

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1668

By: Newberry of the Senate

and

6 McBride of the House

7
8
9 COMMITTEE SUBSTITUTE

10 [Roofing Contractor Registration Act - commercial
11 endorsement - commercial roofing examination -
12 codification - effective date]

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

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

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

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

1 ~~person engaged in the demolition of a structure or the cleanup of~~
2 ~~construction waste and debris that contains roofing material nor a~~
3 ~~person working under the direct supervision of the roofing~~
4 ~~contractor who is hired either as an employee, day laborer, or~~
5 ~~contract laborer;~~

6 2. ~~"Nonresident contractor" means any contractor who has not~~
7 ~~established and maintained a place of business as a roofing~~
8 ~~contractor in this state within the preceding year, or who claims~~
9 ~~residency in another state, or who has not submitted an income tax~~
10 ~~return as a resident of this state within the preceding year;~~

11 3. ~~"Person" means any individual, firm, partnership,~~
12 ~~association, corporation, limited liability company, or other group~~
13 ~~or combination thereof acting as a unit, unless the intent to give a~~
14 ~~more limited meaning is disclosed clearly by this act;~~

15 4. ~~"Public contract" means a contract with the State of~~
16 ~~Oklahoma, its political subdivisions, or any board, commission, or~~
17 ~~department thereof, or with any board of county commissioners, or~~
18 ~~with any city council, school board, or with any state or municipal~~
19 ~~agency, or with any other public board, body, commission, or agency~~
20 ~~authorized to award contracts for the construction or reconstruction~~
21 ~~of public work and includes subcontracts undertaken to perform works~~
22 ~~covered by the original contract or any part thereof; and~~

1 5. ~~"Registrar" means the Construction Industries Board or any~~
2 ~~person designated by the Board to administer the provisions of this~~
3 ~~act.~~

4 "Advertise" means any written or oral publication,
5 dissemination, solicitation, contract, bid, promotional item, or
6 circulation which is intended to directly or indirectly induce any
7 person to contract for roofing construction services with the
8 advertiser, including but not limited to, business cards, telephone
9 directory display advertisements, vehicle signage, and personal,
10 telephone, and electronic solicitations;

11 2. "Applicant" means the qualifying party, or if no qualifying
12 party, any person applying under the Roofing Contractor Registration
13 Act for a roofing contractor registration to be issued by the
14 Construction Industries Board;

15 3. "Board" means the Construction Industries Board;

16 4. "Committee" means the Committee of Roofing Examiners;

17 5. "Homeowner" means one who owns and resides in, or who
18 resides in, or who contracts for the purchase, construction,
19 remodeling or repairing of a residence;

20 6. "Nonresident contractor" means any contractor who has not
21 established and maintained a place of business as a roofing
22 contractor in this state within the preceding year, or who claims
23 residency in another state, or who has not submitted an income tax
24 return as a resident of this state within the preceding year;

1 7. "Owner" means person who owns the property or is a lessee of
2 the property;

3 8. "Person" means any natural person, firm, limited or general
4 partnership, corporation, association, limited liability company,
5 trust, association, other legal entity and any organization capable
6 of conducting business, or any combination thereof acting as a unit,
7 unless the intent to give a more limited meaning is disclosed
8 clearly by the Roofing Contractor Registration Act;

9 9. "Prime contractor" means a general contractor, commercial
10 contractor, or other contractor who contracts directly with the
11 owner for construction trade work in multiple trade areas;

12 10. "Project manager" means one who manages construction
13 projects consisting of work involving multiple trades;

14 11. "Public contract" means a contract with the State of
15 Oklahoma, its political subdivisions, or any board, commission, or
16 department thereof, or with any board of county commissioners, or
17 with any city council, school board, or with any state or municipal
18 agency, or with any other public board, body, commission, or agency
19 authorized to award contracts for the construction or reconstruction
20 of public works and includes subcontracts undertaken to perform
21 works covered by the original contract or any part thereof;

22 12. "Qualifying party" means a natural person who is an officer
23 or owner of the corporation, a member of the limited liability
24 company, or a general partner of the limited liability partnership,

1 and who is actively engaged in the work undertaken by the registrant
2 for which a registration is required pursuant to the Roofing
3 Contractor Registration Act who meets the experience and ability
4 requirements for registration on behalf of the registrant;

5 13. "Registrar" means the Construction Industries Board or any
6 person designated by the Board to administer the provisions of the
7 Roofing Contractor Registration Act;

8 14. "Registration" means the process of applying for an initial
9 or renewal registration which upon approval is exhibited by a
10 registration number and card issued by the pursuant to the Roofing
11 Contractor Registration Act;

12 15. "Registration number" means the roofing registration number
13 issued by the registrar to the registrant's qualifying party;

14 16. "Registrant" means a holder of a registration issued
15 pursuant to the Roofing Contractor Registration Act;

16 17. "Residence" means a single structure for residential
17 occupancy or use which is a detached one- or two-family dwelling or
18 a multiple single-family dwelling (townhouse) not more than three
19 (3) stories/floors above grade plane in height with a separate means
20 of egress, and which is intended for use as a primary habitation,
21 and any appurtenances thereto shall be in compliance with the
22 International Residential Code, as adopted by the Oklahoma Uniform
23 Building Code Commission;

24

1 18. "Roofing contractor" means any person, including a
2 subcontractor and nonresident contractor, engaged in the business of
3 commercial or residential roofing contractor work, or who
4 themselves, or through another, attempts to or advertises, holds him
5 or herself out as, or purports to have the capacity to undertake
6 roofing contractor work or offers to engage in or solicits roofing
7 installation-related services, including construction, installation,
8 renovation, remodeling, reroofing, repair, maintenance, alteration,
9 and waterproofing, unless specifically exempted in the Roofing
10 Contractor Registration Act. Roofing contractor shall not mean:

11 a. a person engaged in the demolition of a structure or
12 the cleanup of construction waste and debris that
13 contains roofing material, nor

14 b. a person working under the direct supervision of the
15 roofing contractor who is hired either as an employee,
16 day laborer, or contract laborer whose payment,
17 received in any form, from the roofing contractor is
18 subject to self-employment tax;

19 19. "Roofing contractor work" means the installation,
20 fabrication or assembly of equipment or systems included in roofing
21 systems as defined in the International Building Code and the
22 International Residential Code, as adopted by the Oklahoma Uniform
23 Building Code Commission, and which codes are hereby adopted and
24 incorporated by reference. Roofing construction work includes, but

1 is not limited to, installation, renovation, remodeling, reroofing,
2 reconstructing, repair, maintenance, improvement, alteration, and
3 waterproofing, unless specifically exempted in the Roofing
4 Contractor Registration Act.

5 a. "Commercial roofing contractor work" means work done
6 on commercial, industrial or public building roofing
7 systems or structures as defined in the International
8 Building Code, as adopted by the Oklahoma Uniform
9 Building Code Commission; except it does not mean
10 buildings used for commercial purposes having
11 equivalent or substantially the same roofing
12 requirements as a "residence" defined herein,
13 including but not limited to business offices
14 converted from a structure that formerly was a
15 residence.

16 b. "Residential roofing contractor work" means work done
17 on roofing systems as defined in the International
18 Residential Code, as adopted by the Oklahoma Uniform
19 Building Code Commission, or as defined as a
20 "residence" herein; except for buildings used for
21 commercial purposes having equivalent or substantially
22 the same roofing requirements as a "residence" defined
23 herein, including but not limited to business offices
24

1 converted from a structure that formerly was a
2 residence;

3 20. "Roofing Hearing Board" means the Roofing Hearing Board
4 which shall consist of a designee of the Construction Industries
5 Board, as chair, and the members of the Committee of Roofing
6 Examiners;

7 21. "Subcontractor" means one who contracts with a prime
8 contractor, general contractor, residential contractor, project
9 manager, property manager, another subcontractor, or another entity
10 for roofing contractor work;

11 22. "Variance" means the use of an alternative material or
12 method of construction from that prescribed in the International
13 Building Code or the International Residential Code or other
14 approved documents by the Oklahoma Uniform Building Code Commission
15 for use at a particular location or project specified in the
16 variance application; and

17 23. "Variance and Appeals Board" means the Oklahoma State
18 Roofing Installation Code Variance and Appeals Board.

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

21 Section 1151.3. A. Unregistered Activity. All roofing
22 contractors shall be registered annually by the Board. All
23 registrations shall be nontransferable. It is unlawful for any
24 person to act as a roofing contractor without having a current and

1 valid roofing contractor's registration or act as a commercial
2 roofing contractor without a current and valid commercial roofer
3 endorsement issued pursuant to the Roofing Contractor Registration
4 Act, unless the person is exempt under the Roofing Contractor
5 Registration Act. Evidence of securing a permit, including roofing
6 work from a governmental agency or the employment of a person on a
7 roofing project, shall be accepted in any court as prima facie
8 evidence of the existence of a contract.

