



1 authorizing registration of out-of-state persons  
2 under certain conditions; providing for continuing  
3 education; authorizing Board to approve certain  
4 continuing education; directing certain Board meet  
5 annually; providing for renewal of registration by  
6 certain date; providing for inactive registration;  
7 requiring proof of general liability and workers'  
8 compensation policies; setting minimum amount of  
9 insurance policies; requiring written warranty  
10 policy; directing registration be displayed at place  
11 of business; requiring knowledge of current address  
12 of registrant; prohibiting registration or licensing  
13 by municipality; authorizing suspension or revocation  
14 of registration; stating ground for suspension or  
15 revocation; providing for hearing and proceedings;  
16 authorizing use of personnel and facilities of the  
17 Board for administration; authorizing employment and  
18 compensation for administration; requiring records be  
19 maintained; authorizing investigation of complaints;  
20 stating penalties for violations; setting fines;  
21 authorizing permanent prohibition from registration;  
22 allowing fees to be set by Board; providing initial  
23 fee limitations; stating term of registration;  
24 requiring registration number on all vehicles and  
written materials; including registration number on  
building permits; providing for codification; and  
providing an effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.2, as  
20 amended by Section 2, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2014,  
21 Section 1000.2), is amended to read as follows:

22 Section 1000.2 A. The Construction Industries Board is hereby  
23 created to continue until July 1, 2016, in accordance with the  
24 provisions of the Oklahoma Sunset Law. The Board shall regulate the

1 plumbing, electrical and mechanical trades, the building and  
2 construction inspectors, ~~and the roofing contractors, and the~~  
3 registered residential and commercial builders through the powers  
4 and duties set forth in the Construction Industries Board Act and in  
5 the respective licensing or registration acts for such trades, or as  
6 otherwise provided by law.

7 B. 1. Beginning July 1, ~~2013~~ 2016, the Board shall be composed  
8 of seven (7) members appointed by the Governor with the advice and  
9 consent of the Senate, as follows:

- 10 a. ~~two members~~ one member shall have at least ten (10)  
11 years' experience in the plumbing trade, ~~of which one~~  
12 and shall be a plumbing contractor ~~and one shall be a~~  
13 ~~journeyman plumber,~~
- 14 b. ~~two members~~ one member shall have at least ten (10)  
15 years' experience in the electrical trade, ~~of which~~  
16 ~~one~~ and shall be an electrical contractor ~~and one~~  
17 ~~shall be a journeyman electrician,~~
- 18 c. ~~two members~~ one member shall have at least ten (10)  
19 years' experience in the mechanical trade, ~~of which~~  
20 ~~one~~ and shall be a mechanical contractor ~~and one shall~~  
21 ~~be a mechanical journeyman, and~~
- 22 d. one member shall have at least ten (10) years'  
23 experience in residential construction as a general  
24 contractor,

1           e. one member shall have at least ten (10) years'  
2           experience in commercial or industrial construction as  
3           a general contractor,

4           f. one member shall have at least ten (10) years'  
5           experience as a roofing contractor, and

6           g. one member shall have at least ten (10) years'  
7           experience as a building and construction inspector.

8           2. Members shall be appointed for staggered terms of four (4)  
9 years, as designated by the Governor. Members shall be limited to  
10 two full terms and continue in office until a successor is appointed  
11 by the Governor. The Governor shall fill all vacancies and  
12 unexpired terms in the same manner as the original appointment of  
13 the member whose position is to be filled. A member may be removed  
14 by the Governor at any time. A person is eligible for reappointment  
15 after a vacancy period of not less than two (2) years.

16           SECTION 2.           NEW LAW           A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1160.1 of Title 59, unless there  
18 is created a duplication in numbering, reads as follows:

19           Sections 2 through 12 of this act shall be known and may be  
20 cited as the "Oklahoma Professional Residential and Commercial  
21 Builders Registration Act".

22           SECTION 3.           NEW LAW           A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1160.2 of Title 59, unless there  
24 is created a duplication in numbering, reads as follows:

1 As used in the Oklahoma Professional Residential and Commercial  
2 Builders Registration Act:

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

4 2. "Committee" means the Advisory Committee of Professional  
5 Residential and Commercial Registered Builders;

6 3. "Builder or contractor" means a person engaged in the  
7 practice or business of constructing, remodeling or building a  
8 residential, retail or commercial building in this state;

9 4. "Registered builder or registered contractor" means a person  
10 registered with the Construction Industries Board to construct,  
11 remodel or build in this state; and

12 5. "Residential, retail or commercial building" means any  
13 building in this state. "Residential, retail or commercial  
14 building" shall not mean roads, highways, bridges, public sanitation  
15 or water facilities.

