

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2509

By: Stiles of the House

and

Branan of the Senate

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to professions and occupations;  
12                   amending 59 O.S. 2011, Sections 1151.2, 1151.3,  
13                   1151.4, 1151.5, 1151.7, 1151.10, 1151.11, 1151.12,  
14                   1151.13 and 1151.14, which relate to the Roofing  
15                   Contractor Registration Act; modifying definitions;  
16                   modifying certain unlawful acts; prohibiting certain  
17                   claims if not registered in good standing under the  
18                   act; providing for application process upon certain  
19                   expiration; allowing certain grace period;  
20                   authorizing Construction Industries Board to make  
21                   certain public service announcements; requiring  
22                   submission of certain sworn information; prohibiting  
23                   registration of certain entity owner; permitting  
24                   registrar to conduct criminal history search or  
                    background check; granting immunity to certain  
                    persons; modifying business limitations of roofing  
                    contractors; requiring roofing contractors maintain  
                    liability insurance and workers' compensation  
                    coverage; requiring roofing contractors maintain  
                    certain status and registration; requiring roofing  
                    contractors file and pay all taxes on time; providing  
                    for noncompliance with certain requirements;  
                    modifying application timing limits; requiring  
                    roofing contractors provide certain notice to  
                    registrar; prohibiting certain name change; requiring  
                    new application if certain name is changed; modifying

1 process for renewal applications; providing for  
2 failure to renew; mandating certain information be  
3 posted on a public website; directing certain search  
4 capabilities for the website; providing penalties for  
5 certain violations; directing law enforcement to  
6 arrest certain violators; directing district attorney  
7 to file certain charges; authorizing Attorney General  
8 to bring claim; requiring district attorney to bring  
9 charges or explain why there are no charges;  
10 providing for venue in Oklahoma County; directing  
11 where fines shall be paid; directing court to issue  
12 certain restitution; requiring Construction  
13 Industries Board to post certain information on its  
14 website; providing for certain civil claims;  
15 providing for fraud per se if certain conditions  
16 exist; repealing 59 O.S. 2011, Sections 1151.6,  
17 1151.15 and 1151.22, which relate to the Roofing  
18 Contractor Registration Act; and providing an  
19 effective date.

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

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

23 Section 1151.2 As used in the Roofing Contractor Registration  
24 Act:

1. "Roofing services" means the construction, installation,  
renovation, repair, maintenance, alteration or waterproofing of  
commercial or residential roofs. Roofing services shall not mean:

- a. the demolition of a structure or the cleanup of  
construction waste and debris that contains roofing  
material, or

1           **b.**    remedial repairs to roofs to prevent further damage to  
2                    a structure where the value of the repairs is less  
3                    than Five Hundred Dollars (\$500.00);

4            2.    "Roofing contractor" means any person, ~~including a~~  
5 ~~subcontractor and nonresident contractor,~~ or entity engaged in the  
6 business of ~~commercial or residential~~ providing or offering to  
7 perform roofing services to another for a fee, ~~or who offers to~~  
8 ~~engage in or solicits roofing-related services, including~~  
9 ~~construction, installation, renovation, repair, maintenance,~~  
10 ~~alteration, and waterproofing.~~ Roofing contractor shall not mean a  
11 ~~person engaged in the demolition of a structure or the cleanup of~~  
12 ~~construction waste and debris that contains roofing material nor a~~  
13 person working under the direct supervision of the roofing  
14 contractor who is hired either as an employee, day laborer, or  
15 contract laborer;

16           ~~2.~~ 3.    "Nonresident contractor" means any contractor who has not  
17 established and maintained a place of business as a roofing  
18 contractor in this state within the preceding year, or who claims  
19 residency in another state, or who has not submitted an income tax  
20 return as a resident of this state within the preceding year;

21           ~~3.~~ "Person" 4.    "Entity" means any ~~individual,~~ firm,  
22 partnership, association, corporation, limited liability company, or  
23 other group or combination thereof acting as a unit, unless the

1 intent to give a more limited meaning is disclosed clearly by this  
2 act;

