

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB2180 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Fred Jordan

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE

4 SUBSTITUTE

5 FOR ENGROSSED

6 SENATE BILL NO. 2180

By: Newberry and Garrison of
the Senate

and

Jordan of the House

8
9
10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to professions and occupations;
12 creating the Roofing Contractor Registration Act;
13 providing short title; defining terms; requiring
14 roofing contractor registration; designating
15 Construction Industries Board as registrar; allowing
16 promulgation of rules and forms; allowing use of
17 certain technology; providing procedure for
18 registration; requiring certain documents with
19 application; requiring insurance and bond in minimal
20 amounts; authorizing additional information;
21 requiring certain statements under oath; stating
22 grounds for refusal to grant roofing contractor
23 registration; requiring certain notice and
24 opportunity to cure defects in application within
certain time; providing for appeal; allowing
reapplication after certain waiting period;
establishing notice and grounds for registration not
in good standing; prohibiting certain acts after
certain notification; providing suspension for
certain prohibited acts; requiring information on
prior convictions; requiring certain notification of
request to register as sex offender upon entering
state to live or work; construing effect of prior
convictions; providing for criminal history record
search and fee under certain circumstance; providing
for appeal of denied registration based upon
conviction; requiring certain compliance for roofing

1 contractor; allowing registrar to set registration
2 fee; limiting maximum fee amount; directing deposit
3 of monies to certain fund for certain purpose;
4 providing for prorated fee and term for certain
5 registrations; allowing registrar to set renewal fee;
6 making certain exceptions to registration
7 requirement; construing certain authority;
8 establishing authority to issue roofing contractor
9 registration; setting expiration dates for
10 registration; requiring certain fee and notification
11 for information changes; setting maximum fee for
12 change of certain information; prohibiting certain
13 information change; providing renewal procedure;
14 providing renewal fee and date; allowing exchange of
15 certain information with certain agencies; requiring
16 certain information for renewal; providing for
17 nonrenewal; providing a grace period for renewal;
18 providing late fee for renewal; setting maximum late
19 fee; providing for suspension and revocation for
20 nonrenewal; providing fee for suspended and revoked
21 registrations; setting fee limits; requiring status
22 notation in certain contractor record; allowing
23 public inspection of roofing contractor registration;
24 directing destruction of records after certain date;
authorizing certified copies of registration as prima
facie evidence; setting fee record certification;
allowing abstract of certain record for certain
purpose; providing complaint procedure; including
complaint information in certain record; authorizing
registrar to hear complaints or refer certain
complaints to district attorney; authorizing
administrative fine; setting maximum amount for
certain fine; directing registrar to use complaint
information to set certain standards or rules;
allowing registrar to suspend or revoke registration
for certain term; prohibiting registration under
another name during certain period; creating
misdemeanor penalty for certain acts; setting maximum
criminal fine; providing for restitution; providing
for revocation or denial of roofing contractor
registration; allowing permanent revocation;
designating Secretary of State as service agent for
certain nonresident roofing contractors; providing
procedure for service of process of nonresident
roofing contractors; exempting certain business
entities from appointment of certain legal service
agent; allowing court continuance before default

1 judgment for nonresident roofing contractor;
2 requiring roofing contractor and subcontractor
3 registration number on certain permits; requiring
4 roofing contractor registration number on certain
5 vehicles and other business transactions; requiring
6 certain permit issued by the Construction Industries
7 Board in certain circumstances; directing the
8 Construction Industries Board to develop permit
9 issuing process; requiring roofer registration
10 certificate number on permit; requiring posting of
11 certain permit; authorizing certain inspections;
12 setting maximum permit fee; directing registrar to
13 verify roofing contractor information to certain
14 officials; authorizing use of technology for certain
15 verification system; allowing information sharing for
16 certain purposes; construing provisions and authority
17 of act; creating the Roofing Contractor Registration
18 Revolving Fund; providing for funding and
19 expenditures; requiring certain compliance; providing
20 for codification; and providing an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1151.1 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Roofing
Contractor Registration Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1151.2 of Title 59, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1. "Roofing contractor" means any person, including a
subcontractor and nonresident contractor, engaged in the business of

