

1 **SENATE FLOOR VERSION**

2 February 25, 2021

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 521

By: Montgomery of the Senate

and

Caldwell (Trey) of the
House

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9 [roofing - Roofing Contractor Registration Act -
10 subcontractor registration without commercial
endorsement - effective date]

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.2, as
15 last amended by Section 1, Chapter 178, O.S.L. 2018 (59 O.S. Supp.
16 2020, Section 1151.2), is amended to read as follows:

17 Section 1151.2. As used in the Roofing Contractor Registration
18 Act:

19 1. "Advertise" means any written publication, dissemination,
20 solicitation, contract, bid, promotional item, or circulation which
21 is intended to directly or indirectly induce any person to contract
22 for roofing construction services with the advertiser, including,
23 but not limited to, business cards, telephone directory display
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1 advertisements, vehicle signage, radio, television and electronic
2 solicitations;

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

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

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

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

12 6. "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 7. "Owner" means person who owns the property or is a lessee of
18 the property;

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

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

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

6 11. "Public contract" means a contract with the State of
7 Oklahoma, its political subdivisions, or any board, commission, or
8 department thereof, or with any board of county commissioners, or
9 with any city council, school board, or with any state or municipal
10 agency, or with any other public board, body, commission, or agency
11 authorized to award contracts for the construction or reconstruction
12 of public works and includes subcontracts undertaken to perform
13 works covered by the original contract or any part thereof;

14 12. "Qualifying party" means a natural person who is an officer
15 or owner of the corporation, a member of the limited liability
16 company, or a general partner of the limited liability partnership,
17 and who is actively engaged in the work undertaken by the registrant
18 for which a registration is required pursuant to the Roofing
19 Contractor Registration Act who meets the experience and ability
20 requirements for registration on behalf of the registrant;

21 13. "Registrar" means the Construction Industries Board or any
22 person designated by the Board to administer the provisions of the
23 Roofing Contractor Registration Act;

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

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

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

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

17 18. "Roofing contractor" means any person, including a
18 subcontractor and nonresident contractor, engaged in the business of
19 commercial or residential roofing contractor work, or who himself or
20 herself, or through another, attempts to or advertises, holds
21 himself or herself out as having, or purports to have, the capacity
22 to undertake roofing contractor work, or offers to engage in or
23 solicits roofing installation-related services, including
24 construction, installation, renovation, remodeling, reroofing,

1 repair, maintenance, alteration, and waterproofing, unless
2 specifically exempted in the Roofing Contractor Registration Act.

3 Roofing contractor shall not mean:

4 a. a person engaged in the demolition of a structure or
5 the cleanup of construction waste and debris that
6 contains roofing material,

7 b. a person working under the direct supervision of the
8 roofing contractor who is hired either as an employee,
9 day laborer, or contract laborer whose payment,
10 received in any form, from the roofing contractor is
11 subject to self-employment tax,

12 c. a person working on his or her own property or that of
13 an immediate relative and such person is not receiving
14 any compensation, or

15 d. a person acting as a handyman who is receiving
16 compensation from the property owner and who is
17 performing the roofing repair in conjunction with
18 other repairs to the property and who does not perform
19 more than two roofing jobs per year;

20 19. "Roofing contractor work" means the installation,
21 fabrication or assembly of equipment or systems included in roofing
22 systems as defined in the International Building Code and the
23 International Residential Code, as adopted by the Oklahoma Uniform
24 Building Code Commission, and which codes are hereby adopted and

1 incorporated by reference. Roofing construction work includes, but
2 is not limited to, installation, renovation, remodeling, reroofing,
3 reconstructing, repair, maintenance, improvement, alteration, and
4 waterproofing, unless specifically exempted in the Roofing
5 Contractor Registration Act.

6 a. "Commercial roofing contractor work" means work done
7 on commercial, industrial or public building roofing
8 systems or structures as defined in the International
9 Building Code, as adopted by the Oklahoma Uniform
10 Building Code Commission; except it does not mean
11 buildings used for commercial purposes having
12 equivalent or substantially the same roofing
13 requirements as a "residence" defined herein,
14 including, but not limited to, business offices
15 converted from a structure that formerly was a
16 residence, and

17 b. "Residential roofing contractor work" means work done
18 on roofing systems as defined in the International
19 Residential Code, as adopted by the Oklahoma Uniform
20 Building Code Commission, or as defined as a
21 "residence" herein; including buildings used for
22 commercial purposes having asphalt shingles, tile
23 shingles, synthetic shakes, wood shakes or other
24 comparable materials applied to a sloped roof equal to

1 the same roofing requirements as a "residence" defined
2 herein, including but not limited to business offices
3 converted from a structure that formerly was a
4 residence;

5 20. "Roofing Hearing Board" means the Roofing Hearing Board
6 which shall consist of a designee of the Construction Industries
7 Board, as chair, and the members of the Committee of Roofing
8 Examiners;

