

1 **SENATE FLOOR VERSION**

2 February 28, 2012

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1868

By: Newberry of the Senate

and

Newell of the House

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9 [Roofing Contractor Registration Act - commercial
10 roofing contractors - creating the Roofing
11 Examination and Review Board - commercial roofing
12 examination - codification - effective date]

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

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

16 Section 1151.2. As used in the Roofing Contractor Registration
17 Act:

18 1. "Roofing contractor" means any person, including a
19 subcontractor and nonresident contractor, engaged in the business of
20 commercial or residential roofing services for a fee, or who offers
21 to engage in or solicits roofing-related services, including
22 construction, installation, renovation, repair, maintenance,
23 alteration, and waterproofing. Roofing contractor shall not mean:

1 a. a person engaged in the demolition of a structure or
2 the cleanup of construction waste and debris that
3 contains roofing material ~~not~~,

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

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

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

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

20 4. "Person" means any individual, firm, partnership,
21 association, corporation, limited liability company, or other group
22 or combination thereof acting as a unit, unless the intent to give a
23 more limited meaning is disclosed clearly by ~~this act~~ the Roofing
24 Contractor Registration Act;

1 ~~4.~~ 5. "Public contract" means a contract with the State of
2 Oklahoma, its political subdivisions, or any board, commission, or
3 department thereof, or with any board of county commissioners, or
4 with any city council, school board, or with any state or municipal
5 agency, or with any other public board, body, commission, or agency
6 authorized to award contracts for the construction or reconstruction
7 of public work and includes subcontracts undertaken to perform works
8 covered by the original contract or any part thereof; and

9 ~~5.~~ 6. "Registrar" means the Construction Industries Board or
10 any person designated by the Board to administer the provisions of
11 ~~this act~~ the Roofing Contractor Registration Act.

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

15 A. On and after February 1, 2014, every commercial roofing
16 contractor operating in this state shall be required to take and
17 successfully pass a commercial roofing examination approved by the
18 Roofing Examination Board before acting as a roofing contractor, or
19 registering or renewing a roofing contractor registration pursuant
20 to the Roofing Contractor Registration Act. The commercial roofing
21 examination shall include test questions covering professional
22 competencies and skills on a variety of roofing structures,
23 materials and systems, best practices, and provisions on Oklahoma
24 law and construction codes. The commercial roofing examination

1 covering Oklahoma law and construction codes shall be retaken and
2 successfully passed every three (3) years to maintain a commercial
3 roofing registration in good standing.

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

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

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

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

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

22 B. The Board shall commence its work within thirty (30) days of
23 the date of the last member appointment to the Board and shall
24 terminate its work on the thirtieth day after the first examination

1 date on the new test materials. The Board is prohibited from
2 conducting business after the date terminating official business
3 until the Governor has reconstituted a new Board. The Board shall
4 be reconstituted with the same or newly appointed members every
5 third year not later than September 1; provided, however, the
6 Governor may reconstitute the Board earlier than the third year if
7 significant legislative changes have been made to the Roofing
8 Contractor Registration Act or the construction codes are amended.
9 All appointments for a reconstituted Board shall be made by the
10 Governor in the same manner as initial appointments to the Board.
11 Each reconstituted Board shall review the current approved
12 commercial roofing examination materials and make adjustments to the
13 examination materials as necessary to adjust for any changes in the
14 roofing industry, law or construction codes. Each reconstituted
15 Board shall commence its work within thirty (30) days of the date of
16 the last member appointment to the Board and shall terminate its
17 work on the thirtieth day after the first examination date on the
18 new approved test materials.

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

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

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

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

11 4. One member shall be a general contractor with a minimum of
12 five (5) years' experience in commercial construction. This member
13 shall be selected from a list of three qualified and eligible
14 general contractors submitted by a state organization representing
15 general contractors; and

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

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

19 D. The Board shall comply with the Oklahoma Open Meeting Act
20 and the Oklahoma Open Records Act. Four members shall constitute a
21 quorum for purposes of conducting official business and business may
22 be transacted by electronic means as deemed appropriate. Members
23 may receive travel reimbursements as allowed by the State Travel
24 Reimbursement Act; however, no member shall receive any other

1 compensation for performance of Board duties. Members may be
2 removed by the Governor and any vacancy in membership may be filled
3 for the unexpired term as provided for the initial appointment.
4 Members shall not be limited in the number of their reappointments.

5 E. The registrar shall provide staff and administrative
6 assistance to the Board to complete its duties and shall pay any
7 travel reimbursements allowed by law for members. The registrar
8 shall employ a person or persons to actually conduct the commercial
9 roofing examinations, score examinations and notify the examinee of
10 passage or failure to pass the examination. The registrar shall
11 develop an application form and procedures for an applicant to
12 schedule and take or retake the commercial roofing examination. The
13 registrar shall include a notation on each roofing contractor's
14 registration information when the roofing contractor has
15 successfully passed the commercial roofing examination and exam
16 portion on Oklahoma law and construction codes so the public will
17 have notification of all successfully examined commercial roofing
18 contractors in the roofing contractor registration database.

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

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & COMMERCE, dated 2-23-12
21 - DO PASS, As Amended and Coauthored.

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