

As Introduced

136th General Assembly

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H. B. No. 769

Representatives Kishman, Craig

To amend sections 4722.01, 4722.03, 4722.06, 1
4722.07, and 4722.08 and to enact sections 2
4722.20, 4722.21, 4722.22, 4722.23, 4722.24, 3
4722.25, and 4722.26 of the Revised Code to 4
regulate the practices of roofing contractors 5
and the terms of their contracts. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4722.01, 4722.03, 4722.06, 7
4722.07, and 4722.08 be amended and sections 4722.20, 4722.21, 8
4722.22, 4722.23, 4722.24, 4722.25, and 4722.26 of the Revised 9
Code be enacted to read as follows: 10

Sec. 4722.01. As used in ~~this chapter~~ sections 4722.01 to 11
4722.08 of the Revised Code: 12

(A) "Cost-plus contract" means a contract entered into 13
between an owner and a home construction service supplier under 14
which payment to the supplier is based on the cost of a product 15
plus the supplier's rate for labor to install the product plus 16
an agreed percentage of profit or a stipulated fee. 17

(B) "Home construction service" means the construction of 18
a residential building, including the creation of a new 19
structure and the repair, improvement, remodel, or renovation of 20

an existing structure. "Home construction service" does not 21
include construction performed on a structure that contains four 22
or more dwelling units, except for work on an individual 23
dwelling unit within that structure, or construction performed 24
on the common area of a condominium property. 25

(C) "Home construction service contract" means a contract 26
between an owner and a supplier to perform home construction 27
services, including services rendered based on a cost-plus 28
contract, for an amount exceeding twenty-five thousand dollars. 29

(D) "Home construction service supplier" or "supplier" 30
means a person who contracts with an owner to provide home 31
construction services for compensation and who maintains in 32
force a general liability insurance policy in an amount of not 33
less than two hundred fifty thousand dollars. 34

(E) "Owner" means the person who contracts with a home 35
construction service supplier. "Owner" may include the owner of 36
the property, a tenant who occupies the dwelling unit on which 37
the home construction service is performed, or a person the 38
owner authorizes to act on the owner's behalf to contract for a 39
home construction service, and any other person who contracts 40
for a home construction service. 41

(F) "Residential building" means a one-, two-, or three- 42
family dwelling and any accessory construction incidental to the 43
dwelling. "Residential building" does not include any of the 44
following: 45

(1) An industrialized unit as described in section 3781.06 46
of the Revised Code; 47

(2) A manufactured home as described in section 3781.06 of 48
the Revised Code; 49

(3) A mobile home as described in section 4501.01 of the Revised Code.

(G) "Workmanlike manner" means the home construction service supplier has engaged in construction that meets or exceeds the minimum quantifiable standards promulgated by the Ohio home builders association.

Sec. 4722.03. (A) No home construction service supplier shall do any of the following:

(1) Prior to commencing work related to the home construction service, fail to enter into a written contract that complies with ~~this chapter~~ sections 4722.01 to 4722.08 of the Revised Code;

(2) After entering into a contract with an owner and prior to commencing any work that is related to an excess cost, fail to provide an estimate of the excess costs as ~~this chapter requires~~ required by sections 4722.01 to 4722.08 of the Revised Code;

(3) After entering into a contract with an owner, do any of the following:

(a) Fail to disclose, prior to the owner's acceptance of any goods or work related to an excess cost, that in failing to approve an excess cost, completion of the work may not be possible and a charge may be imposed for any disassembly, reassembly, or partially completed work, which shall be directly related to the actual labor or parts involved;

(b) Charge for any excess cost that the owner has not approved;

(c) Represent that repairs or work have been performed

when such is not the fact; 78

(d) Fail to perform the home construction service in a 79
workmanlike manner; 80

(e) Fail to tender to the owner, within a reasonable time 81
and upon the owner's request, any replaced parts, unless the 82
parts are to be rebuilt or sold by the home construction service 83
supplier, or returned to the manufacturer in connection with a 84
warranted repair or service, and the intended reuse or return is 85
made known to the owner prior to commencing any repair or 86
services; 87

(f) Fail to provide a full refund within a reasonable time 88
period for any goods or services that the home construction 89
service supplier has failed to deliver in accordance with the 90
terms and conditions of the contract required by section 4722.02 91
of the Revised Code and for which the supplier has received 92
payment; 93

