

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1946

By: Corn

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 creating the Oklahoma Roofing Industry Registration
9 Act; providing short title; stating public policy;
10 defining terms; creating the Roofing Industry
11 Registration Committee; providing for membership;
12 providing for qualifications of members; providing
13 for terms, removal, vacancies, expenses, offices,
14 duties, quorums and meetings; providing for powers
15 and duties of the Construction Industries Board;
16 providing for powers and duties of the Roofing
17 Industry Registration Committee; providing
18 procedures, qualifications, and duties for obtaining
19 certain registration; providing for certain
20 applications for registration; requiring the
21 registration number to be affixed to certain
22 documents, vehicles, and places; requiring the
23 posting of such registration; providing for the
24 validity, expiration, renewal, and fees for such
registration; requiring certain forms; requiring the
Board to set fees by rule; requiring certain
information to be public record; providing exception;
requiring certain notification of certain changes;
stating that such public record be prima facie
evidence in certain proceedings; prohibiting certain
acts; providing penalties; providing for certain
disciplinary actions; authorizing the assessment of
administrative fines; listing certain causes for
disciplinary actions; providing for returned checks,
and penalties related thereto; providing for certain
notification, revocation or denial of registration
and reissuance of such registration; providing for
reissuance fees; authorizing the waiver of such fees
under certain conditions; providing for a hearing
board; authorizing certain investigation and
hearings, and procedures related thereto; requiring

1 any hearing to be in accordance with the
2 Administrative Procedures Act; authorizing certain
3 application for a new registration; specifying
4 certain administrative fees; providing for the
5 deposit of such fees and payments of any type;
6 providing for procedures and expenditures related to
7 such monies; prohibiting nonregistered persons from
8 engaging in the roofing industry practice; providing
9 for the suspension of registration without hearing
10 under certain conditions; requiring the preservation
11 of certain records; authorizing certain appeals and
12 providing for procedures related thereto; authorizing
13 the enjoiment of certain violation and providing
14 procedures related thereto; providing certain
15 exception to the Oklahoma Roofing Industry
16 Registration Act; requiring certain officials to
17 verify registration; requiring certain public
18 officials to verify registration prior to awarding
19 contracts; granting certain exception to registration
20 for roofers and home builders of single-family
21 residences; providing for codification; providing an
22 effective date; and declaring an emergency.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3000 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 "Oklahoma
Roofing Industry Registration Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3000.1 of Title 59, unless there
is created a duplication in numbering, reads as follows:

It is hereby declared to be the public policy of this state that
in order to safeguard the life, health, property, and public welfare

1 of its citizens, the business of roofing construction,
2 reconstruction, alteration, maintenance, repair, and waterproofing
3 is a matter affecting the public interest, and that any person
4 desiring to engage in the roofing business shall be required to
5 establish the person's qualifications and be registered pursuant to
6 the Oklahoma Roofing Industry Licensing Act.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3000.2 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 As used in the Oklahoma Roofing Industry Registration Act,
11 unless the context otherwise requires:

12 1. "Board" means the Construction Industries Board;

13 2. "Committee" means the Roofing Industry Registration
14 Committee which shall act in an advisory capacity to the Board and
15 also act and be referred to as the hearing board;

16 3. "Registration" means the act of obtaining or holding a
17 registration certificate from the Board as provided for in the
18 Oklahoma Roofing Industry Registration Act;

19 4. "Person" means an individual, firm, partnership,
20 copartnership, association, corporation, organization, business
21 trust, or other legal entity;

22 5. "Roofing contractor" means a person whose services consist
23 of performance in the roofing trade in whole or in part and who has
24 the experience, knowledge, and skill to construct, reconstruct,

1 alter, maintain, repair, and waterproof roofs, and use materials and
2 items used in the construction, reconstruction, alteration,
3 maintenance, repair, and waterproofing of all kinds of roofing, all
4 in such manner as to comply with all plans, specifications, codes,
5 laws, and rules applicable thereto. "Roofing contractor" does not
6 include such contractor's employees unless the requirements of the
7 Oklahoma Roofing Industry Registration Act specifically apply and
8 extend to such employees;

9 6. "Repair" means to mend, remedy, renovate, and to restore a
10 roof to a sound or permanent state after decay, injury,
11 dilapidation, or partial destruction; and