3 ~~4.~~ 5. "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 award contracts for the construction or reconstruction  
9 of public work and includes subcontracts undertaken to perform works  
10 covered by the original contract or any part thereof; ~~and~~

11 ~~5.~~ 6. "Registrar" means the Construction Industries Board or  
12 any person designated by the Board to administer the provisions of  
13 this act;

14 7. "Entity owner" means any officer or person who owns any  
15 interest in an entity, including but not limited to a member,  
16 shareholder, partner or silent partner;

17 8. "Applicant" means either the person or the business entity  
18 applying for registration under the Roofing Contractor Registration  
19 Act;

20 9. "Fictitious name" means a name by which a sole proprietor or  
21 entity operates or advertises under that is different, even  
22 slightly, from its legal name;

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1        10. "Disqualifying crime" means any conviction, plea of guilty  
2 or nolo contendere, or deferred judgment in any state or the United  
3 States of any of the following:

4            a. felony or misdemeanor fraud, embezzlement or taking  
5            money by false pretenses,

6            b. forgery or counterfeiting,

7            c. a felony involving the theft of the identity of  
8            another,

9            d. insurance or public assistance fraud,

10           e. felony passing of a bogus, stolen, fraudulent or  
11           counterfeit check, or

12           f. attempt, conspiracy or accessory after the fact or  
13           aiding and abetting to commit any disqualifying crime;  
14           and

15        11. "Disqualifying civil claim" means any finding of guilt of  
16 any of the following causes of action:

17           a. fraud,

18           b. embezzlement,

19           c. taking money by false pretenses, or

20           d. any other cause of action in which the person was  
21           ordered to return funds to another party.

22        SECTION 2.        AMENDATORY        59 O.S. 2011, Section 1151.3, is  
23 amended to read as follows:

1 Section 1151.3 A. ~~A~~ It shall be unlawful for a person ~~may not~~  
2 ~~engage in the business nor~~ or entity to act in the capacity of as or  
3 offer services as a roofing contractor within this state ~~nor may~~  
4 ~~that person bring or maintain any claim, action, suit, or proceeding~~  
5 ~~in any court of this state related to the person's business or~~  
6 ~~capacity as a roofing contractor without~~ unless the person or entity  
7 holds a valid registration in good standing as provided in the  
8 Roofing Contractor Registration Act.

9 B. ~~A person who fails to obtain a valid registration prior to~~  
10 ~~acting as a roofing contractor as defined in the Roofing Contractor~~  
11 ~~Registration Act, a person who acts as a roofing contractor while~~  
12 ~~his or her registration is suspended or revoked, or a person who~~  
13 ~~violates any provision of the Roofing Contractor Registration Act~~  
14 ~~shall be guilty of a misdemeanor, upon conviction, punishable by a~~  
15 ~~fine not to exceed Five Hundred Dollars (\$500.00) for each~~  
16 ~~violation. More than one violation in any twelve-month period shall~~  
17 ~~be grounds for the suspension of the registration, and shall cause~~  
18 ~~the person to be ineligible for registration for a period not to~~  
19 ~~exceed twelve (12) months~~ It shall be unlawful for a person to make  
20 a false statement on the application for registration or renewal.

21 C. It shall be unlawful for a person or entity performing  
22 roofing services to bring or maintain any claim, action, suit or  
23 proceeding in any court of this state, including but not limited to

1 the collection of money for services rendered, related to roofing  
2 services rendered unless such person or entity had a valid  
3 registration in good standing as provided in the Roofing Contractor  
4 Registration Act at the time services were rendered.

5 D. Any person properly registered with the Construction  
6 Industries Board on November 1, 2012, shall be considered in good  
7 standing until the expiration of the person or entity's registration  
8 term. Upon expiration, the person or entity shall complete the  
9 application process as if the person or entity was never registered.  
10 There shall be a grace period of two (2) months for persons or  
11 entities registered prior to November 1, 2012, to become compliant  
12 with the Roofing Contractor Registration Act.