9 21. "Subcontractor" means one who contracts with a prime
10 contractor, general contractor, residential contractor, project
11 manager, property manager, another subcontractor, or another entity
12 for roofing contractor work;

13 22. "Variance" means the use of an alternative material or
14 method of construction from that prescribed in the International
15 Building Code or the International Residential Code or other
16 approved documents by the Oklahoma Uniform Building Code Commission
17 for use at a particular location or project specified in the
18 variance application;

19 23. "Variance and Appeals Board" means the Oklahoma State
20 Roofing Installation Code Variance and Appeals Board;

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

1 25. “Commercial labor-only subcontractor” means a registered
2 roofing subcontractor that has a commercial labor-only endorsement
3 that is hired and working under the direct supervision of a
4 commercial-endorsed roofing contractor to perform the labor for
5 installation of roofing work that does not provide any roofing
6 materials for the work and is prohibited from bidding or contracting
7 commercial roofing work directly with a building owner or other
8 building management entity; and

9 26. “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.

15 SECTION 2. AMENDATORY Section 8, Chapter 270, O.S.L.
16 2014 (59 O.S. Supp. 2020, Section 1151.2a), is amended to read as
17 follows:

18 Section 1151.2a. A. The Construction Industries Board is
19 authorized to administer and enforce the Roofing Contractor
20 Registration Act.

21 B. 1. The Construction Industries Board is authorized to
22 administer and enforce the commercial roofer endorsement and the
23 commercial labor-only endorsement provisions of the Roofing
24 Contractor Registration Act.

1 2. The Construction Industries Board shall have the authority
2 to administer and enforce the provisions of the commercial roofer
3 endorsement and the commercial labor-only endorsement provisions of
4 the Roofing Contractor Registration Act, including the authority to:

5 a. establish the examination and continuing education
6 requirements and procedures for endorsements of
7 persons desiring or intending to engage in the
8 business or trade of a commercial roofing contractor
9 with the advice and input from the Committee of
10 Roofing Examiners using assistance from a third-party
11 vendor as necessary and appropriate,

12 b. establish and enforce the minimum standards of
13 commercial roofer endorsements and commercial labor-
14 only endorsements in this state and rules promulgated
15 pursuant to the commercial roofer endorsement and the
16 commercial labor-only endorsement provisions of the
17 Roofing Contractor Registration Act with the advice
18 and input from the Committee of Roofing Examiners,

19 c. promulgate, prescribe, amend, and repeal rules
20 necessary to implement the provisions of the
21 commercial roofer endorsement and the commercial
22 labor-only endorsement of the Roofing Contractor
23 Registration Act with the advice and input from the
24 Committee of Roofing Examiners,

- 1 d. issue, renew, suspend, revoke, modify or deny
2 endorsements to engage in commercial roofing
3 contractor work pursuant to the Roofing Contractor
4 Registration Act,
- 5 e. conduct investigations for the purpose of inspecting
6 commercial roofer endorsements and commercial labor-
7 only endorsements for compliance with the commercial
8 roofer endorsement and the commercial labor-only
9 endorsement provisions of the Roofing Contractor
10 Registration Act, and of the rules of the Board
11 promulgated pursuant thereto, into the qualifications
12 of applicants and allegations of violations,
- 13 f. establish and levy administrative fines against any
14 person who violates any of the provisions of the
15 commercial roofer endorsement or the commercial labor-
16 only endorsement standards of the Roofing Contractor
17 Registration Act or any rule promulgated pursuant
18 thereto, not to exceed five percent (5%) of the
19 commercial job. For any residential job on a first
20 violation the Board may issue a warning; on any second
21 violation levy and administrative fine not to exceed
22 Five Hundred Dollars (\$500.00); on a third violation,
23 levy an administrative fine not to exceed Three
24 Thousand Five Hundred Dollars (\$3,500.00); and for any

1 subsequent violation, revoke the registration and
2 commercial roofer endorsement or the commercial labor-
3 only endorsement,

4 g. initiate disciplinary proceedings and provide hearings
5 on any person who violates any of the provisions of
6 the commercial roofer endorsement or the commercial
7 labor-only endorsement standards of the Roofing
8 Contractor Registration Act or any rule promulgated
9 pursuant thereto,

10 h. request prosecution of and initiate injunctive
11 proceedings against any person who violates any of the
12 provisions of the commercial roofers endorsement or
13 the commercial labor-only endorsement in the Roofing
14 Contractor Registration Act or any rule promulgated
15 pursuant to the commercial roofer endorsement or the
16 commercial labor-only endorsement of the Roofing
17 Contractor Registration Act, and

18 i. exercise all incidental powers as necessary and proper
19 to implement and enforce the provisions of the
20 commercial roofer endorsement and the commercial
21 labor-only endorsement of the Roofing Contractor
22 Registration Act and the rules promulgated pursuant
23 thereto.