9 Each copy of a roofing contractor's record, which would include
10 responses to any complaints, that is from and verified by the
11 registrar, or a verified statement from the registrar that there is
12 no record as no application was made, shall be received in all
13 courts in this state as prima facie evidence of the facts stated
14 therein.

15 A verified copy of a roofing contractor's administrative
16 citation for unregistered activity or without required commercial
17 roofer endorsement and order of final disposition from the registrar
18 shall be received in all courts in this state as prima facie
19 evidence of the facts stated therein, including establishment
20 thereby of the first offense.

21 B. A person may not engage or offer to engage in, by
22 advertisement or otherwise, the business nor act in the capacity of
23 a roofing contractor within this state nor may that person bring or
24 maintain any claim, action, suit, or proceeding in any court of this

1 state related to the person's business or capacity as a roofing
2 contractor without a valid registration and commercial roofer
3 endorsement, when required, continuously while performing the work
4 for which the claim, action, suit, or proceeding is sought, as
5 provided in the Roofing Contractor Registration Act. No business
6 entity not otherwise exempted under this act shall advertise or act
7 as a roofing contractor unless a registered roofing contractor, with
8 valid commercial roofer endorsement when required, who is in good
9 standing, is associated with and responsible for all roofing
10 contractor work of such entity, and to do so is a fraudulent
11 activity.

12 ~~B.~~ C. A person who fails to obtain a valid registration and
13 endorsement when required prior to advertising or offering to engage
14 as or acting as a roofing contractor as defined in the Roofing
15 Contractor Registration Act, a person who acts as a roofing
16 contractor while his or her registration is not in good standing or
17 suspended or revoked without complying with the required disclosure
18 and option for homeowner to cancel the contract provisions of
19 subsection I of Section 1151.5 of this title, or a person who
20 violates any provision of the Roofing Contractor Registration Act
21 shall be guilty of a misdemeanor, upon conviction or plea,
22 punishable by a fine not to exceed Five Hundred Dollars (\$500.00)
23 for each violation. More than one misdemeanor violation in any
24 twelve-month period shall be grounds for the suspension of the

1 registration, and shall cause the person to be ineligible for
2 registration for a period not to exceed ~~twelve (12)~~ twenty-four (24)
3 months after all requirements of the sentence, or deferment of
4 sentence, and probation have been met, including the payment of any
5 restitution or rehabilitative treatment.

6 D. In lieu of referring complaints of violations of the Roofing
7 Contractor Registration Act to the district attorney for criminal
8 misdemeanor prosecution, the Board in its discretion may issue
9 administrative fines to any person up to Five Hundred Dollars
10 (\$500.00) for violations of any provision of the Roofing Contractor
11 Registration Act or its rules or regulations. A person who fails to
12 obtain a valid registration prior to acting as a roofing contractor,
13 as defined in the Roofing Contractor Registration Act, a person who
14 acts as a roofing contractor while his or her registration or
15 commercial roofer endorsement is not in good standing or suspended
16 or revoked without complying with the required disclosure and option
17 for homeowner to cancel the contract provisions of subsection I of
18 Section 1151.5 of this title, on first offense, may be
19 administratively fined and disciplined after notice and opportunity
20 for hearing before the Roofing Hearing Board. A person who violates
21 any other provision of the Roofing Contractor Registration Act, on
22 first offense within a two-year period, may be administratively
23 fined and disciplined by the Roofing Hearing Board in its discretion
24 in lieu of referral to the district attorney as a misdemeanor, or

1 the matter may be referred to the district attorney. Misdemeanor
2 conviction, guilty plea, or nolo contendere plea due to alleged
3 violations of the Roofing Contractor Registration Act shall be
4 grounds for the revocation of the registration and shall cause the
5 person to be ineligible for registration for a period not to exceed
6 twenty-four (24) months after all requirements of the sentence, or
7 deferment of sentence, and probation have been met, including the
8 payment of any restitution or rehabilitative treatment.

9 E. Administrative fines collected pursuant to the Roofing
10 Contractor Registration Act shall be placed in the Roofing
11 Contractor Registration Revolving Fund pursuant to Section 1151.20
12 of this title.

13 F. It is the duty of the building official or other authority
14 charged with the duty of issuing roofing permits of any incorporated
15 municipality or subdivision of the municipality or county, to refuse
16 to issue a roofing permit for any roofing undertaking which would
17 require a registration pursuant to the Roofing Contractor
18 Registration Act unless the applicant has furnished evidence that he
19 or she is either registered as required or is exempt from the
20 registration requirements of the Roofing Contractor Registration
21 Act.

22 G. The Roofing Hearing Board may make application to the
23 appropriate court for an order enjoining the acts or practices
24 prohibited by the Roofing Contractor Registration Act, and upon a

1 showing by the Roofing Hearing Board that the person or firm has
2 engaged in, or is about to engage in, any of the prohibited acts or
3 practices, an injunction, restraining order or other order as may be
4 appropriate shall be granted by the court.

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

7 Section 1151.4. The Construction Industries Board is authorized
8 to ~~employ~~ administer the Roofing Contractor Registration Act. In
9 addition to the powers stated in the Construction Industries Board
10 Act, the Board shall have the following powers:

11 1. Exercise all incidental powers and duties necessary to
12 effectuate the provisions of the Roofing Contractor Registration
13 Act;

14 2. Promulgate, adopt, amend, suspend and repeal rules as may be
15 reasonably necessary to effectuate the provisions of the Roofing
16 Contractor Registration Act, the proper performance of its duties,
17 and to define categories and limitations for such registration. The
18 rule-making powers of the Construction Industries Board are subject
19 to the Administrative Procedure Act, including those pertaining to
20 emergency or temporary rules or regulations;

21 3. Promulgate forms to implement the provisions of the Roofing
22 Contractor Registration Act. The Board may administer any provision
23 of this act through use of the Internet or other technology as
24 deemed necessary or appropriate;

1 4. Issue, refuse to issue, suspend, revoke or deny a
2 registration, or take any other action provided by the requirements
3 of the Roofing Contractor Registration Act;

4 5. Collect fees, fines and civil penalties pursuant to the
5 Roofing Contractor Registration Act and the promulgated rules;

6 6. Enter upon public and private property for the purpose of
7 inspecting workers' registrations and roofing work for compliance
8 with the provisions of the Roofing Contractor Registration Act and
9 of the rules of the Board promulgated pursuant thereto;

10 7. Employ personnel and procure such supplies and equipment as
11 may be necessary to carry out and implement the provisions of this
12 act, subject to budgetary limitations and funding;

13 8. Investigate complaints, qualifications of qualifying parties
14 or applicants for registration, and any person to the extent
15 necessary to determine if the person is engaged in the violation of
16 the provisions of the Roofing Contractor Registration Act, including
17 unlawful or unregistered activity, whether or not the matter is
18 referred for criminal prosecution. The Construction Industries
19 Board may refer the matter for criminal prosecution, whether or not
20 the person ceases the unlawful and/or unregistered activity;

21 9. Initiate disciplinary proceedings, request prosecution of
22 and initiate injunctive proceedings against any person who violates
23 any of the provisions of the Roofing Contractor Registration Act or
24

1 any rule promulgated pursuant to the Roofing Contractor Registration
2 Act;

3 10. Reprimand or place on probation, or both, any holder of a
4 registration pursuant to the Roofing Contractor Registration Act;

5 11. Administer oaths, order or subpoena the attendance of
6 witnesses, the inspection of records and premises, and the
7 production of books, records, and papers for the investigation of
8 matters that may come before the Board;

9 12. Authority to appoint members who shall serve as a code
10 variance and appeals board;

11 13. Maintain an administrative staff to carry out the
12 responsibilities of the Board and Committee;

13 14. The registrar shall maintain and provide a complete roster
14 listing the names, last known addresses, and status of all
15 registrants. The registrar may condense or provide an abstract of a
16 roofing contractor's record for public information; provided, a
17 complete record is available for public inspection upon written
18 request; and

19 15. Upon the advice and recommendation of the Committee, the
20 Board may, in its discretion, enter into a written reciprocity
21 agreement with another state if the requirements for registration in
22 the other state are deemed by the Committee to be substantially the
23 same or equivalent to the requirements for obtaining an original
24 registration in force in this state at the date of such

1 registration, and then issue a registration by reciprocity to a
2 qualified party applicant who is currently licensed or registered to
3 engage in roofing contractor work in another state that has entered
4 into a written reciprocity agreement with the Board.

