

1 **SENATE FLOOR VERSION**

2 April 3, 2014

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 3184

By: McBride of the House

and

Newberry of the Senate

6  
7  
8  
9 An Act relating to professions and occupations;  
10 amending 59 O.S. 2011, Sections 1151.2, 1151.3,  
11 1151.4, 1151.5, 1151.7, 1151.8, 1151.9, 1151.10,  
12 1151.12, 1151.14, 1151.15 and 1151.17, which relate  
13 to the Roofing Contractor Registration Act; defining  
14 terms; authorizing Construction Industries Board to  
15 enforce certain provisions; modifying registration  
16 requirements; requiring annual registration;  
17 construing prima facie evidence for purposes of  
18 enforcement; prohibiting certain actions; providing  
19 for penalties; providing for additional powers and  
20 duties of the Board; providing for reciprocity  
21 agreements; requiring written applications for  
22 registration; modifying information required for  
23 registration; modifying refusal of registration;  
24 modifying limitations of registration certificate;  
modifying expiration of certificate; requiring  
individual roofing contractor registration for  
certain entities; modifying exemptions; modifying  
issuance and denial of registration; providing for  
issuance of commercial roofer endorsement; modifying  
renewal of certificate; modifying filing of complaint  
with registrar; authorizing Board to investigate  
complaints; modifying notice procedures; modifying  
disclosure of certificate number; providing for  
examination procedures; creating Committee of Roofing  
Examiners; providing for membership of Committee;  
providing for powers and duties of Committee;  
providing for powers and duties of the Roofing  
Hearing Board; creating the Oklahoma State Roofing  
Installation Code Variance and Appeals Board;

1 providing for powers and duties of Board; providing  
2 for membership of Board; providing for codification;  
3 and providing an effective date.

4  
5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

8 Section 1151.2. As used in the Roofing Contractor Registration  
9 Act:

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

21 2. ~~"Nonresident contractor" means any contractor who has not~~  
22 ~~established and maintained a place of business as a roofing~~  
23 ~~contractor in this state within the preceding year, or who claims~~  
24

1 ~~residency in another state, or who has not submitted an income tax~~  
2 ~~return as a resident of this state within the preceding year;~~

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

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

15 ~~5. "Registrar" means the Construction Industries Board or any~~  
16 ~~person designated by the Board to administer the provisions of this~~  
17 ~~act.~~

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

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. "Committee" means the Committee of Roofing Examiners;

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

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

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

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

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

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

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

14       12. "Qualifying party" means a natural person who is an officer  
15 or owner of the corporation, a member of the limited liability  
16 company, or a general partner of the limited liability partnership,  
17 and who is actively engaged in the work undertaken by the registrant  
18 for which a registration is required pursuant to the Roofing  
19 Contractor Registration Act who meets the experience and ability  
20 requirements for registration on behalf of the registrant;

21       13. "Registrar" means the Construction Industries Board or any  
22 person designated by the Board to administer the provisions of the  
23 Roofing Contractor Registration Act;

24

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

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

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

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

17       18. "Roofing contractor" means any person, including a  
18 subcontractor and nonresident contractor, engaged in the business of  
19 commercial or residential roofing contractor work, or who  
20 themselves, or through another, attempts to or advertises, holds him  
21 or herself out as, or purports to have the capacity to undertake  
22 roofing contractor work or offers to engage in or solicits roofing  
23 installation-related services, including construction, installation,  
24 renovation, remodeling, reroofing, repair, maintenance, alteration,

1 and waterproofing, unless specifically exempted in the Roofing  
2 Contractor Registration Act. Roofing contractor shall not mean:

3 a. a person engaged in the demolition of a structure or  
4 the cleanup of construction waste and debris that  
5 contains roofing material,

6 b. a person working under the direct supervision of the  
7 roofing contractor who is hired either as an employee,  
8 day laborer, or contract laborer whose payment,  
9 received in any form, from the roofing contractor is  
10 subject to self-employment tax,

11 c. a person working on his or her own property or that of  
12 an immediate relative and such person is not receiving  
13 any compensation, or