1 commercial or residential roofing services for a fee, or who offers
2 to engage in or solicits roofing-related services, including
3 construction, installation, renovation, repair, maintenance,
4 alteration, and waterproofing. Roofing contractor shall not mean a
5 person engaged in the demolition of a structure or the cleanup of
6 construction waste and debris that contains roofing material;

7 2. "Nonresident contractor" means any contractor who has not
8 established and maintained a place of business as a roofing
9 contractor in this state within the preceding year, or who claims
10 residency in another state, or who has not submitted an income tax
11 return as a resident of this state within the preceding year;

12 3. "Person" includes any individual, firm, partnership,
13 association, corporation, limited liability company, or other group
14 or combination thereof acting as a unit, unless the intent to give a
15 more limited meaning is disclosed clearly by this act;

16 4. "Public contract" means a contract with the State of
17 Oklahoma, its political subdivisions, or any board, commission, or
18 department thereof, or with any board of county commissioners, or
19 with any city council, school board, or with any state or municipal
20 agency, or with any other public board, body, commission, or agency
21 authorized to award contracts for the construction or reconstruction
22 of public work and includes subcontracts undertaken to perform works
23 covered by the original contract or any part thereof; and

24 5. "Registrar" means the Construction Industries Board.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1151.3 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A person may not engage in the business nor act in the capacity
5 of a roofing contractor within this state nor may that person bring
6 or maintain any claim, action, suit, or proceeding in any court of
7 this state related to the person's business or capacity as a roofing
8 contractor without a valid registration as provided in this act.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1151.4 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 The Construction Industries Board is hereby designated registrar
13 under the provisions of this act and as registrar has authority to
14 employ such assistance and procure such records, supplies, and
15 equipment as may be necessary to carry out and implement the
16 provisions of this act. The Construction Industries Board may
17 promulgate rules, forms, policy and procedures to implement the
18 provisions of this act. The Construction Industries Board may
19 administer any provision of this act through use of the Internet or
20 other technology as deemed necessary or appropriate.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1151.5 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

24

1 A. To obtain a roofing contractor registration under this act,
2 an applicant who is eighteen (18) years of age or older shall
3 submit, on forms the registrar prescribes, an application under oath
4 containing a statement of the applicant's experience and
5 qualifications as a roofing contractor, if any, the applicant's
6 physical address and the applicant's phone number. A copy of the
7 roofing contractor's certificate of liability insurance must be
8 filed with the application and shall be not less than Five Hundred
9 Thousand Dollars (\$500,000.00). In addition, the roofing contractor
10 must submit proof that the contractor has secured workers'
11 compensation coverage satisfactory under the Workers' Compensation
12 Act, or an affidavit of exemption or self-insurance as authorized
13 pursuant to the Workers' Compensation Act. If the registrar deems
14 it appropriate or necessary, the registrar may also require other
15 information to assist the registrar in registering the person as a
16 contractor. The application must contain statements that the
17 applicant desires the issuance of a roofing contractor registration
18 certificate; that the applicant will comply with the provisions of
19 this act; that the applicant will comply with state laws and local
20 ordinances relating to standards and permits; that the applicant has
21 or has not been registered as a roofing contractor in another state
22 and whether any disciplinary action was taken against such
23 registration or whether it is still in good standing; and that the
24 nonresident applicant appoints the Secretary of State as legal

1 service agent for all lawful process to be served upon the applicant
2 for work performed in this state or as otherwise provided in this
3 act.

4 B. The registrar may refuse to register any person if the
5 registrar determines:

6 1. The application contains false, misleading, or incomplete
7 information;

8 2. The applicant fails or refuses to provide any information
9 requested by the registrar;

10 3. The applicant fails or refuses to pay the required fees;

11 4. The applicant is ineligible for registration due to a prior
12 suspended or revoked registration in this state;

13 5. The applicant has failed to obtain or maintain any
14 registration required by law for roofing contractors in this state
15 or another state; or

16 6. The applicant has failed or refuses to submit any taxes due
17 in this state.