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

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

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

22 A verified copy of a roofing contractor's administrative
23 citation for unregistered activity or without required commercial
24 roofer endorsement or commercial labor-only endorsement and order of

1 final disposition from the registrar shall be received in all courts
2 in this state as prima facie evidence of the facts stated therein,
3 including establishment thereby of the first offense.

4 B. A person shall not engage or offer to engage in, by
5 advertisement or otherwise, the business nor act in the capacity of
6 a roofing contractor within this state nor shall that person bring
7 or maintain any claim, action, suit, or proceeding in any court of
8 this state related to the person's business or capacity as a roofing
9 contractor without a valid registration and commercial roofer
10 endorsement or commercial labor-only endorsement, when required,
11 continuously while performing the work for which the claim, action,
12 suit, or proceeding is sought, as provided in the Roofing Contractor
13 Registration Act. No business entity shall advertise or act as a
14 roofing contractor unless such business is a registered roofing
15 contractor with a valid commercial roofer endorsement or commercial
16 labor-only endorsement, when required, and is in good standing, and
17 is associated with and responsible for all roofing contractor work
18 of such entity. Any business entity violating the provisions of
19 this subsection shall be subject to administrative penalty by the
20 Board not to exceed Five Thousand Dollars (\$5,000.00).

21 C. A person who fails to obtain a valid registration and
22 endorsement when required prior to advertising or offering to engage
23 as or acting as a roofing contractor as defined in the Roofing
24 Contractor Registration Act, or a person who acts as a roofing

1 contractor while his or her registration is not in good standing or
2 is suspended or revoked without complying with the required
3 disclosure and option for homeowner to cancel the contract
4 provisions of subsection I of Section 1151.5 of this title, or a
5 person who violates any provision of the Roofing Contractor
6 Registration Act, shall be guilty of a misdemeanor, upon conviction
7 or plea, punishable by a fine not to exceed Five Hundred Dollars
8 (\$500.00) for each violation. More than one misdemeanor violation
9 in any twelve-month period shall be grounds for the suspension of
10 the registration, and shall cause the person to be ineligible for
11 registration for a period not to exceed twenty-four (24) months
12 after all requirements of the sentence, or deferment of sentence,
13 and probation have been met, including the payment of any
14 restitution or rehabilitative treatment.

15 D. In lieu of referring complaints of violations of the Roofing
16 Contractor Registration Act to the district attorney for misdemeanor
17 prosecution, the Board in its discretion may issue administrative
18 fines to any person up to Five Hundred Dollars (\$500.00) for
19 violations of any provision of the Roofing Contractor Registration
20 Act or its rules or regulations. A person who fails to obtain a
21 valid registration prior to acting as a roofing contractor, or a
22 person who acts as a roofing contractor while his or her
23 registration or commercial roofer endorsement or commercial labor-
24 only endorsement is not in good standing or is suspended or revoked

1 without complying with the required disclosure and option for
2 homeowner to cancel the contract provisions of subsection I of
3 Section 1151.5 of this title, on first offense, may be
4 administratively fined and disciplined after notice and opportunity
5 for hearing before the Roofing Hearing Board. A person who violates
6 any other provision of the Roofing Contractor Registration Act, on
7 first offense within a two-year period, may be administratively
8 fined and disciplined by the Roofing Hearing Board in its discretion
9 in lieu of referral to the district attorney as a misdemeanor, or
10 the matter may be referred to the district attorney. Misdemeanor
11 conviction, guilty plea, or nolo contendere plea due to alleged
12 violations of the Roofing Contractor Registration Act shall be
13 grounds for the revocation of the registration and shall cause the
14 person to be ineligible for registration for a period not to exceed
15 twelve (12) months after all requirements of the sentence, or
16 deferment of sentence, and probation have been met, including the
17 payment of any restitution or rehabilitative treatment.

18 E. Administrative fines collected pursuant to the Roofing
19 Contractor Registration Act shall be placed in the Roofing
20 Contractor Registration Revolving Fund pursuant to Section 1151.20
21 of this title.

22 F. It is the duty of the building official or other authority
23 charged with the duty of issuing roofing permits of any incorporated
24 municipality or subdivision of the municipality or county to refuse

1 to issue a roofing permit for any roofing undertaking which would
2 require a registration pursuant to the Roofing Contractor
3 Registration Act unless the applicant has furnished evidence that he
4 or she is either registered as required or is exempt from the
5 registration requirements of the Roofing Contractor Registration
6 Act.

7 G. The Roofing Hearing Board may make application to the
8 appropriate court for an order enjoining the acts or practices
9 prohibited by the Roofing Contractor Registration Act, and upon a
10 showing by the Roofing Hearing Board that the person or firm has
11 engaged in, or is about to engage in, any of the prohibited acts or
12 practices, an injunction, restraining order or other order as may be
13 appropriate shall be granted by the court.

