

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1939 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Ryan Martinez

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1939

By: Martinez

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to professions and occupations;
amending 59 O.S. 2011, Sections 1151.2, as last
amended by Section 1, Chapter 178, O.S.L. 2018, 8,
Chapter 270, O.S.L. 2014, 1151.3, as last amended by
Section 2, Chapter 270, O.S.L. 2014, 1151.5, as last
amended by Section 1, Chapter 265, O.S.L. 2015,
1151.7, as last amended by Section 5, Chapter 270,
O.S.L. 2014, 1151.9, as last amended by Section 2,
Chapter 178, O.S.L. 2018, 1151.10, as amended by
Section 9, Chapter 270, O.S.L. 2014, 1151.14, as
amended by Section 11, Chapter 270, O.S.L. 2014,
1151.17, as last amended by Section 13, Chapter 270,
O.S.L. 2014, 16, Chapter 270, O.S.L. 2014 and 17,
Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2020,
Sections 1151.2, 1151.2a, 1151.3, 1151.5, 1151.7,
1151.9, 1151.10, 1151.14, 1151.17, 1151.27 and
1151.28), which relate to the Roofing Contractor
Registration Act; adding definition; providing for
commercial labor endorsement; requiring registration
of commercial labor-only subcontractors; providing
for issuance of commercial labor-only endorsement;
providing for renewal of endorsement; and providing
an effective date.

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.2, as
last amended by Section 1, Chapter 178, O.S.L. 2018 (59 O.S. Supp.
2020, Section 1151.2), is amended to read as follows:

1 Section 1151.2 As used in the Roofing Contractor Registration

2 Act:

3 1. "Advertise" means any written publication, dissemination,
4 solicitation, contract, bid, promotional item, or circulation which
5 is intended to directly or indirectly induce any person to contract
6 for roofing construction services with the advertiser, including,
7 but not limited to, business cards, telephone directory display
8 advertisements, vehicle signage, radio, television and electronic
9 solicitations;

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

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

15 4. "Committee" means the Committee of Roofing Examiners;

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

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

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

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

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

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

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

22 12. "Qualifying party" means a natural person who is an officer
23 or owner of the corporation, a member of the limited liability
24 company, or a general partner of the limited liability partnership,

1 and who is actively engaged in the work undertaken by the registrant
2 for which a registration is required pursuant to the Roofing
3 Contractor Registration Act who meets the experience and ability
4 requirements for registration on behalf of the registrant;

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

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

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

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

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

1 18. "Roofing contractor" means any person, including a
2 subcontractor and nonresident contractor, engaged in the business of
3 commercial or residential roofing contractor work, or who himself or
4 herself, or through another, attempts to or advertises, holds
5 himself or herself out as having, or purports to have, the capacity
6 to undertake roofing contractor work, or offers to engage in or
7 solicits roofing installation-related services, including
8 construction, installation, renovation, remodeling, reroofing,
9 repair, maintenance, alteration, and waterproofing, unless
10 specifically exempted in the Roofing Contractor Registration Act.

11 Roofing contractor shall not mean:

- 12 a. a person engaged in the demolition of a structure or
13 the cleanup of construction waste and debris that
14 contains roofing material,
- 15 b. a person working under the direct supervision of the
16 roofing contractor who is hired either as an employee,
17 day laborer, or contract laborer whose payment,
18 received in any form, from the roofing contractor is
19 subject to self-employment tax,
- 20 c. a person working on his or her own property or that of
21 an immediate relative and such person is not receiving
22 any compensation, or
- 23 d. a person acting as a handyman who is receiving
24 compensation from the property owner and who is

1 performing the roofing repair in conjunction with
2 other repairs to the property and who does not perform
3 more than two roofing jobs per year;

4 19. "Roofing contractor work" means the installation,
5 fabrication or assembly of equipment or systems included in roofing
6 systems as defined in the International Building Code and the
7 International Residential Code, as adopted by the Oklahoma Uniform
8 Building Code Commission, and which codes are hereby adopted and
9 incorporated by reference. Roofing construction work includes, but
10 is not limited to, installation, renovation, remodeling, reroofing,
11 reconstructing, repair, maintenance, improvement, alteration, and
12 waterproofing, unless specifically exempted in the Roofing
13 Contractor Registration Act.

