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# HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2436

By: Biggs and McBride of the House

and

Justice of the Senate

AS INTRODUCED

An Act relating to counties and county officers; creating the County Emergency Registration Act; defining terms; authorizing board of county commissioners to require registration of certain contractors; providing for penalty; authorizing county to employ personnel and procure supplies; providing for roofer contractor registration; providing for refusal to register based on certain determinations; providing for notice to applicant upon denial of registration; providing for certain classification made by county; providing for fees; providing for exceptions; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 339.11 of Title 19, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "County Emergency Registration Act".

1           SECTION 2.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 339.12 of Title 19, unless there  
3 is created a duplication in numbering, reads as follows:

4           As used in the County Emergency Registration Act:

5           1. "County" means the county or board of county commissioners;

6           2. "Declared state disaster or emergency" means a disaster or  
7 emergency event:

8           a. for which a Governor's State of Emergency Proclamation  
9 has been issued,

10          b. for which a Presidential Declaration of a Federal  
11 Major Disaster or Emergency has been issued, or

12          c. other disaster or emergency event within the state for  
13 which a good faith response effort is required, and  
14 for which another authorized official of the state is  
15 given notification from the registered business and  
16 such official designates such event as a disaster or  
17 emergency, thereby invoking the provisions of this  
18 act;

19          3. "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;

24

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

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

16       SECTION 3.       NEW LAW       A new section of law to be codified  
17 in the Oklahoma Statutes as Section 339.13 of Title 19, unless there  
18 is created a duplication in numbering, reads as follows:

19       A. Upon a declared state disaster or emergency, the board of  
20 county commissioners of any county affected by the declared state  
21 disaster or emergency shall have the power to require the  
22 registration of any roofing contractor.

23       B. A person shall not engage in the business nor act in the  
24 capacity of a roofing contractor within the county affected by the

1 declared state disaster or emergency, nor shall that person bring or  
2 maintain any claim, action, suit or proceeding in any court of this  
3 state related to the person's business or capacity as a roofing  
4 contractor without a valid registration as provided in the County  
5 Emergency Registration Act.

6 C. A person who fails to obtain a valid registration prior to  
7 acting as a roofing contractor as defined in Section 1 of this act,  
8 or a person who acts as a roofing contractor while his or her  
9 registration is suspended or revoked, or a person who violates any  
10 provision of this act shall be guilty of a violation, upon  
11 conviction, punishable by a fine not to exceed Five Hundred Dollars  
12 (\$500.00).

13 D. The county commissioners of a county affected by a declared  
14 state disaster or emergency is authorized to employ personnel and  
15 procure such supplies and equipment as may be necessary to carry out  
16 and implement the provisions of this act, subject to budgetary  
17 limitations and funding. The county commissioners may promulgate  
18 forms to implement the provisions of this act. The county  
19 commissioners may administer any provision of this act through use  
20 of the Internet or other technology as deemed necessary or  
21 appropriate.

22 SECTION 4. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 339.14 of Title 19, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. To obtain a roofing contractor registration under the County  
2 Emergency Registration Act, an applicant who is eighteen (18) years  
3 of age or older shall submit, on forms the county commissioner  
4 prescribes, an application attaching a valid approved State of  
5 Oklahoma registration. A copy of the roofing contractor's  
6 certificate of liability insurance shall be filed with the  
7 application and shall be not less than Five Hundred Thousand Dollars  
8 (\$500,000.00). Any insurance company issuing a liability policy to  
9 a roofing contractor pursuant to the provisions of this act shall be  
10 required to notify the county in the event such liability policy is  
11 cancelled for any reason or lapses for nonpayment of premiums. In  
12 addition, the roofing contractor shall submit proof that the  
13 contractor has secured workers' compensation coverage satisfactory  
14 under the Workers' Compensation Act, or an affidavit of exemption or  
15 self-insurance as authorized pursuant to the Workers' Compensation  
16 Act. The county commissioners may also require other information to  
17 be included on the application form to assist the county in  
18 registering the person as a contractor. The application shall  
19 contain statements that:

20       1. The applicant desires the issuance of a roofing contractor  
21 registration certificate;

22       2. The applicant will comply with the provisions of this act;

23       3. The applicant will comply with state laws and local  
24 ordinances relating to standards and permits;

1           4. The applicant has or has not been registered or licensed as  
2 a roofing contractor in another state and whether any disciplinary  
3 action was taken against such registration or license or whether it  
4 is still in good standing; and

5           5. The nonresident applicant appoints the Secretary of State as  
6 legal service agent for all lawful process to be served upon the  
7 applicant for work performed in this state or as otherwise provided  
8 in this act.

