

1 ENGROSSED HOUSE
2 BILL NO. 2128

By: McBride of the House

3 and

4 Newberry of the Senate

5
6
7 An Act relating to professions and occupation;
8 amending 59 O.S. 2011, Section 1151.5, as amended by
9 Section 4, Chapter 270, O.S.L. 2014 (59 O.S. Supp.
10 2014, Section 1151.5), which relates to roofing
11 contractor registration; requiring applicant to
12 provide certificate of good standing and trade name
13 report for application of registration; modifying
14 refusal of registration; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.5, as
18 amended by Section 4, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2014,
19 Section 1151.5), is amended to read as follows:

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

24 B. An applicant or qualifying party whose registration is
denied, or the person has a conviction, or pled guilty or nolo
contendere to a misdemeanor, or otherwise fails to meet the

1 requirements of application, may obtain a hearing before the
2 Committee of Roofing Examiners in order to provide information in
3 support of the application requirements and any other information
4 showing the applicant's ability and willingness to comply with the
5 requirements of the Roofing Contractor Registration Act, and to
6 protect the public health, safety and welfare.

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

- 11 1. An application under oath containing a statement:
 - 12 a. of the qualifying party's experience and
 - 13 qualifications as a roofing contractor, if any,
 - 14 b. that the qualifying party desires the issuance of a
 - 15 roofing contractor registration certificate,
 - 16 c. that the qualifying party has read the Roofing
 - 17 Contractor Registration Act and will comply with the
 - 18 provisions of the Roofing Contractor Registration Act
 - 19 and rules,
 - 20 d. that the qualifying party will comply with state laws
 - 21 and local ordinances relating to standards and
 - 22 permits,
 - 23 e. that the qualifying party has or has not been
 - 24 registered or licensed as a roofing contractor in

1 another state and whether any disciplinary action has
2 been taken against such registration or license and
3 whether it is currently in good standing, and

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

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

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

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

1 Dollars (\$1,000,000.00) for commercial roofing contractor work. Any
2 insurance company issuing a liability policy to a roofing contractor
3 pursuant to the provisions of the Roofing Contractor Registration
4 Act shall be required to notify the Construction Industries Board in
5 the event such liability policy is cancelled for any reason or
6 lapses for nonpayment of premiums. All registrations granted under
7 the Roofing Contractor Registration Act shall be suspended on the
8 date of the policy cancellation. The registrar must receive proof
9 of insurance prior to restoring the registration.

10 In addition, the roofing contractor shall submit proof that the
11 contractor has secured workers' compensation coverage satisfactory
12 under the Workers' Compensation Act, or an affidavit of exemption or
13 self-insurance as authorized pursuant to the Workers' Compensation
14 Act. If the registrar deems it appropriate or necessary, the
15 registrar may also require other information to be included on the
16 application form to assist the registrar in registering the person
17 as a contractor.

18 D. The qualifying party applying for a commercial roofer
19 endorsement must provide information on the legal entity, including
20 but not limited to the articles, organizational agreements or
21 documents establishing the legal entity, including a list of the
22 officers, members, managers, partners, or other managing agents of
23 the legal entity. The qualifying party shall also provide a
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1 certificate of good standing and a trade name report from the Office
2 of the Secretary of State.

3 E. The registrar shall refuse to register any person if the
4 registrar determines:

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

7 2. The applicant fails to provide a certificate of good
8 standing or a trade name report from the Office of the Secretary of
9 State;

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

13 ~~3.~~ 4. The applicant fails or refuses to pay the required fees;

14 ~~4.~~ 5. The applicant, qualifying party, or owner or officer or
15 managing member of the legal entity is ineligible for registration
16 due to a suspended or revoked registration in this state;

17 ~~5.~~ 6. The nonresident applicant has a revoked or suspended
18 registration or license required by law for roofing contractors in
19 another state; or

20 ~~6.~~ 7. The applicant, qualifying party, or legal entity has
21 failed or refuses to submit any taxes due in this state.

22 F. The registrar shall notify the applicant in writing if the
23 registrar denies a registration or renewal certificate, and shall
24 provide the applicant an opportunity to respond to or cure any

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

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

12 1. Maintain liability insurance coverage;

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

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

19 4. Maintain an active status of a corporation or registration
20 as a foreign corporation, a limited liability company or
21 registration as a foreign limited liability company, a limited
22 liability partnership registration or foreign limited liability
23 partnership registration, or a limited partnership certificate or
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1 limited partnership or foreign limited partnership certificate of
2 authority, with the Office of the Secretary of State;

3 5. File or renew a trade name registration;

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

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

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

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

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

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

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

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

1 in good standing. The registrar shall notify the roofing contractor
2 upon suspension or revocation of his or her registration for failure
3 to comply in bringing such registration into good standing as
4 required by law. The roofing contractor may reinstate his or her
5 registration to good standing by paying the required fees provided
6 in Section 1151.12 of this title and complying with all other
7 requirements for issuance of a registration in good standing.

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

12 SECTION 2. This act shall become effective November 1, 2015.

13 Passed the House of Representatives the 10th day of March, 2015.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2015.

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Presiding Officer of the Senate

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