

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1598

By: Easley

4  
5 AS INTRODUCED

6 An Act relating to professions and occupations;  
7 creating the General Contractor Registration Act;  
8 providing short title; defining terms; requiring  
9 contractor registration for projects of certain  
10 value; limiting causes of action; designating  
11 Secretary of State as registrar; allowing  
12 promulgation of rules and forms; allowing use of  
13 certain technology; providing procedure for  
14 registration; requiring certain documents with  
15 application; authorizing additional information;  
16 requiring certain statements under oath; stating  
17 grounds for refusal to grant contractor registration;  
18 requiring certain notice and opportunity to cure  
19 defects in application within certain time; allowing  
20 reapplication after certain waiting period;  
21 establishing notice and grounds for registration not  
22 in good standing; prohibiting certain acts after  
23 certain notification; providing suspension for  
24 certain prohibited acts; construing effect of prior  
convictions; providing for criminal history record  
search and fee under certain circumstance; requiring  
certain compliance for contractor; stating  
registration fee; directing deposit of moneys to  
certain fund for certain purpose; providing prorated  
fee and term for certain registrations; setting  
renewal fee; making certain exceptions to  
registration; construing certain authority;  
establishing authority to issue contractor  
registration; setting expiration dates for  
registration; requiring certain fee and notification  
for information changes; prohibiting certain  
information change; exempting certain business  
entities from certain notification procedure;  
providing renewal procedure; setting renewal fee and  
date; allowing exchange of certain information with  
certain agencies; requiring certain information for

1 renewal; providing for nonrenewal; providing a grace  
2 period for renewal; setting late fee for renewal;  
3 providing for suspension and revocation for  
4 nonrenewal; setting fee for suspended and revoked  
5 registrations; requiring status notation in certain  
6 contractor record; allowing public inspection of  
7 contractor registration; directing destruction of  
8 records after certain date; authorizing certified  
9 copies of registration as prima facie evidence;  
10 setting fee record certification; allowing abstract  
11 of certain record for certain purpose; providing  
12 complaint procedure; including complaint information  
13 in certain record; providing complaint may be  
14 grounds for certain action; directing registrar to  
15 refer certain complaints to Attorney General or  
16 district attorney; prohibiting registrar to resolve  
17 complaints; allowing registrar to suspend or revoke  
18 registration for certain term; prohibiting  
19 registration under another name during certain  
20 period; creating misdemeanor penalty for certain  
21 acts; setting fine; providing for restitution;  
22 providing for revocation of contractor registration;  
23 allowing permanent revocation; designating registrar  
24 as service agent for nonresident contractors;  
providing procedure for service of process; exempting  
certain business entities from appointment of certain  
legal service agent; allowing court continuance  
before default judgment for certain contractor;  
requiring contractor and subcontractor registration  
number on certain permits; directing registrar to  
verify contractor information to certain officials;  
authorizing use of technology for certain  
verification system; allowing information sharing for  
certain purposes; construing provisions and authority  
of act; 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:

1 This act shall be known and may be cited as the "General  
2 Contractor Registration Act".

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

6 DEFINITIONS.

7 As used in this act:

8 1. "General Contractor" means any individual or business entity  
9 that satisfies both of the following:

10 a. For compensation, directs, supervises, or has  
11 responsibility for the means, method, and manner of  
12 construction, improvement, renovation, repair, or  
13 maintenance on a construction project with respect to  
14 one or more trades and who offers, identifies, or  
15 otherwise holds out or represents that the individual  
16 or business entity is permitted or qualified to  
17 perform, direct, supervise, or have responsibility for  
18 the means, methods, and manner of construction,  
19 improvement, renovation, repair, or maintenance with  
20 respect to one or more trades on a construction  
21 project; and

22 b. Performs or employs tradespersons or persons in a  
23 licensed trade who perform construction, improvement,  
24

1 renovation, repair, or maintenance on a construction  
2 project with respect to the contractor's trades.