14 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1151.5 as
15 last amended by Section 1, Chapter 265, O.S.L. 2015 (59 O.S. Supp.
16 2020, Section 1151.5), is amended to read as follows:

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

21 B. An applicant or qualifying party whose registration is
22 denied, or the person has a conviction, or pled guilty or nolo
23 contendere to a misdemeanor, or otherwise fails to meet the
24 requirements of application, may obtain a hearing before the

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

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

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

1 been taken against such registration or license and
2 whether it is currently in good standing, and

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

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

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

20 4. A copy of the roofing contractor's certificate of liability
21 insurance shall be filed with the application and shall be not less
22 than Five Hundred Thousand Dollars (\$500,000.00) for residential
23 roofing contractor work and shall not be less than One Million
24 Dollars (\$1,000,000.00) for commercial roofing contractor work or

1 commercial labor-only subcontractor work. Any insurance company
2 issuing a liability policy to a roofing contractor pursuant to the
3 provisions of the Roofing Contractor Registration Act shall be
4 required to notify the Construction Industries Board in the event
5 such liability policy is cancelled for any reason or lapses for
6 nonpayment of premiums. All registrations granted under the Roofing
7 Contractor Registration Act shall be suspended on the date of the
8 policy cancellation. The registrar must receive proof of insurance
9 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 or commercial labor-only endorsement must provide
20 information on the legal entity, including but not limited to the
21 articles, organizational agreements or documents establishing the
22 legal entity, including a list of the officers, members, managers,
23 partners, or other managing agents of the legal entity. The
24

1 qualifying party shall also provide a certificate of good standing
2 or a trade name report from the Office 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 4. The applicant fails or refuses to pay the required fees;

14 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 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 7. The applicant, qualifying party, or legal entity has failed
21 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
24

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 that
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 5. AMENDATORY 59 O.S. 2011, Section 1151.7, as
13 amended by Section 5, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2020,
14 Section 1151.7), is amended to read as follows:

15 Section 1151.7. The holder of a roofing contractor registration
16 certificate is entitled to engage in the roofing business within
17 this state pursuant to the provisions of the Roofing Contractor
18 Registration Act, and subject to the following limitations:

19 1. A roofing contractor's registration certificate number shall
20 be valid and in good standing at the time of soliciting a project
21 and during subsequent job performance;

22 2. Each roofing contractor issued a roofing contractor
23 registration shall display the roofing firm name and the roofing
24 contractor registration number bearing the initials "OK" preceding

1 that registration number issued by the registrar on all vehicles
2 used to transport materials and tools in the operation of the
3 business. Such names, endorsements and numbers shall be printed in
4 letters and numerals at least two (2) inches in height in a
5 conspicuous location on both sides of each vehicle in contrasting
6 color to the background color;

7 3. Each roofing contractor issued a commercial roofer
8 endorsement or a commercial labor-only endorsement shall display the
9 roofing firm name and the information that the roofing contractor
10 has a commercial roofer endorsement or a commercial labor-only
11 endorsement issued by the registrar on all vehicles used to
12 transport materials and tools in the operation of the business.
13 Such endorsement information shall be in print size that is at least
14 two (2) inches in height in a conspicuous location on both sides of
15 each vehicle in contrasting color to the background color;

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

22 5. A roofing contractor's registration certificate number shall
23 be submitted when applying for any permit issued by the state, or
24 any of its political subdivisions, for commercial or residential

1 roofing services or projects, if a permit is required by such
2 authority, and shall be written upon each permit issued. Provided,
3 however, no permitting authority shall require a roofing contractor
4 registration certificate as a condition to issuing a permit when
5 registration is exempt pursuant to Section 1151.9 of this title;

6 6. A roofing contractor's registration certificate cannot be
7 shared or used by any other individual or business entity; provided,
8 however, a business firm, partnership, association, corporation,
9 limited liability company, or other group or combination thereof
10 acting as a unit may be granted a single roofing registration
11 certificate number for use by designated roofing contractors acting
12 as agents for the business entity when the application for
13 registration contained sufficient information on each member,
14 partner, officer and agent and the registrar issued a single
15 certificate number to such persons as a business unit;

16 7. Upon any change to the name, address, business entity,
17 qualifying party, change in firm ownership of fifty percent (50%) or
18 more of the stock or beneficial interest in the company, or legal
19 service agent of a roofing contractor or upon adjudication by a
20 court of competent jurisdiction for a violation of the Roofing
21 Contractor Registration Act or an act or omission specified in
22 subsection A of Section 1151.14 of this title, the registrar shall
23 be notified in writing within ten (10) days. Any proposed or final
24 order or notice of hearing to the last-known address of record shall

