



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

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

4 Section 1151.2 As used in the Roofing Contractor Registration  
5 Act:

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

17 2. "Advertise" means any written or oral publication,  
18 dissemination, solicitation, contract, bid, promotional item, or  
19 circulation which is intended to directly or indirectly induce any  
20 person to contract for roofing construction services with the  
21 advertiser, including but not limited to business cards, telephone  
22 directory display advertisements, vehicle signage, and personal,  
23 telephone, and electronic solicitations;

24

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

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

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

14        5. "Committee" means the Committee of Roofing Examiners;

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

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

23        ~~3.~~ 8. "Owner" means a person who owns the property or is a  
24 lessee of the property;

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

8        ~~4.~~ 10. "Prime contractor" means a general contractor,  
9 commercial contractor, or other contractor who contracts directly  
10 with the owner for construction trade work in multiple trade areas;

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

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

21        ~~5.~~ 13. "Qualifying party" means a natural person who is an  
22 officer or owner of the corporation, a member of the limited  
23 liability company, or a general partner of the limited liability  
24 partnership, and who is actively engaged in the work undertaken by

1 the registrant for which a registration is required pursuant to the  
2 Roofing Contractor Registration Act who meets the experience and  
3 ability requirements for registration on behalf of the registrant;

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

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

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

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

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

23 19. "Roofing contractor" means any person, including a  
24 subcontractor and nonresident contractor, engaged in the business of

1 commercial or residential roofing contractor work, or who  
2 themselves, or through another, attempt to or advertise, hold  
3 himself or herself out as, or purport to have the capacity to  
4 undertake roofing contractor work or offer to engage in or solicit  
5 roofing installation-related services, including construction,  
6 installation, renovation, remodeling, reroofing, repair,  
7 maintenance, alteration, and waterproofing, unless specifically  
8 exempted in the Roofing Contractor Registration Act. Roofing  
9 contractor shall not mean:

10       a. a person engaged in the demolition of a structure or  
11           the cleanup of construction waste and debris that  
12           contains roofing material, or

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

18       20. "Roofing contractor work" means the installation,  
19 fabrication or assembly of equipment or systems included in roofing  
20 systems as defined in the International Building Code and the  
21 International Residential Code, as adopted by the Oklahoma Uniform  
22 Building Code Commission. Roofing construction work includes, but  
23 is not limited to, installation, renovation, remodeling, reroofing,  
24 reconstructing, repair, maintenance, improvement, alteration, and

1 waterproofing, unless specifically exempted in the Roofing  
2 Contractor Registration Act;

3 21. "Residential roofing contractor work" means work done on  
4 roofing systems as defined in the International Residential Code, as  
5 adopted by the Oklahoma Uniform Building Code Commission, or as  
6 defined as residence herein; except for buildings used for  
7 commercial purposes having equivalent or substantially the same  
8 roofing requirements as a residence, including but not limited to  
9 business offices converted from a structure that formerly was a  
10 residence;

11 22. "Roofing Hearing Board" means the Roofing Hearing Board  
12 which shall consist of a designee of the Construction Industries  
13 Board, as chair, and the members of the Committee of Roofing  
14 Examiners;

15 23. "Subcontractor" means one who contracts with a prime  
16 contractor, general contractor, residential contractor, project  
17 manager, property manager, another subcontractor, or another entity  
18 for roofing contractor work;

19 24. "Variance" means the use of an alternative material or  
20 method of construction from that prescribed in the International  
21 Building Code or the International Residential Code or other  
22 approved documents by the Oklahoma Uniform Building Code Commission  
23 for use at a particular location or project specified in the  
24 variance application; and

1        25. "Variance and Appeals Board" means the Oklahoma State  
2 Roofing Installation Code Variance and Appeals Board.

3            SECTION 2.        NEW LAW        A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1151.2a of Title 59, unless  
5 there is created a duplication in numbering, reads as follows:

6            A.    The Construction Industries Board is authorized to  
7 administer and enforce the commercial roofer endorsement provisions  
8 of the Roofing Contractor Registration Act.

9            B.    The Construction Industries Board shall have the authority  
10 to administer and enforce the commercial roofer endorsement  
11 provisions of the Roofing Contractor Registration Act, including the  
12 authority to:

13            1.    Establish the examination and continuing education  
14 requirements and procedures for endorsements of persons desiring or  
15 intending to engage in the business or trade of a commercial roofing  
16 contractor with the advice and input from the Committee of Roofing  
17 Examiners using assistance from a third-party vendor as necessary  
18 and appropriate;

19            2.    Establish and enforce the minimum standards of commercial  
20 roofer endorsements in this state and rules promulgated pursuant to  
21 the commercial roofer endorsement provisions of the Roofing  
22 Contractor Registration Act with advice and input from the  
23 Committee of Roofing Examiners;

24

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

1           3. Promulgate, prescribe, amend, and repeal rules necessary to  
2 implement the provisions of the commercial roofer endorsement of the  
3 Roofing Contractor Registration Act with advice and input from the  
4 Committee of Roofing Examiners;

5           4. Issue, renew, suspend, revoke, modify or deny endorsements  
6 to engage in commercial roofing contractor work pursuant to the  
7 Roofing Contractor Registration Act;

