

ENROLLED SENATE  
BILL NO. 2180

By: Newberry and Garrison of  
the Senate

and

Jordan, Tibbs, Shelton and  
Sherrer of the House

An Act relating to professions and occupations; creating the Roofing Contractor Registration Act; providing short title; defining terms; requiring roofing contractor registration; providing misdemeanor penalty for violation; setting maximum fine; designating Construction Industries Board as registrar; authorizing employment of personnel subject to funding; allowing promulgation of forms; allowing use of certain technology; providing procedure for registration; providing certain contents of application; requiring certain documents with application; requiring liability insurance in minimal amounts; requiring certain notification upon insurance cancelation or lapse; requiring proof of workers compensation coverage or exemption; authorizing additional information on application; requiring certain statements under oath; stating grounds for refusal to issue roofing contractor registration; requiring certain notice and opportunity to cure defects in application within certain time; providing for appeal; allowing reapplication after certain waiting period; making certain fees nonrefundable; stating grounds for registration not in good standing; requiring certain notice; prohibiting certain acts after certain notification; providing exception to complete certain work; allowing correction of deficiency within certain time; providing for violation upon certain cause; providing for suspension of registration for

cause after certain time; requiring certain notice; allowing appeal; requiring information on prior convictions; requiring certain notification to register as sex offender upon certain conditions; construing effect of prior convictions; authorizing criminal history records search and investigation of application or renewal information; granting immunity for certain applicant information and disclosures; requiring certain compliance and limitations for roofing contractor registration; requiring registration number on permits; prohibiting sharing registration number; requiring written change of information; requiring compliance with laws and ordinances; requiring payment of state taxes; allowing registrar to set registration fee within certain maximum amount; directing deposit of moneys to certain fund for certain purpose; authorizing prorated fees; stating expiration term for registrations; allowing registrar to set renewal fee within certain maximum amount; making certain exceptions to registration requirement; requiring registration to be issued or denied within certain time period; setting expiration dates for certain registrations; requiring notification for information changes; setting maximum fee for change of certain information; prohibiting certain information change; providing renewal procedure; providing for renewal fee and date to renew; allowing exchange of certain information with certain agencies; requiring certain information for renewal; allowing denial of renewal for certain cause; providing for nonrenewal; providing a grace period for renewal; providing late fee for renewal; setting maximum late fee; providing for suspension and revocation for nonrenewal; providing fee for reinstatement for suspended and revoked registrations; setting fee limits; requiring status notation in certain contractor record; providing for certain records to be maintained by certain office; allowing public inspection of roofing contractor registration; directing destruction of records after certain date; authorizing certified copies of registration as prima facie evidence;

setting fee for record certification; allowing abstract of certain record for certain purpose; providing complaint procedure for certain acts or omissions; making complaints open to public inspection; construing certain provision; requiring referral of complaint to district attorney; including complaint information in certain record; requiring notification to roofing contractor upon receipt of complaint; authorizing written response to complaint; authorizing certain notation for response to complaint; setting default suspension or revocation period; prohibiting registration until periods of suspension or revocation expire; directing registrar to suspend or revoke registration upon certain court order; prohibiting registration under another name during certain period; setting penalty; construing suspension and revocation on a business entity members; 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 judgment for nonresident roofing contractor; requiring roofing contractor registration number on certain permits; providing for registration on permits by exempt persons under certain circumstance; requiring roofing contractor registration number on certain vehicles and other business transactions; directing registrar to verify roofing contractor information to certain persons; directing establishment of certain system to verify information on registrations; including certain information in certain verification system; authorizing use of technology for certain verification system; construing effect of certain disclosures and verifications of information; construing provisions of act and authority of act; creating the Roofing Contractor Registration Revolving Fund; providing for funding and expenditures; requiring certain compliance; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1151.1 of Title 59, unless there 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 the Roofing Contractor Registration Act:

1. "Roofing contractor" means any person, including a subcontractor and nonresident contractor, engaged in the business of commercial or residential roofing services for a fee, or who offers to engage in or solicits roofing-related services, including construction, installation, renovation, repair, maintenance, alteration, and waterproofing. Roofing contractor shall not mean a person engaged in the demolition of a structure or the cleanup of construction waste and debris that contains roofing material nor a person working under the direct supervision of the roofing contractor who is hired either as an employee, day laborer, or contract laborer;

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

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

4. "Public contract" means a contract with the State of Oklahoma, its political subdivisions, or any board, commission, or department thereof, or with any board of county commissioners, or

with any city council, school board, or with any state or municipal agency, or with any other public board, body, commission, or agency authorized to award contracts for the construction or reconstruction of public work and includes subcontracts undertaken to perform works covered by the original contract or any part thereof; and

5. "Registrar" means the Construction Industries Board or any person designated by the Board to administer the provisions of this act.