1 be considered delivered when deposited in the United States mail
2 and/or sent registered or certified or post office receipt secured.
3 Any other communication to the last-known address of record of a
4 registrant shall be considered delivered when deposited in the
5 United States mail, regular mail;

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

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

10 10. Each registrant shall notify the registrar within ten (10)
11 days after he or she receives notice that any felony conviction has
12 been rendered against him or her or the registrant or qualifying
13 party has pled guilty or nolo contendere to a felony. The
14 notification shall be in writing, by certified mail, and shall
15 include a copy of the conviction, plea, or judgment and sentence;

16 11. Each registrant shall notify the registrar immediately upon
17 receipt of an order imposing disciplinary action upon its
18 registration issued by any other professional regulatory board, in
19 this or any other jurisdiction. Disciplinary action taken against
20 any other professional registration or license held by the
21 registrant in this jurisdiction or any other jurisdiction is grounds
22 for disciplinary action against the registration issued pursuant to
23 the Roofing Contractor Registration Act; and

24

1 12. Each registrant shall utilize a valid written contract when
2 engaging in the business of roofing contractor work. The contract
3 shall contain the requirements described in Section 1151.21 of this
4 title. Committing fraud when executing or materially altering a
5 roofing contract, mortgage, promissory note or other document
6 incidental to performing roofing contractor work, is a violation of
7 the Roofing Contractor Registration Act.

8 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1151.9, as
9 last amended by Section 2, Chapter 178, O.S.L. 2018 (59 O.S. Supp.
10 2020, Section 1151.9), is amended to read as follows:

11 Section 1151.9. A. Any administrative or governing body with
12 authority to enter into public contracts shall require individual
13 roofing contractor registration for purposes of such persons
14 submitting or entering into any bid or contract involving roofing
15 contractor work.

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

17 1. An actual owner of residential or farm property who
18 physically performs, or has family member, employee or employees who
19 perform with or without remuneration, roofing services including
20 construction, installation, renovation, repair, maintenance,
21 alteration, waterproofing, or removal of materials or structures on
22 property owned by such person;

23

24

- 1 2. Any authorized employee, representative or representatives
2 of the United States Government, the State of Oklahoma, or any
3 county, municipality, or other political subdivision of this state;
- 4 3. Any person who furnishes any fabricated or finished product,
5 material, or article of merchandise which is not incorporated into
6 or attached to real property by such person so as to become affixed
7 thereto;
- 8 4. Any person including churches or other charitable entities
9 that provide roof repairs or replacements at no charge using
10 volunteer labor;
- 11 5. Any employee of a registrant who does not hold himself or
12 herself out for hire, advertise, or engage in contracting, except as
13 an employee of a registrant;
- 14 6. Licensed engineers, licensed architects, licensed HVAC and
15 any other person licensed by the jurisdiction, operating under the
16 purview and within the scope of their respective license;
- 17 7. A person who only furnishes roofing materials, roofing
18 supplies or equipment and does not, nor do the person's employees,
19 install or fabricate them into or consume them in the performance of
20 the work of the roofing contractor;
- 21 8. Prime contractors, general contractors, property managers
22 and project managers who bid on construction trade work in areas
23 additional to roofing contractor work, and subcontract the roofing
24 contractor work as long as they subcontract the roofing work to a

1 currently registered roofing contractor who is in good standing; if
2 the bid is solely for roofing contractor work, then a registration
3 is required;

4 9. Owners of commercial properties including residential rental
5 properties consisting of four dwelling units or less, when acting as
6 their own roofing contractor and providing all material supervision
7 themselves, lessees of residential properties with the consent of
8 the owner, who, whether themselves or with their own employees,
9 perform roofing construction in or upon the properties, all
10 installing roofing materials according to the International Building
11 Code, as adopted by the Oklahoma Uniform Building Code Commission,
12 or the manufacturer's installation instructions;

13 10. Owners of property when acting as their own roofing
14 contractor, providing all material supervision themselves, and
15 installing roofing materials according to the International
16 Residential Code, as adopted by the Oklahoma Uniform Building Code
17 Commission, or the manufacturer's installation instructions when
18 building or improving a single-family dwelling residence on such
19 property for the occupancy of such owners and not intended for sale
20 or rent. In any action brought under the Roofing Contractor
21 Registration Act, proof of the sale or offering for sale of such
22 structure or the renting or offering to rent of such structure by
23 the owners of the property within one (1) year after substantial
24 completion of the structure when the structure can be occupied and

1 used as intended but punch list items may remain, is presumptive
2 evidence that the construction was undertaken with the intent of
3 sale or rent; or

4 11. Metal building erectors who install prefabricated- or pre-
5 engineered-metal-building packages, known as PEMBs, as defined by
6 the Construction Science Institute and Construction Specifications
7 Institute in Division 13, Special Construction: Metal Building
8 Systems.