5 ~~The Construction Industries Board may promulgate forms to~~
6 ~~implement the provisions of this act. The Construction Industries~~
7 ~~Board may administer any provision of this act through use of the~~
8 ~~Internet or other technology as deemed necessary or appropriate.~~

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

11 Section 1151.5. A. Applications for registration shall be made
12 to the Construction Industries Board in writing on forms approved
13 and provided by the Board and shall be accompanied by the proper
14 fee.

15 B. An applicant or qualifying party whose registration is
16 denied, or the person has a conviction, or pled guilty or nolo
17 contendere to a misdemeanor or felony, or otherwise fails to meet
18 the requirements of application, may obtain a hearing before the
19 Committee of Roofing Examiners in order to provide information in
20 support of the application requirements and any other information
21 showing the applicant's ability and willingness to comply with the
22 requirements of the Roofing Contractor Registration Act, and to
23 protect the public health, safety and welfare.

24

1 C. To obtain a roofing contractor registration under the
2 Roofing Contractor Registration Act, ~~an applicant~~ a qualifying party
3 who is eighteen (18) years of age or older shall submit, on forms
4 the registrar prescribes, ~~an~~ :

5 1. An application under oath containing a statement:

6 a. of the ~~applicant's~~ qualifying party's experience and
7 qualifications as a roofing contractor, if any, ~~the~~
8 ~~applicant's~~

9 b. that the qualifying party desires the issuance of a
10 roofing contractor registration certificate,

11 c. that the qualifying party has read the Roofing
12 Contractor Registration Act and will comply with the
13 provisions of the Roofing Contractor Registration Act
14 and rules,

15 d. that the qualifying party will comply with state laws
16 and local ordinances relating to standards and
17 permits,

18 e. that the qualifying party has or has not been
19 registered or licensed as a roofing contractor in
20 another state and whether any disciplinary action has
21 been taken against such registration or license and
22 whether it is currently in good standing, and

23 f. that the nonresident qualifying party appoints the
24 Secretary of State as legal service agent for all

1 lawful process to be served upon the applicant for
2 work performed in this state or as otherwise provided
3 in the Roofing Contractor Registration Act;

4 2. The qualifying party's name, physical address, business
5 name, telephone number, and address and place of incorporation, if
6 different, information on any other person who will be authorized to
7 act as the business entity, and the applicant's phone number, if
8 different;

9 3. The entity's Federal tax ID number, or the employer's or
10 owner's or qualifying party's social security number. The
11 employer's account number assigned by the Employment Security
12 Commission. The social security number information shall remain
13 with the registrar as confidential and privileged except for
14 necessary disclosures to state agencies to verify compliance with
15 requirements with this act, or upon request by law enforcement; and

16 4. A copy of the roofing contractor's certificate of liability
17 insurance shall be filed with the application and shall be not less
18 than Five Hundred Thousand Dollars (\$500,000.00) for residential
19 roofing contractor work and shall not be less than One Million
20 Dollars (\$1,000,000.00) for commercial roofing contractor work. Any
21 insurance company issuing a liability policy to a roofing contractor
22 pursuant to the provisions of the Roofing Contractor Registration
23 Act shall be required to notify the Construction Industries Board in
24 the event such liability policy is cancelled for any reason or

1 lapses for nonpayment of premiums. All registrations granted under
2 the Roofing Contractor Registration Act shall be suspended on the
3 date of the policy cancellation. The registrar must receive proof
4 of insurance prior to restoring the registration.

5 In addition, the roofing contractor shall submit proof that the
6 contractor has secured workers' compensation coverage satisfactory
7 under the Workers' Compensation Act, or an affidavit of exemption or
8 self-insurance as authorized pursuant to the Workers' Compensation
9 Act. If the registrar deems it appropriate or necessary, the
10 registrar may also require other information to be included on the
11 application form to assist the registrar in registering the person
12 as a contractor. ~~The application shall contain statements that the~~
13 ~~applicant desires the issuance of a roofing contractor registration~~
14 ~~certificate; that the applicant will comply with the provisions of~~
15 ~~the Roofing Contractor Registration Act; that the applicant will~~
16 ~~comply with state laws and local ordinances relating to standards~~
17 ~~and permits; that the applicant has or has not been registered or~~
18 ~~licensed as a roofing contractor in another state and whether any~~
19 ~~disciplinary action was taken against such registration or license~~
20 ~~or whether it is still in good standing; and that the nonresident~~
21 ~~applicant appoints the Secretary of State as legal service agent for~~
22 ~~all lawful process to be served upon the applicant for work~~
23 ~~performed in this state or as otherwise provided in the Roofing~~
24 ~~Contractor Registration Act.~~

1 ~~B.~~ D. The qualifying party applying for a commercial roofer
2 endorsement must provide information on the legal entity, including
3 but not limited to the articles, organizational agreements or
4 documents establishing the legal entity, including a list of the
5 officers, members, managers, partners, or other managing agents of
6 the legal entity.

7 E. The registrar shall refuse to register any person if the
8 registrar determines:

9 1. The application contains false, misleading, or incomplete
10 information;

11 2. The applicant, qualifying party, or any member of the legal
12 entity fails or refuses to provide any information requested by the
13 registrar;

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

15 4. The applicant, qualifying party, or owner or officer or
16 managing member of the legal entity is ineligible for registration
17 due to a suspended or revoked registration in this state;

18 5. The nonresident applicant has a revoked or suspended
19 registration or license required by law for roofing contractors in
20 another state; or

21 6. The applicant, qualifying party, or legal entity has failed
22 or refuses to submit any taxes due in this state.

23 ~~C.~~ F. The registrar shall notify the applicant in writing if
24 the registrar denies a registration or renewal certificate, and

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

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

13 1. Maintain liability insurance coverage;

14 2. Maintain workers' compensation coverage satisfactory under
15 the Workers' Compensation Act, or provide an affidavit of exemption
16 or self-insurance as authorized pursuant to the Workers'
17 Compensation Act;

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

20 4. Maintain an active status of a corporation or registration
21 as a foreign corporation, a limited liability company or
22 registration as a foreign limited liability company, a limited
23 liability partnership registration or foreign limited liability
24 partnership registration, or a limited partnership certificate or

1 limited partnership or foreign limited partnership certificate of
2 authority, with the Office of the Secretary of State;

3 5. File or renew a trade name registration;

4 6. Maintain or renew a roofing contractor registration as
5 provided in the Roofing Contractor Registration Act;

6 7. Notify the registrar of a change in name, address, legal
7 business entity, qualifying party, legal service agent, or
8 adjudication by a court of competent jurisdiction for any act or
9 omission specified in subsection A of Section 1151.14 of this title
10 or a violation of the Roofing Contractor Registration Act;

11 8. Maintain a registration as required by law in another state
12 while registered in this state as a nonresident roofing contractor;
13 or

14 9. File and pay all taxes of the qualifying party and legal
15 entity when due in this state.

16 ~~E.~~ H. The registrar shall send a written notice to the ~~person~~
17 qualifying party when his or her registration is not in good
18 standing.

19 I. Any roofing contractor who has been notified by the
20 registrar that his or her registration is not in good standing shall
21 cease soliciting or entering new roofing services and projects as of
22 the date of such notification; however, the roofing contractor shall
23 be allowed to complete roofing projects where actual physical work
24 has begun prior to the date of issuance of the notice that his or

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

19 J. Any registration that remains not in good standing for a
20 sixty-day period shall be suspended on the sixtieth day from the
21 date of issuance of the notice to the roofing contractor that his or
22 her registration is not in good standing. Any registration the
23 remains not in good standing, and is suspended for such cause, shall
24 be revoked on the ninetieth day from the date of issuance of the

1 notice to the roofing contractor that his or her registration is not
2 in good standing. The registrar shall notify the roofing contractor
3 upon suspension or revocation of his or her registration for failure
4 to comply in bringing such registration into good standing as
5 required by law. The roofing contractor may reinstate his or her
6 registration to good standing by paying the required fees provided
7 in Section 1151.12 of this title and complying with all other
8 requirements for issuance of a registration in good standing.

9 K. Any ~~person~~ registrant, qualifying party, or roofing company
10 owner aggrieved by the decision of the registrar to suspend or
11 revoke a registration pursuant to this section may appeal such
12 decision as provided in this act or the Administrative Procedures
13 Act.