(g) Fail to provide to the owner, within a reasonable time 94
and upon the owner's request, a written, itemized receipt for 95
any item of goods that is left with, or turned over to, the home 96
construction service supplier for repair or services. The 97
receipt shall include all of the following: 98

(i) The identity of the person who will perform the repair 99
or services; 100

(ii) The name and dated signature of the person or 101
representative who actually accepts the goods; 102

(iii) A description, including make and model number or 103
other features that will reasonably identify the goods that are 104
turned over, and the repair or services that are to be 105
performed. 106

(4) Make the performance of any home construction service	107
contingent upon an owner's waiver of any rights this chapter	108
provides provided by sections 4722.01 to 4722.08 of the Revised	109
<u>Code</u> ;	110
(5) Represent that repairs, services, or work is necessary	111
to comply with the residential building code when such is not	112
the fact;	113
(6) Represent that an item of goods or any part thereof	114
that is being inspected or diagnosed for a home construction	115
service is in a dangerous condition, or that its continued use	116
may be harmful, when such is not the fact;	117
(7) Intentionally understate or intentionally misstate the	118
estimated cost of the home construction service;	119
(8) Intentionally misrepresent any aspect of the	120
transaction or the nature or the quality of the work or	121
materials;	122
(9) Fail at the time any owner signs or initials any	123
document to provide the owner with a copy of the document within	124
a reasonable time period;	125
(10) Fail to disclose to the owner prior to the	126
commencement of any repair or service that any part of the	127
repair or service will be performed by a person other than the	128
home construction service supplier or employee of the supplier	129
if the contract disclaims any warranty of the repair or service	130
that the other person performs;	131
(11) Represent that repairs or services must be performed	132
away from the property on which the home construction service is	133
being performed when that is not the fact.	134

(B) A home construction service supplier who enters into a 135
cost-plus contract with an owner for a home construction service 136
need not comply with the requirements regarding excess costs 137
provided in this section. 138

Sec. 4722.06. (A) If, by the attorney general's own 139
inquiries or as a result of complaints, the attorney general has 140
reasonable cause to believe that a person has engaged or is 141
engaging in an act or practice that violates ~~this~~ 142
~~chapter~~ sections 4722.01 to 4722.08 of the Revised Code, the 143
attorney general may investigate. 144

(B) For this purpose, the attorney general may administer 145
oaths, subpoena witnesses, adduce evidence, and require the 146
production of relevant matter. 147

If matter that the attorney general requires to be 148
produced is located outside the state, the attorney general may 149
designate representatives, including officials of the state in 150
which the matter is located, to inspect the matter on the 151
attorney general's behalf, and the attorney general may respond 152
to similar requests from officials of other states. The person 153
subpoenaed may make the matter available to the attorney general 154
at a convenient location within the state or pay the reasonable 155
and necessary expenses for the attorney general or the attorney 156
general's representative to examine the matter at the place 157
where it is located, provided that expenses shall not be charged 158
to a party not subsequently found to have engaged in an act or 159
practice violative of ~~this chapter~~ sections 4722.01 to 4722.08 of 160
the Revised Code. 161

(C) Within twenty days after a subpoena has been served, a 162
motion to extend the return day, or to modify or quash the 163
subpoena, stating good cause, may be filed in the court of 164

common pleas of Franklin county or the county in which the 165
person served resides or has the person's principal place of 166
business. 167

(D) A person subpoenaed under this section shall comply 168
with the terms of the subpoena, unless the parties agree to 169
modify the terms of the subpoena or unless the court has 170
modified or quashed the subpoena, extended the return day of the 171
subpoena, or issued any other order with respect to the subpoena 172
prior to its return day. 173

If a person fails without lawful excuse to obey a subpoena 174
or to produce relevant matter, the attorney general may apply to 175
the court of common pleas of the county in which the person 176
subpoenaed resides or has the person's principal place of 177
business for an order compelling compliance. 178

(E) The attorney general may request that an individual 179
who refuses to testify or to produce relevant matter on the 180
ground that the testimony or matter may incriminate the 181
individual be ordered by the court to provide the testimony or 182
matter. With the exception of a prosecution for perjury and an 183
action for damages under ~~this chapter~~ sections 4722.01 to 4722.08 184
of the Revised Code, an individual who complies with a court 185
order to provide testimony or matter, after asserting a 186
privilege against self-incrimination to which the individual is 187
entitled by law, shall not be subjected to a criminal proceeding 188
or to a civil penalty or forfeiture on the basis of the 189
testimony or matter required to be disclosed or testimony or 190
matter discovered through that testimony or matter. 191