12 7. "Temporary repair" means any roof repair which is to only
13 last for a short and limited time and which is necessary to mitigate
14 or prevent damage to real property pending a permanent repair
15 thereof.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3000.3 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 There is hereby created until July 1, 2016, in accordance with
20 the Oklahoma Sunset Law, the "Roofing Industry Registration
21 Committee", which shall consist of five (5) members. One member
22 shall be the Chair of the Construction Industries Board or designee
23 and four members shall be appointed on or before September 1, 2010,
24 by the Construction Industries Board. Three of the appointed

1 members shall have at least ten (10) years of experience in the
2 roofing industry. One of the appointed members shall be a lay
3 person. No member shall be employed by the same person or entity as
4 any other member of the Committee.

5 Except for the initial appointees, the term of office of each
6 appointed member shall be four (4) years. The terms of the initial
7 appointed members of the Committee shall be as follows:

8 1. Two members shall be appointed to a term ending June 30,
9 2012;

10 2. Two members shall be appointed to a term ending June 30,
11 2013; and

12 3. One member shall be appointed to a term ending June 30,
13 2014.

14 Provided further, each appointed member shall serve until the
15 member's successor is appointed and has qualified pursuant to the
16 Oklahoma Roofing Industry Registration Act.

17 Members of the Committee may be removed from office by the Board
18 for cause. Vacancies shall be filled by appointment by the Board
19 for the unexpired term of the vacancy. The members of the Committee
20 shall serve without compensation but may be reimbursed for actual
21 expenses incurred pursuant to the State Travel Reimbursement Act.

22 The Committee shall elect from among its membership a chair,
23 vice-chair, and secretary to serve terms of not more than two (2)
24 years ending on June 30 of the year designated by the Committee.

1 The chair or vice-chair shall preside at all meetings. The chair,
2 vice-chair, and secretary shall perform the duties as may be decided
3 by the Committee in order to effectively administer the Oklahoma
4 Roofing Industry Registration Act.

5 A majority of Committee members appointed shall constitute a
6 quorum to transact official business. The Committee shall meet on
7 or before November 1, 2010, and shall meet thereafter at such times
8 as the chair or the Committee deems necessary to implement the
9 Oklahoma Roofing Industry Registration Act.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3000.4 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 The Construction Industries Board, pursuant to the rules of the
14 Board and request of the Committee, shall have the power and duty
15 to:

16 1. Provide personnel for the physical and technical issuance,
17 renewal, suspension, revocation, modification, or denial of
18 registration to engage in roofing work pursuant to the Oklahoma
19 Roofing Industry Registration Act;

20 2. Upon request of the Committee, enter upon public and private
21 property for the purpose of inspecting registration and roofing work
22 for compliance with the provisions of the Oklahoma Roofing Industry
23 Registration Act and the rules of the Board promulgated thereto;

24 3. Employ personnel to conduct investigations and inspections;

1 4. Upon request of the Committee, enforce the rules promulgated
2 pursuant to the Oklahoma Roofing Industry Registration Act;

3 5. Upon request of the Committee, investigate complaints and
4 assist in the holding of hearings;

5 6. Upon request of the Committee, assist in the initiation of
6 disciplinary proceedings, requests of prosecution of and initiation
7 of injunctive proceedings against any person who violates any of the
8 provisions of the Oklahoma Roofing Industry Registration Act or any
9 rule promulgated pursuant to the Oklahoma Roofing Industry
10 Registration Act;

11 7. Upon request of the Committee, assist in the levying of
12 administrative fines, not to exceed One Thousand Dollars (\$1,000.00)
13 for each violation, against any person who violates any of the
14 provisions of the Oklahoma Roofing Industry Registration Act or any
15 rule promulgated pursuant to the Oklahoma Roofing Industry
16 Registration Act;

17 8. Upon request of the Committee, conduct investigations into
18 the qualifications of applicants for registration; and

19 9. Exercise all incidental powers as necessary and proper to
20 implement and enforce the provisions of the Oklahoma Roofing
21 Industry Registration Act and the rules of the Board promulgated
22 thereto.

