines 18 through 20 Delete the GREEAR second reading amendment (SF0127H2001/AE) to these lines. ZWONITZER

SF0127H3002/ADOPTED (TO ENGROSSED COPY)

Page 5-lines 1 through 17 Delete the GREEAR second reading amendment (SF0127H2001/AE) to these lines. ZWONITZER

SF0127H3003/FAILED (TO ENGROSSED COPY)

Page 11-lines 3 through 6 In the GREEAR second reading amendment (SF0127H2001/AE) to these lines, delete "Location of work associated with contract . . . ". ZWONITZER

SF0127H3004.01/ADOPTED (TO ENGROSSED COPY)

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 7-lines 18 through 22 Delete the GREEAR second reading amendment (SF0127H2001/AE) to these lines.

Pages 8 through 11 Delete the GREEAR second reading amendment (SF0127H2001/AE) to these pages and the ZWONTIZER third reading amendment (SF0127H3003/AE) to these pages. ZWONITZER

SF0127H3004.02/FAILED (TO ENGROSSED COPY)

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 7-lines 2 through 11 Delete the GREEAR second reading amendment (SF0127H2001/AE) to these lines. ZWONITZER

3/2/2017 H 3rd Reading:Passed 39-21-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Blake, Bovee, Brown, Burkhart, Byrd, Connolly, Court, Crank, Dayton, Eklund, Flitner, Freeman, Furphy, Gierau, Haley, Hallinan, Halverson, Henderson, Hunt, Kinner, Kirkbride, Larsen, Lindholm, MacGuire, Madden, McKim, Obermueller, Paxton, Pelkey, Piiparinen, Pownall, Schwartz, Sommers, Sweeney, Wilson, Winters, Zwonitzer

Nays: Representative(s) Baker, Biteman, Blackburn, Clausen, Clem, Edwards, Eyre, Gray, Greear, Harshman, Jennings, Laursen, Lone, Loucks, Miller, Nicholas, Northrup, Olsen, Salazar, Steinmetz, Walters

Ayes 39 **Nays** 21 **Excused** 0 **Absent** 0 **Conflicts** 0

3/3/2017 S Received for Concurrence
3/3/2017 S Concur:Passed 25-5-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Christensen, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Anderson, Case, Coe, Dockstader, Meier

Ayes 25 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 0

3/3/2017 Assigned Number SEA No. 0085
3/3/2017 S President Signed SEA No. 0085
3/3/2017 H Speaker Signed SEA No. 0085
3/10/2017 Governor Signed SEA No. 0085
3/10/2017 Assigned Chapter Number

Chapter No. 196 Session Laws of Wyoming 2017