18 C. The registrar shall notify the applicant in writing if the
19 registrar does not grant a registration or renewal certificate, and
20 shall provide the applicant an opportunity to respond to or cure any
21 defect in the written application or renewal for a period of ten
22 (10) days from the date of the written notification. An applicant
23 aggrieved by a decision of the registrar not to grant a registration
24 or renewal may appeal the decision as provided in the Administrative

1 Procedures Act, or the applicant may reapply after a ninety-day
2 waiting period, if otherwise eligible under the provisions of this
3 act. The application and renewal fees shall not be refundable.

4 D. Upon obtaining knowledge that a roofing contractor has
5 violated any provision of this act, the registrar shall send a
6 notice of the alleged violation to the contractor. No sooner than
7 twenty (20) days after sending written notice to a roofing
8 contractor at the contractor's last-known address, the registrar
9 shall classify as not in good standing the registration of any
10 contractor who fails to:

- 11 1. Maintain liability insurance coverage;
- 12 2. Maintain workers' compensation coverage satisfactory under
13 the Workers' Compensation Act, or provide an affidavit of exemption
14 or self-insurance as authorized pursuant to the Worker's
15 Compensation Act;
- 16 3. File, renew, or properly amend any fictitious name
17 certificate;
- 18 4. Maintain an active status of a corporation or registration
19 as a foreign corporation, a limited liability company or
20 registration as a foreign limited liability company, a limited
21 liability partnership registration or foreign limited liability
22 partnership registration, or a limited partnership certificate or
23 limited partnership or foreign limited partnership certificate of
24 authority, with the Office of the Secretary of State;

1 5. File or renew a trade name registration;

2 6. Maintain or renew a roofing contractor registration as
3 provided in this act;

4 7. Notify the registrar of a change in name, address, legal
5 business entity, legal service agent, or adjudication of guilt by a
6 court of competent jurisdiction for any violation of this act;

7 8. Obtain or maintain a registration as may be required by law
8 for roofing contractors in this state or another state; or

9 9. File and pay all taxes when due in this state.

10 E. Any roofing contractor who has been notified by the
11 registrar that the contractor's registration is not in good standing
12 shall cease soliciting or entering new roofing services and projects
13 as of the date of such notification. If the roofing contractor
14 fails to correct the deficiency specified in the notice by evidence
15 satisfactory to the registrar within thirty (30) days of the date of
16 the notice or if the roofing contractor solicits or enters new
17 roofing services or projects while the roofing contractor's
18 registration is not in good standing, the registrar shall proceed to
19 suspend the registration of the roofing contractor for one (1) year
20 after notice and hearing.

21 SECTION 6. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1151.6 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

1 There shall be a question on the application and renewal forms
2 requiring the applicant to answer under oath whether or not the
3 applicant has been convicted of a felony offense in this state,
4 another state, or any other place, and the nature of that offense
5 upon which a conviction was imposed. The registrar shall provide
6 either on the application and renewal forms or by separate notice a
7 statement describing the requirement under state law to register in
8 the state if convicted of a sex offense upon entering this state to
9 reside or work.

10 Conviction of an offense does not disqualify a person from
11 registration as a roofing contractor under this act unless the
12 Construction Industries Board determines after notice and hearing
13 that the offense has a direct bearing upon a person's ability to
14 serve the public as a roofing contractor. A determination of the
15 Construction Industries Board that a conviction is a bar to
16 eligibility for registration under this act shall be a final
17 decision for purposes of registration under this act. An aggrieved
18 person may appeal the decision to deny registration based upon a
19 felony conviction as provided for appeals in the Administrative
20 Procedures Act.

21 The registrar shall not be required to conduct a criminal
22 history records search on any applicant; however, upon written
23 request to the applicant, the registrar may require the applicant to
24 submit to a criminal history records search and to pay the necessary

1 fees to conduct such records search. In the case of a required
2 criminal history records search, no original registration or renewal
3 shall be granted until the records search is completed and deemed
4 satisfactory by the registrar for registration under this act.