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

1 b. "Residential roofing contractor work" means work done
2 on roofing systems as defined in the International
3 Residential Code, as adopted by the Oklahoma Uniform
4 Building Code Commission, or as defined as a
5 "residence" herein; including buildings used for
6 commercial purposes having asphalt shingles, tile
7 shingles, synthetic shakes, wood shakes or other
8 comparable materials applied to a sloped roof equal to
9 the same roofing requirements as a "residence" defined
10 herein, including but not limited to business offices
11 converted from a structure that formerly was a
12 residence;

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

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

21 22. "Variance" means the use of an alternative material or
22 method of construction from that prescribed in the International
23 Building Code or the International Residential Code or other
24 approved documents by the Oklahoma Uniform Building Code Commission

1 for use at a particular location or project specified in the
2 variance application;

3 23. "Variance and Appeals Board" means the Oklahoma State
4 Roofing Installation Code Variance and Appeals Board;

5 24. "Labor-only crews" means a crew that is to perform the
6 installation of asphalt shingles, tile shingles, synthetic shakes,
7 wood shakes or other comparable materials to a sloped roof and to
8 complete roofing work; ~~and~~

9 25. "Prefabricated- or pre-engineered-metal-building erector"
10 means the labor necessary to construct the components of a
11 prefabricated- or pre-engineered-metal-building package, known as
12 PEMB, as defined by the Construction Science Institute and
13 Construction Specifications Institute in Division 13, Special
14 Construction: Metal Building Systems; and

15 26. "Commercial labor-only subcontractor" means a registered
16 roofing subcontractor that has a commercial labor-only endorsement
17 that is hired and working under the direct supervision of a
18 commercial roofing contractor that has commercial endorsement to
19 perform the labor for installation of roofing work and does not
20 provide any roofing materials for the work, and is prohibited from
21 bidding or contracting commercial roofing work directly with a
22 building owner or other building management entity.

1 SECTION 2. AMENDATORY Section 8, Chapter 270, O.S.L.
2 2014 (59 O.S. Supp. 2020, Section 1151.2a), is amended to read as
3 follows:

4 Section 1151.2a A. The Construction Industries Board is
5 authorized to administer and enforce the Roofing Contractor
6 Registration Act.

7 B. 1. The Construction Industries Board is authorized to
8 administer and enforce the commercial roofer endorsement or
9 commercial labor only endorsement provisions of the Roofing
10 Contractor Registration Act.

11 2. The Construction Industries Board shall have the authority
12 to administer and enforce the provisions of the commercial roofer
13 endorsement or commercial labor-only endorsement provisions of the
14 Roofing Contractor Registration Act, including the authority to:

- 15 a. establish the examination and continuing education
16 requirements and procedures for endorsements of
17 persons desiring or intending to engage in the
18 business or trade of a commercial roofing contractor
19 with the advice and input from the Committee of
20 Roofing Examiners using assistance from a third-party
21 vendor as necessary and appropriate,
22 b. establish and enforce the minimum standards of
23 commercial roofer endorsements or commercial labor-
24 only endorsements in this state and rules promulgated

- 1 pursuant to the commercial roofer endorsement or
2 commercial labor-only endorsement provisions of the
3 Roofing Contractor Registration Act with the advice
4 and input from the Committee of Roofing Examiners,
- 5 c. promulgate, prescribe, amend, and repeal rules
6 necessary to implement the provisions of the
7 commercial roofer endorsement or commercial labor-only
8 endorsement of the Roofing Contractor Registration Act
9 with the advice and input from the Committee of
10 Roofing Examiners,
- 11 d. issue, renew, suspend, revoke, modify or deny
12 endorsements to engage in commercial roofing
13 contractor work pursuant to the Roofing Contractor
14 Registration Act,
- 15 e. conduct investigations for the purpose of inspecting
16 commercial roofer endorsements or commercial labor-
17 only endorsements for compliance with the commercial
18 roofer endorsement or commercial labor-only
19 endorsement provisions of the Roofing Contractor
20 Registration Act, and of the rules of the Board
21 promulgated pursuant thereto, into the qualifications
22 of applicants and allegations of violations,
- 23 f. establish and levy administrative fines against any
24 person who violates any of the provisions of the