(F) The attorney general may: 192

(1) During an investigation under this section, afford, in 193

a manner considered appropriate to the attorney general, a 194
supplier an opportunity to cease and desist from any suspected 195
violation. The attorney general may suspend the investigation 196
during the time period that the attorney general permits the 197
supplier to cease and desist; however, the suspension of the 198
investigation or the affording of an opportunity to cease and 199
desist shall not prejudice or prohibit any further investigation 200
by the attorney general under this section. 201

(2) Terminate an investigation under this section upon 202
acceptance of a written assurance of voluntary compliance from a 203
supplier who is suspected of a violation of ~~this chapter~~sections 204
4722.01 to 4722.08 of the Revised Code. 205

Acceptance of an assurance may be conditioned upon an 206
undertaking to reimburse or to take other appropriate action 207
with respect to identifiable owners damaged by an alleged 208
violation of ~~this chapter~~sections 4722.01 to 4722.08 of the 209
Revised Code. An assurance of compliance given by a supplier is 210
not evidence of violation of ~~this chapter~~those sections. The 211
attorney general may, at any time, reopen an investigation 212
terminated by the acceptance of an assurance of voluntary 213
compliance, if the attorney general believes that further 214
proceedings are in the public interest. Evidence of a violation 215
of an assurance of voluntary compliance is prima-facie evidence 216
of an act or practice in violation of ~~this chapter~~sections 217
4722.01 to 4722.08 of the Revised Code, if presented after the 218
violation in an action brought under ~~this chapter~~those sections. 219
An assurance of voluntary compliance may be filed with the court 220
and if approved by the court, entered as a consent judgment. 221

(G) The procedures available to the attorney general under 222
this section are cumulative and concurrent, and the exercise of 223

one procedure by the attorney general does not preclude or 224
require the exercise of any other procedure. 225

Sec. 4722.07. (A) If the attorney general, by the attorney 226
general's own inquiries or as a result of complaints, has 227
reasonable cause to believe that a supplier has engaged or is 228
engaging in an act or practice that violates ~~this-~~ 229
~~chapter~~sections 4722.01 to 4722.08 of the Revised Code, and that 230
the action would be in the public interest, the attorney general 231
may bring any of the following: 232

(1) An action to obtain a declaratory judgment that the 233
act or practice violates ~~this chapter~~sections 4722.01 to 4722.08 234
of the Revised Code; 235

(2) (a) An action, with notice as required by Civil Rule 236
65, to obtain a temporary restraining order, preliminary 237
injunction, or permanent injunction to restrain the act or 238
practice. If the attorney general shows by a preponderance of 239
the evidence that the supplier has violated or is violating ~~this~~ 240
~~chapter~~sections 4722.01 to 4722.08 of the Revised Code, the 241
court may issue a temporary restraining order, preliminary 242
injunction, or permanent injunction to restrain and prevent the 243
act or practice. 244

(b) On motion of the attorney general, or on its own 245
motion, the court may impose a civil penalty of not more than 246
five thousand dollars for each day of violation of a temporary 247
restraining order, preliminary injunction, or permanent 248
injunction issued under this section, if the supplier received 249
notice of the action. The civil penalties shall be paid as 250
provided in division (G) of this section. 251

(c) Upon the commencement of an action under division (A) 252

(2) of this section against a supplier who operates under a 253
license, permit, certificate, commission, or other authorization 254
issued by the supreme court or by a board, commission, 255
department, division, or other agency of this state, the 256
attorney general shall immediately notify the supreme court or 257
agency that such an action has been commenced against the 258
supplier. 259

(3) A class action under Civil Rule 23, as amended, on 260
behalf of owners who have engaged in home construction service 261
contracts in this state for damage caused by an act or practice 262
described in this chapter sections 4722.01 to 4722.08 of the 263
Revised Code. 264

(B) On motion of the attorney general and without bond, in 265
the attorney general's action under this section, the court may 266
make appropriate orders, including appointment of a referee or a 267
receiver, for sequestration of assets, to reimburse owners found 268
to have been damaged, to carry out a home construction service 269
contract in accordance with an owner's reasonable expectations, 270
to strike or limit the application of unconscionable clauses of 271
contracts so as to avoid an unconscionable result, or to grant 272
other appropriate relief. The court may assess the expenses of a 273
referee or receiver against the supplier. 274