5 SECTION 7. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1151.7 of Title 59, unless there
7 is created a duplication in numbering, reads as follows:

8 The holder of a roofing contractor registration certificate is
9 entitled to engage in the roofing business within this state
10 pursuant to the provisions of this act and subject to the following
11 limitations:

12 1. A roofing contractor's registration certificate number must
13 be valid at the time of soliciting a project and during subsequent
14 job performance, and shall not be suspended, revoked or deemed not
15 in good standing by the registrar;

16 2. A roofing contractor's registration certificate number must
17 be submitted when applying for any permit issued by the state, or
18 any of its political subdivisions, for commercial or residential
19 roofing services or projects and must be written upon each permit
20 issued;

21 3. A roofing contractor's registration certificate cannot be
22 shared or used by any other individual or business entity; provided,
23 however, a business firm, partnership, association, corporation,
24 limited liability company, or other group or combination thereof

1 acting as a unit may be granted a single roofing registration
2 certificate number for use by designated roofing contractors acting
3 as agents for the business entity when the application for
4 registration contained sufficient information on each member,
5 partner, officer and agent and the registrar issued a single
6 certificate number to such persons as a business unit;

7 4. Upon any change to the name, address, business entity, or
8 legal service agent of a roofing contractor, the registrar must be
9 notified;

10 5. A roofing contractor must comply with state laws and local
11 ordinances relating to standards and permits for roofing services
12 and projects; and

13 6. A roofing contractor must pay taxes due in this state.

14 SECTION 8. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1151.8 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. At the time of making application for a roofing contractor
18 registration certificate pursuant to this act, the applicant shall
19 pay to the registrar a fee to be set by the registrar, which shall
20 not exceed Three Hundred Dollars (\$300.00).

21 B. All monies collected by the registrar for roofing contractor
22 registration applications, renewals and other fee assessments shall
23 be deposited by the registrar and credited to the Roofing Contractor
24 Registration Revolving Fund and such funds shall be used by the

1 Construction Industries Board to implement and administer the
2 provisions of this act.

3 C. The fee to be submitted with an application for a contractor
4 registration shall be prorated as set by the registrar for only
5 those applications received between January 1, 2011, and April 30,
6 2011; and, thereafter, the fee shall be as stated in subsection A of
7 this section.

8 D. A renewal fee for a roofing contractor registration shall be
9 set by the registrar, which shall not exceed Three Hundred Dollars
10 (\$300.00).

11 SECTION 9. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1151.9 of Title 59, unless there
13 is created a duplication in numbering, reads as follows:

14 A. This act does not apply to:

15 1. An actual owner of residential or farm property who
16 physically performs, or has employees who perform, roofing services
17 including, construction, installation, renovation, repair,
18 maintenance, alteration, waterproofing, or removal of materials or
19 structures on his or her own dwelling or another structure located
20 on the residential or farm property owned by such person without the
21 assistance of any registered roofing contractor as such term is
22 defined by this act;

23 2. Any authorized employee, representative or representatives
24 of the United States government, the State of Oklahoma, or any

1 county, municipality, or other political subdivision of this state;
2 and

3 3. Any person who furnishes any fabricated or finished product,
4 material, or article of merchandise which is not incorporated into
5 or attached to real property by such person so as to become affixed
6 thereto.

7 B. This act shall require any administrative or governing body
8 with authority to enter into public contracts to require individual
9 roofing contractor registration for purposes of such persons
10 submitting or entering into any bid or contract.

11 SECTION 10. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1151.10 of Title 59, unless
13 there is created a duplication in numbering, reads as follows:

14 Within twenty-five (25) calendar days from the date of
15 application, the registrar shall determine whether the applicant has
16 met the requirements to act in the capacity of roofing contractor as
17 defined in this act, and no registration shall be issued to an
18 applicant until the registrar receives all documentation and fees
19 necessary to obtain a registration certificate. The registration
20 certificate issued on an original application entitles the person to
21 act as a roofing contractor within this state, subject to the
22 limitations of this act, until the expiration of the then current
23 fiscal year ending June 30, except that an initial registration
24 issued in May or June is valid until June 30 of the subsequent year.

1 A prorated registration certificate issued between January 1, 2011,
2 and April 30, 2011, shall be valid until June 30, 2011.