1 commercial roofer endorsement or commercial labor-only
2 endorsement standards of the Roofing Contractor
3 Registration Act or any rule promulgated pursuant
4 thereto, not to exceed five percent (5%) of the
5 commercial job. For any residential job on a first
6 violation the Board may issue a warning; on any second
7 violation levy and administrative fine not to exceed
8 Five Hundred Dollars (\$500.00); on a third violation,
9 levy an administrative fine not to exceed Three
10 Thousand Five Hundred Dollars (\$3,500.00); and for any
11 subsequent violation, revoke the registration and
12 commercial roofer endorsement or commercial labor-only
13 endorsement,

14 g. initiate disciplinary proceedings and provide hearings
15 on any person who violates any of the provisions of
16 the commercial roofer endorsement or commercial labor-
17 only endorsement standards of the Roofing Contractor
18 Registration Act or any rule promulgated pursuant
19 thereto,

20 h. request prosecution of and initiate injunctive
21 proceedings against any person who violates any of the
22 provisions of the commercial roofers endorsement or
23 commercial labor-only endorsement in the Roofing
24 Contractor Registration Act or any rule promulgated

1 pursuant to the commercial roofer endorsement or
2 commercial labor-only endorsement of the Roofing
3 Contractor Registration Act, and

- 4 i. exercise all incidental powers as necessary and proper
5 to implement and enforce the provisions of the
6 commercial roofer endorsement or commercial labor-only
7 endorsement of the Roofing Contractor Registration Act
8 and the rules promulgated pursuant thereto.

9 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1151.3, as
10 last amended by Section 2, Chapter 270, O.S.L. 2014 (59 O.S. Supp.
11 2020, Section 1151.3), is amended to read as follows:

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

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

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

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

1 labor-only endorsement, when required, and is in good standing, and
2 is associated with and responsible for all roofing contractor work
3 of such entity. Any business entity violating the provisions of
4 this subsection shall be subject to administrative penalty by the
5 Board not to exceed Five Thousand Dollars (\$5,000.00).

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

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

1 twelve (12) months after all requirements of the sentence, or
2 deferment of sentence, and probation have been met, including the
3 payment of any restitution or rehabilitative treatment.

4 E. Administrative fines collected pursuant to the Roofing
5 Contractor Registration Act shall be placed in the Roofing
6 Contractor Registration Revolving Fund pursuant to Section 1151.20
7 of this title.

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

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

1 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1151.5, as
2 last amended by Section 1, Chapter 265, O.S.L. 2015 (59 O.S. Supp.
3 2020, Section 1151.5), is amended to read as follows:

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

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

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

21 1. An application under oath containing a statement:

22 a. of the qualifying party's experience and
23 qualifications as a roofing contractor, if any,
24

- 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, 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;

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

8 4. A copy of the roofing contractor's certificate of liability
9 insurance shall be filed with the application and shall be not less
10 than Five Hundred Thousand Dollars (\$500,000.00) for residential
11 roofing contractor work and shall not be less than One Million
12 Dollars (\$1,000,000.00) for commercial roofing contractor work or
13 commercial labor-only subcontractor work. Any insurance company
14 issuing a liability policy to a roofing contractor pursuant to the
15 provisions of the Roofing Contractor Registration Act shall be
16 required to notify the Construction Industries Board in the event
17 such liability policy is cancelled for any reason or lapses for
18 nonpayment of premiums. All registrations granted under the Roofing
19 Contractor Registration Act shall be suspended on the date of the
20 policy cancellation. The registrar must receive proof of insurance
21 prior to restoring the registration.

22 In addition, the roofing contractor shall submit proof that the
23 contractor has secured workers' compensation coverage satisfactory
24 under the Workers' Compensation Act, or an affidavit of exemption or

1 self-insurance as authorized pursuant to the Workers' Compensation
2 Act. If the registrar deems it appropriate or necessary, the
3 registrar may also require other information to be included on the
4 application form to assist the registrar in registering the person
5 as a contractor.

