

1 **SENATE FLOOR VERSION**

2 April 7, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2436

6 By: Biggs and McBride of the
7 House

8 and

9 Justice and Pittman of the
10 Senate

11 **[counties and county officers - County Emergency
12 Registration Act - registration of certain
13 contractors - codification - effective date]**

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

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

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

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

23 As used in the County Emergency Registration Act:

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

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

- 1 a. for which a Governor's State of Emergency Proclamation
2 has been issued,
3 b. for which a Presidential Declaration of a Federal
4 Major Disaster or Emergency has been issued, or
5 c. other disaster or emergency event within the state for
6 which a good faith response effort is required, and
7 for which another authorized official of the state is
8 given notification from the registered business and
9 such official designates such event as a disaster or
10 emergency, thereby invoking the provisions of this
11 act;

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

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

21 5. "Roofing contractor" means any person, including a
22 subcontractor and nonresident contractor, engaged in the business of
23 commercial or residential roofing services for a fee, or who offers
24 to engage in or solicits roofing-related services, including

1 construction, installation, renovation, repair, maintenance,
2 alteration and waterproofing. Roofing contractor shall not mean a
3 person engaged in the demolition of a structure or the cleanup of
4 construction waste and debris that contains roofing material nor a
5 person working under the direct supervision of the roofing
6 contractor who is hired either as an employee, day laborer or
7 contract laborer;

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

11 A. Upon a declared state disaster or emergency, the board of
12 county commissioners of any county affected by the declared state
13 disaster or emergency shall have the power to require the
14 registration of any roofing contractor.

15 B. A person shall not engage in the business nor act in the
16 capacity of a roofing contractor within the county affected by the
17 declared state disaster or emergency, nor shall that person bring or
18 maintain any claim, action, suit or proceeding in any court of this
19 state related to the person's business or capacity as a roofing
20 contractor without a valid registration as provided in the County
21 Emergency Registration Act.

22 C. A person who fails to obtain a valid registration prior to
23 acting as a roofing contractor as defined in Section 2 of this act,
24 or a person who acts as a roofing contractor while his or her

1 registration is suspended or revoked, or a person who violates any
2 provision of this act shall be guilty of a violation, upon
3 conviction, punishable by a fine not to exceed Five Hundred Dollars
4 (\$500.00).

5 D. The county commissioners of a county affected by a declared
6 state disaster or emergency is authorized to employ personnel and
7 procure such supplies and equipment as may be necessary to carry out
8 and implement the provisions of this act, subject to budgetary
9 limitations and funding. The county commissioners may promulgate
10 forms to implement the provisions of this act. The county
11 commissioners may administer any provision of this act through use
12 of the Internet or other technology as deemed necessary or
13 appropriate.

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

17 A. To obtain a roofing contractor registration under the County
18 Emergency Registration Act, an applicant who is eighteen (18) years
19 of age or older shall submit, on forms the county commissioner
20 prescribes, an application attaching a valid approved State of
21 Oklahoma registration. A copy of the roofing contractor's
22 certificate of liability insurance shall be filed with the
23 application and shall be not less than Five Hundred Thousand Dollars
24 (\$500,000.00). Any insurance company issuing a liability policy to

1 a roofing contractor pursuant to the provisions of this act shall be
2 required to notify the county in the event such liability policy is
3 cancelled for any reason or lapses for nonpayment of premiums. In
4 addition, the roofing contractor shall submit proof that the
5 contractor has secured workers' compensation coverage satisfactory
6 under the Workers' Compensation Act, or an affidavit of exemption or
7 self-insurance as authorized pursuant to the Workers' Compensation
8 Act. The county commissioners may also require other information to
9 be included on the application form to assist the county in
10 registering the person as a contractor. The application shall
11 contain statements that:

12 1. The applicant desires the issuance of a roofing contractor
13 registration certificate;

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

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

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

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

1 B. The county shall refuse to register any person if the county
2 determines:

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

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

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

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

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

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

15 C. The county shall notify the applicant in writing if the
16 county denies a registration or renewal certificate, and shall
17 provide the applicant an opportunity to respond to or cure any
18 defect in the written application or renewal for a period of ten
19 (10) days from the date of the written notification. An applicant
20 aggrieved by a decision of the county denying a registration or
21 renewal may appeal the decision to the county commissioners as
22 provided in the Administrative Procedures Act, or the applicant may
23 reapply after a ninety-day waiting period, if otherwise eligible in
24

1 the provisions of this act. The application and renewal fees shall
2 not be refundable.

3 D. The county shall classify as not in good standing the
4 registration of any roofing contractor who fails to:

5 1. Maintain liability insurance coverage;

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

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

12 4. Maintain an active status of a corporation or registration
13 as a foreign corporation, a limited liability company or
14 registration as a foreign limited liability company, a limited
15 liability partnership registration or foreign limited liability
16 partnership registration, or a limited partnership certificate or
17 limited partnership or foreign limited partnership certificate of
18 authority, with the Office of the Secretary of State;

19 5. File or renew a trade name registration;

20 6. Maintain or renew a roofing contractor registration as
21 provided in this act;

22 7. Notify the county of a change in name, address, legal
23 business entity, legal service agent or adjudication by a court of
24 competent jurisdiction for any act or omission specified in

1 subsection A of Section 1151.14 of Title 59 of the Oklahoma
2 Statutes;

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

6 9. File and pay all taxes when due in this state.

7 E. The county shall send a written notice to the person when
8 his or her registration is not in good standing. Any roofing
9 contractor who has been notified by the county that his or her
10 registration is not in good standing shall cease soliciting or
11 entering new roofing services and projects as of the date of such
12 notification; however, the roofing contractor shall be allowed to
13 complete roofing projects where actual physical work has begun prior
14 to the date of issuance of the notice that his or her registration
15 is not in good standing. If the roofing contractor fails to correct
16 the deficiency specified in the notice by evidence satisfactory to
17 the county within thirty (30) days of the date of the notice, or if
18 the roofing contractor solicits or enters into new roofing services
19 contracts or projects while the roofing contractor's registration is
20 not in good standing, or while such registration is suspended or
21 revoked, the roofing contractor shall be in violation of the
22 provisions of this act. Any registration that remains not in good
23 standing for a sixty-day period shall be suspended on the sixtieth
24 day from the date of issuance of the notice to the roofing

1 contractor that his or her registration is not in good standing.
2 Any registration that remains not in good standing, and is suspended
3 for such cause, shall be revoked on the ninetieth day from the date
4 of issuance of the notice to the roofing contractor that his or her
5 registration is not in good standing. The county shall notify the
6 roofing contractor upon suspension or revocation of his or her
7 registration for failure to comply in bringing such registration
8 into good standing as required by law.

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

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

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

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

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

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

4 The County Emergency Registration Act shall not apply to:

5 1. An actual owner of residential or farm property who
6 physically performs, or has employees who perform, roofing services
7 including construction, installation, renovation, repair,
8 maintenance, alteration, waterproofing or removal of materials or
9 structures on his or her own dwelling or another structure located
10 on the residential or farm property owned by such person without the
11 assistance of any registered roofing contractor as such term is
12 defined in Section 2 of this act;

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

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

20 4. Any nonprofit humanitarian organization that provides
21 emergency assistance or disaster-relief group offering assistance or
22 services.

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

2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
3 April 7, 2016 - DO PASS AS AMENDED
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