(C) Any moneys or property recovered by the attorney 275
general in an action under this section that cannot with due 276
diligence within five years be restored by a referee to owners 277
shall be unclaimed funds reportable under Chapter 169. of the 278
Revised Code. 279

(D) In addition to the other remedies provided in this 280
section, the attorney general may request and the court may 281
impose a civil penalty of not more than twenty-five thousand 282

dollars against the supplier for each violation of an act or 283
practice described in ~~this chapter~~ sections 4722.01 to 4722.08 of 284
the Revised Code. The civil penalties shall be paid as provided 285
in division (G) of this section. 286

(E) No action may be brought by the attorney general under 287
this section to recover for a home construction service contract 288
more than two years after the occurrence of a violation. 289

(F) If a court determines that provision has been made for 290
reimbursement or other appropriate corrective action, insofar as 291
practicable, with respect to all consumers damaged by a 292
violation, or in any other appropriate case, the attorney 293
general, with court approval, may terminate enforcement 294
proceedings brought by the attorney general upon acceptance of 295
an assurance from the supplier of voluntary compliance with ~~this~~ 296
~~chapter~~ sections 4722.01 to 4722.08 of the Revised Code, with 297
respect to the alleged violation. The assurance shall be filed 298
with the court and entered as a consent judgment. A consent 299
judgment is not evidence of prior violation of ~~such chapter~~ those 300
sections. Disregard of the terms of a consent judgment entered 301
upon an assurance shall be treated as a violation of an 302
injunction issued under this section. 303

(G) Civil penalties ordered pursuant to divisions (A) or 304
(D) of this section shall be paid as follows: one-fourth of the 305
amount to the treasurer of the county in which the action is 306
brought and three-fourths to the consumer protection enforcement 307
fund created by section 1345.51 of the Revised Code. 308

(H) The remedies available to the attorney general under 309
this section are cumulative and concurrent, and the exercise of 310
one remedy by the attorney general does not preclude or require 311
the exercise of any other remedy. 312

(I) In carrying out the attorney general's official 313
duties, the attorney general shall not disclose publicly the 314
identity of any supplier who is or was the subject of an 315
investigation under ~~this chapter~~ sections 4722.01 to 4722.08 of 316
the Revised Code or any facts developed during such an 317
investigation unless those matters have become a matter of 318
public record in enforcement proceedings, or the supplier who is 319
the subject of the investigation gives written consent to public 320
disclosure of those matters. 321

(J) The attorney general shall cooperate with state and 322
local officials, officials of other states, and officials of the 323
federal government in the administration of statutes comparable 324
to ~~this chapter~~ sections 4722.01 to 4722.08 of the Revised Code. 325

Sec. 4722.08. For a violation of ~~Chapter 4722.~~ sections 326
4722.01 to 4722.08 of the Revised Code, an owner has a cause of 327
action and is entitled to relief as follows: 328

(A) Where the violation was an act prohibited by section 329
4722.02, 4722.03, or 4722.04 of the Revised Code, the owner may, 330
in an individual action, rescind the transaction or recover the 331
owner's actual economic damages plus an amount not exceeding 332
five thousand dollars in noneconomic damages. 333

(B) In any action for rescission, revocation of the 334
transaction must occur within a reasonable time after the owner 335
discovers or should have discovered the ground for it and before 336
any substantial change in condition of the subject of the 337
transaction. 338

(C) Any owner may seek a declaratory judgment, an 339
injunction, or other appropriate relief against an act or 340
practice that violates ~~this chapter~~ sections 4722.01 to 4722.08 341

of the Revised Code. 342

(D) The court may award to the prevailing party a 343
reasonable attorney's fee limited to the work reasonably 344
performed, if either of the following apply: 345

(1) The owner complaining of the act or practice that 346
violated ~~this chapter~~ sections 4722.01 to 4722.08 of the Revised 347
Code has brought or maintained an action that is groundless, and 348
the owner filed or maintained the action in bad faith; 349

(2) The home construction service supplier has knowingly 350
committed an act or practice that violates ~~this chapter~~ sections 351
4722.01 to 4722.08 of the Revised Code. 352