6 D. The qualifying party applying for a commercial roofer
7 endorsement or commercial labor-only endorsement must provide
8 information on the legal entity, including but not limited to the
9 articles, organizational agreements or documents establishing the
10 legal entity, including a list of the officers, members, managers,
11 partners, or other managing agents of the legal entity. The
12 qualifying party shall also provide a certificate of good standing
13 or a trade name report from the Office of the Secretary of State.

14 E. The registrar shall refuse to register any person if the
15 registrar determines:

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

18 2. The applicant fails to provide a certificate of good
19 standing or a trade name report from the Office of the Secretary of
20 State;

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

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

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

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

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

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

21 G. The registrar shall classify as not in good standing the
22 registration of any roofing contractor who fails to:

23 1. Maintain liability insurance coverage;
24

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

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

7 4. Maintain an active status of a corporation or registration
8 as a foreign corporation, a limited liability company or
9 registration as a foreign limited liability company, a limited
10 liability partnership registration or foreign limited liability
11 partnership registration, or a limited partnership certificate or
12 limited partnership or foreign limited partnership certificate of
13 authority, with the Office of the Secretary of State;

14 5. File or renew a trade name registration;

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

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

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

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

3 H. The registrar shall send a written notice to the qualifying
4 party when his or her registration is not in good standing.

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

1 roofing contractor's registration is not in good standing, or while
2 such registration is suspended or revoked, the roofing contractor
3 shall be in violation of the provisions of the Roofing Contractor
4 Registration Act.

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

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

SECTION 5. AMENDATORY 59 O.S. 2011, Section 1151.7, as last amended by Section 5, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2020, 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 or commercial labor-only endorsement shall display the roofing firm name and the information that the roofing contractor has a commercial roofer endorsement or commercial labor-only endorsement issued by the registrar on all vehicles used to

1 transport materials and tools in the operation of the business.

2 Such endorsement information shall be in print size that is at least
3 two (2) inches in height in a conspicuous location on both sides of
4 each vehicle in contrasting color to the background color;

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

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

19 6. A roofing contractor's registration certificate cannot be
20 shared or used by any other individual or business entity; provided,
21 however, a business firm, partnership, association, corporation,
22 limited liability company, or other group or combination thereof
23 acting as a unit may be granted a single roofing registration
24 certificate number for use by designated roofing contractors acting

1 as agents for the business entity when the application for
2 registration contained sufficient information on each member,
3 partner, officer and agent and the registrar issued a single
4 certificate number to such persons as a business unit;

5 7. Upon any change to the name, address, business entity,
6 qualifying party, change in firm ownership of fifty percent (50%) or
7 more of the stock or beneficial interest in the company, or legal
8 service agent of a roofing contractor or upon adjudication by a
9 court of competent jurisdiction for a violation of the Roofing
10 Contractor Registration Act or an act or omission specified in
11 subsection A of Section 1151.14 of this title, the registrar shall
12 be notified in writing within ten (10) days. Any proposed or final
13 order or notice of hearing to the last-known address of record shall
14 be considered delivered when deposited in the United States mail
15 and/or sent registered or certified or post office receipt secured.
16 Any other communication to the last-known address of record of a
17 registrant shall be considered delivered when deposited in the
18 United States mail, regular mail;

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

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

23 10. Each registrant shall notify the registrar within ten (10)
24 days after he or she receives notice that any felony conviction has

1 been rendered against him or her or the registrant or qualifying
2 party has pled guilty or nolo contendere to a felony. The
3 notification shall be in writing, by certified mail, and shall
4 include a copy of the conviction, plea, or judgment and sentence;

5 11. Each registrant shall notify the registrar immediately upon
6 receipt of an order imposing disciplinary action upon its
7 registration issued by any other professional regulatory board, in
8 this or any other jurisdiction. Disciplinary action taken against
9 any other professional registration or license held by the
10 registrant in this jurisdiction or any other jurisdiction is grounds
11 for disciplinary action against the registration issued pursuant to
12 the Roofing Contractor Registration Act; and

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

20 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1151.9, as
21 last amended by Section 2, Chapter 178, O.S.L. 2018 (59 O.S. Supp.
22 2020, Section 1151.9), is amended to read as follows:

23 Section 1151.9 A. Any administrative or governing body with
24 authority to enter into public contracts shall require individual

1 roofing contractor registration for purposes of such persons
2 submitting or entering into any bid or contract involving roofing
3 contractor work.