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1160.3 of Title 59, unless there  
18 is created a duplication in numbering, reads as follows:

19 The Construction Industries Board, acting upon the advice of the  
20 Advisory Committee of Professional Residential and Commercial  
21 Registered Builders, shall issue all registrations required by the  
22 Oklahoma Professional Residential and Commercial Builders  
23 Registration Act, and shall exercise the following powers and  
24 duties:

- 1           1. To make rules and regulations deemed necessary to implement  
2 the provisions of this act;
- 3           2. To prescribe application forms for registration applicants,  
4 certificate forms and such other forms as necessary to implement the  
5 provisions of this act;
- 6           3. To establish a curriculum of study for registration in the  
7 practice and theory of building and construction in this state to be  
8 conducted by a statewide organization or its affiliates representing  
9 the construction industry;
- 10          4. To keep a complete record of all registered builders and to  
11 prepare an official listing of the names and addresses of all  
12 registered builders which shall be kept current. A copy of such  
13 listing shall be available on the website of the Board;
- 14          5. To keep a permanent record of all proceedings pursuant to  
15 this act;
- 16          6. To employ and establish the duties of clerical personnel  
17 necessary to carry out the provisions of this act;
- 18          7. To conduct hearings to deny, revoke, suspend or refuse  
19 renewal of registrations under this act, and to issue subpoenas to  
20 compel witnesses to testify or produce evidence at such hearings in  
21 accordance with the Administrative Procedures Act; and
- 22          8. To set the fees imposed by the provisions of this act in  
23 amounts that are adequate to collect sufficient revenue to meet the  
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1 expenses necessary to perform the duties of the Board without  
2 accumulating an unnecessary surplus.

3 SECTION 5. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1160.4 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. There is hereby created the Advisory Committee of  
7 Professional Residential and Commercial Registered Builders. The  
8 Committee shall consist of five (5) members appointed by the  
9 Construction Industries Board. The Board shall appoint the  
10 Committee members from a list of six persons submitted annually,  
11 three of whom are from a statewide organization representing the  
12 residential construction industry and three of whom are from a  
13 statewide organization representing the commercial construction  
14 industry, with one member to be a certified building or code  
15 official recommended from a list of at least two persons recommended  
16 by either a statewide organization representing municipalities or  
17 the Oklahoma Uniform Building Code Commission. Four of the members  
18 shall be contractors in this state with at least five (5) years of  
19 experience. For the initial appointments the persons appointed  
20 shall have been actively engaged in and practicing building and  
21 construction for at least five (5) years in this state. All members  
22 appointed shall be residents of this state and actively engaged as  
23 builders as herein defined. No person shall be appointed to the  
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1 Committee who has been convicted of any felony or any crime  
2 involving moral turpitude.

3 B. The terms of the members shall be for three (3) years and  
4 shall continue until their successors are appointed and qualify.  
5 Members will be term-limited to three full terms. Provided however,  
6 of those first appointed, one shall serve for one (1) year, one  
7 shall serve for two (2) years, and one shall serve for three (3)  
8 years. Vacancies shall be filled in the manner of the original  
9 appointment for the unexpired portion of the term only. The Board,  
10 after notice and opportunity for hearing, may remove any member of  
11 the Committee for neglect of duty, incompetence, revocation or  
12 suspension of his or her registration, or other dishonorable  
13 conduct.

14 C. A member of the Committee may hold another license for a  
15 profession or trade which requires a license for purposes of the  
16 construction industry. Each member shall be duly registered as a  
17 residential builder within ninety (90) days of their appointment and  
18 maintain a valid registration during their term.

19 D. Members of the Committee shall elect from their number a  
20 chairperson. Special meetings of the Committee shall be called by  
21 the chairperson on the written request of any three members. The  
22 Committee may recommend to the Board the adoption of rules necessary  
23 to govern its proceedings and implement the purposes of this act.

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1 E. Each member of the Committee may be reimbursed for his or  
2 her reasonable and necessary expenses as provided for in the State  
3 Travel Reimbursement Act from the Construction Industries Board or  
4 any fund established pursuant to this act.