3 2. "Licensed trade" means a trade performed by a plumbing  
4 contractor, mechanical contractor or electrical contractor licensed  
5 in this state pursuant to law regulating the profession;

6 3. "Tradesperson" means an individual employed by a contractor  
7 who engages in construction, improvement, renovation, repair, or  
8 maintenance of buildings or structures without assuming  
9 responsibility for the means, method, or manner of that  
10 construction, improvement, renovation, repair, or maintenance;

11 4. "Construction project" means a job, plan or design for  
12 construction, improvement, renovation, repair, or maintenance of a  
13 building or structure solicited, directed, supervised or performed  
14 by a licensed trade, contractor or tradesperson;

15 5. "Nonresident contractor" means any contractor as defined in  
16 paragraph 1 of this section who has not established and maintained a  
17 place of business as a contractor in this state within the preceding  
18 year, or who claims residency in another state, or who has not  
19 submitted an income tax return as a resident of this state within  
20 the preceding year;

21 6. "Person" includes any individual, firm, partnership,  
22 association, corporation, limited liability company, or other group  
23 or combination thereof acting as a unit, and the plural as well as  
24

1 the singular number, unless the intent to give a more limited  
2 meaning is disclosed clearly by the context thereof;

3 7. "Public contract" means a contract with the State of  
4 Oklahoma, its political subdivisions, or any board, commission, or  
5 department thereof, or with any board of county commissioners, or  
6 with any city council, school board, or with any state or municipal  
7 agency, or with any other public board, body, commission, or agency  
8 authorized to offer or award contracts for the construction or  
9 reconstruction of public work and includes subcontracts undertaken  
10 to perform works covered by the original contract or any part  
11 thereof; and

12 8. "Registrar" means the Secretary of State of the State of  
13 Oklahoma.

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

17 REGISTRATION REQUIRED.

18 A person may not engage in the business nor act in the capacity  
19 of a general contractor within this state when the cost, value, or  
20 price per job exceeds the sum of Two Thousand Dollars (\$2,000.00)  
21 nor may that person bring or maintain any claim, action, suit, or  
22 proceeding in any court of this state related to the person's  
23 business or capacity as a general contractor without a valid  
24 registration as provided in this act.

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

4 REGISTRAR DESIGNATED.

5 The Secretary of State is hereby designated registrar under the  
6 provisions of this act and as registrar has authority to employ such  
7 assistance and procure such records, supplies, and equipment as may  
8 be necessary to carry out and implement the provisions of this act.  
9 The Secretary of State may promulgate rules, forms, policy and  
10 procedures to implement the provisions of this act. The Secretary  
11 of State may administer any provision of this act through use of the  
12 Internet or other technology as deemed necessary or appropriate.

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

16 REGISTRATION - FAILURE TO GRANT - REVOCATION.

17 A. To obtain a general contractor registration under this act,  
18 an applicant who is eighteen (18) years of age or older shall  
19 submit, on forms the registrar prescribes, an application under oath  
20 containing a statement of the applicant's experience and  
21 qualifications as a general contractor, if any, and a copy of any  
22 other contractor or licensed trade credentials issued in this state.  
23 A copy of the contractor's certificate of liability insurance must  
24 be filed with the application. In addition, the contractor must

1 submit proof that the contractor has secured workers' compensation  
2 coverage satisfactory under the Workers' Compensation Act, or, if  
3 exempt, a statement of exemption. If the registrar deems it  
4 appropriate or necessary, the registrar may also require other  
5 information to assist the registrar in registering the person as a  
6 contractor. The application must contain statements that the  
7 applicant desires the issuance of a general contractor registration  
8 certificate; that the applicant will comply with the provisions of  
9 this act; that the applicant will comply with state laws and local  
10 ordinances relating to contractor or licensed trades, standards and  
11 permits; that the applicant is not, and has not been, required to  
12 register as a sex offender in this state or any other state; and  
13 that the nonresident applicant appoints the Secretary of State as  
14 legal service agent for all lawful process to be served upon the  
15 applicant for work performed in this state.