(E) As used in this section, "actual economic damages" 353
means damages for direct, incidental, or consequential pecuniary 354
losses resulting from a violation of ~~Chapter 4722~~ sections 355
4722.01 to 4722.08 of the Revised Code and does not include 356
damages for noneconomic loss as defined in section 2315.18 of 357
the Revised Code. 358

(F) Nothing in this section shall preclude an owner from 359
also proceeding with a cause of action under any other theory of 360
law. 361

Sec. 4722.20. As used in sections 4722.20 to 4722.25 of 362
the Revised Code: 363

(A) "Consumer" means a person who seeks roofing services. 364

(B) "Contractor" means a person engaged in roofing 365
services for a fee or who offers to engage in or solicits 366
roofing services for a fee. "Contractor" does not include any of 367
the following: 368

(1) The owner of a residential or farm property, when the 369

owner performs roofing services on that property; 370

(2) An employee of the owner of a residential or farm 371
property, when the employee performs roofing services on that 372
property; 373

(3) An authorized employee or representative of the United 374
States government, this state, or a political subdivision, when 375
the employee or representative performs roofing services on 376
property owned by that governmental entity; 377

(4) A person who furnishes any fabricated or finished 378
product, material, or article of merchandise that is not 379
incorporated into or attached to real property by the consumer 380
so as to become affixed to the property; 381

(5) A person who is acting as a contractor's employee or 382
as a subcontractor; 383

(6) A person who is performing home construction service 384
as that term is defined in section 4722.01 of the Revised Code; 385

(7) A contractor licensed under Chapter 4740. of the 386
Revised Code. 387

(C) "Employee" means an individual who performs work in 388
exchange for compensation that is reported as income from wages. 389

(D) "Person" includes any individual, partnership, 390
corporation, business, trust, or other legal entity. 391

(E) "Principal business address" does not include a post 392
office box. 393

(F) "Roofing services" means the installation, renovation, 394
repair, maintenance, alteration, or waterproofing of any roof, 395
gutter, downspout, or siding product with regard to a 396

residential premises. 397

(G) "Subcontractor" means a person, other than a 398
contractor's employee, who undertakes, offers to undertake, 399
agrees to perform, or is otherwise awarded a portion of an 400
existing contract by a contractor. 401

Sec. 4722.21. The requirements of this section apply with 402
respect to a contract for roofing services for an amount greater 403
than seven hundred fifty dollars. 404

(A) The contract shall be in writing and shall include all 405
of the following: 406

(1) The complete agreement between the consumer and the 407
contractor, including a clear description of any other documents 408
that are or will be incorporated into the contract; 409

(2) The contractor's full legal name, business names, 410
principal business address, telephone number, and electronic 411
mail address, if available; 412

(3) Either of the following: 413

(a) A description of the contractor's insurance coverage 414
as described in division (A) (1) of section 4722.23 of the 415
Revised Code, including the insurance policy limits, the 416
effective dates of applicable policies, and the name of the 417
insurer; 418

(b) A statement that a description of the contractor's 419
insurance coverage may be accessed at a specific web site or 420
otherwise provided to the consumer on request. 421

(4) An itemized description of the work to be done, the 422
cost of labor, and the materials to be used in performing the 423
contract; 424

(5) The total amount agreed to be paid for the work to be 425
performed under the contract, including all change orders and 426
work orders; 427

(6) A provision allowing payment to be made by cash, 428
check, or credit card, at the consumer's discretion; 429

(7) If the contractor intends to charge a consumer making 430
payment by credit card a credit card processing fee, a provision 431
allowing the contractor to charge the consumer a fee of up to 432
three and one-half per cent of the amount in division (A) (5) of 433
this section; 434

(8) The signatures of all persons party to the contract; 435

(9) In immediate proximity to the space reserved for the 436
consumer's signature, a statement in substantially the following 437
form and in at least ten-point boldface type: 438

"You may cancel this contract not later than the third 439
business day after entering into this contract. If this contract 440
is related to an insurance claim, you may also cancel the 441
contract not later than the third business day after you are 442
notified that your insurer has denied all of a claim or loss 443
related to the contract. See the attached notice of cancellation 444
form for an explanation of this right." 445

(10) A fully completed form in duplicate, captioned 446
"NOTICE OF CANCELLATION," which shall be attached to the 447
contract but easily detachable, and which shall contain the 448
following statement in at least ten-point boldface type: 449