13 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1151.4, is  
14 amended to read as follows:

15 Section 1151.4 The Construction Industries Board is authorized  
16 to employ personnel and procure such supplies and equipment as may  
17 be necessary to carry out and implement the provisions of ~~this act~~  
18 the Roofing Contractor Registration Act, subject to budgetary  
19 limitations and funding. The Construction Industries Board may  
20 promulgate forms to implement the provisions of this act. The  
21 Construction Industries Board may administer any provision of this  
22 act through use of the Internet or other technology as deemed  
23 necessary or appropriate. The Construction Industries Board is

1 authorized to make public service announcements in areas affected by  
2 storms to inform the public of their rights under this act.

3 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1151.5, is  
4 amended to read as follows:

5 Section 1151.5 A. To obtain a roofing contractor registration  
6 under the Roofing Contractor Registration Act, ~~an applicant~~ a person  
7 with an ownership interest in the business who is eighteen (18)  
8 years of age or older shall submit, on forms the registrar  
9 prescribes, ~~an~~ the following information sworn under oath:

10 1. The full legal name of the business or sole proprietor. If  
11 the applicant is a sole proprietor then the business name shall be  
12 the applicant's name. If the applicant is an entity then the  
13 registration shall be under the full entity legal name;

14 2. The fictitious name of the business or a statement that the  
15 applicant does not operate under any fictitious name. Each person  
16 or entity may only register one fictitious name per application. If  
17 the applicant has multiple fictitious names then each fictitious  
18 name shall be treated as a separate business or entity for which a  
19 separate application process shall be required. If the person or  
20 entity identifies a fictitious name then the person or entity shall  
21 provide a certificate of trade name filed with the Secretary of  
22 State;

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1        3. The phone number, physical address and mailing address of  
2 the applicant;

3        4. If the applicant is not a sole proprietor, a letter of good  
4 standing with the Secretary of State;

5        5. The full legal name, date of birth, phone number and  
6 physical address of all entity owners;

7        6. An application under oath containing a statement of the  
8 applicant's experience and qualifications as a roofing contractor,  
9 if any, the applicant's name, physical address, business name and  
10 address and place of incorporation, if different, information on any  
11 other person who will be authorized to act as the business entity,  
12 and the applicant's phone number.;

13        7. A copy of the roofing contractor's certificate of liability  
14 insurance shall be filed with the application and which shall be not  
15 less than Five Hundred Thousand Dollars (\$500,000.00). Any  
16 insurance company issuing a liability policy to a roofing contractor  
17 pursuant to the provisions of the Roofing Contractor Registration  
18 Act shall be required to notify the Construction Industries Board in  
19 the event such liability policy is cancelled for any reason or  
20 lapses for nonpayment of premiums. All registrations granted under  
21 the Roofing Contractor Registration Act shall be suspended on the  
22 date of the policy cancellation. The registrar must receive proof  
23 of insurance prior to restoring the registration. In addition, the  
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1 ~~roofing contractor shall submit proof that the contractor has~~  
2 ~~secured;~~

3 8. Proof of workers' compensation coverage satisfactory under  
4 the Workers' Compensation Act, or an affidavit of exemption or self-  
5 insurance as authorized pursuant to the Workers' Compensation Act;

6 9. Proof of surety bond in the amount of Twenty Five Thousand  
7 Dollars (\$25,000.00) executed by a surety company authorized to  
8 transact business in the state. The bond shall be for the benefit  
9 of all consumers dealing with the applicant conditioned upon the  
10 applicant faithfully performing all contracts entered into and in  
11 all things complying with the laws, rules or regulations pertaining  
12 to the license. The aggregate liability of the surety shall not  
13 exceed the amount of the bond regardless of the number of claims  
14 made against the bond or the years the bond remains in force;

15 ~~If the registrar deems it appropriate or necessary, the~~  
16 ~~registrar may also require~~ 10. Any other information as the  
17 registrar deems it appropriate or necessary to be included on the  
18 application form to assist the registrar in registering the person  
19 as a contractor;

20 ~~The application shall contain statements~~ 11. Statements that  
21 the applicant desires the issuance of a roofing contractor  
22 registration certificate; that the applicant will comply with the  
23 provisions of the Roofing Contractor Registration Act; that the

