

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

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

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

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

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

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

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

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

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

15 A. Except as otherwise provided in the Roofing Contractor
16 Registration Act, on and after January 1, 2014, every commercial
17 roofing contractor soliciting or performing roofing services in this
18 state shall be required to take and successfully pass a commercial
19 roofing examination approved by the Roofing Examination and Review
20 Board before acting or being registered as a commercial roofing
21 contractor. The commercial roofing examination shall include test
22 questions covering professional competencies and skills on a variety
23 of roofing structures, materials and systems, best practices, and
24 provisions on Oklahoma law and construction codes. Once a

1 commercial roofing contractor has successfully passed the
2 examination, or been allowed an exemption from the examination as
3 provided by law, the registrar shall issue a commercial roofer
4 endorsement on the roofing contractor registration upon receipt of a
5 fee of One Hundred Dollars (\$100.00). The commercial roofer
6 endorsement shall be valid for three (3) years. To renew the
7 commercial roofer endorsement, the holder of the commercial roofer
8 endorsement shall be required to attend a continuing education
9 course approved by the Construction Industries Board covering
10 changes to Oklahoma law regarding the Roofing Contractor
11 Registration Act and related codes and provisions. Any fees for
12 attending a continuing education course shall be set by the provider
13 and paid by the participant. Failure of the holder of a commercial
14 roofer endorsement to attend the required courses within the
15 prescribed three-year period shall result in the holder's commercial
16 roofer endorsement being suspended for not more than three (3)
17 months during which time the commercial roofing contractor may
18 correct the deficiency and submit proof of having participated in
19 the required continuing education course. Any commercial roofing
20 contractor who fails to complete and submit the necessary proof of
21 participation in the required continuing education course within the
22 time prescribed, shall have their commercial roofer endorsement
23 revoked by the registrar for one (1) year, after which time the
24 commercial roofing contractor may reapply to retake the commercial

1 roofer examination upon payment of the required fees. The renewal
2 fee for a commercial roofer endorsement shall be Fifty Dollars
3 (\$50.00) and shall be submitted to the registrar with the proof of
4 participation in the required continuing education courses.

5 B. Any person who fails to comply with the examination and
6 continuing education requirements established in subsection A of
7 this section shall be in violation of the Roofing Contractor
8 Registration Act. The violator, in addition to the penalty
9 prescribed in Section 1151.3 of Title 59 of the Oklahoma Statutes
10 and revocation of the commercial endorsement, shall be subject to an
11 administrative fine not less than one percent (1%) nor more than
12 five percent (5%) of the total amount of each roofing job solicited,
13 bid or performed while in noncompliance with the provisions of the
14 Roofing Registration Act. The roofing contractor registration may
15 be suspended for a period up to three (3) years if it is determined
16 after notice and an administrative hearing that the commercial
17 roofing contractor has willfully failed or refused to comply with
18 the requirements for commercial roofing contractors pursuant to the
19 Roofing Contractor Registration Act. There shall be a reinstatement
20 fee of Two Hundred Dollars (\$200.00) for any suspended or revoked
21 registration or endorsement.

22 C. All nonresident roofing contractors intending to operate or
23 doing business in this state must be registered and comply with all
24 provisions of the Roofing Contractor Registration Act and state

1 laws. Each nonresident commercial roofing contractor must take and
2 pass the commercial roofing examination prior to registration and
3 must maintain continuing education requirements the same as required
4 for resident commercial roofing contractors. Failure of a
5 nonresident commercial roofing contractor to be registered or to
6 take and pass the required commercial roofer examination or maintain
7 continuing education requirements shall be punishable as a violation
8 of the Roofing Contractor Registration Act and, in addition, the
9 violator shall be subject to an administrative fine of not less than
10 one percent (1%) nor more than five percent (5%) of each roofing job
11 solicited, bid or performed while in noncompliance with the Roofing
12 Contractor Registration Act. These penalties shall be in addition
13 to any penalty provided by Section 1707 of Title 68 of the Oklahoma
14 Statutes which may be imposed by the Oklahoma Tax Commission, or any
15 penalty imposed by the Oklahoma Employment Security Commission or
16 the Workers' Compensation Code.