"NOTICE OF CANCELLATION 450

You may cancel this contract not later than the third 451
business day after entering into the contract. If this contract 452

is related to an insurance claim, you may also cancel the 453
contract not later than the third business day after you are 454
notified that your insurer has denied all of your claim or loss. 455
You may cancel the contract by mailing or delivering a signed 456
and dated copy of this cancellation notice or any other written 457
notice to (name of contractor) at (contractor's principal 458
business address) at any time before the applicable deadline. 459
You may also send a cancellation notice through electronic mail 460
if the contractor has provided an electronic mail address. If 461
you cancel, any payments you have made under the contract will 462
be returned to you, less a reasonable charge for any services 463
and materials provided, not later than the fifteenth business 464
day after you send the cancellation notice to the contractor, 465
and any security interest arising out of the transaction will be 466
canceled. You must retain a copy of the cancellation notice. 467

I HEREBY CANCEL THIS TRANSACTION 468

_____ 469

(Date) 470

_____ 471

(Signature) " 472

(B) At the time the contract is signed, the contractor 473
shall provide to the consumer a copy of the contract signed by 474
both the contractor and the consumer. No work shall begin before 475
the contract is signed and a copy of the contract is provided to 476
the consumer. 477

(C) The contract and notice of cancellation required under 478
this section may be delivered and signed electronically in 479
accordance with Chapter 1306. of the Revised Code. 480

(D) Nothing in sections 4722.20 to 4722.25 of the Revised 481
Code requires the consumer's insurer to pay or reimburse the 482
consumer for the fee in division (A) (7) of this section. 483

Sec. 4722.22. (A) A consumer may cancel a contract for 484
roofing services not later than the third business day after the 485
consumer enters into the contract. A consumer who has entered 486
into a contract that is to be paid from the proceeds of a 487
property or casualty insurance policy claim also may cancel the 488
contract not later than the third business day after the 489
consumer receives written notice from the insurer that all of 490
the claim in question is not covered under the insurance policy. 491

(B) A notice of cancellation is not required to be in any 492
particular form and is sufficient if it indicates, by any form 493
of written expression, the consumer's intention not to be bound 494
by the contract. The consumer shall retain a copy of the 495
cancellation notice for a reasonable period of time. 496

(C) A contract is canceled when the consumer gives written 497
notice of cancellation to the contractor at the principal 498
business address or, if applicable, electronic mail address, 499
stated in the contract. If the consumer gives notice of 500
cancellation by mail, the cancellation is effective when the 501
consumer deposits the notice into the United States mail, 502
postage prepaid, and properly addressed to the contractor. 503

(D) Not later than the fifteenth business day after a 504
contract is canceled, the contractor shall tender to the 505
consumer or to the possessor of the residential premises any 506
payments, partial payments, or deposits made by the consumer and 507
any note of indebtedness, except that if the contractor has 508
performed services or provided materials that have been 509
acknowledged by the consumer in writing, the contractor is 510

entitled to the reasonable value of those services or materials. 511

Sec. 4722.23. (A) A contractor shall do both of the 512
following: 513

(1) Obtain both of the following in the name of the 514
contractor and maintain them in full force and effect while the 515
contractor is providing roofing services: 516

(a) Workers' compensation insurance; 517

(b) Contractor liability insurance, including completed 518
operations coverage, in an amount of at least five hundred 519
thousand dollars. 520

(2) Maintain a list of all subcontractors who have 521
performed work under any contract under which the contractor has 522
begun work during the past three years. The list shall include, 523
at a minimum, each subcontractor's full legal name and principal 524
business address. 525

(B) A contractor shall not do any of the following: 526

(1) Advertise, promise to pay, or rebate any portion of an 527
insurance deductible as an inducement to the sale of goods or 528
services, including granting an allowance or offering a discount 529
against the fees to be charged or paying the consumer, or any 530
person directly or indirectly associated with the property in 531
question, any form of compensation, except as permitted under 532
division (B) (2) of this section; 533

(2) Induce the sale of goods or services by doing any of 534
the following: 535

(a) Offering or providing any upgraded work, material, or 536
product not specified in the contract, unless the contractor and 537
the consumer sign a written addendum to the contract that 538

provides for that upgraded work, material, or product; 539

(b) Granting any allowance or offering any discount 540
against the fees to be charged, unless the allowance or discount 541
is specified in the contract or unless the contractor and the 542
consumer sign a written addendum to the contract that provides 543
for that allowance or discount; 544