16 B. The registrar may refuse to register any person if the  
17 registrar determines:

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

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

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

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

1           5. The applicant is required to register, or has been required  
2 to register, as a sex offender in this state or another state;

3           6. The applicant has failed to obtain or maintain any other  
4 contractor or licensed trade credential as required by law; or

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

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

17           D. Upon obtaining knowledge that a general contractor may have  
18 violated any provision of this act, the registrar shall notify the  
19 contractor of the alleged violation. No sooner than twenty (20)  
20 days after sending written notice to a contractor at the  
21 contractor's last-known address, the registrar shall classify as not  
22 in good standing the registration of any contractor who fails to:

23           1. Maintain liability insurance coverage;

24



1           2. Maintain workers' compensation coverage satisfactory under  
2 the Workers' Compensation Act;

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

5           4. Maintain an active status of a corporation or registration  
6 as a foreign corporation, a limited liability company or  
7 registration as a foreign limited liability company, a limited  
8 liability partnership registration or foreign limited liability  
9 partnership registration, or a limited partnership certificate or  
10 limited partnership or foreign limited partnership certificate of  
11 authority;

12           5. File or renew a trade name registration;

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

15           7. Notify the registrar of a change in name, address, legal  
16 business entity, legal service agent, registration as a convicted  
17 sex offender, or adjudication of guilt by a court of competent  
18 jurisdiction for any violation of this act;

19           8. Obtain or maintain a trade license as required by law for  
20 certain professions; or

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

22           E. Any general contractor who has been notified by the  
23 registrar that the contractor's registration is not in good standing  
24 shall cease soliciting or entering new projects as of the date of

1 such notification. If the contractor fails to correct the  
2 deficiency specified in the notice by evidence satisfactory to the  
3 registrar within thirty (30) days of the date of the notice or if  
4 the contractor solicits or enters new projects while the  
5 contractor's license is not in good standing, the registrar shall  
6 proceed to suspend the registration of the contractor for one (1)  
7 year.

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

11 CONVICTION NOT BAR TO REGISTRATION - EXCEPTIONS.

12 Conviction of an offense does not disqualify a person from  
13 registration as a contractor under this act unless the Secretary of  
14 State determines that the offense has a direct bearing upon a  
15 person's ability to serve the public as a general contractor or the  
16 person is, or has been, required to register as a sex offender in  
17 this state or any other state. A determination of the Secretary of  
18 State that a conviction is a bar to eligibility for registration  
19 under this act shall be a final decision for purposes of  
20 registration under this act. The registrar shall not be required to  
21 conduct a criminal history records search on any applicant; however,  
22 upon written request, the registrar may require the applicant to  
23 submit to a criminal history records search and to pay the necessary  
24 fees to conduct such records search. In the case of a required

1 criminal history records search, no original registration or renewal  
2 shall be granted until the records search is completed and deemed  
3 satisfactory by the registrar for registration under this act.

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

7 REGISTRATION CERTIFICATE.

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

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

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

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

6 4. Upon any change to the name, address, business entity, legal  
7 service agent or criminal history record of a general contractor,  
8 the registrar must be notified;

9 5. A general contractor must comply with state laws and local  
10 ordinances relating to licensed trades, standards and permits,  
11 unless lawfully exempt; and

12 6. A contractor must pay tax obligations when due in this  
13 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 REGISTRATION FEE.

18 A. At the time of making application for a general contractor  
19 registration certificate under in this act, the applicant shall pay  
20 to the registrar a fee in the sum of Fifty Dollars (\$50.00).

21 B. All moneys collected by the registrar for contractor  
22 registration applications, renewals and other fee assessments shall  
23 be deposited by the registrar and credited to the Revolving Fund for  
24 the Office of the Secretary of State ("200 Fund") and such funds

1 shall be used by the Office of the Secretary of State to implement  
2 and administer the provisions of this act.

3 C. The fee to be submitted with an application for a contractor  
4 registration shall be prorated to Twenty-five Dollars (\$25.00) for  
5 only those applications received between January 1, 2011, and April  
6 30, 2011; and, thereafter, the fee shall be as stated in subsection  
7 A of this section.