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

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

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

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

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

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

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

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

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

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

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

16 11. Metal building erectors who install prefabricated- or pre-
17 engineered-metal-building packages, known as PEMBs, as defined by
18 the Construction Science Institute and Construction Specifications
19 Institute in Division 13, Special Construction: Metal Building
20 Systems.

21 C. 1. Labor-only crews performing the installation of asphalt
22 shingles, tile shingles, synthetic shakes or wood shakes to a sloped
23 roof must be registered but are not required to have a commercial
24 endorsement.

1 2. Commercial labor-only subcontractors performing the labor
2 for installation of commercial roofing work must be registered and
3 have commercial labor-only endorsement, but shall not be required to
4 have commercial endorsement and must be working under the direct
5 supervision of a commercial roofing contractor with a commercial
6 endorsement that has full responsibility over the actions and
7 performance of the commercial labor-only subcontractor.

8 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1151.10, as
9 amended by Section 9, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2020,
10 Section 1151.10), is amended to read as follows:

11 Section 1151.10 A. Within twenty-five (25) calendar days from
12 the date of application, the registrar shall either issue or deny
13 the roofing contractor registration. No registration shall be
14 issued to a qualifying party until the registrar receives all
15 documentation and fees necessary to obtain a registration
16 certificate in good standing. The registration certificate issued
17 on an original application entitles the person to act as a roofing
18 contractor within this state, subject to the limitations of the
19 Roofing Contractor Registration Act. Until January 1, 2015, all
20 registrations shall expire on June 30 of each year and may be
21 renewed from year to year. Beginning no later than January 1, 2015,
22 all registrations issued shall be renewed based on staggered
23 expiration dates of the last day of the birth month of the
24 qualifying party so that all registrations and endorsements shall

1 expire on the last day in the birth month of the qualifying party.
2 The Construction Industries Board is authorized to prorate
3 registration and renewal fees, as described by rule, so that
4 beginning January 1, 2015, or thirty (30) days after rules have been
5 approved, fees for renewals previously due by June 30, 2015, are
6 prorated and converted to be due the last day of the birth month of
7 the qualifying party by shortening or lengthening the next renewal
8 date by up to six (6) months. Beginning the effective date of this
9 act, new initial registrations and endorsements will be issued for
10 up to eighteen (18) months and due for renewal the last day of the
11 birth month of the qualifying party. After initial proration or
12 conversion to birth month, no subsequent registration or endorsement
13 shall be issued for longer than one (1) year and all endorsements
14 shall expire on the last day in the birth month of the qualifying
15 party. The Construction Industries Board shall implement rules for
16 the scheduling of expiration and renewal of registrations and
17 endorsements, including the prorating of fees and the identification
18 and information of the qualifying party. The commercial roofer
19 endorsement or commercial labor-only endorsement shall expire on the
20 expiration date of the supporting registration.

21 B. An applicant or qualifying party whose registration or
22 endorsement is refused or denied by the registrar may obtain a
23 hearing before the Committee of Roofing Examiners with written
24 notice to the registrar of the grounds for appeal and identification

1 of evidence to be presented in support of the application
2 requirements and any other information showing the applicant's
3 ability and willingness to comply with the requirements of the act,
4 and to protect the public health, safety and welfare. Such appeals
5 to the Committee of Roofing Examiners shall be made by the
6 qualifying party in writing to the registrar within fourteen (14)
7 days from the date of the written notification of denial or refusal
8 to register or endorse.

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

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

13 2. Has paid the application and endorsement fee and has
14 otherwise complied with all of the provisions of the commercial
15 roofer endorsement of the Roofing Contractor Registration Act. The
16 endorsement fee is hereby established as up to Two Hundred Dollars
17 (\$200.00). Renewal of a commercial roofer endorsement shall be One
18 Hundred Dollars (\$100.00).