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

13 2. Commercial labor-only subcontractors performing the labor
14 for installation of roofing work must be registered and have a
15 commercial labor-only endorsement but are not required to have a
16 commercial endorsement and must be working under direct supervision
17 of a commercial-endorsed contractor that has full responsibility
18 over the actions and performance of the commercial labor-only
19 subcontractor.

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

23 Section 1151.10. A. Within twenty-five (25) calendar days from
24 the date of application, the registrar shall either issue or deny

1 the roofing contractor registration. No registration shall be
2 issued to a qualifying party until the registrar receives all
3 documentation and fees necessary to obtain a registration
4 certificate in good standing. The registration certificate issued
5 on an original application entitles the person to act as a roofing
6 contractor within this state, subject to the limitations of the
7 Roofing Contractor Registration Act. Until January 1, 2015, all
8 registrations shall expire on June 30 of each year and may be
9 renewed from year to year. Beginning no later than January 1, 2015,
10 all registrations issued shall be renewed based on staggered
11 expiration dates of the last day of the birth month of the
12 qualifying party so that all registrations and endorsements shall
13 expire on the last day in the birth month of the qualifying party.
14 The Construction Industries Board is authorized to prorate
15 registration and renewal fees, as described by rule, so that
16 beginning January 1, 2015, or thirty (30) days after rules have been
17 approved, fees for renewals previously due by June 30, 2015, are
18 prorated and converted to be due the last day of the birth month of
19 the qualifying party by shortening or lengthening the next renewal
20 date by up to six (6) months. Beginning the effective date of this
21 act, new initial registrations and endorsements will be issued for
22 up to eighteen (18) months and due for renewal the last day of the
23 birth month of the qualifying party. After initial proration or
24 conversion to birth month, no subsequent registration or endorsement

1 shall be issued for longer than one (1) year and all endorsements
2 shall expire on the last day in the birth month of the qualifying
3 party. The Construction Industries Board shall implement rules for
4 the scheduling of expiration and renewal of registrations and
5 endorsements, including the prorating of fees and the identification
6 and information of the qualifying party. The commercial roofer
7 endorsement or commercial labor-only endorsement shall expire on the
8 expiration date of the supporting registration.

9 B. An applicant or qualifying party whose registration or
10 endorsement is refused or denied by the registrar may obtain a
11 hearing before the Committee of Roofing Examiners with written
12 notice to the registrar of the grounds for appeal and identification
13 of evidence to be presented in support of the application
14 requirements and any other information showing the applicant's
15 ability and willingness to comply with the requirements of the act,
16 and to protect the public health, safety and welfare. Such appeals
17 to the Committee of Roofing Examiners shall be made by the
18 qualifying party in writing to the registrar within fourteen (14)
19 days from the date of the written notification of denial or refusal
20 to register or endorse.

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

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

1 2. Has paid the application and endorsement fee and has
2 otherwise complied with all of the provisions of the commercial
3 roofer endorsement of the Roofing Contractor Registration Act. The
4 endorsement fee ~~is hereby established as up to~~ shall not exceed Two
5 Hundred Dollars (\$200.00). Renewal of a commercial roofer
6 endorsement shall be One Hundred Dollars (\$100.00).

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

11 No endorsement shall be renewed unless the ~~licensee~~ person has
12 completed the required hours of continuing education recommended by
13 the Committee ~~and~~ as set forth by rule.

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

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

20 1. Has submitted a surety bond in the amount of Five Thousand
21 Dollars (\$5,000.00) to ensure the subcontractor will fully and
22 faithfully comply with all provisions of law, rule and regulation
23 governing the authority to perform work authorized under the
24 endorsement. The bond shall be a continuous bond with a thirty-day

1 cancellation notice requirement. The bond shall be conditioned upon
2 the faithful and lawful performance of all work entered upon by the
3 subcontractor within this state and shall be for the benefit of
4 persons injured or suffering financial loss by reason of failure of
5 the subcontractor's performance. The bond must be filed with the
6 Bonds and Insurance Unit of the Oklahoma Construction Industries
7 Board;

8 2. Has submitted two notarized verification of experience
9 letters signed and notarized by two separate commercial endorsed
10 roofing contractors attesting to their personal knowledge that the
11 applicant has a minimum of two years commercial roofing installation
12 experience;

13 3. Has paid the application and endorsement fee and has
14 otherwise complied with all of the provisions of the commercial
15 labor-only endorsement of the Roofing Contractor Registration Act.
16 The endorsement fee shall not exceed Two Hundred Dollars (\$200.00).
17 Renewal of a commercial labor-only endorsement shall be One Hundred
18 Dollars (\$100.00); and

19 4. Has submitted a copy of the commercial labor-only
20 subcontractor's certificate of liability insurance to be filed with
21 the application which shall be not less than One Million Dollars
22 (\$1,000,000.00) for commercial roofing labor-only work.