8 D. A renewal fee for a contractor registration shall be Thirty-  
9 five Dollars (\$35.00).

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

13 EXCEPTIONS.

14 A. This act does not apply to:

15 1. Except as provided herein, any authorized employee,  
16 representative or representatives of the United States government,  
17 the State of Oklahoma, or any county, municipality, or other  
18 political subdivision of this state;

19 2. Any person who furnishes any fabricated or finished product,  
20 material, or article of merchandise which is not incorporated into  
21 or attached to real property by such person so as to become affixed  
22 thereto; and

23 3. Except as provided herein, any public contract for  
24 construction or reconstruction of public works.

1 B. The provisions of this section shall not be construed to  
2 preclude any administrative or governing body with authority to  
3 offer or enter into public contracts, although the project may be  
4 exempt from the registration requirement of this act, from requiring  
5 an individual contractor registration for purposes of such person  
6 submitting or entering into any bid process or contract.

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

10 DUTY OF REGISTRAR - EXPIRATION OF LICENSE.

11 Within fifteen (15) days from the date of application, the  
12 registrar shall determine whether the applicant has met the  
13 requirements to act in the capacity of general contractor as defined  
14 in this act, and no registration shall be issued to an applicant  
15 until the registrar receives all documentation and fees necessary to  
16 obtain a registration certificate. The registration certificate  
17 issued on an original application entitles the person to act as a  
18 general contractor within this state, subject to the limitations of  
19 this act, until the expiration of the then current fiscal year  
20 ending June 30, except that an initial registration issued in May or  
21 June is valid until June 30 of the subsequent year. A prorated  
22 registration certificate issued between January 1, 2011, and April  
23 30, 2011, shall be valid until June 30, 2011.

24

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

4 INFORMATION CHANGES.

5 Not later than ten (10) days after the date of a change in a  
6 contractor's name, address or legal service agent, or upon a  
7 registered contractor ceasing business as a general contractor, or  
8 upon a requirement to register as a sex offender, the person must  
9 notify the registrar of the change on a form provided by the  
10 registrar. A name, address, or legal service agent change must be  
11 accompanied by a fee of Ten Dollars (\$10.00). A person may not  
12 change his or her name under an active registration certificate if  
13 the change is associated with a change in the legal status of the  
14 business entity other than a change in marital status. Doing  
15 business under a new business name or a change in legal status of a  
16 business requires issuance of a new registration certificate. When  
17 a registered contractor ceases to be active as a general contractor,  
18 the registrar must suspend the registration certificate of such  
19 contractor. A corporation, limited liability company, limited  
20 liability partnership, or limited partnership registered with the  
21 Secretary of State is not subject to this section.

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

1 RENEWAL AND FEES.

2 A. Any registration certificate issued under this act may be  
3 renewed for each successive fiscal year by obtaining from the  
4 registrar a certificate of renewal. To obtain a certificate of  
5 renewal, the person shall file with the registrar a renewal  
6 application by June 30 and pay the renewal fee. The application for  
7 renewal shall require a listing of each project, contract, or  
8 subcontract completed during the preceding calendar year in this  
9 state over the amount of Twenty-five Thousand Dollars (\$25,000.00),  
10 if any, and a statement that the applicant has submitted income and  
11 employment taxes due in this state. The registrar may forward a  
12 copy of any information in an application for renewal to the  
13 Oklahoma Tax Commission and any other state agency, and may include  
14 all or part of such project listing for public inspection. The  
15 applicant must include with the renewal application a copy of the  
16 certificate of liability insurance, unless the registrar has a  
17 current valid certificate of insurance on file, proof of workers'  
18 compensation coverage, unless exempt under the Workers' Compensation  
19 Act, and, if applicable, a copy of any licensed trade credential  
20 required by law for certain professions. The renewal application  
21 need not be notarized.

22 B. The registrar may refuse to renew a general contractor  
23 registration certificate for any reason stated in Subsection B of  
24 Section 5 of this act. The registrar shall notify the applicant in



1 writing if the registrar does not grant the renewal as provided in  
2 subsection C of Section 5 of this act. The registrar may request  
3 additional information when deemed appropriate to renew the  
4 contractor.