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

16 Section 1151.7. The holder of a roofing contractor registration
17 certificate is entitled to engage in the roofing business within
18 this state pursuant to the provisions of the Roofing Contractor
19 Registration Act, and subject to the following limitations:

20 1. A roofing contractor's registration certificate number shall
21 be valid and in good standing at the time of soliciting a project
22 and during subsequent job performance;

23 2. Each roofing contractor issued a roofing contractor
24 registration shall display the roofing firm name and the roofing

1 contractor registration number bearing the initials "OK" preceding
2 that registration number issued by the registrar on all vehicles
3 used to transport materials and tools in the operation of the
4 business. Such names, endorsements and numbers shall be printed in
5 letters and numerals at least two (2) inches in height in a
6 conspicuous location on both sides of each vehicle in contrasting
7 color to the background color.

8 3. Each roofing contractor issued a commercial roofer
9 endorsement shall display the roofing firm name and the information
10 that the roofing contractor has a commercial roofer endorsement
11 issued by the registrar on all vehicles used to transport materials
12 and tools in the operation of the business. Such endorsement
13 information shall be in print size that is at least two (2) inches
14 in height in a conspicuous location on both sides of each vehicle in
15 contrasting color to the background color.

16 4. Each registrant shall post in a conspicuous place on the job
17 site the name, existence of any endorsement, registration number,
18 and telephone number for the registration under which any work is
19 being performed, and on all media containing the registrant's name,
20 including but not limited to magnetic signs on vehicles, business
21 cards, contracts, bids, letterhead, signs, and advertisements.

22 5. A roofing contractor's registration certificate number shall
23 be submitted when applying for any permit issued by the state, or
24 any of its political subdivisions, for commercial or residential

1 roofing services or projects, if a permit is required by such
2 authority, and shall be written upon each permit issued. Provided,
3 however, no permitting authority shall require a roofing contractor
4 registration certificate as a condition to issuing a permit when
5 registration is exempt pursuant to Section 1151.9 of this title;

6 ~~3.~~ 6. A roofing contractor's registration certificate cannot be
7 shared or used by any other individual or business entity; provided,
8 however, a business firm, partnership, association, corporation,
9 limited liability company, or other group or combination thereof
10 acting as a unit may be granted a single roofing registration
11 certificate number for use by designated roofing contractors acting
12 as agents for the business entity when the application for
13 registration contained sufficient information on each member,
14 partner, officer and agent and the registrar issued a single
15 certificate number to such persons as a business unit;

16 ~~4.~~ 7. Upon any change to the name, address, business entity,
17 qualifying party, change in firm ownership of fifty percent (50%) or
18 more of the stock or beneficial interest in the company, or legal
19 service agent of a roofing contractor or upon adjudication by a
20 court of competent jurisdiction for a violation of the Roofing
21 Contractor Registration Act or an act or omission specified in
22 subsection A of Section 1151.14 of this title, the registrar shall
23 be notified in writing within ten (10) days. Any proposed or final
24 order or notice of hearing to the last known address of record shall

1 be considered delivered when deposited in the United States mail
2 and/or sent registered or certified or post office receipt secured.
3 Any other communication to the last known address or record of a
4 registrant shall be considered delivered when deposited in the
5 United States mail, regular mail;

6 ~~5.~~ 8. A roofing contractor shall comply with state laws and
7 local ordinances relating to standards and permits for roofing
8 services and projects; ~~and~~

9 ~~6.~~ 9. A roofing contractor must pay taxes due in this state;

10 10. Each registrant shall notify the registrar within ten (10)
11 days after he or she receives notice that any criminal conviction
12 has been rendered against him or her or the registrant or qualifying
13 party has pled guilty or nolo contendere to a misdemeanor or felony.
14 The notification shall be in writing, by certified mail, and shall
15 include a copy of the conviction, plea, or judgment and sentence;

16 11. Each registrant shall notify the registrar immediately upon
17 receipt of an order imposing disciplinary action upon its
18 registration issued by any other professional regulatory board, in
19 this or any other jurisdiction. Disciplinary action taken against
20 any other professional registration or license held by the
21 registrant in this jurisdiction or any other jurisdiction is grounds
22 for disciplinary action against the registration issued pursuant to
23 the Roofing Contractor Registration Act; and

24

1 12. Each registrant shall utilize a valid written contract when
2 engaging in the business of roofing contractor work. The contract
3 shall contain the requirements described in Section 1151.21 of this
4 title. Committing fraud when executing or materially altering a
5 roofing contract, mortgage, promissory note or other document
6 incidental to performing roofing contractor work, is a violation of
7 the Roofing Contractor Registration Act.

8 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1151.8, is
9 amended to read as follows:

10 Section 1151.8. A. At the time of making application for a
11 roofing contractor registration certificate pursuant to the Roofing
12 Contractor Registration Act, the applicant shall pay to the
13 registrar a fee of Seventy-five Dollars (\$75.00) for the annual
14 registration certificate.

15 B. All monies collected by the registrar for roofing contractor
16 registration applications, renewals and other fee assessments shall
17 be deposited by the registrar and credited to the Roofing Contractor
18 Registration Revolving Fund and such funds shall be used by the
19 registrar to implement and administer the provisions of the Roofing
20 Contractor Registration Act.

21 C. The fee to be submitted with an application for a roofing
22 contractor registration may be prorated as set by the provisions of
23 the Roofing Contractor Registration Act or rules. Unless prorated
24 at the time of initial registration, fees for initial registration

1 shall be paid in the amount stated in subsection A of this section
2 and such registration certificates shall expire ~~June 30~~ each year on
3 the last day of the birth month of the qualifying party. Renewals
4 will be prorated as provided in Section 1151.3 of this title.

5 D. A renewal fee for a roofing contractor registration shall be
6 Seventy-five Dollars (\$75.00) for the annual renewal registration
7 certificate.

8 ~~E. Any person having registered prior to July 15, 2011, shall~~
9 ~~be entitled to a fee refund for any amount paid in excess of the fee~~
10 ~~stated in subsection A of this section. The registrar shall make~~
11 ~~the fee refund on the date of expiration of the current registration~~
12 ~~period for which the fee charged was in excess of the amount stated~~
13 ~~in subsection A of this section.~~

14 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1151.9, is
15 amended to read as follows:

16 Section 1151.9. A. Any administrative or governing body with
17 authority to enter into public contracts shall require individual
18 roofing contractor registration for purposes of such persons
19 submitting or entering into any bid or contract involving roofing
20 contractor work.

21 B. The Roofing Contractor Registration Act does not apply to:

22 1. An actual owner of residential or farm property who
23 physically performs, or has family member, employee or employees who
24 perform with or without remuneration, roofing services including,

1 construction, installation, renovation, repair, maintenance,
2 alteration, waterproofing, or removal of materials or structures on
3 property owned by such person;

4 2. Any authorized employee, representative or representatives
5 of the United States Government, the State of Oklahoma, or any
6 county, municipality, or other political subdivision of this state;

7 3. Any person who furnishes any fabricated or finished product,
8 material, or article of merchandise which is not incorporated into
9 or attached to real property by such person so as to become affixed
10 thereto; ~~or~~

11 4. ~~Churches~~ Any person including churches or other charitable
12 entities that provide roof repairs or replacements at no charge
13 using volunteer labor;

14 5. Any employee of a registrant who does not hold himself or
15 herself out for hire, advertise, or engage in contracting, except as
16 an employee of a registrant;

17 6. Licensed engineers, licensed architects, licensed HVAC and
18 any other person licensed by the jurisdiction, operating under the
19 purview and within the scope of their respective license;

20 7. A person who only furnishes roofing materials, roofing
21 supplies or equipment and does not, nor do the person's employees,
22 install or fabricate them into or consume them in the performance of
23 the work of the roofing contractor;

24

1 8. Prime contractors, general contractors, property managers
2 and project managers who bid on construction trade work in areas
3 additional to roofing contractor work, and subcontract the roofing
4 contractor work as long as they subcontract the roofing work to a
5 currently registered roofing contractor who is in good standing; if
6 the bid is solely for roofing contractor work, then a registration
7 is required;

8 9. Owners of commercial properties including residential rental
9 properties consisting of four (4) dwelling units or less, when
10 acting as their own roofing contractor and providing all material
11 supervision themselves, lessees of residential properties with the
12 consent of the owner, who, whether themselves or with their own
13 employees, perform roofing construction in or upon the properties,
14 all installing roofing materials according to the International
15 Building Code, as adopted by the Oklahoma Uniform Building Code
16 Commission, or the manufacturer's installation instructions; or

17 10. Owners of property when acting as their own roofing
18 contractor, providing all material supervision themselves, and
19 installing roofing materials according to the International
20 Residential Code, as adopted by the Oklahoma Uniform Building Code
21 Commission, or the manufacturer's installation instructions when
22 building or improving a single family dwelling residence on such
23 property for the occupancy of such owners and not intended for sale
24 or rent. In any action brought under the Roofing Contractor

1 Registration Act, proof of the sale or offering for sale of such
2 structure or the renting or offering to rent of such structure by
3 the owners of property within one (1) year after substantial
4 completion of the structure when the structure can be occupied and
5 used as intended but punch list items may remain, is presumptive
6 evidence that the construction was undertaken with the intent of
7 sale or rent.