8           5. Conduct investigations for the purpose of inspecting  
9 commercial roofer endorsements for compliance with the commercial  
10 roofer endorsement provisions of the Roofing Contractor Registration  
11 Act, and of the rules of the Board promulgated pursuant thereto,  
12 into the qualifications of applicants and allegations of violations;

13           6. Establish and levy administrative fines against any person  
14 who violates any of the provisions of the commercial roofer  
15 endorsement standards of the Roofing Contractor Registration Act or  
16 any rule promulgated pursuant thereto, not to exceed Five Hundred  
17 Dollars (\$500.00) per job contract on first offense, and One  
18 Thousand Dollars (\$1,000.00) per job contract on second or  
19 subsequent offense;

20           7. Initiate disciplinary proceedings and provide hearings on  
21 any person who violates any of the provisions of the commercial  
22 roofer endorsement standards of the Roofing Contractor Registration  
23 Act or any rule promulgated pursuant thereto;

24

1 8. Request prosecution of and initiate injunctive proceedings  
2 against any person who violates any of the provisions of the  
3 commercial roofers endorsement in the Roofing Contractor  
4 Registration Act or any rule promulgated pursuant to the commercial  
5 roofer endorsement of the Roofing Contractor Registration Act; and

6 9. Exercise all incidental powers as necessary and proper to  
7 implement and enforce the provisions of the commercial roofer  
8 endorsement of the Roofing Contractor Registration Act and the rules  
9 promulgated pursuant thereto.

10 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1151.3, is  
11 amended to read as follows:

12 Section 1151.3 A. All roofing contractors shall be registered  
13 annually by the Board. All registrations shall be nontransferable.  
14 It shall be unlawful for any person to act as a roofing contractor  
15 without having a current and valid roofing contractor's registration  
16 or act as a commercial roofing contractor without a current and  
17 valid commercial roofer endorsement issued pursuant to the Roofing  
18 Contractor Registration Act, unless the person is exempt under the  
19 Roofing Contractor Registration Act. Evidence of securing a permit  
20 including roofing work from a governmental agency or the employment  
21 of a person on a roofing project shall be accepted in any court as  
22 prima facie evidence of the existence of a contract.

23 B. Each copy of a roofing contractor's record, which would  
24 include responses to any complaints, that is from and verified by

1 the registrar, or a verified statement from the registrar that there  
2 is no record as no application was made, shall be received in all  
3 courts in this state as prima facie evidence of the facts stated  
4 therein.

5 C. A verified copy of a roofing contractor's administrative  
6 citation for unregistered activity or without required commercial  
7 roofer endorsement and order of final disposition from the registrar  
8 shall be received in all courts in this state as prima facie  
9 evidence of the facts stated therein, including establishment  
10 thereby of the first offense.

11 D. A person ~~may~~ shall not engage or offer to engage in, by  
12 advertisement or otherwise, the business ~~nor~~ or act in the capacity  
13 of a roofing contractor within this state nor ~~may~~ shall that person  
14 bring or maintain any claim, action, suit, or proceeding in any  
15 court of this state related to the person's business or capacity as  
16 a roofing contractor without a valid registration and commercial  
17 roofer endorsement, when required, continuously while performing the  
18 work for which the claim, action, suit, or proceeding is sought, as  
19 provided in the Roofing Contractor Registration Act. No business  
20 entity, not otherwise exempted under this act, shall advertise or  
21 act as a roofing contractor unless a registered roofing contractor,  
22 with valid commercial roofer endorsement when required, who is in  
23 good standing is associated with and responsible for all roofing  
24

1 contractor work of such entity, and to do so is a fraudulent  
2 activity.

3 ~~B.~~ E. A person who fails to obtain a valid registration and  
4 endorsement when required prior to advertising or offering to engage  
5 as or acting as a roofing contractor as defined in the Roofing  
6 Contractor Registration Act, a person who acts as a roofing  
7 contractor while his or her registration is not in good standing or  
8 suspended or revoked without complying with the required disclosure  
9 and option for homeowner to cancel the contract pursuant to  
10 subsection J of Section 1151.5 of this title, or a person who  
11 violates any provision of the Roofing Contractor Registration Act  
12 shall be guilty of a misdemeanor, upon conviction or plea,  
13 punishable by a fine not to exceed Five Hundred Dollars (\$500.00)  
14 for each violation. More than one misdemeanor violation in any  
15 twelve-month period shall be grounds for the suspension of the  
16 registration, and shall cause the person to be ineligible for  
17 registration for a period not to exceed ~~twelve (12)~~ twenty four (24)  
18 months after all requirements of the sentence, or deferment of  
19 sentence, and probation have been met, including the payment of any  
20 restitution or rehabilitative treatment.

21 F. Any person who has been twice convicted of or pleaded guilty  
22 or nolo contendere to any violation of the Roofing Contractor  
23 Registration Act within the state, within a ten-year period, upon  
24 the filing of a third or subsequent violation of the Roofing

1 Contractor Registration Act, shall have any equipment, materials,  
2 vehicles, coins or currency, or property used in the violation  
3 subject to seizure and forfeiture, pursuant to Section 1738 of Title  
4 21 of the Oklahoma Statutes within the discretion of the prosecuting  
5 authority.