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

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

B. A person who fails to obtain a valid registration prior to acting as a roofing contractor as defined in this act, a person who acts as a roofing contractor while his or her registration is suspended or revoked, or a person who violates any provision of this act shall be guilty of a misdemeanor, upon conviction, punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

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

The Construction Industries Board is authorized to employ personnel and procure such supplies and equipment as may be necessary to carry out and implement the provisions of this act, subject to budgetary limitations and funding. The Construction Industries Board may promulgate forms to implement the provisions of this act. The Construction Industries Board may administer any provision of this act through use of the Internet or other technology as deemed necessary or appropriate.

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

A. To obtain a roofing contractor registration under this act, an applicant who is eighteen (18) years of age or older shall submit, on forms the registrar prescribes, an application under oath containing a statement of the applicant's experience and qualifications as a roofing contractor, if any, the applicant's name, physical address, business name and address, information on any other person who will be authorized to act as the business entity, and the applicant's phone number. A copy of the roofing contractor's certificate of liability insurance shall be filed with the application and shall be not less than Five Hundred Thousand Dollars (\$500,000.00). Any insurance company issuing a liability policy to a roofing contractor pursuant to the provisions of this act shall be required to notify the Construction Industries Board in the event such liability policy is cancelled for any reason or lapses for nonpayment of premiums. In addition, the roofing contractor shall submit proof that the contractor has secured workers' compensation coverage satisfactory under the Workers' Compensation Act, or an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act. If the registrar deems it appropriate or necessary, the registrar may also require other information to be included on the application form to assist the registrar in registering the person as a contractor. The application shall contain statements that the applicant desires the issuance of a roofing contractor registration certificate; that the applicant will comply with the provisions of this act; that the applicant will comply with state laws and local ordinances relating to standards and permits; that the applicant has or has not been registered or licensed as a roofing contractor in another state and whether any disciplinary action was taken against such registration or license or whether it is still in good standing; and that the nonresident applicant appoints the Secretary of State as legal service agent for all lawful process to be served upon the applicant for work performed in this state or as otherwise provided in this act.

B. The registrar shall refuse to register any person if the registrar determines:

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

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

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

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

5. The nonresident applicant has a revoked or suspended registration or license required by law for roofing contractors in another state; or

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

C. The registrar shall notify the applicant in writing if the registrar denies a registration or renewal certificate, and shall provide the applicant an opportunity to respond to or cure any defect in the written application or renewal for a period of ten (10) days from the date of the written notification. An applicant aggrieved by a decision of the registrar denying a registration or renewal may appeal the decision as provided in the Administrative Procedures Act, or the applicant may reapply after a ninety-day waiting period, if otherwise eligible under the provisions of this act. The application and renewal fees shall not be refundable.

D. The registrar shall classify as not in good standing the registration of any roofing contractor who fails to:

1. Maintain liability insurance coverage;

2. Maintain workers' compensation coverage satisfactory under the Workers' Compensation Act, or provide an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act;

3. File, renew, or properly amend any fictitious name certificate;

4. Maintain an active status of a corporation or registration as a foreign corporation, a limited liability company or registration as a foreign limited liability company, a limited liability partnership registration or foreign limited liability partnership registration, or a limited partnership certificate or limited partnership or foreign limited partnership certificate of authority, with the Office of the Secretary of State;

5. File or renew a trade name registration;

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

7. Notify the registrar of a change in name, address, legal business entity, legal service agent, or adjudication by a court of competent jurisdiction for any act or omission specified in subsection A of Section 14 of this act or a violation of this act;

8. Maintain a registration as required by law in another state while registered in this state as a nonresident roofing contractor; or

