

1 ENGROSSED SENATE
2 BILL NO. 1053

By: Newberry of the Senate

and

McBride of the House

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7 [Roofing Contractor Registration Act - modifying
8 language - requiring bond - effective date -
9 emergency]

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

12 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.5, is
13 amended to read as follows:

14 Section 1151.5. A. 1. To obtain a roofing contractor
15 registration under the Roofing Contractor Registration Act, an
16 applicant who is eighteen (18) years of age or older shall submit,
17 on forms the registrar prescribes, an application under oath
18 containing a statement of the applicant's experience and
19 qualifications as a roofing contractor, if any; the applicant's
20 name, physical address, business name and address, phone number, and
21 place of incorporation, if different, information from this state;
22 and information, including but not limited to, name, address and
23 phone number, on any other person who will be authorized to act as
24 the business entity, ~~and the applicant's phone number.~~

1 2. A copy of the roofing contractor's certificate of liability
2 insurance shall be filed with the application and shall be not less
3 than Five Hundred Thousand Dollars (\$500,000.00). Any insurance
4 company issuing a liability policy to a roofing contractor pursuant
5 to the provisions of the Roofing Contractor Registration Act shall
6 be required to notify the Construction Industries Board in the event
7 such liability policy is cancelled for any reason or lapses for
8 nonpayment of premiums. All registrations granted under the Roofing
9 Contractor Registration Act shall be suspended on the date of the
10 policy cancellation. The registrar must receive proof of insurance
11 prior to restoring the registration.

12 3. Beginning July 1, 2013, each new applicant for a roofing
13 contractor registration and each registered or renewing roofing
14 contractor shall procure and file with the registrar a good and
15 sufficient bond in the amount of Thirty Thousand Dollars
16 (\$30,000.00). In addition to all other conditions and requirements
17 set forth herein for registration, the bond shall require the
18 availability of prompt and full warranty services by the roofing
19 contractor to comply with all warranties expressed or implied in
20 connection with each roofing project performed in this state. The
21 bond shall be approved as to form by the Attorney General and
22 conditioned that the roofing contractor shall not misrepresent his
23 or her qualifications and experience or any roofing-related service
24 or product to the property owner or violate any of the provisions of

1 the Roofing Contractor Registration Act. One of the purposes of the
2 bond is to provide reimbursement for any loss or damage suffered by
3 any person by reason of any roofing-related services performed by
4 the registered roofing contractor or persons acting on his or her
5 behalf. The bond shall be maintained throughout the period of
6 registration. Should the bond be canceled for any reason, the
7 roofing contractor registration shall be revoked as of the date of
8 cancellation unless a new bond is furnished prior to such date.

9 4. In addition, the roofing contractor shall submit proof that
10 the contractor has secured workers' compensation coverage
11 satisfactory under the Workers' Compensation Act, or an affidavit of
12 exemption or self-insurance as authorized pursuant to the Workers'
13 Compensation Act.

14 5. If the registrar deems it appropriate or necessary, the
15 registrar may also require other information to be included on or
16 with the application form to assist the registrar in registering the
17 person as a roofing contractor. The application shall contain
18 statements that the applicant desires the issuance of a roofing
19 contractor registration certificate; that the applicant will comply
20 with the provisions of the Roofing Contractor Registration Act; that
21 the applicant will comply with state laws and local ordinances
22 relating to standards and permits; that the applicant has or has not
23 been registered or licensed as a roofing contractor in another state
24 and whether any disciplinary action was taken against such

1 registration or license or whether it is still in good standing; and
2 that the nonresident applicant appoints the Secretary of State as
3 legal service agent for all lawful process to be served upon the
4 applicant for work performed in this state or as otherwise provided
5 in the Roofing Contractor Registration Act.

6 B. The registrar shall refuse to register any person if the
7 registrar determines:

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

10 2. The applicant fails or refuses to provide any information
11 requested by the registrar or required for registration;

12 3. The applicant fails or refuses to pay the required fees or
13 provide the bond;

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

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

19 6. The applicant has failed or refuses to submit any taxes due
20 in this state.

21 C. The registrar shall notify the applicant in writing if the
22 registrar denies a registration or renewal certificate, and shall
23 provide the applicant an opportunity to respond to or cure any
24 defect in the written application or renewal for a period of ten

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

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

10 1. Maintain liability insurance coverage or bond;

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

15 3. File, renew, or properly amend any fictitious name
16 certificate;

17 4. Maintain an active status of a corporation or registration
18 as a foreign corporation, a limited liability company or
19 registration as a foreign limited liability company, a limited
20 liability partnership registration or foreign limited liability
21 partnership registration, or a limited partnership certificate or
22 limited partnership or foreign limited partnership certificate of
23 authority, with the Office of the Secretary of State;

24 5. File or renew a trade name registration;

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

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

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

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

12 E. The registrar shall send a written notice to the person when
13 his or her registration is not in good standing. Any roofing
14 contractor who has been notified by the registrar that his or her
15 registration is not in good standing shall cease soliciting or
16 entering new roofing services and projects as of the date of such
17 notification; however, the roofing contractor shall be allowed to
18 complete roofing projects where actual physical work has begun prior
19 to the date of issuance of the notice that his or her registration
20 is not in good standing. The roofing contractor must disclose the
21 change in standing to any ~~homeowner~~ property owner or other person
22 who has an interest in any job covered under the Roofing Contractor
23 Registration Act. Upon notice of a change in standing, the
24 ~~homeowner~~ property owner shall have the option to cancel the

1 contract. The roofing contractor will be owed the actual cost
2 incurred for materials and the market value of labor already
3 incurred on the job. The roofing contractor must obtain an updated
4 authorization from the homeowner and other parties of interest if
5 there is an agreement to continue the job as originally negotiated.
6 If the roofing contractor fails to correct the deficiency specified
7 in the notice by evidence satisfactory to the registrar within
8 thirty (30) days of the date of the notice, or if the roofing
9 contractor solicits or enters into new roofing services contracts or
10 projects while the roofing contractor's registration is not in good
11 standing, or while such registration is suspended or revoked, the
12 roofing contractor shall be in violation of the provisions of the
13 Roofing Contractor Registration Act. Any registration that remains
14 not in good standing for a sixty-day period shall be suspended on
15 the sixtieth day from the date of issuance of the notice to the
16 roofing contractor that his or her registration is not in good
17 standing. Any registration the remains not in good standing, and is
18 suspended for such cause, shall be revoked on the ninetieth day from
19 the date of issuance of the notice to the roofing contractor that
20 his or her registration is not in good standing. The registrar
21 shall notify the roofing contractor upon suspension or revocation of
22 his or her registration for failure to comply in bringing such
23 registration into good standing as required by law. The roofing
24 contractor may reinstate his or her registration to good standing by

1 paying the required fees provided in Section 1151.12 of this title
2 and complying with all other requirements for issuance of a
3 registration in good standing. Any person aggrieved by the decision
4 of the registrar to suspend or revoke a registration pursuant to
5 this section may appeal such decision as provided in the
6 Administrative Procedures Act.

7 SECTION 2. This act shall become effective July 1, 2013.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 Passed the Senate the 4th day of March, 2013.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2013.

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Presiding Officer of the House
of Representatives

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