14 d. a person acting as a handyman who is receiving  
15 compensation from the property owner and who is  
16 performing the roofing repair in conjunction with  
17 other repairs to the property and who does not perform  
18 more than two roofing jobs per year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 contractor without a valid registration and commercial roofer  
2 endorsement, when required, continuously while performing the work  
3 for which the claim, action, suit, or proceeding is sought, as  
4 provided in the Roofing Contractor Registration Act. No business  
5 entity shall advertise or act as a roofing contractor unless such  
6 business is a registered roofing contractor with a valid commercial  
7 roofer endorsement, when required, and is in good standing, and is  
8 associated with and responsible for all roofing contractor work of  
9 such entity. Any business entity violating the provisions of this  
10 subsection shall be subject to administrative penalty by the Board  
11 not to exceed Five Thousand Dollars (\$5,000.00).

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

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

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

1 Misdemeanor conviction, guilty plea, or nolo contendere plea due to  
2 alleged violations of the Roofing Contractor Registration Act shall  
3 be grounds for the revocation of the registration and shall cause  
4 the person to be ineligible for registration for a period not to  
5 exceed twelve (12) months after all requirements of the sentence, or  
6 deferment of sentence, and probation have been met, including the  
7 payment of any restitution or rehabilitative treatment.

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

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

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

1 engaged in, or is about to engage in, any of the prohibited acts or  
2 practices, an injunction, restraining order or other order as may be  
3 appropriate shall be granted by the court.

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

1 engage in roofing contractor work in another state that has entered  
2 into a written reciprocity agreement with the Board.

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

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

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

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

22 C. To obtain a roofing contractor registration under the  
23 Roofing Contractor Registration Act, an applicant a qualifying party  
24

1 who is eighteen (18) years of age or older shall submit, on forms  
2 the registrar prescribes, ~~an~~ :

3 1. An application under oath containing a statement:

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

7 b. that the qualifying party desires the issuance of a  
8 roofing contractor registration certificate,

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

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

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

21 f. that the nonresident qualifying party appoints the  
22 Secretary of State as legal service agent for all  
23 lawful process to be served upon the applicant for

1 work performed in this state or as otherwise provided  
2 in the Roofing Contractor Registration Act;

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

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

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

1 the Roofing Contractor Registration Act shall be suspended on the  
2 date of the policy cancellation. The registrar must receive proof  
3 of insurance prior to restoring the registration.

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

24

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

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

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

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

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

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

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

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

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

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

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

13 1. Maintain liability insurance coverage;

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

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

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

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

3 5. File or renew a trade name registration;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

24

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

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

6 f. establish and levy administrative fines against any  
7 person who violates any of the provisions of the  
8 commercial roofer endorsement standards of the Roofing  
9 Contractor Registration Act or any rule promulgated  
10 pursuant thereto, not to exceed five percent (5%) of  
11 the commercial job. For any residential job on a  
12 first violation the Board may issue a warning; on any  
13 second violation levy and administrative fine not to  
14 exceed Five Hundred Dollars (\$500.00); on a third  
15 violation, levy an administrative fine not to exceed  
16 Three Thousand Five Hundred Dollars (\$3,500.00); and  
17 for any subsequent violation, revoke the registration  
18 and commercial roofer endorsement,

19 g. initiate disciplinary proceedings and provide hearings  
20 on any person who violates any of the provisions of  
21 the commercial roofer endorsement standards of the  
22 Roofing Contractor Registration Act or any rule  
23 promulgated pursuant thereto,  
24

- 1           h.    request prosecution of and initiate injunctive  
2                   proceedings against any person who violates any of the  
3                   provisions of the commercial roofers endorsement in  
4                   the Roofing Contractor Registration Act or any rule  
5                   promulgated pursuant to the commercial roofer  
6                   endorsement of the Roofing Contractor Registration  
7                   Act, and
- 8           i.    exercise all incidental powers as necessary and proper  
9                   to implement and enforce the provisions of the  
10                  commercial roofer endorsement of the Roofing  
11                  Contractor Registration Act and the rules promulgated  
12                  pursuant thereto.