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1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3000.5 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 In addition to other duties required by the Oklahoma Roofing
5 Industry Registration Act, the Roofing Industry Registration
6 Committee shall have the following powers and duties:

7 1. Assist the Construction Industries Board in registration and
8 otherwise regulating persons engaged in a roofing industry business;

9 2. Determine qualifications of applicants pursuant to the
10 Oklahoma Roofing Industry Registration Act;

11 3. Prescribe and adopt forms for registration applications and
12 initiate mailing of the application forms to all persons requesting
13 the applications. Such form shall include, but not be limited to,
14 an affidavit of good standing signed by the applicant as prescribed
15 by the rules promulgated by the Board;

16 4. Assist and advise the Board in the reprimand of a registered
17 person, and the issuance, denial, suspension, or revocation of
18 registration as provided for by the Oklahoma Roofing Industry
19 Registration Act;

20 5. Assist and advise the Board in the charging and collecting
21 of such fees as are prescribed by the Oklahoma Roofing Industry
22 Registration Act and the rules promulgated thereunder;

23 6. Assist and advise the Board in formulating and enforcing
24 rules governing the materials, services, conduct, and all other

1 matters of the registered persons and their employees in regard to
2 the roofing industry and the administration of the Oklahoma Roofing
3 Industry Registration Act;

4 7. Investigate or request the investigation of alleged
5 violations of the provisions of the Oklahoma Roofing Industry
6 Registration Act and of any rules promulgated by the Board
7 thereunder;

8 8. Assist the Board in providing for grievance and appeal
9 procedures pursuant to the Administrative Procedures Act for any
10 person whose registration is denied, revoked, or suspended;

11 9. Assist and advise the Board in establishing and levying
12 administrative fines against any person who willfully or otherwise
13 violates any provision of the Oklahoma Roofing Industry Registration
14 Act; and

15 10. Have such other powers and duties as are necessary to
16 implement the Oklahoma Roofing Industry Registration Act.

17 SECTION 7. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3000.6 of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 A. To obtain a registration, an applicant shall submit a
21 written application to the Roofing Industry Registration Committee
22 on a form prescribed by the Committee accompanied by the required
23 fee.

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1 B. An applicant for a registration as a roofing contractor
2 shall submit satisfactory evidence that such applicant:

3 1. Has obtained public liability and property damage insurance
4 in such amounts and under such circumstances as may be determined by
5 the Committee;

6 2. Has obtained workers' compensation insurance covering the
7 applicant's employees or is approved as a self-insurer of workers'
8 compensation in accordance with Oklahoma law;

9 3. Has proof of possession of a Federal Tax ID Number and a
10 State of Oklahoma Employment Security Commission identification
11 number;

12 4. Has financial solvency. "Financial solvency" for this
13 purpose means the applicant must provide a surety bond, or an
14 approved alternative as determined by the Committee, in the amount
15 of Five Hundred Thousand Dollars (\$500,000.00). The following
16 requirements must be met before any surety bond shall be accepted:

17 a. the name on the bond must correspond exactly to the
18 information on the application,

19 b. the bond must be the correct amount,

20 c. original bonds must be submitted to the Committee and
21 copies shall not be accepted,

22 d. the registration number block on the bond form should
23 read "pending" or remain blank if the bond is for a
24 new registration, and

1 e. bonds shall not be transferable; and

2 5. Has complied with the provisions of Sections 1701 through
3 1707 of Title 68 of the Oklahoma Statutes.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3000.7 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A. When an individual proposes to do business in the
8 individual's own name, registration, when granted, shall be issued
9 only to that individual.

10 B. If the applicant is proposing to qualify as a firm,
11 partnership, copartnership, association, corporation, organization,
12 business trust, or other legal entity, application shall be made for
13 each such entity and shall state the name of the firm, partnership
14 or copartnership and its partners, the name of the corporation,
15 association, or organization and its officers and directors, the
16 name of the business trust and its trustees, or the name of such
17 other legal entity and its members, and furnish evidence of
18 compliance with any statutory requirements pertaining to such legal
19 entity, including compliance with any laws pertaining to the use of
20 fictitious names, if a fictitious name is used. The application
21 shall also show that the person applying for the registration is
22 legally qualified to act for the legal entity in all matters
23 connected with its roofing contracting business and that the person

1 has authority to supervise roofing operations undertaken by such
2 legal entities.