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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 applicant will comply with state laws and local ordinances relating  
2 to standards and permits; that the applicant has or has not been  
3 registered or licensed as a roofing contractor in another state and  
4 whether any disciplinary action was taken against such registration  
5 or license or whether it is still in good standing; and that the  
6 nonresident applicant appoints the Secretary of State as legal  
7 service agent for all lawful process to be served upon the applicant  
8 for work performed in this state or as otherwise provided in the  
9 Roofing Contractor Registration Act;

10 12. A statement under oath by each entity owner as to whether  
11 or not the entity owner has committed any disqualifying crime or  
12 disqualifying civil claim. If an applicant answers in the  
13 affirmative to any of the questions in this subsection, the  
14 registrar shall prescribe a form to gather specific information as  
15 to each affirmative answer in order to determine if the applicant is  
16 eligible for registration; and

17 13. A statement under oath by each entity owner as to whether  
18 or not the entity owner has ever been investigated for a  
19 disqualifying crime.

20 B. The registrar shall refuse to register any ~~person~~ applicant  
21 if the registrar determines:

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

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

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

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

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

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

11 7. Any entity owner has committed or been found to have  
12 committed any disqualifying crime or disqualifying civil claim, or a  
13 combination of both.

14 C. When deemed appropriate, the registrar may conduct a  
15 criminal history records search or background check on any applicant  
16 or registered roofing contractor and may investigate the information  
17 submitted on a roofing contractor application or renewal form.

18 D. The registrar, its agents, employees and assigns shall not  
19 be liable and are granted immunity for the acts or omissions of any  
20 registered roofing contractor or its employees, or for the failure  
21 or omission of any person to properly disclose any information on an  
22 application or renewal form, including, but not limited to, pending  
23 criminal charges, arrests or prior criminal history records,

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BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 disclosure of roofing contractor registration status, or  
2 qualifications to perform or act as a roofing contractor.

3 E. The registrar shall notify the applicant in writing if the  
4 registrar denies a registration or renewal certificate, and shall  
5 provide the applicant an opportunity to respond to or cure any  
6 defect in the written application or renewal for a period of ten  
7 (10) days from the date of the written notification. An applicant  
8 aggrieved by a decision of the registrar denying a registration or  
9 renewal may appeal the decision as provided in the Administrative  
10 Procedures Act, or the applicant may reapply after a ninety-day  
11 waiting period, if otherwise eligible under the provisions of the  
12 Roofing Contractor Registration Act. The application and renewal  
13 fees shall not be refundable.

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

16 ~~1. Maintain liability insurance coverage;~~

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

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

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1       ~~4. Maintain an active status of a corporation or registration~~  
2 ~~as a foreign corporation, a limited liability company or~~  
3 ~~registration as a foreign limited liability company, a limited~~  
4 ~~liability partnership registration or foreign limited liability~~  
5 ~~partnership registration, or a limited partnership certificate or~~  
6 ~~limited partnership or foreign limited partnership certificate of~~  
7 ~~authority, with the Office of the Secretary of State;~~

8       ~~5. File or renew a trade name registration;~~

9       ~~6. Maintain or renew a roofing contractor registration as~~  
10 ~~provided in the Roofing Contractor Registration Act;~~

11       ~~7. Notify the registrar of a change in name, address, legal~~  
12 ~~business entity, legal service agent, or adjudication by a court of~~  
13 ~~competent jurisdiction for any act or omission specified in~~  
14 ~~subsection A of Section 1151.14 of this title or a violation of the~~  
15 ~~Roofing Contractor Registration Act;~~

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

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

20       ~~E. The registrar shall send a written notice to the person when~~  
21 ~~his or her registration is not in good standing. Any roofing~~  
22 ~~contractor who has been notified by the registrar that his or her~~  
23 ~~registration is not in good standing shall cease soliciting or~~