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

15           Section 1151.10. A. Within twenty-five (25) calendar days from  
16 the date of application, the registrar shall either issue or deny  
17 the roofing contractor registration. No registration shall be  
18 issued to ~~an applicant~~ a qualifying party until the registrar  
19 receives all documentation and fees necessary to obtain a  
20 registration certificate in good standing. The registration  
21 certificate issued on an original application entitles the person to  
22 act as a roofing contractor within this state, subject to the  
23 limitations of ~~this act, until the expiration of the then current~~  
24 ~~fiscal year ending June 30, except that an initial registration~~

1 ~~issued in May or June is valid until June 30 of the subsequent year.~~  
2 ~~On the effective date of this act, a prorated registration~~  
3 ~~certificate issued between January 1, 2011, and April 30, 2011,~~  
4 ~~shall be valid until June 30, 2011~~ the Roofing Contractor  
5 Registration Act. Until January 1, 2015, all registrations shall  
6 expire on June 30 of each year and may be renewed from year to year.  
7 Beginning no later than January 1, 2015, all registrations issued  
8 shall be renewed based on staggered expiration dates of the last day  
9 of the birth month of the qualifying party so that all registrations  
10 and endorsements shall expire on the last day in the birth month of  
11 the qualifying party. The Construction Industries Board is  
12 authorized to prorate registration and renewal fees, as described by  
13 rule, so that beginning January 1, 2015, or thirty (30) days after  
14 rules have been approved, fees for renewals previously due by June  
15 30, 2015, are prorated and converted to be due the last day of the  
16 birth month of the qualifying party by shortening or lengthening the  
17 next renewal date by up to six (6) months. Beginning the effective  
18 date of this act, new initial registrations and endorsements will be  
19 issued for up to eighteen (18) months and due for renewal the last  
20 day of the birth month of the qualifying party. After initial  
21 proration or conversion to birth month, no subsequent registration  
22 or endorsement shall be issued for longer than one (1) year and all  
23 endorsements shall expire on the last day in the birth month of the  
24 qualifying party. The Construction Industries Board shall implement

1 rules for the scheduling of expiration and renewal of registrations  
2 and endorsements, including the prorating of fees and the  
3 identification and information of the qualifying party. The  
4 commercial roofer endorsement shall expire on the expiration date of  
5 the supporting registration.

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

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

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

22 2. Has paid the application and endorsement fee and has  
23 otherwise complied with all of the provisions of the commercial  
24 roofer endorsement of the Roofing Contractor Registration Act. The

1 endorsement fee is hereby established as up to Two Hundred Dollars  
2 (\$200.00). Renewal of a commercial roofer endorsement shall be One  
3 Hundred Dollars (\$100.00).

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

8 No endorsement shall be renewed unless the licensee has  
9 completed the required hours of continuing education recommended by  
10 the Committee and set forth by rule.

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

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

17 Section 1151.12. A. Any roofing contractor registration  
18 certificate issued under ~~this act~~ the Roofing Contractor  
19 Registration Act may be renewed for each successive ~~fiscal~~ year by  
20 obtaining from the registrar a certificate of renewal. To obtain a  
21 certificate of renewal, the ~~person~~ qualifying party shall file with  
22 the registrar a renewal application by ~~June 30~~ the last day of the  
23 birth month of the qualifying party each successive year, provide  
24 any qualifying party information required under the Roofing

1 Contractor Registration Act, Section 1151.5, not previously provided  
2 by the applicant, if any, and pay the renewal fee. The application  
3 for renewal shall require statements under oath that the ~~applicant~~  
4 ~~has~~ qualifying party and legal entity have properly submitted income  
5 and employment taxes due in this state; ~~whether or not the applicant~~  
6 ~~has been convicted of any felony offense, and the nature of such~~  
7 ~~offense, since issuance of the prior registration; and whether or~~  
8 not the ~~applicant~~ qualifying party has been adjudicated by a court  
9 of competent jurisdiction for any violation of ~~this act~~ the Roofing  
10 Contractor Registration Act or any act or omission specified in  
11 subsection A of Section ~~14~~ 1151.14 of this ~~act~~ title. The registrar  
12 may forward a copy of any information in an application for renewal  
13 to the Oklahoma Tax Commission and any other state agency.