3 SECTION 9. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3000.8 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 Each roofing contractor registered pursuant to the Oklahoma
7 Roofing Industry Registration Act shall affix the contractor's
8 registration number to all of the contractor's contracts and bids.
9 In addition, the official issuing building permits shall affix the
10 roofing registration number to each application for a building
11 permit involving roofing and on each such building permit issued and
12 recorded.

13 In addition, every roofing contractor shall affix the roofing
14 registration number and the registered person's name on all vehicles
15 used as part of the contractor's business as a roofing contractor.

16 The registered person's name and registration number shall be
17 posted at each of the roofing contractor's places of business and on
18 all roofing projects for public view.

19 Every holder of a registration shall display the registration in
20 a conspicuous place in the person's principal office, place of
21 business, or employment.

22 SECTION 10. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3000.9 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A registration shall become valid after approval of the
2 application.

3 Registration shall expire annually at midnight on June 30.

4 Failure to renew the registration prior to its expiration shall
5 cause the registration to become invalid and it shall be unlawful
6 thereafter for any person to engage, offer to engage, or hold
7 himself or herself out as engaging in the roofing contracting
8 business under the registration unless and until the registration is
9 renewed.

10 A license which is invalid because of failure to renew shall be
11 renewed on payment of the proper renewal fee, if the application for
12 renewal is made prior to October 1 in the year of expiration. If
13 the application for renewal is not made prior to October 1 in the
14 year of expiration, the fee for renewal shall be equal to the
15 original application fee.

16 SECTION 11. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3000.10 of Title 59, unless
18 there is created a duplication in numbering, reads as follows:

19 The initial application fee for a registration shall be fixed by
20 the Construction Industries Board by rule upon advice of the Roofing
21 Industry Registration Committee, but shall not exceed One Hundred
22 Fifty Dollars (\$150.00).

23 If an applicant for initial registration applies for
24 registration during the second half of the annual period, the

1 applicant shall only be required to pay one-half (1/2) of the amount
2 fixed by the Board for initial application.

3 Any change of the registration that requires the issuance of a
4 new registration shall be completed on a form prescribed and adopted
5 by the Committee, accompanied by a handling fee of Twenty-five
6 Dollars (\$25.00).

7 The annual renewal fee shall be fixed by the Board by rule upon
8 advice of the Committee in an amount not to exceed one-half (1/2) of
9 the initial application fee.

10 SECTION 12. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3000.11 of Title 59, unless
12 there is created a duplication in numbering, reads as follows:

13 All information required by the Construction Industries Board,
14 upon recommendation of the Roofing Industry Registration Committee,
15 of any applicant for registration shall be public record, except
16 financial information.

17 If a registration holder changes the person's name style,
18 address, or employment from that which appears on the person's
19 current registration, the person shall notify the Committee of the
20 change within thirty (30) days after it occurs. It is the
21 responsibility of the registered person to provide the Committee
22 notice, in writing, of any changes in the information requested on
23 the application.

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1 All public records of the Committee, when duly certified by the
2 Chair of the Construction Industries Board, shall be received as
3 prima facie evidence in any state administrative or judicial
4 proceeding.

5 SECTION 13. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3000.12 of Title 59, unless
7 there is created a duplication in numbering, reads as follows:

8 A. It is unlawful and a violation of the Oklahoma Roofing
9 Industry Registration Act, unless a specific exemption is provided
10 herein:

11 1. For any person to engage in the roofing business or act in
12 the capacity of a roofing contractor without having a duly issued
13 and valid registration issued pursuant to the provisions of the
14 Oklahoma Roofing Industry Registration Act;

15 2. For any work involving the construction, reconstruction,
16 alteration, maintenance, repair, or waterproofing of any kind of
17 roofing to be done except by a roofing contractor registered
18 pursuant to the Oklahoma Roofing Registration Licensing Act;
19 provided, however an owner of property who individually or with his
20 or her employees makes temporary repair shall not be deemed to have
21 violated this prohibition; or

22 3. For any two or more persons to jointly submit a bid or enter
23 into a contract for roofing as a joint venture unless all parties to
24

1 the joint venture are registered pursuant to the Oklahoma Roofing
2 Industry Registration Act.