17 D. When a state of emergency is declared by the Governor, the
18 registrar is authorized to permit nonresident roofing contractors to
19 solicit and do business in this state under a temporary roofing
20 contractor registration upon proper application, approval and
21 payment of a fee of One Hundred Dollars (\$100.00). A temporary
22 roofing contractor registration card and proper registration with
23 the Oklahoma Tax Commission must be obtained prior to soliciting,
24 bidding or performing any roofing services in this state. The

1 temporary registration shall be valid for six (6) months and shall
2 be of a distinctive color or design to identify it as a temporary
3 roofing contractor registration. Upon temporary registration each
4 nonresident commercial roofing contractor shall be provided
5 information on where to take the commercial roofer examination,
6 which is required for all commercial roofing contractors. The
7 examination shall be continuously available at scheduled locations
8 within the first thirty-day period following the date of the
9 declaration of emergency, and the testing period may be extended for
10 an additional thirty-day period when deemed appropriate by the
11 registrar. All commercial roofing contractors must pass the
12 commercial roofer examination within thirty (30) days of entering
13 this state with intent to solicit, bid or perform roofing services
14 or their roofing contractor registration will be permanently denied
15 and revoked. The registrar shall require each applicant for a
16 temporary roofing contractor registration to substantiate his or her
17 prior commercial roofing experience and meet all registration
18 requirements stated in Section 1151.5 of Title 59 of the Oklahoma
19 Statutes, including liability insurance, workers' compensation, and
20 registration with the Oklahoma Tax Commission. A person authorized
21 by the registrar to take the commercial roofer examination under a
22 temporary registration may repeat the test once within the thirty-
23 day period if the person fails to pass the examination on a first
24 attempt. Any person failing to comply with the requirements of the

1 Roofing Contractor Registration Act during a state of emergency
2 shall be subject to the misdemeanor criminal penalty provided in the
3 Roofing Contractor Registration Act, and shall be subject to an
4 administrative fine not less than five percent (5%) and not more
5 than ten percent (10%) of all roofing services solicited, bid or
6 performed during the period of noncompliance with the law.

7 E. The commercial roofing examination fee covering professional
8 competencies, skills and best practices shall be One Hundred Fifty
9 Dollars (\$150.00). The examination fee covering the portion of the
10 examination on Oklahoma law and construction codes shall be Fifty
11 Dollars (\$50.00). The commercial roofing examination may be retaken
12 if a first test score does not result in successful passage. No
13 person shall take the commercial roofing examination more than twice
14 in one year and there shall be a minimum waiting period of at least
15 thirty (30) days between any repeat testing, except as allowed
16 during a declared state of emergency. The commercial roofing
17 examination shall be offered at least monthly on dates and times
18 determined by the registrar, except as provided for a declared state
19 of emergency.

20 F. 1. On January 1, 2014, the following persons may make
21 application for an exemption to the requirement for taking and
22 passing the commercial roofer examination:

23 a. the owner or owners of an established roofing,
24 remodeling or construction business who have had an

1 employer identification number issued to such business
2 in this state for more than five (5) years next
3 preceding the date of application for exemption, and
4 who have had continuous registrations and compliance
5 with the Oklahoma Secretary of State, the Oklahoma Tax
6 Commission, the Oklahoma Employment Security
7 Commission, the Workers' Compensation Code, the
8 Internal Revenue Service, and the Social Security
9 Administration, or

10 b. a person currently employed by a roofing, remodeling
11 or construction business as defined in paragraph 1 of
12 this subsection whose owner or owners are not making
13 application for an exemption and who has been a
14 supervising on-the-job foreman, manager or inspector
15 for such business for at least five continuous years
16 preceding the date of application for exemption.

17 2. The application for exemption shall be made upon a form
18 designated by the registrar, signed and sworn upon oath by the
19 applicant before a notary. The exemption form shall be submitted to
20 the registrar with a nonrefundable fee of One Hundred Dollars
21 (\$100.00) and shall be approved or denied by the registrar not later
22 than February 1, 2014, or be forever barred from exemption.

