STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 3184 By: McBride

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 1151.2, 1151.3, 1151.4, 1151.5, 1151.7, 1151.8, 1151.9, 1151.10, 1151.12, 1151.14, 1151.15 and 1151.17, which relate to the Roofing Contractor Registration Act; defining terms; authorizing Construction Industries Board to enforce certain provisions; modifying registration requirements; requiring annual registration; prohibiting certain actions; providing for penalties; providing for additional powers and duties of the Board; providing for reciprocity agreements; requiring written applications for registration; modifying information required for registration; modifying refusal of registration; 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; providing for powers and duties of Board; providing for membership of Board; providing for codification; and providing an effective date.

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

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

Section 1151.2 As used in the Roofing Contractor Registration Act:

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

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

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

3. "Board" means the Construction Industries Board;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. In lieu of referring complaints of violations of the Roofing Contractor Registration Act to the district attorney for criminal misdemeanor prosecution, the Board in its discretion may issue administrative fines to any person up to Five Hundred Dollars ($500.00) for violations of any provision of the Roofing Contractor Registration Act or its rules or regulations. A person who fails to obtain a valid registration prior to acting as a roofing contractor as defined in the Roofing Contractor Registration Act, or a person who acts as a roofing contractor while his or her registration or commercial roofer endorsement is not in good standing or suspended or revoked without complying with the required disclosure and option for homeowner to cancel the contract provisions of subsection J of Section 1151.5 of this title, on first offense may be administratively penalized and disciplined after notice and opportunity for hearing before the Roofing Hearing Board. A person who violates any other provision of the Roofing Contractor Registration Act, on first offense within a two-year (2) period, may be administratively penalized and disciplined by the Roofing Hearing Board in its discretion in lieu of referral to the district attorney

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. An application under oath containing a statement:

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

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

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

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

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

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

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

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

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

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

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

D. In addition, the roofing contractor shall submit proof that the contractor has secured workers' compensation coverage satisfactory under the Workers' Compensation Act, or an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act. If the registrar deems it appropriate or necessary, the registrar may also require other information to be included on the application form to assist the registrar in registering the person as a contractor. ~~The application shall contain statements that the applicant desires the issuance of a roofing contractor registration certificate; that the applicant will comply with the provisions of the Roofing Contractor Registration Act; that the applicant will comply with state laws and local ordinances relating to standards and permits; that the applicant has or has not been registered or licensed as a roofing contractor in another state and whether any disciplinary action was taken against such registration or license or whether it is still in good~~

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

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

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

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

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

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

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

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

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

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

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

1. Maintain liability insurance coverage;

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

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

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

5. File or renew a trade name registration;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Adjudication against the roofing contractor by a court of competent jurisdiction for a violation of the provisions of this act, or a license or registration suspended, revoked or other discipline imposed by any other professional regulatory board in this or any other jurisdiction;

6. Engaging in or offering to engage in work without a valid registration and commercial roofer endorsement as required for roofing contractors pursuant to this act or performing roofing services during any period when the roofing contractor's registration is denied, suspended or revoked;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Committee of Roofing Examiners shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Obtaining any endorsement by false or fraudulent representation;

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

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

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

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

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

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

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

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

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

a. the true intent of the installation code has been incorrectly interpreted,

b. the provisions of the code do not fully apply, or

c. an equal or better form of installation is proposed.

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

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

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

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

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

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

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

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

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

C. Members, except the designee of the Construction Industries Board and the State Fire Marshal, or the designated representative of the State Fire Marshal, and employees of the Construction Industries Board, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act from the Oklahoma Mechanical Licensing Revolving Fund created pursuant to Section 1850.13 of Title 59 of the Oklahoma Statutes.

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

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

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

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