3 B. Any person who violates any provision of the Oklahoma
4 Roofing Industry Registration Act, upon conviction, shall be guilty
5 of a misdemeanor and shall be fined not less than Five Hundred
6 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for
7 each separate offense. Each day a violation continues shall
8 constitute a separate offense. Upon notification to the Roofing
9 Industry Registration Committee by the court, any registered roofing
10 contractor found guilty of a violation of any provision of the
11 Oklahoma Roofing Industry Registration Act may have such person's
12 registration revoked by the Board.

13 SECTION 14. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3000.13 of Title 59, unless
15 there is created a duplication in numbering, reads as follows:

16 The Construction Industries Board, upon recommendation of the
17 Roofing Industry Registration Committee, may refuse to issue or to
18 renew, or may revoke or suspend a registration, or place a
19 registered person on probation, reprimand or take other disciplinary
20 action as the Committee may deem proper, including the assessment of
21 administrative fines not to exceed One Thousand Dollars (\$1,000.00)
22 for each violation, with regard to any registered person for any one
23 or combination of the following causes:

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- 1 1. Termination of workers' compensation insurance, public
2 liability, or property damage insurance as set out in the Oklahoma
3 Roofing Industry Registration Act;
- 4 2. Violation of the Oklahoma Roofing Industry Registration Act
5 or its rules;
- 6 3. Conviction of any felony or misdemeanor offense under the
7 laws of any jurisdiction or the United States, an essential element
8 of which is dishonesty, or of any criminal offense which directly
9 relates to the practice of the roofing profession;
- 10 4. Making any misrepresentation for the purpose of obtaining a
11 registration pursuant to the Oklahoma Roofing Industry Registration
12 Act;
- 13 5. Professional incompetence or gross negligence in the
14 practice of roofing;
- 15 6. Gross malpractice, prima facie evidence of which may be a
16 conviction or judgment of malpractice in any court of competent
17 jurisdiction;
- 18 7. Aiding or assisting another person in violation of any
19 provision of the Oklahoma Roofing Industry Registration Act or its
20 rules;
- 21 8. Failing, within thirty (30) days, to provide information in
22 response to a written request made by the Committee which has been
23 sent by certified or registered mail to the address provided on the
24

1 application of the registered person or notification of change of
2 address provided by the registered person;

3 9. Engaging in dishonorable, unethical, or unprofessional
4 conduct of a character likely to deceive, defraud, or harm the
5 public;

6 10. Habitual or excessive use of or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug which
8 results in the inability to practice roofing with reasonable
9 judgment, skill, or safety;

10 11. Discipline by another jurisdiction within the United States
11 or foreign nation, if at least one of the grounds for the discipline
12 is the same or substantially equivalent to those set forth in the
13 Oklahoma Roofing Industry Registration Act;

14 12. Directly or indirectly giving to or receiving from any
15 person any fee, commission, rebate, or other form of compensation
16 for any professional services not actually or personally rendered;

17 13. A finding by the Committee that the registered person,
18 after having such registration placed on probationary status, has
19 violated the terms of probation;

20 14. Conviction by any court of competent jurisdiction, either
21 within or without this state, of any violation of any law governing
22 the practice of roofing contracting, if the Committee determines,
23 after an investigation, that the person has not been sufficiently
24 rehabilitated to warrant the public trust;

1 15. A finding that registration has been applied for or
2 obtained by fraudulent means;

3 16. Practicing or attempting to practice under a name other
4 than the full name as shown on the registration, unless otherwise
5 authorized by the Oklahoma Roofing Industry Registration Act;

6 17. Gross and willful overcharging for professional services
7 including filing false statements for collection of fees or monies
8 for which services were not rendered; or

9 18. The surety bond or its equivalent is canceled or a judgment
10 or payment of claim reduces the amount of the required bond below
11 Five Hundred Thousand Dollars (\$500,000.00).