23 Endorsements renewed more than thirty (30) days following the
24 date of expiration may only be renewed upon application and payment

1 of the required fees and payment of the late renewal fee in the
2 amount of One Hundred Dollars (\$100.00).

3 No endorsement shall be renewed unless the person has completed
4 the required hours of continuing education recommended by the
5 Committee as set forth by rule.

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

10 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1151.14, as
11 amended by Section 11, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2020,
12 Section 1151.14), is amended to read as follows:

13 Section 1151.14. A. Any person may file a written duly
14 verified complaint with the registrar alleging that a person has
15 committed any of the following acts or omissions:

16 1. Abandonment of a roofing contract without legal excuse after
17 a deposit of money or other consideration has been paid;

18 2. Diversion of funds or property entrusted to a roofing
19 contractor;

20 3. Engaging in any fraudulent or deceptive acts or practices or
21 misrepresentation of products, services or qualifications as a
22 roofing contractor;

23

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1 4. Making a false or misleading statement in an application for
2 roofing contractor registration or renewal application or in
3 soliciting a contract for roofing services;

4 5. Adjudication against the roofing contractor by a court of
5 competent jurisdiction for a violation of the provisions of the
6 Roofing Contractor Registration Act, or a license or registration
7 suspended, revoked or other discipline imposed by any other
8 professional regulatory board in this or any other jurisdiction;

9 6. Engaging in or offering to engage in work without a valid
10 registration and commercial roofer endorsement or commercial labor-
11 only endorsement as required for roofing contractors pursuant to the
12 Roofing Contractor Registration Act or performing roofing services
13 during any period when the roofing contractor's registration is
14 denied, suspended or revoked;

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

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

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

24

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

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

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

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

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

1 15. Gross defects in workmanship in a roofing contractor
2 project that risks serious harm or injury to a person, or unjustly
3 causes monetary damages in excess of Five Thousand Dollars
4 (\$5,000.00); or

5 16. Failure to comply with a specified provision of the Roofing
6 Contractor Registration Act.

7 B. The complaint shall be on a form approved by the registrar
8 and shall set forth the alleged act or omission stated in subsection
9 A of this section, and a statement of sufficient facts upon which a
10 reasonable person could conclude that the act or omission specified
11 in subsection A of this section has been committed. All complaints
12 filed with the registrar shall be open to public inspection.
13 Nothing in this section shall be construed to require the
14 complainant to first file a complaint with the registrar before
15 seeking relief or remedies allowed by law.

16 C. A complaint received by the registrar as provided in this
17 section may be retained by the Board for investigation, citation,
18 and hearing before the Roofing Hearing Board or, in the Board's
19 discretion, the complaint may be referred to the district attorney
20 for appropriate disposition as determined by the district attorney,
21 in his or her discretion.

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

1 Section 1151.17. A. When applying for any permit required by
2 the state or any of its political subdivisions for roofing services
3 or jobs, a roofing contractor shall supply the permit-issuing
4 official that roofing contractor's registration certificate number
5 issued pursuant to the Roofing Contractor Registration Act. That
6 official shall enter a roofing contractor's registration number on
7 the permit. The registrar may investigate any roofing project for
8 purposes of verifying roofing contractor registration or permit
9 verification.

10 B. A person performing as a roofing contractor on his or her
11 own property, although exempt from the registration requirements of
12 the Roofing Contractor Registration Act, shall, when applying for a
13 permit required for the project, supply the permit-issuing official
14 any roofing contractor registration number, as soon as available, of
15 each roofing subcontractor engaged in roofing services and doing
16 work covered by the permit, if any. That official shall enter each
17 roofing contractor registration number so supplied before inspection
18 of the job.

19 C. A roofing contractor shall display his or her roofing
20 contractor registration number issued pursuant to the Roofing
21 Contractor Registration Act on every business sign, card,
22 correspondence, and contract used to solicit and conduct roofing
23 services in this state and shall display the roofing firm name,
24 existence of any commercial roofer endorsement or commercial labor-

1 only endorsement, and the roofing contractor registration number
2 bearing the initials "OK" preceding that registration number issued
3 by the registrar on all vehicles used to transport materials in the
4 operation of the business. Such names, endorsements, and numbers
5 shall be printed in letters and numerals at least two (2) inches in
6 height in a conspicuous location on both sides of each vehicle in
7 contrasting color to the background color.

8 D. Each registrant shall post in a conspicuous place on each
9 job site the name, existence of any commercial roofer endorsement or
10 commercial labor-only endorsement, registration number, and
11 telephone number for the registration under which any work is being
12 performed, and on all media containing the registrant's name,
13 including but not limited to magnetic signs on vehicles, business
14 cards, contracts, bids, letterhead, signs, and advertisements.