23 3. The documents to be submitted with an application for
24 exemption shall include:

1 a. proof of valid liability insurance coverage for the
2 commercial business entity in an amount not less than
3 One Million Dollars (\$1,000,000.00) for each of the
4 five (5) years preceding the date of application for
5 exemption,

6 b. proof of coverage and premium payments under the
7 Workers' Compensation Code for each of the five (5)
8 years preceding the date of application for exemption,
9 and

10 c. proof of valid bonds issued to the commercial business
11 entity in a minimum amount of Seven Hundred Fifty
12 Thousand Dollars (\$750,000.00) for projects covering
13 the period for each of the five (5) years preceding
14 the date of application for exemption.

15 4. An exemption from taking the commercial roofer examination
16 approved by the registrar shall grant the exemption to the
17 designated business entity only. The exemption shall continue
18 indefinitely provided the business continues its current operation,
19 submits its continuing education requirements for renewal of the
20 commercial roofer endorsement, and provides sufficient proof by
21 documentation upon each subsequent renewal of a commercial roofer
22 endorsement that the exemption factors still apply to the commercial
23 business.

1 SECTION 3. 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 created the Roofing Examination and Review
5 Board for the sole purpose of creating a state commercial roofing
6 examination and scoring mechanism for the Roofing Contractor
7 Registration Act. The Board shall create additional examination
8 materials to be included as part of the commercial roofing
9 examination which shall relate specifically to Oklahoma law and
10 construction codes. The Board may contract with or hire a
11 professional test designer or writer, subject to funds available.

12 B. The Board shall commence its work within thirty (30) days of
13 the date of the last member appointment to the Board and shall
14 terminate its work on the thirtieth day after the first examination
15 date on new test materials. The Board is prohibited from conducting
16 business after the date terminating official business until the
17 Governor has reconstituted a new Board. The Board shall be
18 reconstituted with the same or newly appointed members every third
19 year not later than September 1; provided, however, the Governor may
20 reconstitute the Board earlier than the third year if significant
21 legislative changes have been made to the Roofing Contractor
22 Registration Act or when the construction codes are amended. All
23 appointments for a reconstituted Board shall be made by the Governor
24 in the same manner as initial appointments to the Board. Each

1 reconstituted Board shall review the current approved commercial
2 roofing examination materials and make adjustments to the
3 examination materials as necessary to adjust for any changes in the
4 roofing industry, law or construction codes. Each reconstituted
5 Board shall commence its work within thirty (30) days of the date of
6 the last member appointment to the Board and shall terminate its
7 work on the thirtieth day after the first examination date on the
8 new approved test materials.

9 C. Members of the Roofing Examination and Review Board shall
10 each have one vote and shall be appointed by the Governor as
11 follows:

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

16 2. Two members shall be commercial roofing contractors each
17 with a minimum of five (5) years' actual job experience in
18 commercial roofing in this state and who are registered pursuant to
19 the Roofing Contractor Registration Act;

20 3. One member shall be an employee of the Construction and
21 Property Division of the Oklahoma State Department of Central
22 Services with experience in developing roofing standards or
23 supervising roofing construction or repairs;

24

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

5 5. One member shall be a general contractor with a minimum of
6 five (5) years' experience in commercial construction. This member
7 shall be selected from a list of three qualified and eligible
8 general contractors submitted by a state organization representing
9 general contractors; and

10 6. One member shall be an attorney residing in this state who
11 has experience in the building and construction industry or with
12 public works projects, bids or contracts.

13 D. The Administrator of the Construction Industries Board shall
14 be a nonvoting, ex officio member of the Board.

15 E. The Board shall comply with the Oklahoma Open Meeting Act
16 and the Oklahoma Open Records Act. Four members shall constitute a
17 quorum for purposes of conducting official business and business may
18 be transacted by electronic means as deemed appropriate. Members
19 may receive travel reimbursements as allowed by the State Travel
20 Reimbursement Act; however, no member shall receive any other
21 compensation for performance of Board duties. Members may be
22 removed by the Governor for cause and any vacancy in membership may
23 be filled for the unexpired term as provided for the initial

1 appointment. Members shall not be limited in the number of their
2 reappointments.

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

19 SECTION 4. This act shall become effective November 1, 2013.
20

21 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL
22 SERVICES, dated 04/11/2013 - DO PASS, As Amended.
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