12 SECTION 15. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3000.14 of Title 59, unless
14 there is created a duplication in numbering, reads as follows:

15 In accordance with rules promulgated by the Construction
16 Industries Board, any person who delivers a check or other payment
17 to the Roofing Industry Registration Committee that is returned to
18 the Committee unpaid by the financial institution upon which it is
19 drawn shall pay to the Committee, in addition to the amount already
20 owed to the Committee, an administrative fine of Fifty Dollars
21 (\$50.00). If the check or other payment was for an issuance fee or
22 renewal fee and that person engages in roofing services without
23 paying the issuance fee or renewal fee for registration and the
24 administrative fine for a dishonored or insufficient check due, an

1 additional administrative fine of One Hundred Dollars (\$100.00)
2 shall be imposed. The administrative fines imposed by this section
3 are in addition to any other discipline provided pursuant to the
4 Oklahoma Roofing Industry Registration Act for the nonregistered
5 practice or practice on a nonrenewed registration. The Committee
6 shall notify the person that payment of registration fees and
7 administrative fines shall be paid to the Committee by certified
8 check or money order within thirty (30) calendar days of the
9 notification. If, after the expiration of thirty (30) days from the
10 date of the notification, the person has failed to submit the
11 necessary remittance, the Board, upon recommendation of the
12 Committee, shall automatically revoke the person's registration or
13 deny the application. If after revocation or denial the person
14 seeks registration, the person shall apply to the Committee for
15 reissuance of the registration and pay all registration fees and
16 administrative fines due to the Committee. The Board, upon advice
17 of the Committee, may establish a fee for the processing of an
18 application for reissuance of a registration for the purpose of
19 paying all expenses of processing this application. The Board, upon
20 advice of the Committee, may waive the administrative fines due
21 under this section in individual cases when the Committee finds that
22 the administrative fines would be an unreasonable or unnecessary
23 hardship.

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1 SECTION 16. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3000.15 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 A. In addition to the hearing powers and duties of the
5 Construction Industries Board and in accordance with the rules of
6 the Board, the chair, along with the other members of the Roofing
7 Industry Registration Committee shall constitute a hearing board,
8 which may on its own motion make investigations and conduct
9 hearings, may on its own motion or upon complaint in writing duly
10 signed and verified by the complainant, after hearing and upon not
11 less than ten (10) days' notice to the registered person, make
12 recommendation to the Board, and the Board may suspend any
13 registration issued pursuant to the Oklahoma Roofing Industry
14 Registration Act, and may revoke the registration in the manner
15 hereinafter provided, if it has reason to believe or finds that the
16 holder of the registration has violated any provision of Section 13,
17 14 or 15 of this act. The hearing board may recommend to the Board
18 and the Board shall also be empowered to seek a temporary
19 restraining order or other injunctive relief in the district court
20 having jurisdiction in the place of residency of the offending
21 registered person for any such violation or in the place where
22 roofing services are occurring.

23 B. A copy of the complaint with notice of the suspension of
24 registration, if ordered by the Board, shall be served on the person

1 complained against, and the person's answer shall be filed within
2 thirty (30) days of service of such notice.

3 C. No order revoking a registration shall be made until after a
4 public hearing set by the hearing board which shall not be less than
5 thirty (30) days and not more than sixty (60) days after the date of
6 notice of such suspension. Such hearing shall be held at the place
7 designated by the hearing board. The person complained against
8 shall have the right to be represented by counsel and to introduce
9 any evidence in defense of the person. The conduct of the hearing
10 shall be in accordance with recognized rules of legal procedure in
11 accordance with Article II of the Administrative Procedures Act, and
12 any member of the hearing board or a representative designated by
13 the hearing board shall have authority to administer oaths, take
14 testimony, and issue subpoenas. Except as provided for in the
15 Oklahoma Roofing Industry Registration Act, all procedures and
16 orders of the hearing board shall be subject to the provisions of
17 the Administrative Procedures Act.

18 D. Any person whose license has been revoked may, after the
19 expiration of one (1) year from the date of the revocation, but not
20 before, apply for a new registration.

21 SECTION 17. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3000.16 of Title 59, unless
23 there is created a duplication in numbering, reads as follows:

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1 In addition to other penalties provided by law, if after a
2 hearing in accordance with the provisions of the Oklahoma Roofing
3 Industry Registration Act, the hearing board shall find any person
4 to be in violation of any of the provisions of the Oklahoma Roofing
5 Industry Registration Act, the person upon order of the Board may be
6 subject to an administrative fine of not more than Five Hundred
7 Dollars (\$500.00) for each violation. Each day a person is in
8 violation of the Oklahoma Roofing Industry Registration Act may
9 constitute a separate violation. The maximum administrative fine
10 shall not exceed One Thousand Dollars (\$1,000.00). All
11 administrative fines collected pursuant to the provisions of this
12 section shall be deposited in the fund established in Section 18 of
13 this act. Administrative fines imposed pursuant to this section
14 shall be enforceable in the district courts of this state.