5 SECTION 6. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1160.5 of Title 59, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. No person shall engage in or practice building or  
9 construction or hold himself or herself out as a contractor or  
10 builder, or use the title "Registered Builder" or "Licensed  
11 Contractor", or the initials "R.B." or "L.C.", in this state, unless  
12 he or she is registered in accordance with the provisions of the  
13 Oklahoma Professional Residential and Commercial Builders  
14 Registration Act. No other person shall in any way, orally or in  
15 writing, in print, or by sign or transmission of sound or sight,  
16 directly or by implication, represent himself or herself as a  
17 builder or contractor. Such misrepresentation, upon conviction,  
18 shall constitute a misdemeanor and shall be punishable as provided  
19 in this act.

20 B. Nothing in this act shall prohibit any person in the  
21 construction industry in this state under any other law or rule from  
22 engaging in the practice for which he or she is duly licensed,  
23 registered or otherwise authorized by law.

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1 SECTION 7. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1160.6 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. On and after July 1, 2016, a registered builder or  
5 registered contractor means all persons who are currently registered  
6 by the Construction Industries Board and all persons who have  
7 satisfactorily passed other requirements as herein created or  
8 authorized. On and after July 1, 2016, all applicants for  
9 registration as builders or contractors shall be required to furnish  
10 to the Board evidence of being in the construction business for at  
11 least two (2) years.

12 B. The applicant shall be registered as a builder or contractor  
13 for the remainder of that calendar year if the applicant meets the  
14 rules and criteria established by the Board. Each registration  
15 shall be signed by the chairperson of the Advisory Committee of  
16 Professional Residential and Commercial Registered Builders or  
17 designee and the chairperson of the Board and shall bear the seal of  
18 the Board.

19 C. The Board may issue a registration to an applicant from  
20 another state who has met the requirements established by this act.  
21 The applicant to be registered in this state may provide proof of  
22 licensure or registration in good standing in another state at the  
23 time of making application for registration in this state. The  
24 applicant shall show proof of an established business address in

1 this state or be a resident of this state at the time of  
2 application.

3 D. The Board shall establish continuing education requirements  
4 of not less than nine (9) hours to include at least one (1) hour of  
5 ethics to facilitate the maintenance of current practice skills of  
6 all persons registered pursuant to this act. The Board shall  
7 designate and approve authorized sources for continuing education  
8 annually. Courses established by a statewide organization or its  
9 affiliates representing the construction industry shall be approved  
10 for continuing education.

11 E. The Board shall meet at least three times per calendar year  
12 for the purpose of examining applicants for registration and  
13 training and transacting other business as may be necessary. The  
14 meetings shall be held at the office of the Board.

15 F. Every person registered pursuant to this act who desires to  
16 continue the practice of building shall annually, on the month of  
17 his or her birthdate, make application for renewal of the  
18 registration and shall pay fees established by the Board.

19 G. If any person fails to renew his or her registration within  
20 thirty (30) days from the date same becomes due, the registration of  
21 such person shall become inactive and, in order to have such license  
22 reinstated, it shall be necessary for such person to apply to the  
23 Board as provided in this act and to meet the requirements  
24 established by the Board for reinstatement.

1 H. All applicants shall be required to show proof and maintain  
2 a valid general liability policy and workers' compensation insurance  
3 acceptable to the Board with a minimum of One Million Dollars  
4 (\$1,000,000.00) aggregate on general liability and a minimum premium  
5 policy of workers' compensation even if no employees are currently  
6 employed.

7 I. Each applicant shall show proof of a written one-year  
8 warranty policy that shall be available and in use for each  
9 residential structure upon completion. Such residential  
10 construction warranty policy shall be a third-party warranty, a  
11 warranty approved by the Committee or a policy developed by a  
12 statewide organization representing the residential construction  
13 industry.

14 J. Each registered builder must use a written contract for  
15 projects exceeding Five Hundred Dollars (\$500.00).

16 K. Each registered builder shall obtain builder's risk  
17 insurance for the project unless obtained by the owner or covered by  
18 a third-party bonding policy, if a bond is required by the owner.

19 L. Only the principal, designated company representative or  
20 owner of a company is to be registered. Nothing in this act shall  
21 be construed to require the registration of all employees in a  
22 construction firm.

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1 M. Each registered builder shall submit their registration  
2 number to the Oklahoma Tax Commission and the Oklahoma Employment  
3 Security Commission.

4 SECTION 8. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1160.7 of Title 59, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. Every person who is registered pursuant to the provisions of  
8 the Oklahoma Professional Residential and Commercial Builders  
9 Registration Act to practice as a builder in this state shall keep  
10 said registration displayed in his or her place of business as long  
11 as he or she is engaged in the practice of building. The receipt  
12 for the annual renewal of registration shall be kept at such  
13 person's place of business and shall be shown to any person  
14 requesting to see the same. The registered builder shall keep the  
15 Construction Industries Board informed of his or her current  
16 address. A registration issued by the Board is the property of the  
17 Board and shall be surrendered on demand of the Board.