1 ~~entering new roofing services and projects as of the date of such~~  
2 ~~notification; however, the roofing contractor shall be allowed to~~  
3 ~~complete roofing projects where actual physical work has begun prior~~  
4 ~~to the date of issuance of the notice that his or her registration~~  
5 ~~is not in good standing. The roofing contractor must disclose the~~  
6 ~~change in standing to any homeowner or other person who has an~~  
7 ~~interest in any job covered under the Roofing Contractor~~  
8 ~~Registration Act. Upon notice of a change in standing, the~~  
9 ~~homeowner shall have the option to cancel the contract. The roofing~~  
10 ~~contractor will be owed the actual cost incurred for materials and~~  
11 ~~the market value of labor already incurred on the job. The roofing~~  
12 ~~contractor must obtain an updated authorization from the homeowner~~  
13 ~~and other parties of interest if there is an agreement to continue~~  
14 ~~the job as originally negotiated. If the roofing contractor fails~~  
15 ~~to correct the deficiency specified in the notice by evidence~~  
16 ~~satisfactory to the registrar within thirty (30) days of the date of~~  
17 ~~the notice, or if the roofing contractor solicits or enters into new~~  
18 ~~roofing services contracts or projects while the roofing~~  
19 ~~contractor's registration is not in good standing, or while such~~  
20 ~~registration is suspended or revoked, the roofing contractor shall~~  
21 ~~be in violation of the provisions of the Roofing Contractor~~  
22 ~~Registration Act. Any registration that remains not in good~~  
23 ~~standing for a sixty-day period shall be suspended on the sixtieth~~

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1 ~~day from the date of issuance of the notice to the roofing~~  
2 ~~contractor that his or her registration is not in good standing.~~  
3 ~~Any registration the remains not in good standing, and is suspended~~  
4 ~~for such cause, shall be revoked on the ninetieth day from the date~~  
5 ~~of issuance of the notice to the roofing contractor that his or her~~  
6 ~~registration is not in good standing. The registrar shall notify~~  
7 ~~the roofing contractor upon suspension or revocation of his or her~~  
8 ~~registration for failure to comply in bringing such registration~~  
9 ~~into good standing as required by law. The roofing contractor may~~  
10 ~~reinstate his or her registration to good standing by paying the~~  
11 ~~required fees provided in Section 1151.12 of this title and~~  
12 ~~complying with all other requirements for issuance of a registration~~  
13 ~~in good standing. Any person aggrieved by the decision of the~~  
14 ~~registrar to suspend or revoke a registration pursuant to this~~  
15 ~~section may appeal such decision as provided in the Administrative~~  
16 ~~Procedures Act.~~

17 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1151.7, is  
18 amended to read as follows:

19 Section 1151.7 The holder of a roofing contractor registration  
20 certificate is entitled to engage in the roofing business within  
21 this state pursuant to the provisions of the Roofing Contractor  
22 Registration Act, and subject to the following limitations:  
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1 1. A roofing contractor's registration certificate number shall  
2 be valid and in good standing at the time of soliciting a project  
3 and ~~during subsequent job performance~~ until completion of roofing  
4 services;

5 2. A roofing contractor's registration certificate number shall  
6 be submitted when applying for any permit issued by the state, or  
7 any of its political subdivisions, for commercial or residential  
8 roofing services or projects, if a permit is required by such  
9 authority, and shall be written upon each permit issued. Provided,  
10 however, no permitting authority shall require a roofing contractor  
11 registration certificate as a condition to issuing a permit when  
12 registration is exempt pursuant to Section 1151.9 of this title;

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

1       4. ~~Upon any change to the name, address, business entity, or~~  
2 ~~legal service agent of a roofing contractor or upon adjudication by~~  
3 ~~a court of competent jurisdiction for a violation of the Roofing~~  
4 ~~Contractor Registration Act or an act or omission specified in~~  
5 ~~subsection A of Section 1151.14 of this title, the registrar shall~~  
6 ~~be notified in writing;~~

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

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

11       5. During the registration term, all roofing contractors  
12 operating in the state shall:

13           a. maintain liability insurance coverage of at least Five  
14           Hundred Thousand Dollars (\$500,000.00),