3 SECTION 11. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1151.11 of Title 59, unless
5 there is created a duplication in numbering, reads as follows:

6 Not later than ten (10) days after the date of a change in a
7 roofing contractor's name, address or legal service agent, or upon a
8 registered roofing contractor ceasing business as a roofing
9 contractor, the person must notify the registrar of the change on a
10 form provided by the registrar. A name, address, or legal service
11 agent change must be accompanied by a fee not exceeding Twenty-five
12 Dollars (\$25.00) to be set by the registrar. A person may not
13 change his or her name under an active registration certificate if
14 the change is associated with a change in the legal status of the
15 business entity other than a change in marital status. Doing
16 business under a new business name or a change in legal status of a
17 business requires issuance of a new registration certificate. When
18 a registered roofing contractor ceases to be active as a roofing
19 contractor, the registrar must suspend the registration certificate
20 of such contractor.

21 SECTION 12. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1151.12 of Title 59, unless
23 there is created a duplication in numbering, reads as follows:

24

1 A. Any roofing contractor registration certificate issued under
2 this act may be renewed for each successive fiscal year by obtaining
3 from the registrar a certificate of renewal. To obtain a
4 certificate of renewal, the person shall file with the registrar a
5 renewal application by June 30 and pay the renewal fee. The
6 application for renewal shall require a statement that the applicant
7 has properly submitted income and employment taxes due in this
8 state. The registrar may forward a copy of any information in an
9 application for renewal to the Oklahoma Tax Commission and any other
10 state agency. The applicant must include with the renewal
11 application a copy of the certificate of liability insurance, unless
12 the registrar has a current valid certificate of insurance on file,
13 proof of workers' compensation coverage, unless exempt under the
14 Workers' Compensation Act, and, if applicable, a copy of the current
15 registration certificate required by law for roofing contractors.
16 The renewal application need not be notarized.

17 B. The registrar may refuse to renew a roofing contractor's
18 registration certificate for any reason stated in subsection B of
19 Section 5 of this act. The registrar shall notify the applicant in
20 writing if the registrar does not grant the renewal as provided in
21 subsection C of Section 5 of this act. The registrar may request
22 additional information when deemed appropriate to renew the
23 contractor.

24

1 C. If any roofing contractor fails to file a renewal
2 application by the June 30 deadline, that contractor's registration
3 is not in good standing and the contractor must be deemed to be not
4 registered within the meaning of this act. A roofing contractor has
5 a thirty-day grace period after June 30 to renew the registration
6 certificate without a late fee. The late fee shall be set by the
7 registrar which shall not exceed One Hundred Dollars (\$100.00). A
8 roofing contractor registration certificate not renewed by August 30
9 shall be suspended, and on January 1, if a roofing contractor's
10 registration certificate still has not been renewed, it must be
11 revoked.

12 D. 1. A roofing contractor desiring to renew a registration
13 certificate that has been suspended shall be assessed a fee equal to
14 twice the amount of the fee established by subsection D of Section 8
15 of this act.

16 2. The registrar shall assess a reinstatement fee not exceeding
17 Three Hundred Dollars (\$300.00) to be set by the registrar plus the
18 fee established by Section 8 of this act for any registration that
19 has been revoked.

20 3. A roofing contractor submitting an application for
21 registration after suspension or revocation of that contractor's
22 registration certificate must be otherwise eligible for registration
23 under this act.

24

1 E. The registrar shall include a registration status notation
2 in a roofing contractor's record if the status of registration
3 changes to not in good standing, suspended or revoked.

4 SECTION 13. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1151.13 of Title 59, unless
6 there

7 The registrar shall maintain in the registrar's office, open to
8 public inspection during normal office hours, a complete indexed
9 record of all roofing contractor registrations and information
10 maintained on individual roofing contractors. The registrar may
11 dispose of an inactive roofing contractor file after three (3)
12 years. Before disposal and upon written request, the registrar
13 shall furnish a certified copy of any information maintained on an
14 individual roofing contractor upon receipt of the sum of Ten Dollars
15 (\$10.00) for each annual record. Each certified copy of a roofing
16 contractor's record from the registrar shall be received in all
17 courts in this state as prima facie evidence of the facts stated
18 therein. The registrar may condense or provide an abstract of a
19 roofing contractor's record for public inspection at any time for
20 purposes of data management; provided, a complete record is
21 available for public inspection upon written request.