8 ~~B. Any administrative or governing body with authority to enter~~
9 ~~into public contracts shall require individual roofing contractor~~
10 ~~registration for purposes of such persons submitting or entering~~
11 ~~into any bid or contract.~~

12 SECTION 8. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1151.2a of Title 59, unless
14 there is created a duplication in numbering, reads as follows:

15 A. The Construction Industries Board is authorized to
16 administer and enforce the Roofing Contractor Registration Act.

17 B. The Construction Industries Board is authorized to
18 administer and enforce the commercial roofer endorsement provisions
19 of the Roofing Contractor Registration Act.

20 1. The Construction Industries Board shall have the authority
21 to administer and enforce the provisions of the commercial roofer
22 endorsement provisions of the Roofing Contractor Registration Act,
23 including the authority to:

24

- 1 a. establish the examination and continuing education
2 requirements and procedures for endorsements of
3 persons desiring or intending to engage in the
4 business or trade of a commercial roofing contractor
5 with the advice and input from the Committee of
6 Roofing Examiners using assistance from a third party
7 vendor as necessary and appropriate,
- 8 b. establish and enforce the minimum standards of
9 commercial roofer endorsements in this state and rules
10 promulgated pursuant to the commercial roofer
11 endorsement provisions of the Roofing Contractor
12 Registration Act with the advice and input from the
13 Committee of Roofing Examiners,
- 14 c. promulgate, prescribe, amend, and repeal rules
15 necessary to implement the provisions of the
16 commercial roofer endorsement of the Roofing
17 Contractor Registration Act with the advice and input
18 from the Committee of Roofing Examiners,
- 19 d. issue, renew, suspend, revoke, modify or deny
20 endorsements to engage in commercial roofing
21 contractor work pursuant to the Roofing Contractor
22 Registration Act,
- 23 e. conduct investigations for the purpose of inspecting
24 commercial roofer endorsements for compliance with the

1 commercial roofer endorsement provisions of the
2 Roofing Contractor Registration Act, and of the rules
3 of the Board promulgated pursuant thereto, into the
4 qualifications of applicants and allegations of
5 violations,

6 f. establish and levy administrative fines against any
7 person who violates any of the provisions of the
8 commercial roofer endorsement standards of the Roofing
9 Contractor Registration Act or any rule promulgated
10 pursuant thereto, not to exceed Five Hundred Dollars
11 (\$500.00) per job contract on first offense, One
12 Thousand Dollars (\$1,000.00) per job contract on
13 second or subsequent offense,

14 g. initiate disciplinary proceedings and provide hearings
15 on any person who violates any of the provisions of
16 the commercial roofer endorsement standards of the
17 Roofing Contractor Registration Act or any rule
18 promulgated pursuant thereto,

19 h. request prosecution of and initiate injunctive
20 proceedings against any person who violates any of the
21 provisions of the commercial roofers endorsement in
22 the Roofing Contractor Registration Act or any rule
23 promulgated pursuant to the commercial roofer
24

1 endorsement of the Roofing Contractor Registration
2 Act, and

- 3 i. exercise all incidental powers as necessary and proper
4 to implement and enforce the provisions of the
5 commercial roofer endorsement of the Roofing
6 Contractor Registration Act and the rules promulgated
7 pursuant thereto.

8 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1151.10, is
9 amended to read as follows:

10 Section 1151.10. A. Within twenty-five (25) calendar days from
11 the date of application, the registrar shall either issue or deny
12 the roofing contractor registration. No registration shall be
13 issued to ~~an applicant~~ a qualifying party until the registrar
14 receives all documentation and fees necessary to obtain a
15 registration certificate in good standing. The registration
16 certificate issued on an original application entitles the person to
17 act as a roofing contractor within this state, subject to the
18 limitations of ~~this act, until the expiration of the then current~~
19 ~~fiscal year ending June 30, except that an initial registration~~
20 ~~issued in May or June is valid until June 30 of the subsequent year.~~
21 ~~On the effective date of this act, a prorated registration~~
22 ~~certificate issued between January 1, 2011, and April 30, 2011,~~
23 ~~shall be valid until June 30, 2011~~ the Roofing Contractor
24 Registration Act. Until January 1, 2015, all registrations shall

1 expire on June 30 of each year and may be renewed from year to year.
2 Beginning no later than January 1, 2015, all registrations issued
3 shall be renewed based on staggered expiration dates of the last day
4 of the birth month of the qualifying party so that all registrations
5 and endorsements shall expire on the last day in the birth month of
6 the qualifying party. The Construction Industries Board is
7 authorized to prorate registration and renewal fees, as described by
8 rule, so that beginning January 1, 2015, or thirty (30) days after
9 rules have been approved, fees for renewals previously due by June
10 30, 2015, are prorated and converted to be due the last day of the
11 birth month of the qualifying party by shortening or lengthening the
12 next renewal date by up to six (6) months. Beginning the effective
13 date of this act, new initial registrations and endorsements will be
14 issued for up to eighteen (18) months and due for renewal the last
15 day of the birth month of the qualifying party. After initial
16 proration or conversion to birth month, no subsequent registration
17 or endorsement shall be issued for longer than one (1) year and all
18 endorsements shall expire on the last day in the birth month of the
19 qualifying party. The Construction Industries Board shall implement
20 rules for the scheduling of expiration and renewal of registrations
21 and endorsements, including the prorating of fees and the
22 identification and information of the qualifying party. The
23 commercial roofer endorsement shall expire on the expiration date of
24 the supporting registration.

1 B. An applicant or qualifying party whose registration or
2 endorsement is refused or denied by the registrar may obtain a
3 hearing before the Committee of Roofing Examiners with written
4 notice to the registrar of the grounds for appeal and identification
5 of evidence to be presented in support of the application
6 requirements and any other information showing the applicant's
7 ability and willingness to comply with the requirements of the act,
8 and to protect the public health, safety and welfare. Such appeals
9 to the Committee of Roofing Examiners shall be made by the
10 qualifying party in writing to the registrar within fourteen (14)
11 days from the date of the written notification of denial or refusal
12 to register or endorse.

13 C. The Construction Industries Board shall issue a commercial
14 roofer endorsement to any person who:

15 1. Has been certified by the Committee of Roofing Examiners as
16 having successfully passed the appropriate examination; and

17 2. Has paid the application and endorsement fee and has
18 otherwise complied with all of the provisions of the commercial
19 roofer endorsement of the Roofing Contractor Registration Act. The
20 endorsement fee is hereby established as Three Hundred Dollars
21 (\$300.00) for the endorsement, along with a thirty-dollar
22 endorsement application fee, and Two Hundred Dollars (\$200.00) for
23 an endorsement renewal.

24

1 Endorsements renewed more than thirty (30) days following the
2 date of expiration may only be renewed upon application and payment
3 of the required fees and payment of late renewal fee in the amount
4 of One Hundred Dollars (\$100.00).

5 No endorsement shall be renewed unless the licensee has
6 completed the required hours of continuing education recommended by
7 the Committee and set forth by rule.

8 No late fee shall be charged to renew a registration or
9 endorsement which expired while the applicant was in active military
10 service, if application for renewal is made within one (1) year of
11 discharge from active duty status.

12 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1151.12, is
13 amended to read as follows:

14 Section 1151.12. A. Any roofing contractor registration
15 certificate issued under ~~this act~~ the Roofing Contractor
16 Registration Act may be renewed for each successive ~~fiscal~~ year by
17 obtaining from the registrar a certificate of renewal. To obtain a
18 certificate of renewal, the ~~person~~ qualifying party shall file with
19 the registrar a renewal application by ~~June 30~~ the last day of the
20 birth month of the qualifying party each successive year, provide
21 any qualifying party information required under the Roofing
22 Contractor Registration Act, Section 1151.5, not previously provided
23 by the applicant, if any, and pay the renewal fee. The application
24 for renewal shall require statements under oath that the applicant

1 ~~has~~ qualifying party and legal entity have properly submitted income
2 and employment taxes due in this state; whether or not the ~~applicant~~
3 qualifying party has been convicted of any felony offense, and the
4 nature of such offense, since issuance of the prior registration;
5 and whether or not the ~~applicant~~ qualifying party has been
6 adjudicated by a court of competent jurisdiction for any violation
7 of ~~this act~~ the Roofing Contractor Registration Act or any act or
8 omission specified in subsection A of Section ~~14~~ 1151.14 of this ~~act~~
9 title. The registrar may forward a copy of any information in an
10 application for renewal to the Oklahoma Tax Commission and any other
11 state agency.