5 C. If any contractor fails to file a renewal application by the  
6 June 30 deadline, that contractor's registration is not in good  
7 standing and the contractor must be deemed to be not registered  
8 within the meaning of this act. A general contractor has a thirty-  
9 day grace period after June 30 to renew the registration certificate  
10 without a late fee. The late fee is Ten Dollars (\$10.00). A  
11 contractor registration certificate not renewed by August 30 must be  
12 suspended, and on January 1, if a registration certificate still has  
13 not renewed, it must be revoked.

14 D. 1. A contractor desiring to renew a registration  
15 certificate that has been suspended shall be assessed a fee equal to  
16 twice the amount of the fee stated in subsection D of Section 8 of  
17 this act.

18 2. The registrar shall assess a reinstatement fee of One  
19 Hundred Dollars (\$100.00) plus the fee required by Section 8 of this  
20 act for any registration that has been revoked.

21 3. A contractor submitting an application for registration  
22 after suspension or revocation of a general contractor registration  
23 certificate must be otherwise eligible for registration under this  
24 act.

1 E. The registrar shall include a registration status notation  
2 in a contractor's record if the status of registration changes to  
3 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 RECORDS.

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

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

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

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

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

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

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

16 6. Engaging in work without a licensed trade credential as  
17 required for certain professions pursuant to local, state, or  
18 federal law; or

19 7. Failure to pay income or employment taxes.

20 B. The complaint must be on a form approved by the registrar  
21 and must set forth sufficient facts upon which a reasonable person  
22 could conclude that any of the acts or omissions in subsection A of  
23 this section has been committed.

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

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

9 REVOCATION OR SUSPENSION OF REGISTRATION.

10 A. The registrar shall review each complaint received and may  
11 include for public inspection all or part of the information  
12 contained in a complaint when the registrar deems it to be in the  
13 best interests of the public. If the registrar determines a written  
14 complaint provides sufficient facts upon which a reasonable person  
15 could conclude that one or more of the acts or omissions set forth  
16 in Section 14 of this act has been committed, the registrar shall  
17 refer the complaint to the Attorney General or appropriate district  
18 attorney for investigation or other disposition. The registrar has  
19 no authority to resolve complaints.

20 B. If a general contractor is adjudicated by a court of  
21 competent jurisdiction to be guilty of an act or omission in  
22 violation of this act, the registrar shall revoke the contractor's  
23 registration for one (1) year or as otherwise ordered by the court.  
24 During the pendency of any judicial proceedings for any violation of

1 this act, the registrar may suspend a contractor's registration, or,  
2 in the case of a person who is not registered as required in this  
3 act, refuse to issue a registration to such person, for a period of  
4 one (1) year or until the preceding is adjudicated or dismissed,  
5 whichever is longer.

6 C. The registrar may not renew, reinstate, or issue a new  
7 registration to any person adjudicated guilty of a violation of the  
8 provisions of this act until the suspension or revocation period has  
9 terminated and the person makes application and pays required fees  
10 pursuant to Sections 8 and 12 of this act.

11 D. No person shall attempt to obtain a general contractor  
12 registration certificate under any other name during any period when  
13 the contractor's registration is suspended or revoked. A business  
14 firm, partnership, association, corporation, limited liability  
15 company, or other group or combination thereof acting as a unit  
16 whose registration certificate is suspended or revoked includes any  
17 members, partners, officers, and agents acting under that  
18 registration certificate.

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

22 CRIMINAL PENALTY.

23 On and after January 1, 2011, any person acting in the capacity  
24 of a general contractor without a valid registration certificate as

1 a general contractor pursuant to this act, or any person whose  
2 registration certificate is not in good standing, suspended or  
3 revoked and who continued to act in the capacity of a contractor in  
4 violation of the provisions of this act, shall, upon conviction, be  
5 guilty of a misdemeanor punishable by a fine not exceeding Five  
6 Thousand Dollars (\$5,000.00). In addition, the court may order  
7 restitution to be paid to any person whose property is damaged by  
8 the acts or omissions of the person convicted. The court may order  
9 the registration certificate of a defendant to be revoked for not  
10 more than five (5) years or to be permanently revoked, at the  
11 discretion of the court. In the event the court does not set a  
12 specific period of revocation for a defendant's contractor  
13 registration certificate, the Secretary of State as registrar for  
14 the General Contractor Registration Act shall revoke the  
15 registration for one (1) year as provided in subsection B of Section  
16 15 of this act.