6 G. 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, or a person  
14 who 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 J of  
18 Section 1151.5 of this title, on first offense may be  
19 administratively penalized and disciplined after notice and  
20 opportunity for hearing before the Roofing Hearing Board. A person  
21 who violates any other provision of the Roofing Contractor  
22 Registration Act, on first offense within a two-year (2) period, may  
23 be administratively penalized and disciplined by the Roofing Hearing  
24 Board in its discretion in lieu of referral to the district attorney

1 as a misdemeanor, or the matter may be referred to the district  
2 attorney. More than one violation in any twelve-month period shall  
3 be grounds for the suspension of the registration, and shall cause  
4 the person to be ineligible for registration for a period not to  
5 exceed twelve (12) months. Misdemeanor conviction, guilty plea, or  
6 nolo contendere plea due to alleged violations of the Roofing  
7 Contractor Registration Act shall be grounds for the revocation of  
8 the registration and shall cause the person to be ineligible for  
9 registration for a period not to exceed two (2) years after all  
10 requirements of the sentence, or deferment of sentence, and  
11 probation have been met, including the payment of any restitution or  
12 rehabilitative treatment.

13 H. Fines collected pursuant to the Roofing Contractor  
14 Registration Act shall be placed in the Roofing Contractor  
15 Registration Revolving Fund pursuant to Section 1151.20 of this  
16 title.

17 I. It is the duty of the building official, or other authority  
18 charged with the duty of issuing roofing permits, of any  
19 incorporated municipality or subdivision of the municipality or  
20 county, to refuse to issue a roofing permit for any roofing  
21 undertaking which would require a registration pursuant to the  
22 Roofing Contractor Registration Act unless the applicant has  
23 furnished evidence that he or she is either registered as required  
24

1 or is exempt from the registration requirements of the Roofing  
2 Contractor Registration Act.

3 J. The Roofing Hearing Board may make application to the  
4 appropriate court for an order enjoining the acts or practices  
5 prohibited by the Roofing Contractor Registration Act, and upon a  
6 showing by the Roofing Hearing Board that the person or firm has  
7 engaged in, or is about to engage in, any of the prohibited acts or  
8 practices, an injunction, restraining order or other order as may be  
9 appropriate shall be granted by the court.

10 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1151.4, is  
11 amended to read as follows:

12 Section 1151.4 A. The Construction Industries Board is  
13 authorized to ~~employ~~ administer the Roofing Contractor Registration  
14 Act. In addition to the powers stated in Section 1000.4 of this  
15 title, the Board shall have the following powers:

16 1. Exercise all incidental powers and duties necessary to  
17 effectuate the provisions of the Roofing Contractor Registration  
18 Act;

19 2. Promulgate, adopt, amend, suspend and repeal rules as may be  
20 reasonably necessary to effectuate the provisions of the Roofing  
21 Contractor Registration Act, the proper performance of its duties,  
22 and to define categories and limitations for such registration. The  
23 rule-making powers of the Construction Industries Board are subject  
24

1 to the Administrative Procedures Act, including those pertaining to  
2 emergency or temporary rules or regulations;

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

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

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

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

16 7. Employ personnel and procure such supplies and equipment as  
17 may be necessary to carry out and implement the provisions of this  
18 act, subject to budgetary limitations and funding. ~~The Construction~~  
19 ~~Industries Board may promulgate forms to implement the provisions of~~  
20 ~~this act. The Construction Industries Board may administer any~~  
21 ~~provision of this act through use of the Internet or other~~  
22 ~~technology as deemed necessary or appropriate;~~

23 8. Investigate complaints, qualifications of qualifying parties  
24 or applicants for registration, and any person to the extent

1 necessary to determine if the person is engaged in the violation of  
2 the provisions of the Roofing Contractor Registration Act, including  
3 unlawful or unregistered activity, whether or not the matter is  
4 referred for criminal prosecution. The Construction Industries  
5 Board may refer the matter for criminal prosecution, whether or not  
6 the person ceases the unlawful or unregistered activity;

7 9. Initiate disciplinary proceedings, request prosecution of  
8 and initiate injunctive proceedings against any person who violates  
9 any of the provisions of the Roofing Contractor Registration Act or  
10 any rule promulgated pursuant to the Roofing Contractor Registration  
11 Act;

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

14 11. Administer oaths, order or subpoena the attendance of  
15 witnesses, the inspection of records and premises, and the  
16 production of books, records, and papers for the investigation of  
17 matters that may come before the Board;

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

20 13. Maintain an administrative staff to carry out the  
21 responsibilities of the Board and Committee.

22 B. The registrar shall maintain and provide a complete roster  
23 listing the names, last-known addresses, and status of all  
24 registrants. The registrar may condense or provide an abstract of a

1 roofing contractor's record for public information, provided a  
2 complete record is available for public inspection upon written  
3 request.