12 B. The ~~applicant~~ qualifying party shall include with the
13 renewal application a copy of the certificate of liability
14 insurance, unless the registrar has a current valid certificate of
15 insurance on file, proof of workers' compensation coverage, unless
16 exempt under the Workers' Compensation Act, and, if applicable, a
17 copy of the current registration certificate required by law for
18 roofing contractors. The renewal application ~~need not~~ shall be
19 notarized.

20 ~~B.~~ C. The registrar shall refuse to renew a roofing
21 contractor's registration certificate for any reason stated in
22 subsection B of Section ~~5~~ 1151.5 of this ~~act~~ title or for failing to
23 provide any qualifying party information required under the Roofing
24 Contractor Registration Act not previously provided by the

1 applicant. The registrar shall notify the applicant in writing if
2 the registrar denies the renewal as provided in subsection C of
3 Section ~~5~~ 1151.5 of this ~~act~~ title.

4 ~~C.~~ D. If any roofing contractor fails to file a renewal
5 application by the ~~June 30~~ deadline of the last day of the birth
6 month of the qualifying party, that contractor's registration shall
7 be not in good standing. A roofing contractor has a thirty-day
8 grace period after ~~June 30~~ the last day of the birth month of the
9 qualifying party to renew the registration certificate without a
10 late fee. The late fee shall be ~~set by the registrar and such fee~~
11 ~~shall not exceed~~ One Hundred Dollars (\$100.00). A roofing
12 contractor registration certificate not renewed ~~by August 30~~ within
13 sixty (60) days of the last day of the birth month of the qualifying
14 party shall be suspended for failure to renew, and ~~on January 1,~~ if
15 a roofing contractor's registration certificate still has not been
16 renewed within six (6) months of expiration, it shall be revoked for
17 failure to renew.

18 ~~D.~~ E. 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 ~~8~~ 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 fee established by Section ~~8~~ 1151.8 of this ~~act~~ title for any

1 registration that has been revoked for any cause provided in ~~this~~
2 ~~act~~ the Roofing Contractor Registration Act.

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

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

11 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1151.14, is
12 amended to read as follows:

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

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

18 2. Diversion of funds or property entrusted to a roofing
19 contractor;

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

23

24

1 4. Making a false or misleading statement in an application for
2 roofing contractor registration or renewal application or in
3 soliciting a contract for roofing services;

4 5. Adjudication against the roofing contractor by a court of
5 competent jurisdiction for a violation of the provisions of ~~this act~~
6 the Roofing Contractor Registration Act, or a license or
7 registration suspended, revoked or other discipline imposed by any
8 other professional regulatory board in this or any other
9 jurisdiction;

10 6. Engaging in or offering to engage in work without a valid
11 registration and commercial roofer endorsement as required for
12 roofing contractors pursuant to ~~this act~~ the Roofing Contractor
13 Registration Act or performing roofing services during any period
14 when the roofing contractor's registration is denied, suspended or
15 revoked;

16 7. Engaging in or offering to engage in roofing services
17 without obtaining a proper permit as may be required by any state or
18 local authority;

19 8. Failure to comply with any tax laws authorized by the state
20 or any of its political subdivisions;

21 9. Damaging or injuring persons or property while performing
22 roofing services under a valid roofing contractor registration for
23 which the roofing contractor's liability insurance or workers
24 compensation coverage was inadequate; ~~or~~

1 10. Failure to display the roofing firm name, existence of any
2 commercial roofer endorsement, if any, and the roofing contractor
3 registration number on all vehicles used to transport materials and
4 tools in the operation of the business in letters and numerals at
5 least two (2) inches in height in a conspicuous location on both
6 sides of each vehicle in contrasting color to the background color;

7 11. Failure to post in a conspicuous place on each job site the
8 name, existence of any commercial roofer endorsement, registration
9 number, and telephone number for the registration under which any
10 work is being performed;

11 12. Engaging in or offering to engage in roofing contractor
12 work using a roofing registration number of another registrant,
13 whether the registration is or is not in good standing;

14 13. Advertising, either directly or through another, for
15 roofing contractor work without a valid, continuing registration, or
16 without displaying registration number on advertisement, including
17 but not limited to contracts and signage on vehicles;

18 14. Soliciting roofing contractor work through contracts
19 obtained by salespersons not under the direct supervision and
20 employment of a registered roofing contractor when such contract is
21 then sold for remuneration or something of value and consists of a
22 pattern of conduct that can be shown to be a business practice in a
23 secondary market of sales of contracts for profit;

24

1 15. Gross defects in workmanship or materials in a roofing
2 contractor project that risks serious harm or injury to a person, or
3 unjustly causes monetary damages in excess of Ten Thousand Dollars
4 (\$10,000.00) and are so far below the industry standards that it
5 shocks the conscience and is against public policy; or

6 16. Failure to comply with a specified provision of ~~this act~~
7 the Roofing Contractor Registration Act.

8 B. The complaint shall be on a form approved by the registrar
9 and shall set forth the alleged act or omission stated in subsection
10 A of this section, and a statement of sufficient facts upon which a
11 reasonable person could conclude that the act or omission specified
12 in subsection A of this section has been committed. All complaints
13 filed with the registrar shall be open to public inspection.
14 Nothing in this section shall be construed to require the
15 complainant to first file a complaint with the registrar before
16 seeking relief or remedies allowed by law.

17 C. A complaint received by the registrar as provided in this
18 section ~~shall~~ may be retained by the Board for investigation,
19 citation, and hearing before the Roofing Hearing Board or, in the
20 Board's discretion, the complaint may be referred to the district
21 attorney for appropriate disposition as determined by the district
22 attorney, in his or her discretion.

23 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1151.15, is
24 amended to read as follows:

1 Section 1151.15. A. The Board is authorized to investigate any
2 written complaint received pursuant to the Roofing Contractor
3 Registration Act, including any person to the extent necessary to
4 determine if the person is engaged in violations of the provisions
5 of the Roofing Contractor Registration Act, including unlawful
6 activity of the practice of contracting for roofing work without a
7 valid registration, whether the matter is prosecuted
8 administratively through the Roofing Hearing Board or referred for
9 criminal prosecution. The Board may refer the matter for
10 prosecution whether or not the person ceases the unlawful practice
11 of contracting for roofing work without a valid registration.

12 B. Service of the notice of violation or citation may be in
13 person or by certified mail at the last known business address or
14 residence address of the person cited.

15 C. A notice of violation and citation may contain a cease and
16 desist order for residential roofing contractor work if the
17 homeowner has been provided the required disclosure and has
18 exercised the homeowner's option to cancel the contract as provided
19 in subsection I of Section 1151.5 of this title, or at any time
20 during commercial roofing contractor work.

21 D. The registrar shall read each complaint received and shall
22 enter a notation in the individual roofing contractor's record
23 showing the date that the verified complaint was received and the
24 nature of the complaint. The registrar shall notify the roofing

1 contractor against whom the complaint is made, in writing, within
2 five (5) days of the receipt of the written complaint. The roofing
3 contractor shall have ten (10) days to respond, in writing, to the
4 registrar. If a response to the complaint is received by the
5 registrar, whether admitting or denying the basis of the complaint,
6 a copy of both the complaint and the response shall be ~~referred~~ sent
7 to the district attorney, along with the results of any
8 investigation by the Board, if the Board does not retain the matter
9 and refers the complaint to the district attorney. If no response
10 is received, the complaint ~~shall~~ may still be referred to the
11 district attorney, along with the results of any investigation by
12 the Board. The Board or a Committee member is authorized to assist
13 in any investigation of a roofing complaint referred to the district
14 attorney if requested by the district attorney. In addition, the
15 registrar shall enter a notation in the individual roofing
16 contractor's record showing the date that the roofing contractor's
17 response was received, if any, and whether the response admitted or
18 denied the basis of the complaint.

19 ~~B.~~ E. Following referral of a complaint to the district
20 attorney, if the roofing contractor is adjudicated by the court for
21 an act or omission specified in subsection A of Section ~~14~~ 1151.14
22 of this ~~act~~ title, or upon a conviction for any violation of the
23 provisions of ~~this act~~ the Roofing Contractor Registration Act, the
24 registrar, when ordered by the court, shall suspend, revoke or deny

1 the roofing contractor's registration for the period of time
2 specified by the court, and if the court orders the registration
3 suspended, revoked or denied, and yet fails to set the term of such
4 suspension, revocation or denial, the period shall be six (6)
5 months.