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

22 ~~B.~~ C. The registrar shall refuse to renew a roofing  
23 contractor's registration certificate for any reason stated in  
24 subsection B of Section ~~5~~ 1151.5 of this ~~act~~ title or for failing to

1 provide any qualifying party information required under the Roofing  
2 Contractor Registration Act not previously provided by the  
3 applicant. The registrar shall notify the applicant in writing if  
4 the registrar denies the renewal as provided in subsection C of  
5 Section ~~5~~ 1151.5 of this ~~act~~ title.

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

20 ~~D.~~ E. 1. A roofing contractor desiring to renew a registration  
21 certificate that has been suspended for any cause provided in this  
22 act shall be assessed a fee equal to twice the amount of the fee  
23 established by subsection D of Section ~~8~~ 1151.8 of this ~~act~~ title.

24

1           2. The registrar shall assess a reinstatement fee not exceeding  
2 Three Hundred Dollars (\$300.00) to be set by the registrar plus the  
3 fee established by Section ~~8~~ 1151.8 of this ~~act~~ title for any  
4 registration that has been revoked for any cause provided in ~~this~~  
5 ~~act~~ the Roofing Contractor Registration Act.

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

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

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

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

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

21           2. Diversion of funds or property entrusted to a roofing  
22 contractor;

23

24

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

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

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

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

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

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

24

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

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

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

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

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

22 14. Soliciting roofing contractor work through contracts  
23 obtained by salespersons not under the direct supervision and  
24 employment of a registered roofing contractor when such contract is

1 then sold for remuneration or something of value and consists of a  
2 pattern of conduct that can be shown to be a business practice in a  
3 secondary market of sales of contracts for profit;

4 15. Gross defects in workmanship in a roofing contractor  
5 project that risks serious harm or injury to a person, or unjustly  
6 causes monetary damages in excess of Five Thousand Dollars  
7 (\$5,000.00); or

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

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

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

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

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

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

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

23 D. The registrar shall read each complaint received and shall  
24 enter a notation in the individual roofing contractor's record

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

21 ~~B.~~ E. Following referral of a complaint to the district  
22 attorney, if the roofing contractor is adjudicated by the court for  
23 an act or omission specified in subsection A of Section ~~14~~ 1151.14  
24 of this ~~act~~ title, or upon a conviction for any violation of the

1 provisions of ~~this act~~ the Roofing Contractor Registration Act, the  
2 registrar, when ordered by the court, shall suspend, revoke or deny  
3 the roofing contractor's registration for the period of time  
4 specified by the court, and if the court orders the registration  
5 suspended, revoked or denied, and yet fails to set the term of such  
6 suspension, revocation or denial, the period shall be six (6)  
7 months.

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

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

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

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

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

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

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

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

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

21 A. Except as otherwise provided in the Roofing Contractor  
22 Registration Act, on and after July 1, 2015, every roofing  
23 contractor offering to engage in or engaging in performing  
24 commercial roofing contractor work in this state shall be required

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

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

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

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

23  
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 who work primarily in commercial roofing

1 contractor work with a minimum of five (5) years' actual job  
2 experience in commercial roofing contractor work in this state and  
3 who are registered pursuant to the Roofing Contractor Registration  
4 Act, and otherwise meet all requirements for endorsement in this  
5 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 who work primarily in residential roofing contractor work with a  
9 minimum of five (5) years' actual job experience in residential  
10 roofing contractor work in this state and who are registered  
11 pursuant to the Roofing Contractor Registration Act, and otherwise  
12 meet 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, and relating to the roofing trade in which  
18 the 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 E. The Construction Industries Board shall suspend or revoke or  
9 may refuse to issue or renew any license or registration under the  
10 commercial roofer endorsement provisions of the Roofing Contractor  
11 Registration Act for any of the following standards of the Roofing  
12 Contractor Registration Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE  
18 April 3, 2014 - DO PASS AS AMENDED  
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23  
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