4 C. Upon the advice and recommendation of the Committee, the  
5 Board may, in its discretion, enter into a written reciprocity  
6 agreement with another state if the requirements for registration in  
7 the other state are deemed by the Committee to be substantially the  
8 same or equivalent to the requirements for obtaining an original  
9 registration in force in this state at the date of such  
10 registration, and then issue a registration by reciprocity to a  
11 qualified party applicant who is currently licensed or registered to  
12 engage in roofing contractor work in another state that has entered  
13 into a written reciprocity agreement with the Board.

14 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1151.5, is  
15 amended to read as follows:

16 Section 1151.5 A. Applications for registration shall be made  
17 to the Construction Industries Board in writing on forms approved  
18 and provided by the Board and shall be accompanied by the proper  
19 fee.

20 B. An applicant or qualifying party whose registration is  
21 denied, or who has a conviction for, or has pled guilty or nolo  
22 contendere to, a misdemeanor or felony, or who otherwise fails to  
23 meet the requirements of application, may obtain a hearing before  
24 the Committee of Roofing Examiners in order to provide information

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1 in support of the application requirements and any other information  
2 showing the applicant's ability and willingness to comply with the  
3 requirements of the act, and to protect the public health, safety  
4 and welfare.

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

9 1. An application under oath containing a statement:

10 a. of the ~~applicant's~~ qualifying party's experience and  
11 qualifications as a roofing contractor, if any, ~~the~~  
12 ~~applicant's~~

13 b. that the qualifying party desires the issuance of a  
14 roofing contractor registration certificate,

15 c. that the qualifying party has read the Roofing  
16 Contractor Registration Act and will comply with the  
17 provisions of the Roofing Contractor Registration Act  
18 and rules,

19 d. that the qualifying party will comply with state laws  
20 and local ordinances relating to standards and  
21 permits,

22 e. that the qualifying party has or has not been  
23 registered or licensed as a roofing contractor in  
24 another state and whether any disciplinary action has

1 been taken against such registration or license and  
2 whether it is currently in good standing, and

3 f. that the nonresident qualifying party appoints the  
4 Secretary of State as legal service agent for all  
5 lawful process to be served upon the applicant for  
6 work performed in this state or as otherwise provided  
7 in the Roofing Contractor Registration Act;

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

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

20 4. A copy of the roofing contractor's certificate of liability  
21 insurance shall be filed with the application and shall be not less  
22 than Five Hundred Thousand Dollars (\$500,000.00) for residential  
23 roofing contractor work and shall not be less than One Million  
24 Dollars (\$1,000,000.00) for commercial roofing contractor work. Any

1 insurance company issuing a liability policy to a roofing contractor  
2 pursuant to the provisions of the Roofing Contractor Registration  
3 Act shall be required to notify the Construction Industries Board in  
4 the event such liability policy is cancelled for any reason or  
5 lapses for nonpayment of premiums. All registrations granted under  
6 the Roofing Contractor Registration Act shall be suspended on the  
7 date of the policy cancellation. The registrar ~~must~~ shall receive  
8 proof of insurance prior to restoring the registration.

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

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

5 B. E. The qualifying party applying for a commercial roofer  
6 endorsement shall provide information on the legal entity, including  
7 but not limited to the articles, organizational agreements or  
8 documents establishing the legal entity, including a list of the  
9 officers, members, managers, partners, or other managing agents of  
10 the legal entity.

11 F. The registrar shall refuse to register any person if the  
12 registrar determines:

13 1. The application contains false, misleading, or incomplete  
14 information;

15 2. The applicant, qualifying party, or any member of the legal  
16 entity fails or refuses to provide any information requested by the  
17 registrar;

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

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

22 5. The nonresident applicant has a revoked or suspended  
23 registration or license required by law for roofing contractors in  
24 another state; or

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

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

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

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

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

24

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

8 5. File or renew a trade name registration;

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

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

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

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

21 ~~E.~~ I. The registrar shall send a written notice to the person  
22 when his or her registration is not in good standing.

23 J. Any roofing contractor who has been notified by the  
24 registrar that his or her registration is not in good standing shall

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

23 |     K. Any registration that remains not in good standing for a  
24 | sixty-day period shall be suspended on the sixtieth day from the

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

13 L. Any ~~person~~ registrant, qualifying party, or roofing company  
14 owner aggrieved by the decision of the registrar to suspend or  
15 revoke a registration pursuant to this section may appeal such  
16 decision as provided in this act or the Administrative Procedures  
17 Act.

18 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1151.7, is  
19 amended to read as follows:

20 Section 1151.7 The holder of a roofing contractor registration  
21 certificate is entitled to engage in the roofing business within  
22 this state pursuant to the provisions of the Roofing Contractor  
23 Registration Act, and subject to the following limitations:  
24

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

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

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

21 4. Each registrant shall post in a conspicuous place on the job  
22 site the name, existence of any endorsement, registration number,  
23 and telephone number for the registration under which any work is  
24 being performed, and on all media containing the registrant's name,

1 including but not limited to magnetic signs on vehicles, business  
2 cards, contracts, bids, letterhead, signs, and advertisements;

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

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

21 ~~4.~~ 7. Upon any change to the name, address, business entity,  
22 qualifying party, change in firm ownership of fifty percent (50%) or  
23 more of the stock or beneficial interest in the company, or legal  
24 service agent of a roofing contractor or upon adjudication by a

