

As Amended by Senate Committee

Session of 2005

SENATE BILL No. 54

By Committee on Elections and Local Government

1-19

10 AN ACT concerning roofing materials.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. ~~(a) Except as provided in subsection (b), on and after the~~
14 ~~effective date of this act, no roofing material shall be used in the con-~~
15 ~~struction, maintenance or replacement of the roof, or any portion thereof,~~
16 ~~of any residence located in this state unless such roofing material meets~~
17 ~~or exceeds the fire resistance standards for a class C roof as established~~
18 ~~by rules and regulations adopted by the state fire marshal pursuant to this~~
19 ~~act, and amendments thereto, or any municipal building code which has~~
20 ~~been adopted as required by law, whichever is more restrictive.~~

21 ~~—(b) The provisions of subsection (a) shall not apply to roofing material~~
22 ~~used in the maintenance or replacement of less than 50% of the roof of~~
23 ~~any residence which was occupied prior to the effective date of this act.~~

24 ~~—Sec. 2. (a) This act shall be administered by the state fire marshal.~~

25 ~~—(b) The state fire marshal shall adopt reasonable rules and regulations~~
26 ~~consistent with the provisions of this act for the safeguarding of life and~~
27 ~~property from fire, explosion and hazardous materials.~~

28 ~~—(c) Any rules and regulations of the state fire marshal adopted pur-~~
29 ~~suant to this section may incorporate by reference specific editions, or~~
30 ~~portions thereof, of any nationally recognized fire prevention code or~~
31 ~~nationally recognized building code.~~

32 ~~—(d) The rules and regulations adopted pursuant to this section shall~~
33 ~~allow the roof of any residence in service prior to the effective date of~~
34 ~~such rules and regulations, and not in strict conformity therewith, to con-~~
35 ~~tinue in service, so long as such roof is not determined by the state fire~~
36 ~~marshal to constitute a distinct hazard to life or property. Any such de-~~
37 ~~termination shall be subject to the appeal provisions contained in K.S.A.~~
38 ~~31-140 and amendments thereto.~~

39 ~~—Sec. 3. For the purposes of this act: (a) “Residence” means a single~~
40 ~~family dwelling.~~

41 ~~—(b) “Nationally recognized code” or “nationally recognized fire pre-~~
42 ~~vention code” shall have the meaning ascribed to such terms in K.S.A.~~
43 ~~31-132 and amendments thereto.~~

1 ~~—(c) “Municipality” shall have the meaning ascribed to such term in~~
2 ~~K.S.A. 31-132 and amendments thereto.~~

3 ~~—(d) “Nationally recognized building code” shall have the meaning as-~~
4 ~~cribed to such term in K.S.A. 31-132 and amendments thereto.~~

5 ***(a) From and after July 1, 2006, any provision of a restrictive***
6 ***covenant that requires the use of any particular roofing material in***
7 ***the construction or replacement of the roof which also does not***
8 ***require a roofing material that meets or exceeds class C fire resis-***
9 ***tant standards is hereby declared to be contrary to the public policy***
10 ***of this state and unenforceable.***

11 ***(b) For the purposes of this section, a roofing material shall be***
12 ***deemed to comply with the requirements of subsection (a) if the***
13 ***roofing material has been tested in accordance with one of the fol-***
14 ***lowing documents as such document exists on July 1, 2005, and***
15 ***found to be in compliance with the class C fire resistant standards***
16 ***contained therein:***

17 ***(1) United Laboratories Standard 790 (UL 790) entitled “Stan-***
18 ***dard Test Methods for Fire Tests of Roof Coverings”;***

19 ***(2) ASTM E108 entitled “Standard Test Methods for Fire Tests***
20 ***of Roof Coverings”;*** or

21 ***(3) ASTM D2898 entitled “Standard Test Methods for Acceler-***
22 ***ated Weathering of Fire-Retardant-Treated Wood for Fire Testing”.***

23 **Sec. 4 2.** This act shall take effect and be in force from and after its
24 publication in the statute book.