15           b. maintain workers' compensation coverage satisfactory  
16           under the Workers' Compensation Code, or provide an  
17           affidavit of exemption or self-insurance as authorized  
18           pursuant to the Workers' Compensation Code,

19           c. notify the registrar within five (5) days of any  
20           change to the information supplied by the roofing  
21           contractor in the application including, but not  
22           limited to, if any entity owner has committed or been

1 found to have committed any disqualifying crime or  
2 civil claim,

3 d. maintain an active status of a corporation or  
4 registration as a foreign corporation, a limited  
5 liability company or registration as a foreign limited  
6 liability company, a limited liability partnership  
7 registration or foreign limited liability partnership  
8 registration, or a limited partnership certificate or  
9 limited partnership or foreign limited partnership  
10 certificate of authority, with the Secretary of State,

11 e. maintain the registration of any trade name,

12 f. maintain or renew a roofing contractor registration as  
13 provided in the Roofing Contractor Registration Act,

14 g. maintain a registration as required by law in another  
15 state while registered in this state as a nonresident  
16 roofing contractor,

17 h. file and pay all taxes when due in this state, and

18 i. maintain a surety bond in the amount of at least  
19 Twenty-five Thousand Dollars (\$25,000.00); and

20 6. Any person or entity that fails to comply with this section  
21 shall be deemed not in good standing and shall be subject to the  
22 penalty provisions of Section 1151.14 of this title.

1 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1151.10, is  
2 amended to read as follows:

3 Section 1151.10 Within ~~twenty-five (25)~~ sixty (60) calendar  
4 days from the date of application, the registrar shall either issue  
5 or deny the roofing contractor registration. No registration shall  
6 be issued to an applicant until the registrar receives all  
7 documentation and fees necessary to obtain a registration  
8 certificate in good standing and a period of thirty (30) days have  
9 passed since the application was submitted. The registration  
10 certificate issued on an original application entitles the person to  
11 act as a roofing contractor within this state for one (1) year,  
12 subject to the limitations of ~~this act, until the expiration of the~~  
13 ~~then current fiscal year ending June 30, except that an initial~~  
14 ~~registration issued in May or June is valid until June 30 of the~~  
15 ~~subsequent year. On the effective date of this act, a prorated~~  
16 ~~registration certificate issued between January 1, 2011, and April~~  
17 ~~30, 2011, shall be valid until June 30, 2011~~ the Roofing Contractor  
18 Registration Act.

19 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1151.11, is  
20 amended to read as follows:

21 Section 1151.11 ~~Not later than ten (10) days after the date of~~  
22 ~~a change in a roofing contractor's name, address, or legal service~~  
23 ~~agent, or upon a~~ The registered roofing contractor ceasing business  
24

1 ~~as a roofing contractor, the person or entity~~ shall notify the  
2 registrar of ~~the~~ any change to the information in the roofing  
3 contractor's application on a form provided by the registrar within  
4 five (5) days of a change. ~~A name, address, or legal service agent~~  
5 ~~change shall be accompanied by a fee not exceeding Twenty-five~~  
6 ~~Dollars (\$25.00) to be set by the registrar. A person may not~~  
7 ~~change his or her name under an active registration certificate if~~  
8 ~~the change is associated with a change in the legal status of the~~  
9 ~~business entity other than a change in marital status. Doing~~  
10 ~~business under a new business name or a change in legal status of a~~  
11 ~~business requires issuance of a new registration certificate. When~~  
12 ~~a registered roofing contractor ceases to be active as a roofing~~  
13 ~~contractor, the registrar shall suspend the registration certificate~~  
14 ~~of such contractor~~ not change its legal or fictitious name. A  
15 roofing contractor that changes its legal or fictitious name shall  
16 file and be treated as a new application.