22 SECTION 14. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1151.14 of Title 59, unless
24 there is created a duplication in numbering, reads as follows:

1 A. Any person may file a duly verified complaint with the
2 registrar alleging that the person has committed any of the
3 following acts or omissions:

4 1. Abandonment of a roofing contract without legal excuse after
5 a deposit of money or other consideration has been paid;

6 2. Diversion of funds or property entrusted to a roofing
7 contractor;

8 3. Engaging in any fraudulent or deceptive acts or practices or
9 misrepresentation as a roofing contractor;

10 4. Making a false or misleading statement in an application for
11 roofing contractor registration or renewal or violating any
12 provision of this act;

13 5. Conviction of an offense which prohibits the person from
14 registration as a roofing contractor or affects the ability of the
15 person to serve the public as a roofing contractor;

16 6. Engaging in work without a valid registration as required
17 for roofing contractors pursuant to this act;

18 7. Engaging in roofing services without obtaining a proper
19 permit as may be required by any state or local authority; or

20 8. Failure to comply with any tax laws authorized by the state
21 or any of its political subdivisions.

22 B. The complaint must be on a form approved by the registrar
23 and must set forth sufficient facts upon which a reasonable person
24

1 could conclude that any of the acts or omissions in subsection A of
2 this section has been committed.

3 C. A complaint may constitute grounds for the Attorney General
4 or district attorney to bring an action against the person
5 registered as a roofing contractor or against any person not
6 registered who is engaging in the business or acting in the capacity
7 of a roofing contractor in violation of the provisions of this act.

8 SECTION 15. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1151.15 of Title 59, unless
10 there is created a duplication in numbering, reads as follows:

11 A. The registrar shall review each complaint received and may
12 include for public inspection all or part of the information
13 contained in a complaint when the registrar deems it to be in the
14 best interests of the public. If the registrar determines a written
15 complaint provides sufficient facts upon which a reasonable person
16 could conclude that one or more of the acts or omissions set forth
17 in Section 14 of this act has been committed, the registrar shall
18 hold a disciplinary hearing pursuant to the Administrative
19 Procedures Act, after proper notice to the contractor, or the
20 registrar shall refer the complaint to the appropriate district
21 attorney for investigation or other disposition. The registrar may
22 assess an administrative fine upon a final decision that the
23 contractor violated the provisions of this act. The administrative
24 fine shall not be more than Two Thousand Five Hundred Dollars

1 (\$2,500.00) for a violation. Complaints may be a basis for the
2 registrar to review and implement necessary standards and rules for
3 registered roofing contractors.

4 B. If a roofing contractor is adjudicated by a court of
5 competent jurisdiction to be guilty of an act or omission in
6 violation of this act, the registrar shall revoke or deny the
7 roofing contractor's registration for one (1) year or as otherwise
8 ordered by the court. During the pendency of any judicial
9 proceedings for any violation of this act, the registrar may suspend
10 a roofing contractor's registration, or, in the case of a person who
11 is not registered as required in this act, refuse to issue a roofing
12 contractor registration to such person, for a period of one (1) year
13 or until the proceeding is adjudicated or dismissed, whichever is
14 longer.

15 C. The registrar may not renew, reinstate, or issue a new
16 roofing contractor registration to any person adjudicated guilty of
17 a violation of the provisions of this act until the suspension or
18 revocation period has terminated and the person makes application
19 and pays required fees pursuant to Sections 8 and 12 of this act.

20 D. No person shall attempt to obtain a roofing contractor
21 registration certificate under any other name during any period when
22 the roofing contractor's registration is suspended or revoked. A
23 business firm, partnership, association, corporation, limited
24 liability company, or other group or combination thereof acting as a

1 unit whose registration certificate is suspended or revoked includes
2 any members, partners, officers, and agents acting under that
3 roofing contractor registration certificate.