9           B. The county shall refuse to register any person if the county  
10 determines:

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

13           2. The applicant fails or refuses to provide any information  
14 requested by the county;

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

16           4. The applicant is ineligible for registration due to a  
17 suspended or revoked registration in this state;

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

21           6. The applicant has failed or refuses to submit any taxes due  
22 in this state.

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

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

10 D. The county 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 this act;

6 7. Notify the county of a change in name, address, legal  
7 business entity, legal service agent or adjudication by a court of  
8 competent jurisdiction for any act or omission specified in  
9 subsection A of Section 1151.14 of Title 59 of the Oklahoma  
10 Statutes;

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 when due in this state.

15 E. The county shall send a written notice to the person when  
16 his or her registration is not in good standing. Any roofing  
17 contractor who has been notified by the county that his or her  
18 registration is not in good standing shall cease soliciting or  
19 entering new roofing services and projects as of the date of such  
20 notification; however, the roofing contractor shall be allowed to  
21 complete roofing projects where actual physical work has begun prior  
22 to the date of issuance of the notice that his or her registration  
23 is not in good standing. If the roofing contractor fails to correct  
24 the deficiency specified in the notice by evidence satisfactory to



1 the county within thirty (30) days of the date of the notice, or if  
2 the roofing contractor solicits or enters into new roofing services  
3 contracts or projects while the roofing contractor's registration is  
4 not in good standing, or while such registration is suspended or  
5 revoked, the roofing contractor shall be in violation of the  
6 provisions of this act. Any registration that remains not in good  
7 standing for a sixty-day period shall be suspended on the sixtieth  
8 day from the date of issuance of the notice to the roofing  
9 contractor that his or her registration is not in good standing.  
10 Any registration that remains not in good standing, and is suspended  
11 for such cause, shall be revoked on the ninetieth day from the date  
12 of issuance of the notice to the roofing contractor that his or her  
13 registration is not in good standing. The county shall notify the  
14 roofing contractor upon suspension or revocation of his or her  
15 registration for failure to comply in bringing such registration  
16 into good standing as required by law.

17 SECTION 5. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 339.15 of Title 19, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. At the time of making application for a roofing contractor  
21 registration certificate pursuant to the County Emergency  
22 Registration Act, the applicant shall pay to the county a fee to be  
23 set by the county, which shall not exceed One Hundred Thirty-five  
24 Dollars (\$135.00) for the annual registration certificate.

1 B. All monies collected by the county for roofing contractor  
2 registration applications, renewals and other fee assessments shall  
3 be deposited by the county into the general fund.

4 C. The fee to be submitted with an application for a roofing  
5 contractor registration may be prorated as set by the county.

6 D. A renewal fee for a roofing contractor registration shall be  
7 set by the county, which shall not exceed Fifty Dollars (\$50.00) for  
8 the annual renewal registration certificate.

9 SECTION 6. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 339.16 of Title 19, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. The County Emergency Registration Act shall not apply to:

13 1. An actual owner of residential or farm property who  
14 physically performs, or has employees who perform, roofing services  
15 including construction, installation, renovation, repair,  
16 maintenance, alteration, waterproofing or removal of materials or  
17 structures on his or her own dwelling or another structure located  
18 on the residential or farm property owned by such person without the  
19 assistance of any registered roofing contractor as such term is  
20 defined in Section 1 of this act;

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

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

5           4. Any nonprofit humanitarian organization that provides  
6 emergency assistance or disaster-relief group offering assistance or  
7 services.

8           SECTION 7. This act shall become effective November 1, 2016.

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10 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, LABOR AND RETIREMENT  
11 LAWS, dated 02/10/2016 - DO PASS, As Coauthored.

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