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

23

24

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

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

8 D. The Construction Industries Board shall issue a commercial
9 labor-only endorsement to any person who:

10 1. Has submitted a surety bond in the amount of Five Thousand
11 Dollars (\$5,000.00) to ensure the subcontractor will fully and
12 faithfully comply with provisions of the law, rules and regulations
13 governing the authority to perform the work authorized by the
14 endorsement of the Construction Industries Board. This bond is to
15 be a continuous bond with a thirty-day cancellation notice. Such
16 bond shall be conditioned upon faithful and lawful performance of
17 all work entered upon by the contractor within the State of Oklahoma
18 and shall be for the benefit of persons injured or suffering
19 financial loss by reason of failure of such performance. The bond
20 will be filed with the Bonds and Insurance Unit of the Construction
21 Industries Board;

22 2. Has submitted two notarized verification-of-experience
23 letters signed and notarized by two commercial endorsed roofing
24 contractors attesting to personal knowledge that the applicant has a

1 minimum of two (2) years of commercial roofing installation
2 experience;

3 3. Has paid the application and endorsement fee and has
4 otherwise complied with all of the provisions of the commercial
5 labor-only endorsement of the Roofing Contractor Registration Act.
6 The endorsement fee is hereby established as up to Two Hundred
7 Dollars (\$200.00). Renewal of a commercial labor-only subcontractor
8 endorsement shall be One Hundred Dollars (\$100.00);

9 4. Has submitted a copy of the commercial labor-only
10 subcontractor's certificate of liability insurance to be filed with
11 the application and shall be not less than One Million Dollars
12 (\$1,000,000.00) for commercial roofing labor-only work.

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

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

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

SECTION 8. AMENDATORY 59 O.S. 2011, Section 1151.14, as amended by Section 11, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2020, 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 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 the Roofing Contractor Registration 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 or commercial labor-only endorsement as required for roofing contractors pursuant to the

1 Roofing Contractor Registration Act or performing roofing services
2 during any period when the roofing contractor's registration is
3 denied, suspended or revoked;

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

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

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

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

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

24

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

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

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

14 15. Gross defects in workmanship in a roofing contractor
15 project that risks serious harm or injury to a person, or unjustly
16 causes monetary damages in excess of Five Thousand Dollars
17 (\$5,000.00); or

18 16. Failure to comply with a specified provision of the Roofing
19 Contractor Registration Act.

20 B. The complaint shall be on a form approved by the registrar
21 and shall set forth the alleged act or omission stated in subsection
22 A of this section, and a statement of sufficient facts upon which a
23 reasonable person could conclude that the act or omission specified
24 in subsection A of this section has been committed. All complaints

1 filed with the registrar shall be open to public inspection.

2 Nothing in this section shall be construed to require the
3 complainant to first file a complaint with the registrar before
4 seeking relief or remedies allowed by law.

5 C. A complaint received by the registrar as provided in this
6 section may be retained by the Board of Construction Industries for
7 investigation, citation, and hearing before the Roofing Hearing
8 Board or, in the Board's discretion, the complaint may be referred
9 to the district attorney for appropriate disposition as determined
10 by the district attorney, in his or her discretion.

11 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1151.17, as
12 amended by Section 13, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2020,
13 Section 1151.17), is amended to read as follows:

14 Section 1151.17 A. When applying for any permit required by
15 the state or any of its political subdivisions for roofing services
16 or jobs, a roofing contractor shall supply the permit-issuing
17 official that roofing contractor's registration certificate number
18 issued pursuant to the Roofing Contractor Registration Act. That
19 official shall enter a roofing contractor's registration number on
20 the permit. The registrar may investigate any roofing project for
21 purposes of verifying roofing contractor registration or permit
22 verification.

23 B. A person performing as a roofing contractor on his or her
24 own property, although exempt from the registration requirements of

1 the Roofing Contractor Registration Act, shall, when applying for a
2 permit required for the project, supply the permit-issuing official
3 any roofing contractor registration number, as soon as available, of
4 each roofing subcontractor engaged in roofing services and doing
5 work covered by the permit, if any. That official shall enter each
6 roofing contractor registration number so supplied before inspection
7 of the job.