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

E. The registrar shall send a written notice to the person when his or her registration is not in good standing. Any roofing contractor who has been notified by the registrar that his or her registration is not in good standing shall cease soliciting or entering new roofing services and projects as of the date of such notification; however, the roofing contractor shall be allowed to complete roofing projects where actual physical work has begun prior to the date of issuance of the notice that his or her registration is not in good standing. If the roofing contractor fails to correct the deficiency specified in the notice by evidence satisfactory to the registrar within thirty (30) days of the date of the notice, or if the roofing contractor solicits or enters into new roofing services contracts or projects while the roofing contractor's registration is not in good standing, or while such registration is suspended or revoked, the roofing contractor shall be in violation of the provisions of this act. Any registration that remains not in good standing for a sixty-day period shall be suspended on the sixtieth day from the date of issuance of the notice to the roofing



contractor that his or her registration is not in good standing. Any registration that remains not in good standing, and is suspended for such cause, shall be revoked on the ninetieth day from the date of issuance of the notice to the roofing contractor that his or her registration is not in good standing. The registrar shall notify the roofing contractor upon suspension or revocation of his or her registration for failure to comply in bringing such registration into good standing as required by law. The roofing contractor may reinstate his or her registration to good standing by paying the required fees provided in Section 12 of this act and complying with all other requirements for issuance of a registration in good standing. Any person aggrieved by the decision of the registrar to suspend or revoke a registration pursuant to this section may appeal such decision as provided in the Administrative Procedures Act.

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

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

B. Conviction of an offense shall not disqualify a person from registration as a roofing contractor under this act; provided, the applicant has truthfully disclosed the conviction and nature of the offense.

C. When deemed appropriate, the registrar may conduct a criminal history records search or background check on any applicant or registered roofing contractor and may investigate the information submitted on a roofing contractor application or renewal form; provided, no adverse action may be taken against the person until the person has been notified and given an opportunity to respond in writing.

D. The registrar, its agents, employees and assigns shall not be liable and are granted immunity for the acts or omissions of any registered roofing contractor or its employees, or for any person's failure or omission to properly disclose any information on an application or renewal form, including, but not limited to, pending criminal charges, arrests or prior criminal history records, disclosure of his or her roofing contractor registration status, or his or her qualifications to perform or act as a roofing contractor.

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

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

1. A roofing contractor's registration certificate number shall be valid and in good standing at the time of soliciting a project and during subsequent job performance;

2. A roofing contractor's registration certificate number shall be submitted when applying for any permit issued by the state, or any of its political subdivisions, for commercial or residential roofing services or projects, if a permit is required by such authority, and shall be written upon each permit issued;

3. A roofing contractor's registration certificate cannot be shared or used by any other individual or business entity; provided, however, a business firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit may be granted a single roofing registration certificate number for use by designated roofing contractors acting as agents for the business entity when the application for registration contained sufficient information on each member, partner, officer and agent and the registrar issued a single certificate number to such persons as a business unit;

4. Upon any change to the name, address, business entity, or legal service agent of a roofing contractor or upon adjudication by a court of competent jurisdiction for a violation of this act or an

act or omission specified in subsection A of Section 14 of this act, the registrar shall be notified in writing;

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

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

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

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

B. All monies collected by the registrar for roofing contractor registration applications, renewals and other fee assessments shall be deposited by the registrar and credited to the Roofing Contractor Registration Revolving Fund and such funds shall be used by the Construction Industries Board to implement and administer the provisions of this act.

C. The fee to be submitted with an application for a roofing contractor registration may be prorated as set by the registrar. Unless prorated at the time of initial registration, fees shall be paid in the amount stated in subsection A of this section and such registration certificates shall expire June 30 each year.

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

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

A. The Roofing Contractor Registration Act does not apply to:

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

2. Any authorized employee, representative or representatives of the United States Government, the State of Oklahoma, or any county, municipality, or other political subdivision of this state; and

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

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

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

Within twenty-five (25) calendar days from the date of application, the registrar shall either issue or deny the roofing contractor registration. No registration shall be issued to an applicant until the registrar receives all documentation and fees necessary to obtain a registration certificate in good standing. The registration certificate issued on an original application entitles the person to act as a roofing contractor within this state, subject to the limitations of this act, until the expiration of the then current fiscal year ending June 30, except that an initial registration issued in May or June is valid until June 30 of the subsequent year. On the effective date of this act, a prorated registration certificate issued between January 1, 2011, and April 30, 2011, shall be valid until June 30, 2011.