(c) Paying to the consumer, or to any other person 545
directly or indirectly associated with the property in question, 546
any form of compensation, including a gift, prize, bonus, 547
coupon, credit, referral fee, trade-in or trade-in payment, 548
advertising, or other fee or payment, unless the compensation is 549
specified in the contract or unless the contractor and the 550
consumer sign a written addendum to the contract that provides 551
for that compensation; 552

(3) Require a deposit of more than one-half of the 553
contract price; 554

(4) Abandon or fail to perform, without justification, any 555
ongoing contract or deviate from or disregard plans or 556
specifications in any material respect without the consent of 557
the consumer; 558

(5) Fail to credit the consumer for any payment the 559
consumer has made to the contractor in connection with the 560
contract; 561

(6) Make any material misrepresentation in the procurement 562
of a contract or make any false promise likely to influence, 563
persuade, or induce the procurement of a contract; 564

(7) Violate any applicable state or local building code; 565

(8) Fail to pay for materials or services rendered in 566

connection with operating as a contractor, if the contractor has 567
received sufficient funds as payment for the particular 568
construction work, project, or operation for which the services 569
or materials were rendered or purchased; 570

(9) Report, adjust, or negotiate a claim on behalf of a 571
consumer or receive compensation for referring a claim to any 572
person who reports, adjusts, or negotiates a claim on behalf of 573
a consumer; 574

(10) Fail to possess any insurance required under state, 575
federal, or local laws; 576

(11) Seek or obtain a power of attorney on behalf of a 577
consumer; 578

(12) Represent, negotiate, obtain, or attempt to obtain an 579
assignment of claims, rights, benefits, or proceeds from a 580
consumer; 581

(13) Offer or advertise to represent, negotiate, obtain, 582
or attempt to obtain an assignment of claims, rights, benefits, 583
or proceeds from a consumer; 584

(14) Act as a public insurance adjuster or public 585
insurance adjuster agent on any claim related to an ongoing 586
contract. 587

(C) A contractor may provide information or a professional 588
opinion about a claim directly to a consumer. The contractor may 589
provide information or a professional opinion about a claim in 590
writing directly to the consumer's insurer. 591

(D) (1) Nothing in this section shall be construed to 592
permit a public insurance adjuster or public insurance adjuster 593
agent to do either of the following: 594

(a) Engage in any manner or degree, for compensation of 595
any kind, in the business of repairing, remodeling, or replacing 596
damaged or destroyed property, real or personal, which damage or 597
destruction is covered by a policy of insurance; 598

(b) Have any direct or indirect interest in, or receive 599
compensation of any kind from, any person, firm, association, 600
partnership, or corporation which is engaged in such business. 601

(2) Nothing in this section shall be construed to modify 602
in any manner the conduct of a public insurance adjuster or 603
public insurance adjuster agent who holds a valid certificate of 604
authority issued under Chapter 3951. of the Revised Code and is 605
acting in compliance with that chapter or any rule adopted under 606
it. 607

Sec. 4722.24. Failure to comply with sections 4722.20 to 608
4722.23 of the Revised Code constitutes a deceptive act or 609
practice in connection with a consumer transaction in violation 610
of section 1345.02 of the Revised Code. 611

Sec. 4722.25. Sections 4722.20 to 4722.24 of the Revised 612
Code shall not be construed to limit or diminish any rights or 613
remedies available under sections 1345.21 to 1345.28 of the 614
Revised Code. 615

The contract required under section 4722.21 of the Revised 616
Code shall be deemed to comply with the requirements of 617
divisions (A), (B) (1), (2), and (3) of section 1345.23 of the 618
Revised Code. 619

Sec. 4722.26. It is the intent of the General Assembly in 620
enacting sections 4722.20 to 4722.25 of the Revised Code to 621
establish minimum standards for roofing contracts and to promote 622
fair and honest practices in the roofing services business. 623

Section 2. That existing sections 4722.01, 4722.03, 624
4722.06, 4722.07, and 4722.08 of the Revised Code are hereby 625
repealed. 626

Section 3. Sections 4722.20, 4722.21, 4722.22, 4722.23, 627
4722.24, and 4722.25 of the Revised Code, as enacted by this 628
act, take effect on the ninetieth day after the effective date 629
of this section. 630