8 C. A roofing contractor shall display his or her roofing
9 contractor registration number issued pursuant to the Roofing
10 Contractor Registration Act on every business sign, card,
11 correspondence, and contract used to solicit and conduct roofing
12 services in this state and shall display the roofing firm name,
13 existence of any commercial roofer endorsement or commercial labor-
14 only endorsement, and the roofing contractor registration number
15 bearing the initials "OK" preceding that registration number issued
16 by the registrar on all vehicles used to transport materials in the
17 operation of the business. Such names, endorsements, and numbers
18 shall be printed in letters and numerals at least two (2) inches in
19 height in a conspicuous location on both sides of each vehicle in
20 contrasting color to the background color.

21 D. Each registrant shall post in a conspicuous place on each
22 job site the name, existence of any commercial roofer endorsement or
23 commercial labor-only endorsement, registration number, and
24 telephone number for the registration under which any work is being

1 performed, and on all media containing the registrant's name,
2 including but not limited to magnetic signs on vehicles, business
3 cards, contracts, bids, letterhead, signs, and advertisements.

4 SECTION 10. AMENDATORY Section 16, Chapter 270, O.S.L.
5 2014 (59 O.S. Supp. 2020, Section 1151.27), is amended to read as
6 follows:

7 Section 1151.27 The Committee of Roofing Examiners shall:

8 1. Assist and advise the Construction Industries Board on all
9 matters relating to the formation of rules and standards in
10 accordance with the provisions of the Roofing Contractor
11 Registration Act and the provisions of the commercial roofer
12 endorsement or commercial labor-only endorsement of the Roofing
13 Contractor Registration Act;

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

16 3. Assist and advise the Board on the examinations for
17 applicants for a commercial roofer endorsement of the Roofing
18 Contractor Registration Act and rules thereof, and on all matters
19 relating to the commercial roofer endorsement of the Roofing
20 Contractor Registration Act;

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

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

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

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

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

17 9. Develop the requirements for issuance of a registration and
18 endorsement by reciprocity to an applicant who is currently licensed
19 or registered to engage in roofing contractor work in another state
20 for recommendation to the Board for its rulemaking process;

21 10. Recommend to the Board that the Board enter into a written
22 reciprocity agreement with another state if the requirements for
23 registration in the other state are deemed by the Committee to be
24 substantially the same or equivalent to the requirements for

1 obtaining an original registration in force in this state at the
2 date of such registration and:

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

22 11. Have such other powers and duties as are necessary to
23 implement the commercial roofer endorsement or commercial labor-only
24 endorsement of the Roofing Contractor Registration Act; and

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

3 SECTION 11. AMENDATORY Section 17, Chapter 270, O.S.L.
4 2014 (59 O.S. Supp. 2020, Section 1151.28), is amended to read as
5 follows:

6 Section 1151.28 A. The designee of the Construction Industries
7 Board, as chair, and the Committee of Roofing Examiners shall act as
8 the Roofing Hearing Board and shall comply with the provisions of
9 the Construction Industries Board Act, rules and Article II of the
10 Administrative Procedures Act.

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

17 C. The Roofing Hearing Board may, upon its own motion, and
18 shall, upon written complaint filed by any person, investigate and
19 conduct hearings on the business transactions of any roofing
20 contractor, firm or any person soliciting or engaging in roofing
21 contractor work.

22 D. The Roofing Hearing Board may conduct hearings on citations
23 issued to any person pursuant to the Roofing Contractor Registration
24

1 Act, applications for suspension and revocation of a registration or
2 endorsement.

3 E. The Construction Industries Board shall suspend or revoke or
4 may refuse to issue or renew any license or registration under the
5 commercial roofer endorsement or commercial labor-only endorsement
6 provisions of the Roofing Contractor Registration Act for any of the
7 following standards of the Roofing Contractor Registration Act:

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

10 2. Obtaining any endorsement by false or fraudulent
11 representation;

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

14 4. Demonstrating incompetence to act as a commercial roofing
15 contractor or commercial labor-only subcontractor;

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

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

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

SECTION 12. This act shall become effective November 1, 2021.

58-1-7333 LRB 02/03/21