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

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

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

A. Any roofing contractor registration certificate issued under this act may be renewed for each successive fiscal year by obtaining from the registrar a certificate of renewal. To obtain a certificate of renewal, the person shall file with the registrar a renewal application by June 30 and pay the renewal fee. The application for renewal shall require statements under oath that the applicant has properly submitted income and employment taxes due in this state; whether or not the applicant has been convicted of any felony offense, and the nature of such offense, since issuance of the prior registration; and whether or not the applicant has been adjudicated by a court of competent jurisdiction for any violation of this act or any act or omission specified in subsection A of Section 14 of this act. The registrar may forward a copy of any information in an application for renewal to the Oklahoma Tax Commission and any other state agency. The applicant shall include with the renewal application a copy of the certificate of liability insurance, unless the registrar has a current valid certificate of insurance on file, proof of workers' compensation coverage, unless

exempt under the Workers' Compensation Act, and, if applicable, a copy of the current registration certificate required by law for roofing contractors. The renewal application need not be notarized.

B. The registrar shall refuse to renew a roofing contractor's registration certificate for any reason stated in subsection B of Section 5 of this act. The registrar shall notify the applicant in writing if the registrar denies the renewal as provided in subsection C of Section 5 of this act.

C. If any roofing contractor fails to file a renewal application by the June 30 deadline that contractor's registration shall be not in good standing. A roofing contractor has a thirty-day grace period after June 30 to renew the registration certificate without a late fee. The late fee shall be set by the registrar and such fee shall not exceed One Hundred Dollars (\$100.00). A roofing contractor registration certificate not renewed by August 30 shall be suspended for failure to renew, and on January 1, if a roofing contractor's registration certificate still has not been renewed, it shall be revoked for failure to renew.

D. 1. A roofing contractor desiring to renew a registration certificate that has been suspended for any cause provided in this act shall be assessed a fee equal to twice the amount of the fee established by subsection D of Section 8 of this act.

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

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

E. The registrar shall include a registration status notation in a roofing contractor's record if the status of registration changes from an active and valid registration to not in good standing, denied, suspended or revoked.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1151.13 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

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

3. Engaging in any fraudulent or deceptive acts or practices or misrepresentation of products, services or qualifications as a roofing contractor;

4. Making a false or misleading statement in an application for roofing contractor registration or renewal application or in soliciting a contract for roofing services;

5. Adjudication against the roofing contractor by a court of competent jurisdiction for a violation of the provisions of this act;

6. Engaging in work without a valid registration as required for roofing contractors pursuant to this act or performing roofing services during any period when the roofing contractor's registration is denied, suspended or revoked;

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

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

9. Damaging or injuring persons or property while performing roofing services under a valid roofing contractor registration for which the roofing contractor's liability insurance or workers compensation coverage was inadequate; or

10. Failure to comply with a specified provision of this act.

B. The complaint shall be on a form approved by the registrar and shall set forth the alleged act or omission stated in subsection A of this section, and a statement of sufficient facts upon which a reasonable person could conclude that the act or omission specified in subsection A of this section has been committed. All complaints filed with the registrar shall be open to public inspection. Nothing in this section shall be construed to require the complainant to first file a complaint with the registrar before seeking relief or remedies allowed by law.

C. A complaint received by the registrar as provided in this section shall be referred to the district attorney for appropriate disposition as determined by the district attorney, in his or her discretion.

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



A. The registrar shall read each complaint received and shall enter a notation in the individual roofing contractor's record showing the date that the verified complaint was received and the nature of the complaint. The registrar shall notify the roofing contractor against whom the complaint is made, in writing, within five (5) days of the receipt of the written complaint. The roofing contractor shall have ten (10) days to respond, in writing, to the registrar. If a response to the complaint is received by the registrar, whether admitting or denying the basis of the complaint, a copy of both the complaint and the response shall be referred to the district attorney. If no response is received, the complaint shall still be referred to the district attorney. In addition, the registrar shall enter a notation in the individual roofing contractor's record showing the date that the roofing contractor's response was received, if any, and whether the response admitted or denied the basis of the complaint.

B. Following referral of a complaint to the district attorney, if the roofing contractor is adjudicated by the court for an act or omission specified in subsection A of Section 14 of this act, or upon a conviction for any violation of the provisions of this act, the registrar, when ordered by the court, shall suspend, revoke or deny the roofing contractor's registration for the period of time specified by the court, and if the court orders the registration suspended, revoked or denied, and yet fails to set the term of such suspension, revocation or denial, the period shall be six (6) months.