4 SECTION 16. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1151.16 of Title 59, unless
6 there is created a duplication in numbering, reads as follows:

7 Every applicant for a roofing contractor's registration who is a
8 nonresident contractor as defined by this act, by signing and filing
9 the application, appoints the Secretary of State as the applicant's
10 true and lawful agent upon whom may be served all lawful process in
11 any action or proceeding against such nonresident contractor for
12 construction projects performed in this state. Such appointment in
13 writing is evidence of the roofing contractor's consent that any
14 such process against the contractor which is so served upon the
15 Secretary of State shall be of the same legal force and effect as if
16 served upon the contractor personally within this state. Registered
17 foreign corporations, registered foreign limited liability
18 companies, foreign limited liability partnerships and foreign
19 limited partnerships entitled to do business in this state and
20 having a current registered agent and registered address on file in
21 the Office of the Secretary of State need not appoint the Secretary
22 of State as agent for service of process under this section. Within
23 ten (10) days after service of the summons upon the Secretary of
24 State, notice of such service with the summons and complaint in the

1 action shall be sent to the defendant roofing contractor at the
2 defendant contractor's last-known address by registered or certified
3 mail with return receipt requested and proof of such mailing shall
4 be attached to the summons. The Secretary of State shall keep a
5 record of all process served upon the Secretary of State under this
6 section, showing the day and hour of service. Whenever service of
7 process was made under this section, the court, before entering a
8 default judgment, or at any stage of the proceeding, may order such
9 continuance as may be necessary to afford the defendant contractor
10 reasonable opportunity to defend any action pending against the
11 defendant contractor.

12 SECTION 17. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1151.17 of Title 59, unless

14 A. When applying for any permit required by the state or any of
15 its political subdivisions for roofing services or jobs, a roofing
16 contractor shall supply the permit-issuing official that roofing
17 contractor's registration certificate number issued pursuant to this
18 act. That official shall enter a roofing contractor's registration
19 number on the permit. A person performing as a roofing contractor
20 on his or her own property, although exempt from the registration
21 requirements of this act, shall, when applying for a permit required
22 for the project, supply the permit-issuing official any roofing
23 contractor registration number, as soon as available, of each
24 roofing subcontractor engaged in roofing services and doing work

1 covered by the permit. That official shall enter each roofing
2 contractor registration number so supplied before inspection of the
3 job.

4 B. A roofing contractor shall display his or her roofing
5 contractor registration numbered issued pursuant to this act on each
6 commercial vehicle used for roofing services and upon every business
7 card, correspondence, and contract used to solicit and conduct
8 roofing services in this state.

9 SECTION 18. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1151.18 of Title 59, unless
11 there is created a duplication in numbering, reads as follows:

12 Upon request, the registrar shall verify a roofing contractor
13 registration number to city and county enforcement officials. The
14 registrar shall establish through the Internet or other technology a
15 verification system for roofing contractor registration certificates
16 maintained by the Construction Industries Board. Whenever the
17 registrar obtains information on the activities of a roofing
18 contractor doing business in this state of which officials of any
19 state agency or local enforcement official may be unaware, and that
20 may be relevant to the duties of such agency or official, the
21 registrar shall provide the relevant information to those officials
22 and agencies for the purpose of administering and enforcing official
23 duties.

24

1 SECTION 19. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1151.19 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 This act shall be construed to be in addition to, and not in
5 lieu of, any required licensure of persons for certain professions
6 and trades in this state, and further, this act shall not be deemed
7 to conflict with or affect the authority of any state or local
8 agency, board or commission whose duty and authority is to
9 administer or enforce any law or ordinance or to establish,
10 administer or enforce any policy, rule, qualification or standard
11 for any trade or profession.

12 SECTION 20. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1151.20 of Title 59, unless
14 there is created a duplication in numbering, reads as follows:

15 There is hereby created in the State Treasury a revolving fund
16 for the Construction Industries Board to be designated the "Roofing
17 Contractor Registration Revolving Fund". The fund shall be a
18 continuing fund, not subject to fiscal year limitations, and shall
19 consist of application and renewal fees, late fees, administrative
20 fees, reinstatement fees, and any other monies collected pursuant to
21 the Roofing Contractor Registration Act. All monies accruing to the
22 credit of the fund are hereby appropriated and may be budgeted and
23 expended by the Construction Industries Board for implementation and
24 administration of the Roofing Contractor Registration Act.

1 Expenditures from the fund shall be made upon warrants issued by the
2 State Treasurer against claims filed as prescribed by law with the
3 Director of State Finance for approval and payment. This fund shall
4 be subject to and comply with the provisions of Section 211 of Title
5 62 of the Oklahoma Statutes.

6 SECTION 21. This act shall become effective November 1, 2010.

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