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

18 Section 1151.27. The Committee of Roofing Examiners shall:

19 1. Assist and advise the Construction Industries Board on all
20 matters relating to the formation of rules and standards in
21 accordance with the provisions of the Roofing Contractor
22 Registration Act and the provisions of the commercial roofer
23 endorsement or commercial labor-only endorsement of the Roofing
24 Contractor Registration Act;

- 1 2. Assist and advise the Board in prescribing and adopting
2 forms for registration and endorsement applications;
- 3 3. Assist and advise the Board on the examinations for
4 applicants for a commercial roofer endorsement of the Roofing
5 Contractor Registration Act and rules thereof, and on all matters
6 relating to the commercial roofer endorsement of the Roofing
7 Contractor Registration Act;
- 8 4. Assist and advise the Board on establishment of standards
9 and procedures for continuing education requirements for a
10 commercial roofer endorsement and procedures for all matters
11 pertaining to the formation of rules;
- 12 5. Approve applications for continuing education classes or
13 credits for a commercial roofer endorsement, and assist and advise
14 the Board on establishment of standards and procedures for the
15 approval of continuing education provider applications;
- 16 6. In its discretion, issue an advisory opinion to any
17 registrant, governmental official or entity substantially affected
18 by a rule or statute enforceable by the Board;
- 19 7. Hear requests for reconsideration of registration and
20 endorsement applications denied or refused by the registrar;
- 21 8. When deemed necessary by the Committee, appoint a member of
22 the Committee to assist in investigating an alleged violation of the
23 provisions of the Roofing Contractor Registration Act and of any
24 rules promulgated pursuant thereto. Such member then would be

1 disqualified from participation as a Roofing Hearing Board member in
2 the same matter brought before the Roofing Hearing Board for
3 adjudication;

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

8 10. Recommend to the Board that the Board enter into a written
9 reciprocity agreement with another state if the requirements for
10 registration in the other state are deemed by the Committee to be
11 substantially the same or equivalent to the requirements for
12 obtaining an original registration in force in this state at the
13 date of such registration and:

14 a. that one (1) year immediately prior to the date of
15 payment of the required fee the applicant lawfully
16 engaged in roofing contractor work within and under
17 the laws of the state pursuant to a license or
18 registration issued thereby authorizing such roofing
19 work,

20 b. that no disciplinary matters are pending against the
21 applicant in any city, state, country, territory or
22 province, and relating to the roofing trade in which
23 the applicant seeks reciprocity,

24

1 c. that the registration being reciprocated was obtained
2 by equivalent or substantially the same requirements
3 in the state wherein it was issued,

4 d. that there is a written agreement between the states
5 with equivalent or substantially similar registration
6 requirements, and

7 e. that the applicant meets all other requirements of the
8 Construction Industries Board Act, including payment
9 of the applicable license fee;

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

13 12. Assist and advise the Board in such other matters as
14 requested thereby.

15 SECTION 11. AMENDATORY Section 17, Chapter 270, O.S.L.
16 2014 (59 O.S. Supp. 2020, Section 1151.28), is amended to read as
17 follows:

18 Section 1151.28. A. The designee of the Construction
19 Industries Board, as chair, and the Committee of Roofing Examiners
20 shall act as the Roofing Hearing Board and shall comply with the
21 provisions of the Construction Industries Board Act, rules and
22 Article II of the Administrative Procedures Act.

23 B. Any administrative hearing on suspensions, revocations or
24 fines shall be conducted by a hearing examiner appointed by the

1 Construction Industries Board. The hearing examiner's decision
2 shall be a final decision which may be appealed to a district court
3 in accordance with the Administrative Procedures Act and the
4 Construction Industries Board Act and rules and regulations.

5 C. The Roofing Hearing Board may, upon its own motion, and
6 shall, upon written complaint filed by any person, investigate and
7 conduct hearings on the business transactions of any roofing
8 contractor, firm or any person soliciting or engaging in roofing
9 contractor work.

10 D. The Roofing Hearing Board may conduct hearings on citations
11 issued to any person pursuant to the Roofing Contractor Registration
12 Act, applications for suspension and revocation of a registration or
13 endorsement.

14 E. The Construction Industries Board shall suspend or revoke or
15 may refuse to issue or renew any license or registration under the
16 commercial roofer endorsement or commercial labor-only subcontractor
17 provisions of the Roofing Contractor Registration Act for any of the
18 following standards of the Roofing Contractor Registration Act:

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

21 2. Obtaining any endorsement by false or fraudulent
22 representation;

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

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

3 5. Violating any provisions of the Roofing Contractor
4 Registration Act, or any rule or order prescribed by the
5 Construction Industries Board pursuant to the provisions of the
6 Roofing Contractor Registration Act; or

7 6. Willfully failing to perform normal business obligations
8 without justifiable cause.

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
14 February 25, 2021 - DO PASS AS AMENDED
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