15 SECTION 18. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3000.17 of Title 59, unless
17 there is created a duplication in numbering, reads as follows:

18 All registration renewal fees, administrative fees, or payments
19 of any type collected pursuant to the Oklahoma Roofing Industry
20 Registration Act shall be paid directly into the State Treasury
21 where they shall be kept in a separate fund in trust and for use
22 only to meet all necessary expenses incurred in carrying out the
23 intent and purposes of the Oklahoma Roofing Industry Registration
24 Act. The funds are to be expended only through the authorization of

1 the Board and are to be used for paying operating expenses and in
2 carrying out programs and devices designed to further the efficacy
3 of the roofing industry and public understanding of it. This may
4 include, among other expenditures to be determined through the
5 discretion of the Board, preparation and printing of rules,
6 bulletins, or other documents and the furnishing of copies to those
7 engaged in the roofing industry or to the public.

8 SECTION 19. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 3000.18 of Title 59, unless
10 there is created a duplication in numbering, reads as follows:

11 A. On and after January 1, 2011, it shall be unlawful and a
12 misdemeanor for any person to act as, or perform the work of, a
13 roofing contractor, until the person has qualified and is registered
14 as a roofing contractor, as provided for in the Oklahoma Roofing
15 Industry Registration Act.

16 B. On and after January 1, 2011, it shall be unlawful and a
17 misdemeanor for any person, firm, partnership, association, or
18 corporation to act as a roofing contractor or to engage in or offer
19 to engage in, by advertisement or otherwise, the business of roofing
20 or roofing contractor, until such person, a bona fide member of such
21 partnership, or a bona fide officer of such firm, association, or
22 corporation, as the case may be, shall have qualified and is
23 registered as a roofing contractor as required by the Oklahoma
24 Roofing Industry Registration Act.

1 SECTION 20. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3000.19 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 The Construction Industries Board, upon recommendation of the
5 Roofing Industry Registration Committee, may temporarily suspend the
6 registration of a roofing contractor, in the manner provided for in
7 the Oklahoma Roofing Industry Registration Act, if the Committee
8 finds that evidence in its possession indicates that continuation in
9 practice would constitute an imminent danger to the public. In the
10 event that the Board temporarily suspends a license without a
11 hearing, a hearing by the Committee shall be held within thirty (30)
12 days after the suspension has occurred and be concluded without
13 appreciable delay.

14 SECTION 21. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3000.20 of Title 59, unless
16 there is created a duplication in numbering, reads as follows:

17 The Roofing Industry Registration Committee shall preserve a
18 record of all proceedings at the formal hearing of any case
19 involving the refusal to issue or renew a registration or the
20 discipline of a registered person. The notice of hearing,
21 complaint, and all other documents in the nature of pleadings and
22 written motions filed in the proceedings, the transcript of
23 testimony, the report of the hearing officer, and order of the
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1 Construction Industries Board shall be the record of such
2 proceedings.

3 SECTION 22. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3000.21 of Title 59, unless
5 there is created a duplication in numbering, reads as follows:

6 An appeal from the decision of the Construction Industries Board
7 upon the denial, suspension or revocation of a registration or
8 disciplinary action against a registered person as provided for in
9 the Oklahoma Roofing Industry Registration Act made pursuant to the
10 Administrative Procedures Act.

11 SECTION 23. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3000.22 of Title 59, unless
13 there is created a duplication in numbering, reads as follows:

14 A. If any person violates the provisions of the Oklahoma
15 Roofing Industry Registration Act, the chair of the hearing board or
16 the Construction Industries Board through the Office of the Attorney
17 General, or the district attorney in any county in which a violation
18 is alleged to exist, may petition for an order enjoining the
19 violation or for an order enforcing compliance with the Oklahoma
20 Roofing Industry Registration Act. Upon the filing of a verified
21 petition in such court, the court, upon notice and hearing, may
22 issue a temporary restraining order and may preliminarily and
23 permanently enjoin such violation. If it is established that the

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1 person has violated or is violating the injunction, the court may
2 punish the offender for contempt of court.