18 B. Nothing in this act shall require or permit the registration  
19 or licensing of any builder by a municipality or any political  
20 subdivision of this state.

21 SECTION 9. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1160.8 of Title 59, unless there  
23 is created a duplication in numbering, reads as follows:

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1 A. The Advisory Committee of Professional Residential and  
2 Commercial Registered Builders may suspend or revoke the  
3 registration of any person authorized to engage and practice as a  
4 builder pursuant to the provisions of the Oklahoma Professional  
5 Residential and Commercial Builders Registration Act upon proof that  
6 the registrant:

7 1. Has used fraud or deception in applying for a registration;

8 2. Has been guilty of unprofessional conduct defined by the  
9 rules recommended by the Committee and established by the  
10 Construction Industries Board or has violated the Code of Ethics  
11 adopted by the Board; or

12 3. Has willfully violated any of the provisions of this act or  
13 any regulation adopted hereunder.

14 B. No suspension or revocation shall be made until such person  
15 appears before the Committee for a hearing. Failure to appear is  
16 grounds for suspension or revocation. Proceedings for the  
17 suspension or revocation of a license are governed by rules and  
18 regulations of the Board and by the Administrative Procedures Act.

19 C. Decisions by the Committee may be appealed to the  
20 Construction Industries Board for adjudication.

21 SECTION 10. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1160.9 of Title 59, unless there  
23 is created a duplication in numbering, reads as follows:

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1           A. The basic personnel and necessary facilities which are  
2 required to administer the Oklahoma Professional Residential and  
3 Commercial Builders Registration Act shall be the personnel and  
4 facilities of the Construction Industries Board. The Board  
5 personnel shall act as agents of the Advisory Committee of  
6 Professional Residential and Commercial Registered Builders. If  
7 necessary for the administration or implementation of this act, the  
8 Board may secure and provide for compensation for services that the  
9 Board considers necessary and may employ and compensate within  
10 available resources professional consultants, technical assistants,  
11 and employees on a full-time or part-time basis.

12           B. The Board shall maintain the records of all registered  
13 residential builders, process all applications for registration for  
14 review by the Committee, and investigate all complaints deemed to be  
15 appropriate allegations of violations of this act.

16           C. The Board shall employ such staff, equipment, and supplies  
17 as are necessary to carry out administrative and investigative  
18 functions required to maintain and support the objectives of the  
19 Committee in exercising its duties as prescribed by this act.

20           SECTION 11.       NEW LAW       A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1160.10 of Title 59, unless  
22 there is created a duplication in numbering, reads as follows:

23           On and after July 1, 2016, any person who engages in or  
24 practices or holds himself or herself out as a builder in violation

1 of the provisions of the Oklahoma Professional Residential and  
2 Commercial Builders Registration Act, upon conviction, shall be  
3 guilty of a misdemeanor punishable by a fine of not less than Five  
4 Hundred Dollars (\$500.00) for a first offense, not less than One  
5 Thousand Dollars (\$1,000.00) for a second offense, and not less than  
6 Two Thousand Five Hundred Dollars (\$2,500.00) for any third or  
7 subsequent offense. Each day of such violation shall constitute a  
8 separate offense. Any person who fails to register for any period  
9 of twelve (12) months or more or who continues to practice or hold  
10 himself or herself out as a builder or contractor shall be  
11 permanently prohibited from registration by the Construction  
12 Industries Board.

13 SECTION 12. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1160.11 of Title 59, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. The application and registration fees shall be set by the  
17 Construction Industries Board by rules adopted pursuant to this act.  
18 The initial application and registration fees shall be Three Hundred  
19 Dollars (\$300.00) each. The renewal fee shall be the same as the  
20 initial registration fee. The registration shall be valid for one  
21 (1) year.

22 B. Each registrant shall be required to have his or her  
23 registration number disclosed on all company vehicles bearing  
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1 company signs, equipment, contracts, and any written advertising or  
2 broadcast materials.

3 C. The registrant shall be required to include his or her  
4 registration number on all building permits.

5 SECTION 13. This act shall become effective November 1, 2015.

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7 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, LABOR, AND RETIREMENT  
8 LAWS, dated 02/26/2015 - DO PASS, As Amended and Coauthored.

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