1 court of competent jurisdiction for a violation of the Roofing  
2 Contractor Registration Act or an act or omission specified in  
3 subsection A of Section 1151.14 of this title, the registrar shall  
4 be notified in writing within ten (10) days. Any proposed or final  
5 order or notice of hearing to the last-known address of record shall  
6 be considered delivered when deposited in the United States mail  
7 and/or sent registered or certified or post office receipt secured.  
8 Any other communication to the last-known address of record of a  
9 registrant shall be considered delivered when deposited in the  
10 United States mail, regular mail;

11 ~~5.~~ 8. A roofing contractor shall comply with state laws and  
12 local ordinances relating to standards and permits for roofing  
13 services and projects; ~~and~~

14 ~~6.~~ 9. A roofing contractor ~~must~~ shall pay taxes due in this  
15 state;

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

23 11. Each registrant shall notify the registrar immediately upon  
24 receipt of an order imposing disciplinary action upon its

1 registration issued by any other professional regulatory board, in  
2 this or any other jurisdiction. Disciplinary action taken against  
3 any other professional registration or license held by the  
4 registrant in this jurisdiction or any other jurisdiction is grounds  
5 for disciplinary action against the registration issued pursuant to  
6 the Roofing Contractor Registration Act; and

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

14 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1151.8, is  
15 amended to read as follows:

16 Section 1151.8 A. At the time of making application for a  
17 roofing contractor registration certificate pursuant to the Roofing  
18 Contractor Registration Act, the applicant shall pay to the  
19 registrar a fee of Seventy-five Dollars (\$75.00) for the annual  
20 registration certificate.

21 B. All monies collected by the registrar for roofing contractor  
22 registration applications, renewals and other fee assessments shall  
23 be deposited by the registrar and credited to the Roofing Contractor  
24 Registration Revolving Fund and such funds shall be used by the

1 registrar to implement and administer the provisions of the Roofing  
2 Contractor Registration Act.

3 C. The fee to be submitted with an application for a roofing  
4 contractor registration may be prorated as set by the provisions of  
5 the Roofing Contractor Registration Act or rules. Unless prorated  
6 at the time of initial registration, fees for initial registration  
7 shall be paid in the amount stated in subsection A of this section  
8 and such registration certificates shall expire ~~June 30~~ each year on  
9 the last day of the birth month of the qualifying party. Renewals  
10 will be prorated as provided in Section 1151.3 of this title.

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

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

20 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1151.9, is  
21 amended to read as follows:

22 Section 1151.9 A. Any administrative or governing body with  
23 authority to enter into public contracts shall require individual  
24 roofing contractor registration for purposes of such persons

1 submitting or entering into any bid or contract involving roofing  
2 contractor work.

3 B. The Roofing Contractor Registration Act ~~does~~ shall not apply  
4 to:

5 1. An actual owner of residential or farm property who  
6 physically performs, or has family member, employee or employees who  
7 perform with or without remuneration, roofing services including,  
8 construction, installation, renovation, repair, maintenance,  
9 alteration, waterproofing, or removal of materials or structures on  
10 property owned by such person;

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

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

18 4. ~~Churches~~ Any person, including churches or other charitable  
19 entities that provide roof repairs or replacements at no charge  
20 using volunteer labor;

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

24

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

4       7. A person who only furnishes roofing materials, roofing  
5 supplies or equipment and does not, nor do the person's employees,  
6 install, fabricate or consume roofing materials, supplies, or  
7 equipment in the performance of the work of the roofing contractor;

8       8. Prime contractors, general contractors, property managers  
9 and project managers who bid on construction trade work in areas  
10 additional to roofing contractor work, and subcontract the roofing  
11 contractor work, as long as they subcontract the roofing work to a  
12 currently registered roofing contractor who is in good standing. If  
13 the bid is solely for roofing contractor work, then a registration  
14 is required;

15       9. Owners of commercial properties including residential rental  
16 properties consisting of four dwelling units or less, when acting as  
17 their own roofing contractor and providing all material supervision  
18 themselves; and lessees of residential properties with the consent  
19 of the owner who, whether themselves or with their own employees,  
20 perform roofing construction in or upon the properties, all  
21 installing roofing materials according to the International Building  
22 Code, as adopted by the Oklahoma Uniform Building Code Commission,  
23 or the manufacturer's installation instructions; or

1       10. Owners of property when acting as their own roofing  
2 contractor, providing all material supervision themselves, and  
3 installing roofing materials according to the International  
4 Residential Code, as adopted by the Oklahoma Uniform Building Code  
5 Commission, or the manufacturer's installation instructions when  
6 building or improving a single-family dwelling residence on such  
7 property for the occupancy of such owners and not intended for sale  
8 or rent. In any action brought under the Roofing Contractor  
9 Registration Act, proof of the sale or offering for sale of such  
10 structure or the renting or offering to rent of such structure by  
11 the owners of property within one (1) year after substantial  
12 completion of the structure when the structure can be occupied and  
13 used as intended is presumptive evidence that the construction was  
14 undertaken with the intent of sale or rent.