6 ~~C.~~ F. The registrar shall not renew, reinstate, or issue a new
7 roofing contractor registration to any person subject to any term of
8 denial, suspension or revocation until such term has been completed,
9 and thereafter, the person makes application and pays required fees
10 pursuant to Sections ~~8~~ 1151.8 and ~~12~~ 1151.12 of this ~~act~~ title.

11 ~~D.~~ G. It shall be unlawful for a person to obtain or attempt to
12 obtain a roofing contractor registration certificate under any other
13 name during any period when the roofing contractor's registration is
14 suspended or revoked. Upon conviction of a violation of this
15 subsection, the person shall be guilty of a misdemeanor as provided
16 in Section ~~3~~ 1151.3 of this ~~act~~ title. A business firm,
17 partnership, association, corporation, limited liability company, or
18 other group or combination thereof acting as a unit whose
19 registration certificate is suspended or revoked includes all of the
20 members, partners, officers, and agents acting under that roofing
21 contractor registration certificate when such persons are specified
22 on and did sign the application or renewal form.

23 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1151.17, is
24 amended to read as follows:

1 Section 1151.17. A. When applying for any permit required by
2 the state or any of its political subdivisions for roofing services
3 or jobs, a roofing contractor shall supply the permit-issuing
4 official that roofing contractor's registration certificate number
5 issued pursuant to ~~this act~~ the Roofing Contractor Registration Act.
6 That official shall enter a roofing contractor's registration number
7 on the permit. The registrar ~~shall not~~ may investigate any roofing
8 project for purposes of verifying roofing contractor registration or
9 permit verification.

10 B. A person performing as a roofing contractor on his or her
11 own property, although exempt from the registration requirements of
12 ~~this act~~ the Roofing Contractor Registration Act, shall, when
13 applying for a permit required for the project, supply the permit-
14 issuing official any roofing contractor registration number, as soon
15 as available, of each roofing subcontractor engaged in roofing
16 services and doing work covered by the permit, if any. That
17 official shall enter each roofing contractor registration number so
18 supplied before inspection of the job.

19 C. A roofing contractor shall display his or her roofing
20 contractor registration number issued pursuant to ~~this act~~ the
21 Roofing Contractor Registration Act on ~~each commercial vehicle used~~
22 ~~for roofing services and upon~~ every business sign, card,
23 correspondence, and contract used to solicit and conduct roofing
24 services in this state and shall display the roofing firm name,

1 existence of any commercial roofer endorsement, and the roofing
2 contractor registration number bearing the initials "OK" preceding
3 that registration number issued by the registrar on all vehicles
4 used to transport materials and tools in the operation of the
5 business. Such names, endorsements, and numbers shall be printed in
6 letters and numerals at least two (2) inches in height in a
7 conspicuous location on both sides of each vehicle in contrasting
8 color to the background color.

9 D. Each registrant shall post in a conspicuous place on each
10 job site the name, existence of any commercial roofer endorsement,
11 registration number, and telephone number for the registration under
12 which any work is being performed, and on all media containing the
13 registrant's name, including but not limited to magnetic signs on
14 vehicles, business cards, contracts, bids, letterhead, signs, and
15 advertisements.

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

19 A. Except as otherwise provided in the Roofing Contractor
20 Registration Act, on and after July 1, 2015, every roofing
21 contractor offering to engage in or engaging in performing
22 commercial roofing contractor work in this state shall be required
23 to take and successfully pass a commercial roofing examination
24 approved under the provisions of this act, and be in compliance with

1 all other provisions of the act and rules thereof before acting or
2 being endorsed as a commercial roofing contractor.

3 B. Examinations for a commercial roofer endorsement shall be
4 uniform and practical in nature and sufficiently strict to test the
5 qualifications and fitness of the applicants for endorsement.
6 Examinations shall be in whole or in part in writing. Examinations
7 shall be offered at least monthly; dates, times and locations are to
8 be determined by the registrar or third party vendor with approval
9 of the registrar.

10 C. Any applicant initially failing to pass the examination
11 shall not be permitted to take another examination for a period of
12 thirty (30) days. Any applicant subsequently failing to pass the
13 examination shall not be permitted to take another examination for a
14 period of ninety (90) days. However, in a declared state of
15 emergency, the examination shall be available as often as possible
16 as determined by the registrar.

17 D. No commercial roofer endorsement shall be renewed unless the
18 qualifying party has completed the required hours of continuing
19 education, as determined and approved by the Committee of Roofing
20 Examiners and the Construction Industries Board.

21 SECTION 15. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1151.26 of Title 59, unless
23 there is created a duplication in numbering, reads as follows:

24

1 A. There is hereby established the Committee of Roofing
2 Examiners, which shall consist of seven (7) members. All members
3 shall be legal residents of the United States and shall be residents
4 of this state. Members shall hold office for terms of two (2) years
5 or until their successors have been appointed and qualified.

6 B. Members of the Committee shall be appointed as follows:

7 1. One member shall be appointed by the Governor and shall be a
8 licensed architect with a minimum of five (5) years' experience in
9 commercial roof design. This member shall be selected from a list
10 of at least three qualified and eligible architects submitted by a
11 state organization representing architects;

12 2. One member shall be appointed by the Governor and shall be a
13 licensed engineer with a minimum of five (5) years' experience in
14 commercial roof design. This member shall be selected from a list
15 of at least three qualified and eligible engineers submitted by a
16 state organization representing engineers;

17 3. Two members shall be appointed by the President Pro Tempore
18 of the Senate and shall be registered roofing contractors with a
19 valid commercial roofer endorsement, except for the initial
20 appointees who shall be otherwise qualified to hold a commercial
21 roofer endorsement, each who work primarily in commercial roofing
22 contractor work with a minimum of five (5) years' actual job
23 experience in commercial roofing contractor work in this state and
24 who are registered pursuant to the Roofing Contractor Registration

1 Act, and otherwise meet all requirements for endorsement in this
2 act;

3 4. Two members shall be appointed by the Speaker of the House
4 of Representatives and shall be registered roofing contractors, each
5 who work primarily in residential roofing contractor work with a
6 minimum of five (5) years' actual job experience in residential
7 roofing contractor work in this state and who are registered
8 pursuant to the Roofing Contractor Registration Act, and otherwise
9 meet all requirements for endorsement in this act; and

10 5. One member shall be appointed by the Construction Industries
11 Board and shall be a licensed or certified building and construction
12 inspector who is a member of a statewide organization representing
13 certified building inspectors with a minimum of five (5) years'
14 actual job experience in building code inspections. This member
15 shall be selected from a list of at least three qualified and
16 eligible inspectors submitted by a state organization representing
17 inspectors.

18 C. Any vacancy on the Committee shall be filled for the
19 unexpired term as soon as possible in the manner in which that
20 position was originally filled. Members shall continue in office
21 until a successor is appointed by the appointing authority. The
22 appointing authority shall fill all vacancies and unexpired terms in
23 the same manner as the original appointment of the member whose
24

1 position is to be filled. Such members may be removed by the
2 appointing authority at any time.

3 D. A majority of the Committee shall constitute a quorum for
4 the transaction of business, and the Committee shall elect a chair
5 from its number. Each member shall receive reimbursement for travel
6 expenses in accordance with the provisions of the State Travel
7 Reimbursement Act. The Committee shall meet at least quarterly, and
8 special meetings may be called by the Committee chair or the Board.

