STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1868 By: Newberry

COMMITTEE SUBSTITUTE

An Act relating to the Roofing Contractor Registration Act; amending 59 O.S. 2011, Section 1151.2, which relates to definitions; modifying references; providing certain exception to definition; adding definition; requiring examination for commercial roofing contractors on and after certain date; requiring certain examination every three years; providing for noncompliance; providing for nonresident roofing contractors; setting examination fees; providing for repeat testing; providing for monthly testing; creating the Roofing Examination and Review Board; stating purposes; stating commencement and termination dates for Board duties; prohibiting business after certain date; reconstituting Board every third year by certain date; providing for membership appointments, terms, duties, voting, travel reimbursements, staff and quorum; making the Director of the Construction Industries Board ex officio member; requiring compliance with Oklahoma Open Meeting Act and Oklahoma Open Records Act; allowing business by electronic means; providing for removal of members and vacancies; allowing unlimited reappointments; authorizing hiring of certain persons for certain purpose; providing for forms and procedures; directing notation on registration after passage of commercial roofing examination; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.2, is amended to read as follows:

Section 1151.2. 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. a person engaged in the demolition of a structure or the cleanup of construction waste and debris that contains roofing material ~~nor~~,

b. a person working under the direct supervision of the roofing contractor who is hired either as an employee, day laborer, or contract laborer, or

c. a person working on his or her residential or farm property, whether actually performing the work or using the assistance or labor of family members, relatives, neighbors or employees;

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. "Commercial roofing contractor" means any person who acts as a roofing contractor as defined in paragraph 1 of this section and who engages in such roofing services on commercial, industrial or public buildings or structures;

4. "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~~ the Roofing Contractor Registration Act;

~~4.~~ 5. "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.~~ 6. "Registrar" means the Construction Industries Board or any person designated by the Board to administer the provisions of ~~this act~~ the Roofing Contractor Registration Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1151.25 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. On and after February 1, 2014, every commercial roofing contractor operating in this state shall be required to take and successfully pass a commercial roofing examination approved by the Roofing Examination Board before acting as a roofing contractor, or registering or renewing a roofing contractor registration pursuant to the Roofing Contractor Registration Act. The commercial roofing examination shall include test questions covering professional competencies and skills on a variety of roofing structures, materials and systems, best practices, and provisions on Oklahoma law and construction codes. The commercial roofing examination covering Oklahoma law and construction codes shall be retaken and successfully passed every three (3) years to maintain a commercial roofing registration in good standing.

B. Failure to comply with the examination requirements established in subsection A of this section shall be deemed a violation of the Roofing Contractor Registration Act, and shall subject the violator to the penalty prescribed in Section 1151.3 of Title 59 of the Oklahoma Statutes. In addition, a roofing registration may be revoked for failure to comply with the requirements for commercial roofing contractors pursuant to the Roofing Contractor Registration Act.

C. All nonresident roofing contractors intending to operate as a commercial roofing contractor in this state shall be required to take the commercial roofing examination prior to acting as a commercial roofing contractor or registering or renewing a registration pursuant to the Roofing Contractor Registration Act. However, when a state of emergency is declared by the Governor, the Governor may direct the registrar to waive the commercial roofing examination requirement for nonresident commercial roofing contractors when a clear need exists for commercial roofing services and the nonresident roofing contractor registers in this state pursuant to the Roofing Contractor Registration Act and substantiates his or her prior commercial roofing experience upon registration.

D. The commercial roofing examination fee covering professional competencies, skills and best practices shall be One Hundred Fifty Dollars ($150.00). The examination fee covering the portion of the examination on Oklahoma law and construction codes shall be Fifty Dollars ($50.00). The commercial roofing examination may be retaken if a first test score does not result in successful passage. No person shall take the commercial roofing examination more than twice in one year and there shall be a minimum waiting period of at least thirty (30) days between any repeat testing. The commercial roofing examination shall be offered at least monthly on dates and times determined by the registrar.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1151.26 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Roofing Examination and Review Board for the sole purpose of creating a state commercial roofing examination and scoring mechanism for the Roofing Contractor Registration Act. The Board shall create additional examination materials to be included as part of the commercial roofing examination which shall relate specifically to Oklahoma law and construction codes.

B. The Board shall commence its work within thirty (30) days of the date of the last member appointment to the Board and shall terminate its work on the thirtieth day after the first examination date on the new test materials. The Board is prohibited from conducting business after the date terminating official business until the Governor has reconstituted a new Board. The Board shall be reconstituted with the same or newly appointed members every third year not later than September 1; provided, however, the Governor may reconstitute the Board earlier than the third year if significant legislative changes have been made to the Roofing Contractor Registration Act or the construction codes are amended. All appointments for a reconstituted Board shall be made by the Governor in the same manner as initial appointments to the Board. Each reconstituted Board shall review the current approved

commercial roofing examination materials and make adjustments to the examination materials as necessary to adjust for any changes in the roofing industry, law or construction codes. Each reconstituted Board shall commence its work within thirty (30) days of the date of the last member appointment to the Board and shall terminate its work on the thirtieth day after the first examination date on the new approved test materials.

C. Members of the Roofing Examination and Review Board shall each have one vote and shall be appointed by the Governor as follows:

1. One member shall be a licensed architect with a minimum of five (5) years' experience in commercial roof design. This member shall be selected from a list of three qualified and eligible architects submitted by a state organization representing engineers;

2. One member shall be an employee of the Construction and Property Division of the Oklahoma State Department of Central Services with experience in developing roofing standards or supervising roofing construction or repairs;

3. One member shall be a licensed engineer with a minimum of five (5) years' experience in commercial roof design. This member shall be selected from a list of three qualified and eligible engineers submitted by a state organization representing engineers;

4. One member shall be a general contractor with a minimum of five (5) years' experience in commercial construction. This member

shall be selected from a list of three qualified and eligible general contractors submitted by a state organization representing general contractors; and

5. One member shall be a lay member residing in this state.

The Director of the Construction Industries Board shall be a nonvoting, ex officio member of the Board.

D. The Board shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act. Four members shall constitute a quorum for purposes of conducting official business and business may be transacted by electronic means as deemed appropriate. Members may receive travel reimbursements as allowed by the State Travel Reimbursement Act; however, no member shall receive any other compensation for performance of Board duties. Members may be removed by the Governor and any vacancy in membership may be filled for the unexpired term as provided for the initial appointment. Members shall not be limited in the number of their reappointments.

E. The registrar shall provide staff and administrative assistance to the Board to complete its duties and shall pay any travel reimbursements allowed by law for members. The registrar shall employ a person or persons to actually conduct the commercial roofing examinations, score examinations and notify the examinee of passage or failure to pass the examination. The registrar shall develop an application form and procedures for an applicant to schedule and take or retake the commercial roofing examination. The

registrar shall include a notation on each roofing contractor's registration information when the roofing contractor has successfully passed the commercial roofing examination and exam portion on Oklahoma law and construction codes so the public will have notification of all successfully examined commercial roofing contractors in the roofing contractor registration database.

SECTION 4. This act shall become effective November 1, 2012.

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