15       ~~B. Any administrative or governing body with authority to enter~~  
16 ~~into public contracts shall require individual roofing contractor~~  
17 ~~registration for purposes of such persons submitting or entering~~  
18 ~~into any bid or contract.~~

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

21       Section 1151.10 A. Within twenty-five (25) calendar days from  
22 the date of application, the registrar shall either issue or deny  
23 the roofing contractor registration. No registration shall be  
24 issued to ~~an applicant~~ a qualifying party until the registrar

1 receives all documentation and fees necessary to obtain a  
2 registration certificate in good standing. The registration  
3 certificate issued on an original application entitles the person to  
4 act as a roofing contractor within this state, subject to the  
5 limitations of this act, ~~until the expiration of the then current~~  
6 ~~fiscal year ending June 30, except that an initial registration~~  
7 ~~issued in May or June is valid until June 30 of the subsequent year.~~  
8 ~~On the effective date of this act, a prorated registration~~  
9 ~~certificate issued between January 1, 2011, and April 30, 2011,~~  
10 ~~shall be valid until June 30, 2011. Until January 1, 2015, all~~  
11 ~~registrations shall expire on June 30 of each year and may be~~  
12 ~~renewed from year to year. Beginning no later than January 1, 2015,~~  
13 ~~all registrations issued shall be renewed based on staggered~~  
14 ~~expiration dates of the last day of the birth month of the~~  
15 ~~qualifying party so that all registrations and endorsements shall~~  
16 ~~expire on the last day in the birth month of the qualifying party.~~  
17 ~~The Construction Industries Board is authorized to prorate~~  
18 ~~registration and renewal fees, as described by rule, so that~~  
19 ~~beginning January 1, 2015, or thirty (30) days after rules have been~~  
20 ~~approved, fees for renewals previously due by June 30, 2015, are~~  
21 ~~prorated and converted to be due the last day of the birth month of~~  
22 ~~the qualifying party by shortening or lengthening the next renewal~~  
23 ~~date by up to six (6) months. Beginning on the effective date of~~  
24 ~~this act, new initial registrations and endorsements will be issued~~

1 for up to eighteen (18) months and due for renewal the last day of  
2 the birth month of the qualifying party. After initial proration or  
3 conversion to birth month, no subsequent registration or endorsement  
4 shall be issued for longer than one (1) year and all endorsements  
5 shall expire on the last day in the birth month of the qualifying  
6 party. The Construction Industries Board shall implement rules for  
7 the scheduling of expiration and renewal of registrations and  
8 endorsements, including the prorating of fees and the identification  
9 and information of the qualifying party. The commercial roofer  
10 endorsement shall expire on the expiration date of the supporting  
11 registration.

12 B. An applicant or qualifying party whose registration or  
13 endorsement is refused or denied by the registrar may obtain a  
14 hearing before the Committee of Roofing Examiners with written  
15 notice to the registrar of the grounds for appeal and identification  
16 of evidence to be presented in support of the application  
17 requirements and any other information showing the applicant's  
18 ability and willingness to comply with the requirements of the act,  
19 and to protect the public health, safety and welfare. Such appeals  
20 to the Committee of Roofing Examiners shall be made by the  
21 qualifying party in writing to the registrar within fourteen (14)  
22 days from the date of the written notification of denial or refusal  
23 to register or endorse.

24

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

3 1. Has been certified by the Committee of Roofing Examiners as  
4 having successfully passed the appropriate examination; or

5 2. Has paid the application and endorsement fee and has  
6 otherwise complied with all of the provisions of the commercial  
7 roofer endorsement of the Roofing Contractor Registration Act.

8 The endorsement fee is hereby established as Three Hundred Dollars  
9 (\$300.00) for the endorsement, along with a thirty-dollar  
10 endorsement application fee, and Two Hundred Dollars (\$200.00) for  
11 an endorsement renewal.

12 D. Endorsements renewed more than thirty (30) days following  
13 the date of expiration may only be renewed upon application and  
14 payment of the required fees and payment of late renewal fee in the  
15 amount of One Hundred Dollars (\$100.00).

16 E. No endorsement shall be renewed unless the licensee has  
17 completed the required hours of continuing education recommended by  
18 the Committee and set forth by rule.

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

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

1 Section 1151.12 A. Any roofing contractor registration  
2 certificate issued under this act may be renewed for each successive  
3 ~~fiscal~~ year by obtaining from the registrar a certificate of  
4 renewal. To obtain a certificate of renewal, the ~~person~~ qualifying  
5 party shall file with the registrar a renewal application by ~~June 30~~  
6 the last day of the birth month of the qualifying party each  
7 successive year, provide any qualifying party information required  
8 under the Roofing Contractor Registration Act not previously  
9 provided by the applicant, if any, and pay the renewal fee. The  
10 application for renewal shall require statements under oath that the  
11 ~~applicant has~~ qualifying party and legal entity have properly  
12 submitted income and employment taxes due in this state; whether or  
13 not the ~~applicant~~ qualifying party has been convicted of any felony  
14 offense, and the nature of such offense, since issuance of the prior  
15 registration; and whether or not the applicant has been adjudicated  
16 by a court of competent jurisdiction for any violation of this act  
17 or any act or omission specified in subsection A of Section ~~14 of~~  
18 ~~this act~~ 1151.14 of this title. The registrar may forward a copy of  
19 any information in an application for renewal to the Oklahoma Tax  
20 Commission and any other state agency.