9 SECTION 16. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1151.27 of Title 59, unless
11 there is created a duplication in numbering, reads as follows:

12 The Committee of Roofing Examiners shall:

13 1. Assist and advise the Construction Industries Board on all
14 matters relating to the formation of rules and standards in
15 accordance with the provisions of the Roofing Contractor
16 Registration Act and the provisions of the commercial roofer
17 endorsement of the Roofing Contractor Registration Act;

18 2. Assist and advise the Board in prescribing and adopting
19 forms for registration and endorsement applications;

20 3. Assist and advise the Board on the examinations for
21 applicants for a commercial roofer endorsement of the Roofing
22 Contractor Registration Act and rules thereof, and on all matters
23 relating to the commercial roofer endorsement of the Act;

24

1 4. Assist and advise the Board on establishment of standards
2 and procedures for continuing education requirements for a
3 commercial roofer endorsement and procedures for all matters
4 pertaining to the formation of rules;

5 5. Approve applications for continuing education classes or
6 credits for a commercial roofer endorsement, and assist and advise
7 the Board on establishment of standards and procedures for the
8 approval of continuing education provider applications;

9 6. In its discretion, issue an advisory opinion to any
10 registrant, governmental official or entity substantially affected
11 by a rule or statute enforceable by the Board;

12 7. Hear requests for reconsideration of registration and
13 endorsement applications denied or refused by the registrar;

14 8. When deemed necessary by the Committee, appoint a member of
15 the Committee to assist in investigating an alleged violation of the
16 provisions of the Roofing Contractor Registration Act and of any
17 rules promulgated pursuant thereto. Such member then would be
18 disqualified from participation as a Roofing Hearing Board member in
19 the same matter brought before the Roofing Hearing Board for
20 adjudication;

21 9. Develop the requirements for issuance of a registration and
22 endorsement by reciprocity to an applicant who is currently licensed
23 or registered to engage in roofing contractor work in another state
24 for recommendation to the Board for its rulemaking process;

1 10. Recommend to the Board that the Board enter into a written
2 reciprocity agreement with another state if the requirements for
3 registration in the other state are deemed by the Committee to be
4 substantially the same or equivalent to the requirements for
5 obtaining an original registration in force in this state at the
6 date of such registration and:

7 a. that one (1) year immediately prior to the date of
8 payment of the required fee the applicant lawfully
9 engaged in roofing contractor work within and under
10 the laws of the state pursuant to a license or
11 registration issued thereby authorizing such roofing
12 work,

13 b. that no disciplinary matters are pending against the
14 applicant in any city, state, country, territory or
15 province, and relating to the roofing trade in which
16 the applicant seeks reciprocity,

17 c. that the registration being reciprocated was obtained
18 by equivalent or substantially the same requirements
19 in the state wherein it was issued,

20 d. that there is a written agreement between the states
21 with equivalent or substantially similar registration
22 requirements, and
23
24

1 e. that the applicant meets all other requirements of the
2 Construction Industries Board Act, including payment
3 of the applicable license fee;

4 11. Have such other powers and duties as are necessary to
5 implement the commercial roofer endorsement of the Roofing
6 Contractor Registration Act; and

7 12. Assist and advise the Board in such other matters as
8 requested thereby.

9 SECTION 17. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1151.28 of Title 59, unless
11 there is created a duplication in numbering, reads as follows:

12 A. The designee of the Construction Industries Board, as chair,
13 and the Committee of Roofing Examiners shall act as the Roofing
14 Hearing Board and shall comply with the provisions of the
15 Construction Industries Board Act, rules and Article II of the
16 Administrative Procedures Act.

17 B. Any administrative hearing on suspensions, revocations or
18 fines shall be conducted by a hearing examiner appointed by the
19 Construction Industries Board. The hearing examiner's decision
20 shall be a final decision which may be appealed to a district court
21 in accordance with the Administrative Procedures Act and the
22 Construction Industries Board Act and rules and regulations.

23 C. The Roofing Hearing Board may, upon its own motion, and
24 shall, upon written complaint filed by any person, investigate and

1 conduct hearings on the business transactions of any roofing
2 contractor, firm or any person soliciting or engaging in roofing
3 contractor work.

4 D. The Roofing Hearing Board may conduct hearings on citations
5 issued to any person pursuant to the Roofing Contractor Registration
6 Act, applications for suspension and revocation of a registration or
7 endorsement.

8 E. The Construction Industries Board shall suspend or revoke or
9 may refuse to issue or renew any license or registration under the
10 commercial roofer endorsement provisions of the Roofing Contractor
11 Registration Act for any of the following standards of the Roofing
12 Contractor Registration Act:

13 1. Making a material misstatement in the application for an
14 endorsement, or the renewal of an endorsement;

15 2. Obtaining any endorsement by false or fraudulent
16 representation;

17 3. Loaning or allowing the use of such endorsement by any other
18 person or illegally using an endorsement;

19 4. Demonstrating incompetence to act as a commercial roofing
20 contractor;

21 5. Violating any provisions of the Roofing Contractor
22 Registration Act, or any rule or order prescribed by the
23 Construction Industries Board pursuant to the provisions of the
24 Roofing Contractor Registration Act; or

1 6. Willfully failing to perform normal business obligations
2 without justifiable cause.

3 F. Any person whose endorsement or registration has been
4 revoked by the Roofing Hearing Board may apply for a new license one
5 (1) year from the date of such revocation.

6 SECTION 18. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1151.29 of Title 59, unless
8 there is created a duplication in numbering, reads as follows:

9 A. 1. There is hereby created the Oklahoma State Roofing
10 Installation Code Variance and Appeals Board. The Variance and
11 Appeals Board shall hear testimony and shall review sufficient
12 technical data submitted by an applicant to substantiate the
13 proposed installation of any material, assembly or manufacturer-
14 engineered components, equipment or system that is not specifically
15 prescribed by an appropriate installation code, an industry
16 consensus standard or fabricated or installed according to
17 recognized and generally accepted good engineering practices, where
18 no ordinance of a governmental subdivision applies. If it is
19 determined that the evidence submitted is satisfactory proof of
20 performance for the proposed installation, the Variance and Appeals
21 Board shall approve such alternative, subject to the requirements of
22 the appropriate installation code. Applications for the use of an
23 alternative material or method of construction shall be submitted in
24 writing to the Construction Industries Board for approval prior to

1 use. Applications shall be accompanied by a filing fee, not to
2 exceed Fifty Dollars (\$50.00), as set by rule of the Board.

3 2. The Variance and Appeals Board shall also hear appeals from
4 contractors, registered by the Construction Industries Board, and
5 any person who has ownership interest in or is in responsible charge
6 of the design of or work on the installation, who contest the
7 Construction Industries Board's interpretation of the state's model
8 mechanical installation code as applied to a particular
9 installation. Such appeals shall be based on a claim that:

- 10 a. the true intent of the installation code has been
- 11 incorrectly interpreted,
- 12 b. the provisions of the code do not fully apply, or
- 13 c. an equal or better form of installation is proposed.

14 Such appeals to the Variance and Appeals Board shall be made in
15 writing to the Construction Industries Board within fourteen (14)
16 days after a code interpretation or receipt of written notice of the
17 alleged code violation by the licensed contractor.

18 B. The Variance and Appeals Board shall consist of the
19 designated representative of the Construction Industries Board and
20 the following members who, except for the State Fire Marshal or
21 designee, shall be appointed by the Construction Industries Board
22 from a list of names submitted by the professional organizations of
23 the professions represented on the Variance and Appeals Board and
24

1 who shall serve at the pleasure of the Construction Industries
2 Board:

3 1. Two members shall be appointed from the Committee of Roofing
4 Examiners; one shall be a commercial contractor with five (5) years
5 of experience and one shall be a residential contractor with five
6 (5) years of experience;

7 2. One member shall be a registered design professional who is
8 a registered architect with at least ten (10) years of experience,
9 five (5) years of which shall have been in responsible charge of
10 work;

11 3. One member shall be a registered design professional with at
12 least ten (10) years of structural engineering or architectural
13 experience, five (5) years of which shall have been in responsible
14 charge of work;

15 4. One member shall be a registered design professional with
16 mechanical or plumbing engineering experience; provided, such member
17 shall have at least ten (10) years of experience, five (5) years of
18 which shall have been in responsible charge of work;

19 5. One member shall be a registered design professional with
20 electrical engineering experience; provided, such member shall have
21 at least ten (10) years of experience, five (5) years of which shall
22 have been in responsible charge of work; and

23 6. One member shall be the State Fire Marshal or a designee of
24 the State Fire Marshal.

1 C. Members, except the designee of the Construction Industries
2 Board and the State Fire Marshal, or the designated representative
3 of the State Fire Marshal, and employees of the Construction
4 Industries Board, shall be reimbursed for travel expenses pursuant
5 to the State Travel Reimbursement Act from the revolving fund
6 created pursuant to Section 1850.13 of Title 59 of the Oklahoma
7 Statutes.

8 D. The Variance and Appeals Board shall meet after the
9 Construction Industries Board receives proper application for a
10 variance, accompanied by the filing fee, or proper notice of an
11 appeal, as provided in subsection A of this section.

12 E. The designated representative of the Construction Industries
13 Board, shall serve as chair of the Variance and Appeals Board. A
14 majority of the members of the Variance and Appeals Board shall
15 constitute a quorum for the transaction of business.

16 SECTION 19. This act shall become effective November 1, 2014.

17

18 54-2-3332 NP 2/21/2014 1:21:16 PM

19

20

21

22

23

24