17 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1151.12, is  
18 amended to read as follows:

19 Section 1151.12 A. Any roofing contractor registration  
20 certificate issued under this act may be renewed for each successive  
21 fiscal year by obtaining from the registrar a certificate of  
22 renewal. To obtain a certificate of renewal, the person shall file  
23 with the registrar a renewal application ~~by June 30~~ before the

1 expiration of the registrant's registration term and pay the renewal  
2 fee. The application for renewal shall require statements under  
3 oath that the applicant has properly submitted income and employment  
4 taxes due in this state; and whether or not ~~the applicant has been~~  
5 ~~convicted of any felony offense, and the nature of such offense,~~  
6 there has been any change to the information on the previous  
7 application since issuance of the prior registration; and whether or  
8 not the applicant has been adjudicated by a court of competent  
9 jurisdiction for any ~~violation of this act or any act or omission~~  
10 ~~specified in subsection A of Section 14 of this act~~ disqualifying  
11 crime or civil claim. The registrar may forward a copy of any  
12 information in an application for renewal to the Oklahoma Tax  
13 Commission and any other state agency. The applicant shall include  
14 with the renewal application a copy of the certificate of liability  
15 insurance, ~~unless the registrar has a current valid certificate of~~  
16 ~~insurance on file,~~ proof of workers' compensation coverage, unless  
17 exempt under the Workers' Compensation ~~Act~~ Code, a certificate of  
18 bonding for a least one (1) year, and, if applicable, a copy of the  
19 current registration certificate required by law for roofing  
20 contractors. The renewal application need not be notarized.

21 B. The registrar shall refuse to renew a roofing contractor's  
22 registration certificate for any reason stated in subsection B of  
23 Section ~~5~~ 1151.5 of this ~~act~~ title. The registrar shall notify the  
24

1 applicant in writing if the registrar denies the renewal as provided  
2 in subsection ~~€~~ E of Section ~~§~~ 1151.5 of this ~~act~~ title.

3 C. If any roofing contractor fails to ~~file a renewal~~  
4 ~~application by the June 30 deadline that contractor's registration~~  
5 ~~shall be not in good standing~~ renew by thirty (30) days after the  
6 end of its registration period or the registrar does not renew the  
7 registration for failure to comply with the Roofing Contractor  
8 Registration Act, the person or entity shall be considered not  
9 registered. A roofing contractor has a thirty-day grace period  
10 after ~~June 30~~ the expiration of the registration term to renew the  
11 registration ~~certificate~~ without a late fee. The late fee shall be  
12 set by the registrar and such fee shall not exceed One Hundred  
13 Dollars (\$100.00). ~~A roofing contractor registration certificate~~  
14 ~~not renewed by August 30 shall be suspended for failure to renew,~~  
15 ~~and on January 1, if a roofing contractor's registration certificate~~  
16 ~~still has not been renewed, it shall be revoked for failure to~~  
17 ~~renew.~~

18 D. 1. A roofing contractor desiring to renew a registration  
19 certificate that has been suspended for any cause provided in this  
20 act shall be assessed a fee equal to twice the amount of the fee  
21 established by subsection D of Section ~~§~~ 1151.8 of this ~~act~~ title.

22 2. The registrar shall assess a reinstatement fee not exceeding  
23 Three Hundred Dollars (\$300.00) to be set by the registrar plus the  
24

1 fee established by Section & 1151.8 of this ~~act~~ title for any  
2 registration that has been revoked for any cause provided in this  
3 act.

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

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

12 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1151.13, is  
13 amended to read as follows:

14 Section 1151.13 The registrar shall maintain in the registrar's  
15 office in Oklahoma City, Oklahoma, open to public inspection during  
16 normal office hours and on its website, a complete indexed record of  
17 all roofing contractor registrations and information maintained on  
18 ~~individual roofing contractors. The registrar may dispose of an~~  
19 ~~inactive roofing contractor file after three (3) years. Before~~  
20 ~~disposal and upon written request by any person, the registrar shall~~  
21 ~~furnish a certified copy of any information maintained on an~~  
22 ~~individual roofing contractor upon receipt of the sum of Ten Dollars~~  
23 ~~(\$10.00) for each annual record. The index shall also be available~~

1 on a public website with capabilities to search by applicant, entity  
2 and entity owner name. Each certified copy of a roofing  
3 contractor's record from the registrar shall be received in all  
4 courts in this state as prima facie evidence of the facts stated  
5 therein. The registrar may condense or provide an abstract of a  
6 roofing contractor's record for public inspection at any time for  
7 purposes of data management; provided, a complete record is  
8 available for public inspection upon written request.