21 B. The ~~applicant~~ qualifying party shall include with the  
22 renewal application a copy of the certificate of liability  
23 insurance, unless the registrar has a current valid certificate of  
24 insurance on file, proof of workers' compensation coverage, unless

1 exempt under the Workers' Compensation Act, and, if applicable, a  
2 copy of the current registration certificate required by law for  
3 roofing contractors. The renewal application ~~need not~~ shall be  
4 notarized.

5 ~~B.~~ C. The registrar shall refuse to renew a roofing  
6 contractor's registration certificate for any reason stated in  
7 subsection ~~B~~ F of Section ~~§~~ 1151.5 of this ~~act~~ title or for failing  
8 to provide any qualifying party information required under Section  
9 1151.5 of this title, not previously provided by the applicant. The  
10 registrar shall notify the applicant in writing if the registrar  
11 denies the renewal as provided in subsection ~~E~~ G of Section ~~§~~ 1151.5  
12 of this ~~act~~ title.

13 ~~C.~~ D. If any roofing contractor fails to file a renewal  
14 application by the ~~June 30~~ deadline of the last day of the birth  
15 month of the qualifying party, that contractor's registration shall  
16 be not in good standing. A roofing contractor has a thirty-day  
17 grace period after ~~June 30~~ the last day of the birth month of the  
18 qualifying party to renew the registration certificate without a  
19 late fee. The late fee shall be ~~set by the registrar and such fee~~  
20 ~~shall not exceed~~ One Hundred Dollars (\$100.00). A roofing  
21 contractor registration certificate not renewed ~~by August 30~~ within  
22 sixty (60) days of the last day of the birth month of the qualifying  
23 party shall be suspended for failure to renew, and ~~on January 1,~~ if  
24 a roofing contractor's registration certificate still has not been

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

1 renewed within six (6) months of expiration, it shall be revoked for  
2 failure to renew.

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

7 2. The registrar shall assess a reinstatement fee not exceeding  
8 Three Hundred Dollars (\$300.00) to be set by the registrar plus the  
9 fee established by Section § 1151.8 of this ~~act~~ title for any  
10 registration that has been revoked for any cause provided in this  
11 act.

12 3. A roofing contractor submitting an application for  
13 registration after suspension or revocation of that contractor's  
14 registration certificate ~~must~~ shall be otherwise eligible for  
15 registration under this act.

16 ~~E.~~ F. The registrar shall include a registration status  
17 notation in a roofing contractor's record if the status of  
18 registration changes from an active and valid registration to not in  
19 good standing, denied, suspended or revoked.

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

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

- 1 1. Abandonment of a roofing contract without legal excuse after  
2 a deposit of money or other consideration has been paid;
- 3 2. Diversion of funds or property entrusted to a roofing  
4 contractor;
- 5 3. Engaging in any fraudulent or deceptive acts or practices or  
6 misrepresentation of products, services or qualifications as a  
7 roofing contractor;
- 8 4. Making a false or misleading statement in an application for  
9 roofing contractor registration or renewal application or in  
10 soliciting a contract for roofing services;
- 11 5. Adjudication against the roofing contractor by a court of  
12 competent jurisdiction for a violation of the provisions of this  
13 act, or a license or registration suspended, revoked or other  
14 discipline imposed by any other professional regulatory board in  
15 this or any other jurisdiction;
- 16 6. Engaging in or offering to engage in work without a valid  
17 registration and commercial roofer endorsement as required for  
18 roofing contractors pursuant to this act or performing roofing  
19 services during any period when the roofing contractor's  
20 registration is denied, suspended or revoked;
- 21 7. Engaging in or offering to engage in roofing services  
22 without obtaining a proper permit as may be required by any state or  
23 local authority;
- 24

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

3 9. Damaging or injuring persons or property while performing  
4 roofing services under a valid roofing contractor registration for  
5 which the roofing contractor's liability insurance or workers  
6 compensation coverage was inadequate; ~~or~~

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

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

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

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

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

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

12        16. Failure to comply with a specified provision of this act.

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

22        C. A complaint received by the registrar as provided in this  
23 section ~~shall~~ may be retained by the Board for investigation,  
24 citation, and hearing before the Roofing Hearing Board or, in the

1 Board's discretion, the complaint may be referred to the district  
2 attorney for appropriate disposition as determined by the district  
3 attorney, in his or her discretion.

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

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

17 B. Service of the notice of violation or citation may be in  
18 person or by certified mail at the last-known business address or  
19 residence address of the person cited.

20 C. A notice of violation and citation may contain a cease and  
21 desist order for residential roofing contractor work if the  
22 homeowner has been provided the required disclosure and has  
23 exercised the homeowner's option to cancel the contract as provide  
24

1 in subsection J of Section 1151.5 of this title, or at any time  
2 during commercial roofing contractor work.