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

20 NONRESIDENT CONTRACTORS.

21 Every applicant for a general contractor's registration who is a  
22 nonresident contractor as defined by this act, by signing and filing  
23 the application, appoints the Secretary of State as the applicant's  
24 true and lawful agent upon whom may be served all lawful process in

1 any action or proceeding against such nonresident contractor for  
2 construction projects performed in this state. Such appointment in  
3 writing is evidence of the contractor's consent that any such  
4 process against the contractor which is so served upon the Secretary  
5 of State shall be of the same legal force and affect as if served  
6 upon the contractor personally within this state. Registered  
7 foreign corporations, registered foreign limited liability  
8 companies, foreign limited liability partnerships and foreign  
9 limited partnerships entitled to do business in the state and having  
10 a current registered agent and registered address on file in the  
11 Office of the Secretary of State need not appoint the Secretary of  
12 State as agent for service of process under this section. Within  
13 ten (10) days after service of the summons upon the Secretary of  
14 State, notice of such service with the summons and complaint in the  
15 action shall be sent to the defendant contractor at the defendant  
16 contractor's last-known address by registered or certified mail with  
17 return receipt requested and proof of such mailing shall be attached  
18 to the summons. The Secretary of State shall keep a record of all  
19 process served upon the Secretary of State under this section,  
20 showing the day and hour of service. Whenever service of process  
21 was made under this section, the court, before entering a default  
22 judgment, or at any stage of the proceeding, may order such  
23 continuance as may be necessary to afford the defendant contractor

24

1 reasonable opportunity to defend any action pending against the  
2 defendant contractor.

3 SECTION 18. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1151.18 of Title 59, unless  
5 DUTY TO SUPPLY REGISTRATION NUMBER.

6 When applying for any permit required by the state or any of its  
7 political subdivisions for contractor jobs, a general contractor  
8 shall supply the permit-issuing official that contractor's  
9 registration certificate number issued pursuant to this act. That  
10 official shall enter a contractor's registration number on the  
11 permit. A person performing as a contractor on his or her own  
12 property, although exempt from the registration requirements of this  
13 act, shall, when applying for a permit required for the project,  
14 supply the permit-issuing official each person's licensed trade  
15 credential number, as soon as available, and each employee's and  
16 subcontractor's credentials, if any, engaged on the project and  
17 doing work covered by the permit. That official shall enter each  
18 licensed trade credential and any contractor registration number so  
19 supplied before inspection of the job.

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

23 CONTRACTOR LIST.  
24



1        Upon request, the registrar shall verify a general contractor  
2 registration number to city and county enforcement officials. The  
3 registrar may establish through the Internet or other technology a  
4 verification system for contractor registration certificates  
5 maintained by the Office of the Secretary of State. Whenever the  
6 registrar obtains information on the activities of a general  
7 contractor, or other person required to be registered or have a  
8 licensed trade credential, doing business in this state of which  
9 officials of any state agency or local enforcement official may be  
10 unaware, and that may be relevant to the duties of such agency or  
11 official, the registrar shall provide the relevant information to  
12 those officials and agencies for the purpose of administering and  
13 enforcing official duties.

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

17        This act shall be construed to be in addition to, and not in  
18 lieu of, any licensed trade credential for persons performing  
19 certain professions and trades in this state, and further, this act  
20 shall not be deemed to conflict with or affect the authority of any  
21 state or local agency, board or commission whose duty and authority  
22 is to administer or enforce any law or ordinance or to establish,  
23 administer or enforce any policy, rule, qualification or standard  
24 for any licensed trade or profession.

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

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