9 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1151.14, is  
10 amended to read as follows:

11 Section 1151.14 A. Any person ~~may file a duly verified~~  
12 ~~complaint with the registrar alleging that the person has committed~~  
13 ~~any of the following acts or omissions:~~

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

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

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

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

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

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

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

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

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

16       ~~10. Failure to comply with a specified provision of this act or~~  
17 entity who has acted as a roofing contractor while not in good  
18 standing or without being registered, or a person or entity owner  
19 who violates any provision of the Roofing Contractor Registration  
20 Act shall be guilty of a misdemeanor, upon conviction, punishable by  
21 a fine of not less than Five Hundred Dollars (\$500.00) but not more  
22 than One Thousand Dollars (\$1,000.00) for each violation. Upon the  
23 third conviction, subsequent violations shall be charged as a

1 felony. Nothing in this act shall preclude the additional charge of  
2 taking money by false pretenses.

3 1. Any person violating this act may be arrested by any law  
4 enforcement agency with probable cause. If an inspector with the  
5 Construction Industries Board notifies a law enforcement officer of  
6 a roofing contractor performing roofing services without  
7 registration or not in good standing, it shall be presumed that the  
8 officer has probable cause to arrest.

9 2. The district attorney where the roofing contractor committed  
10 a violation shall file charges upon a report filed with any law  
11 enforcement agency by any person. In addition to the district  
12 attorney, the Attorney General shall have authority to bring a claim  
13 in any proper venue.

14 3. Within thirty (30) days of written demand by a  
15 representative of the Construction Industries Board, the district  
16 attorney for the county where the roofing contractor violated this  
17 act shall either bring charges or respond as to the reason why  
18 charges shall not be brought against the alleged violator.

19 4. In addition to the county where the violation occurred,  
20 venue shall be proper in Oklahoma County to bring a claim against  
21 any person violating this act in Oklahoma County.

22 5. When a person is found guilty under this act, the fine shall  
23 go to the district attorney's office that filed the action for their

1 prosecutorial expenses. In addition to the fine, the court shall  
2 issue reasonable restitution to the Construction Industries Board  
3 for its investigation and testimony expenses paid by the person  
4 found guilty.

5 6. In order to inform the public of unlawfully operating  
6 roofing contractors and the prosecution thereof, the Construction  
7 Industries Board shall post the following information on its  
8 website:

- 9 a. the names of all persons and entities which the  
10 Construction Industries Board has demanded to be  
11 prosecuted under this section,
- 12 b. the county of the district attorney the demand was  
13 referred to,
- 14 c. the date the demand for prosecution was made, and  
15 d. either the date the district attorney brought charges  
16 against the alleged violator, or the reason why the  
17 district attorney has not brought charges.

18 ~~B. The complaint shall be on a form approved by the registrar~~  
19 ~~and shall set forth the alleged act or omission stated in subsection~~  
20 ~~A of this section, and a statement of sufficient facts upon which a~~  
21 ~~reasonable person could conclude that the act or omission specified~~  
22 ~~in subsection A of this section has been committed. All complaints~~  
23 ~~filed with the registrar shall be open to public inspection.~~

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 ~~Nothing in this section shall be construed to require the~~  
2 ~~complainant to first file a complaint with the registrar before~~  
3 ~~seeking relief or remedies allowed by law~~ A person who paid money to  
4 any roofing contractor and such roofing contractor did not complete  
5 the roofing services in a reasonable amount of time may bring an  
6 action of fraud in civil court. It is fraud per se if a roofing  
7 contractor was not registered or was registered but not in good  
8 standing at the time of receiving money.

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

13 SECTION 11. REPEALER 59 O.S. 2011, Sections 1151.6,  
14 1151.15 and 1151.22, are hereby repealed.

15 SECTION 12. This act shall become effective November 1, 2012.

16  
17 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM AND  
18 FINANCIAL SERVICES, dated 03/01/2012 - DO PASS, As Amended and  
19 Coauthored.  
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