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

1       ~~B.~~ E. Following referral of a complaint to the district  
2 attorney, if the roofing contractor is adjudicated by the court for  
3 an act or omission specified in subsection A of Section 1151.14 of  
4 this title, or upon a conviction for any violation of the provisions  
5 of this act, the registrar, when ordered by the court, shall  
6 suspend, revoke or deny the roofing contractor's registration for  
7 the period of time specified by the court, and if the court orders  
8 the registration suspended, revoked or denied, and yet fails to set  
9 the term of such suspension, revocation or denial, the period shall  
10 be six (6) months.

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

16       ~~D.~~ G. It shall be unlawful for a person to obtain or attempt to  
17 obtain a roofing contractor registration certificate under any other  
18 name during any period when the roofing contractor's registration is  
19 suspended or revoked. Upon conviction of a violation of this  
20 subsection, the person shall be guilty of a misdemeanor as provided  
21 in Section ~~3~~ 1151.3 of this ~~act~~ title. A business firm,  
22 partnership, association, corporation, limited liability company, or  
23 other group or combination thereof acting as a unit whose  
24 registration certificate is suspended or revoked includes all of the

1 members, partners, officers, and agents acting under that roofing  
2 contractor registration certificate when such persons are specified  
3 on and did sign the application or renewal form.

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

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

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

23 C. A roofing contractor shall display his or her roofing  
24 contractor registration number issued pursuant to this act on each

1 ~~commercial vehicle used for roofing services and upon~~ every business  
2 sign, card, correspondence, and contract used to solicit and conduct  
3 roofing services in this state and shall display the roofing firm  
4 name, existence of any commercial roofer endorsement, and the  
5 roofing contractor registration number bearing the initials "OK"  
6 preceding that registration number issued by the registrar on all  
7 vehicles used to transport materials and tools in the operation of  
8 the business. Such names, endorsements, and numbers shall be  
9 printed in letters and numerals at least two (2) inches in height in  
10 a conspicuous location on both sides of each vehicle in contrasting  
11 color to the background color.

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

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

22 A. Except as otherwise provided in the Roofing Contractor  
23 Registration Act, on and after July 1, 2015, every roofing  
24 contractor offering to engage in or engaging in performing

1 commercial roofing contractor work in this state shall be required  
2 to take and successfully pass a commercial roofing examination  
3 approved under the provisions of this act, and be in compliance with  
4 all other provisions of the act and rules thereof before acting or  
5 being endorsed as a commercial roofing contractor.

6 B. Examinations for a commercial roofer endorsement shall be  
7 uniform and practical in nature and sufficiently strict to test the  
8 qualifications and fitness of the applicants for endorsement.

9 Examinations shall be in whole or in part in writing. Examinations  
10 shall be offered at least monthly; dates, times and locations are to  
11 be determined by the registrar, or third-party vendor with approval  
12 of the registrar.

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

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

24

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

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

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

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

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

20 3. Two members shall be appointed by the President Pro Tempore  
21 of the Senate and shall be registered roofing contractors with a  
22 valid commercial roofer endorsement, except for the initial  
23 appointees who shall be otherwise qualified to hold a commercial  
24 roofer endorsement, each of whom works primarily in commercial

1 roofing contractor work with a minimum of five (5) years' actual job  
2 experience in commercial roofing contractor work in this state and  
3 each of whom is registered pursuant to the Roofing Contractor  
4 Registration Act, and otherwise meets all requirements for  
5 endorsement in this act;

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

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

21 C. Any vacancy on the Committee shall be filled for the  
22 unexpired term as soon as possible in the manner in which that  
23 position was originally filled. Members shall continue in office  
24 until a successor is appointed by the appointing authority. The

1 appointing authority shall fill all vacancies and unexpired terms in  
2 the same manner as the original appointment of the member whose  
3 position is to be filled. Such members may be removed by the  
4 appointing authority at any time.

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

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

14 The Committee of Roofing Examiners shall:

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

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

22 3. Assist and advise the Board on the examinations for  
23 applicants for a commercial roofer endorsement of the Roofing  
24

1 Contractor Registration Act and rules thereof, and on all matters  
2 relating to the commercial roofer endorsement of the act;

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

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

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

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

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

23 9. Develop the requirements for issuance of a registration and  
24 endorsement by reciprocity to an applicant who is currently licensed

1 or registered to engage in roofing contractor work in another state  
2 for recommendation to the Board for its rulemaking process;

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

- 9 a. that one (1) year immediately prior to the date of  
10 payment of the required fee the applicant lawfully  
11 engaged in roofing contractor work within and under  
12 the laws of the state pursuant to a license or  
13 registration issued thereby authorizing such roofing  
14 work,
- 15 b. that no disciplinary matters are pending against the  
16 applicant in any city, state, country, territory or  
17 province, relating to the roofing trade in which the  
18 applicant seeks reciprocity,
- 19 c. that the registration being reciprocated was obtained  
20 by equivalent or substantially the same requirements  
21 in the state wherein it was issued,
- 22 d. that there is a written agreement between the states  
23 with equivalent or substantially similar registration  
24 requirements, and

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 The Construction Industries Board shall suspend or revoke or may  
9 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 E. 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 contests 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 Oklahoma Mechanical  
6 Licensing Revolving Fund created pursuant to Section 1850.13 of  
7 Title 59 of the Oklahoma 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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO  
19 PASS.

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