C. The registrar shall not renew, reinstate, or issue a new roofing contractor registration to any person subject to any term of denial, suspension or revocation until such term has been completed, and thereafter, the person makes application and pays required fees pursuant to Sections 8 and 12 of this act.

D. It shall be unlawful for a person to obtain or attempt to obtain a roofing contractor registration certificate under any other name during any period when the roofing contractor's registration is suspended or revoked. Upon conviction of a violation of this subsection, the person shall be guilty of a misdemeanor as provided in Section 3 of this act. A business firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit whose registration

certificate is suspended or revoked includes all of the members, partners, officers, and agents acting under that roofing contractor registration certificate when such persons are specified on and did sign the application or renewal form.

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

Every applicant for a roofing contractor's registration who is a nonresident contractor as defined by this act, by signing and filing the application, appoints the Secretary of State as the applicant's true and lawful agent upon whom may be served all lawful process in any action or proceeding against such nonresident contractor for construction projects performed in this state. Such appointment in writing is evidence of the roofing contractor's consent that any such process against the contractor which is so served upon the Secretary of State shall be of the same legal force and effect as if served upon the contractor personally within this state. Registered foreign corporations, registered foreign limited liability companies, foreign limited liability partnerships and foreign limited partnerships entitled to do business in this state and having a current registered agent and registered address on file in the Office of the Secretary of State need not appoint the Secretary of State as agent for service of process under this section. Within ten (10) days after service of the summons upon the Secretary of State, notice of such service with the summons and complaint in the action shall be sent to the defendant roofing contractor at the defendant contractor's last-known address by registered or certified mail with return receipt requested and proof of such mailing shall be attached to the summons. The Secretary of State shall keep a record of all process served upon the Secretary of State under this section, showing the day and hour of service. Whenever service of process was made under this section, the court, before entering a default judgment, or at any stage of the proceeding, may order such continuance as may be necessary to afford the defendant contractor reasonable opportunity to defend any action pending against the defendant contractor.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1151.17 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. When applying for any permit required by the state or any of its political subdivisions for roofing services or jobs, a roofing contractor shall supply the permit-issuing official that roofing contractor's registration certificate number issued pursuant to this act. That official shall enter a roofing contractor's registration number on the permit. The registrar shall not investigate any roofing project for purposes of verifying roofing contractor registration or permit verification.

B. A person performing as a roofing contractor on his or her own property, although exempt from the registration requirements of this act, shall, when applying for a permit required for the project, supply the permit-issuing official any roofing contractor registration number, as soon as available, of each roofing subcontractor engaged in roofing services and doing work covered by the permit, if any. That official shall enter each roofing contractor registration number so supplied before inspection of the job.

C. A roofing contractor shall display his or her roofing contractor registration number issued pursuant to this act on each commercial vehicle used for roofing services and upon every business sign, card, correspondence, and contract used to solicit and conduct roofing services in this state.

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

Upon request, the registrar shall verify a roofing contractor registration number to city, county and state enforcement officials and to the public. The registrar shall establish through the Internet or other technology a verification system or direct access system for confirming roofing contractor registration certificates and status of registration maintained by the Construction Industries Board. The system shall include the notation of each complaint received against an individual roofing contractor, his or her response to each complaint by noting whether the roofing contractor admits or denies the allegation, any court disposition of a complaint, if known, and any conviction for a violation of the provisions of this act. In addition, the system may include a

notation for any conviction of a criminal violation in this state, another state, or the United States when disclosed by a criminal history records search on the individual roofing contractor. Disclosure of any information through use of the roofing contractor registration system or information maintained by the registrar shall not be deemed to be an endorsement of any roofing contractor or determination of any facts, qualifications, information or reputation of any roofing contractor by the registrar, the state, the Construction Industries Board, or any of their respective agents, officers, employees or assigns.

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

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

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

There is hereby created in the State Treasury a revolving fund for the Construction Industries Board to be designated the "Roofing Contractor Registration Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of application and renewal fees, late fees, administrative fees, reinstatement fees, and any other monies collected pursuant to the Roofing Contractor Registration Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Construction Industries Board for implementation and administration of the Roofing Contractor Registration Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment. This fund shall

be subject to and comply with the provisions of Section 211 of Title 62 of the Oklahoma Statutes.

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

Passed the Senate the 27th day of May, 2010.

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Presiding Officer of the Senate

Passed the House of Representatives the 28th day of May, 2010.

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Presiding Officer of the House  
of Representatives