3 B. If any person shall practice as a registered roofing
4 contractor or represent to the public that that person is registered
5 as a roofing contractor without that person actually being
6 registered pursuant to the provisions of the Oklahoma Roofing
7 Industry Registration Act, then any person registered pursuant to
8 the Oklahoma Roofing Industry Registration Act, any interested
9 party, or any person injured thereby, in addition to those officers
10 identified in subsection A of this section, may petition for relief
11 as provided for in subsection A of this section.

12 C. Proceedings under this section shall be in addition to, and
13 not in lieu of, all other remedies and penalties which may be
14 provided by law.

15 SECTION 24. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3000.23 of Title 59, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Nothing in the Oklahoma Roofing Industry Registration Act
19 shall:

20 1. Prevent municipalities from enacting ordinances that are
21 equal to or more stringent than those contained in the Oklahoma
22 Roofing Industry Registration Act;

23 2. Limit the power of a municipality to enact ordinances to
24 regulate the quality and character of work performed by roofing

1 contractors through a system of licenses, permits, fees, and
2 inspections which are designed to secure compliance with and aid in
3 the implementation of federal, state, and local building laws or
4 codes or to enforce other local laws for the protection of the
5 public health and safety;

6 3. Limit the power of the municipalities to adopt any system of
7 permits requiring submission to and approval by the municipality of
8 plans and specifications for work to be performed by roofing
9 contractors before commencement of the work;

10 4. Be construed to require a seller of roofing materials or
11 services to be registered as a roofing contractor when the
12 construction, reconstruction, alteration, maintenance, repair, or
13 waterproofing of roofs is to be performed by a person other than the
14 seller or the seller's employee;

15 5. Be construed to require a person to be registered as a
16 roofing contractor in this state to make a temporary repair to a
17 roof, or to perform construction, reconstruction, alteration,
18 maintenance, repair, or waterproofing or other roof work on:

- 19 a. such person's own single-family dwelling,
- 20 b. the property of the person or others for no
21 consideration, or
- 22 c. a person's employer's property when there exists an
23 employer-employee relationship;

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1 6. Be construed to require a person to be registered as a
2 roofing contractor who provides evidence that such person is
3 licensed, certified, or registered in another state if such
4 licensure, certification, or registration is equal to or more
5 stringent than the Oklahoma Roofing Industry Registration Act; or

6 7. Prevent prosecution under the Home Repair Fraud Act as
7 provided for in Section 765.1 et seq. of Title 15 of the Oklahoma
8 Statutes.

9 B. Any official authorized to issue building or other related
10 permits shall ascertain that the applicant contractor is duly
11 registered pursuant to the Oklahoma Roofing Industry Registration
12 Act before issuing the permit. The evidence shall consist only of
13 the exhibition to the official of current evidence of registration,
14 including, but not limited to, the registration number.

15 C. The Oklahoma Roofing Industry Registration Act applies to
16 any roofing contractor performing work for the state or any
17 political subdivision of this state. Officers of the state or any
18 political subdivision of this state are required to determine
19 compliance with the Oklahoma Roofing Industry Registration Act
20 before awarding any roofing contracts for construction,
21 reconstruction, alteration, improvement, remodeling, repair, or
22 waterproofing of any roofing. The state or any political
23 subdivision of this state may require that bids submitted for
24 roofing of public buildings be accompanied by evidence that the

1 bidder holds an appropriate registration issued pursuant to the
2 Oklahoma Roofing Industry Registration Act.

3 D. The requirement for a roofing contractor to be registered
4 pursuant to the Oklahoma Roofing Industry Registration Act shall not
5 apply to:

6 1. Roofers who contract with the owner of an existing single-
7 family residence to reconstruct, alter, maintain, repair, waterproof
8 or use materials and items in the reconstruction, alteration,
9 maintenance, repair or waterproofing of the existing residence roof;

10 2. Roofers who make temporary repairs to existing single-family
11 residences; or

12 3. Roofers who contract with homebuilders who construct new
13 single-family residences, or remodel single-family residences.

14 SECTION 25. This act shall become effective July 1, 2010.

15 SECTION 26. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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