

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1868 By: Newberry of the Senate  
3 and  
4 Newell of the House  
5  
6

7 ( Roofing Contractor Registration Act - commercial  
8 roofing contractors - creating the Roofing  
9 Examination and Review Board - commercial roofing  
10 examination - codification -  
11 effective date )  
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14 AMENDMENT NO. 1. Page 1, line 10, strike the enacting clause  
15 Passed the House of Representatives the 5th day of April, 2012.  
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18 \_\_\_\_\_  
Presiding Officer of the House of  
19 Representatives

20 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.  
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23 \_\_\_\_\_  
Presiding Officer of the Senate  
24

1 ENGROSSED SENATE  
2 BILL NO. 1868

By: Newberry of the Senate

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4 Newell of the House

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6 [ Roofing Contractor Registration Act - commercial  
7 roofing contractors - creating the Roofing  
8 Examination and Review Board - commercial roofing  
9 examination - codification - effective date ]

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

11 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.2, is  
12 amended to read as follows:

13 Section 1151.2. As used in the Roofing Contractor Registration  
14 Act:

15 1. "Roofing contractor" means any person, including a  
16 subcontractor and nonresident contractor, engaged in the business of  
17 commercial or residential roofing services for a fee, or who offers  
18 to engage in or solicits roofing-related services, including  
19 construction, installation, renovation, repair, maintenance,  
20 alteration, and waterproofing. Roofing contractor shall not mean:

21 a. a person engaged in the demolition of a structure or  
22 the cleanup of construction waste and debris that  
23 contains roofing material ~~nor,~~  
24

1           b.    a person working under the direct supervision of the  
2                    roofing contractor who is hired either as an employee,  
3                    day laborer, or contract laborer, or

4           c.    a person working on his or her residential or farm  
5                    property, whether actually performing the work or  
6                    using the assistance or labor of family members,  
7                    relatives, neighbors or employees;

8           2.    "Nonresident contractor" means any contractor who has not  
9                    established and maintained a place of business as a roofing  
10                   contractor in this state within the preceding year, or who claims  
11                   residency in another state, or who has not submitted an income tax  
12                   return as a resident of this state within the preceding year;

13           3.    "Commercial roofing contractor" means any person who acts as  
14                   a roofing contractor as defined in paragraph 1 of this section and  
15                   who engages in such roofing services on commercial, industrial or  
16                   public buildings or structures;

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~~ the Roofing  
21                   Contractor Registration Act;

22           4. 5. "Public contract" means a contract with the State of  
23                   Oklahoma, its political subdivisions, or any board, commission, or  
24                   department thereof, or with any board of county commissioners, or

1 with any city council, school board, or with any state or municipal  
2 agency, or with any other public board, body, commission, or agency  
3 authorized to award contracts for the construction or reconstruction  
4 of public work and includes subcontracts undertaken to perform works  
5 covered by the original contract or any part thereof; and

6 ~~5.~~ 6. "Registrar" means the Construction Industries Board or  
7 any person designated by the Board to administer the provisions of  
8 ~~this act~~ the Roofing Contractor Registration Act.

9 SECTION 2. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1151.25 of Title 59, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. On and after February 1, 2014, every commercial roofing  
13 contractor operating in this state shall be required to take and  
14 successfully pass a commercial roofing examination approved by the  
15 Roofing Examination Board before acting as a roofing contractor, or  
16 registering or renewing a roofing contractor registration pursuant  
17 to the Roofing Contractor Registration Act. The commercial roofing  
18 examination shall include test questions covering professional  
19 competencies and skills on a variety of roofing structures,  
20 materials and systems, best practices, and provisions on Oklahoma  
21 law and construction codes. The commercial roofing examination  
22 covering Oklahoma law and construction codes shall be retaken and  
23 successfully passed every three (3) years to maintain a commercial  
24 roofing registration in good standing.

1 B. Failure to comply with the examination requirements  
2 established in subsection A of this section shall be deemed a  
3 violation of the Roofing Contractor Registration Act, and shall  
4 subject the violator to the penalty prescribed in Section 1151.3 of  
5 Title 59 of the Oklahoma Statutes. In addition, a roofing  
6 registration may be revoked for failure to comply with the  
7 requirements for commercial roofing contractors pursuant to the  
8 Roofing Contractor Registration Act.

9 C. All nonresident roofing contractors intending to operate as  
10 a commercial roofing contractor in this state shall be required to  
11 take the commercial roofing examination prior to acting as a  
12 commercial roofing contractor or registering or renewing a  
13 registration pursuant to the Roofing Contractor Registration Act.  
14 However, when a state of emergency is declared by the Governor, the  
15 Governor may direct the registrar to waive the commercial roofing  
16 examination requirement for nonresident commercial roofing  
17 contractors when a clear need exists for commercial roofing services  
18 and the nonresident roofing contractor registers in this state  
19 pursuant to the Roofing Contractor Registration Act and  
20 substantiates his or her prior commercial roofing experience upon  
21 registration.

22 D. The commercial roofing examination fee covering professional  
23 competencies, skills and best practices shall be One Hundred Fifty  
24 Dollars (\$150.00). The examination fee covering the portion of the

1 examination on Oklahoma law and construction codes shall be Fifty  
2 Dollars (\$50.00). The commercial roofing examination may be retaken  
3 if a first test score does not result in successful passage. No  
4 person shall take the commercial roofing examination more than twice  
5 in one year and there shall be a minimum waiting period of at least  
6 thirty (30) days between any repeat testing. The commercial roofing  
7 examination shall be offered at least monthly on dates and times  
8 determined by the registrar.

9 SECTION 3. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1151.26 of Title 59, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. There is hereby created the Roofing Examination and Review  
13 Board for the sole purpose of creating a state commercial roofing  
14 examination and scoring mechanism for the Roofing Contractor  
15 Registration Act. The Board shall create additional examination  
16 materials to be included as part of the commercial roofing  
17 examination which shall relate specifically to Oklahoma law and  
18 construction codes.

19 B. The Board shall commence its work within thirty (30) days of  
20 the date of the last member appointment to the Board and shall  
21 terminate its work on the thirtieth day after the first examination  
22 date on the new test materials. The Board is prohibited from  
23 conducting business after the date terminating official business  
24 until the Governor has reconstituted a new Board. The Board shall

1 be reconstituted with the same or newly appointed members every  
2 third year not later than September 1; provided, however, the  
3 Governor may reconstitute the Board earlier than the third year if  
4 significant legislative changes have been made to the Roofing  
5 Contractor Registration Act or the construction codes are amended.  
6 All appointments for a reconstituted Board shall be made by the  
7 Governor in the same manner as initial appointments to the Board.  
8 Each reconstituted Board shall review the current approved  
9 commercial roofing examination materials and make adjustments to the  
10 examination materials as necessary to adjust for any changes in the  
11 roofing industry, law or construction codes. Each reconstituted  
12 Board shall commence its work within thirty (30) days of the date of  
13 the last member appointment to the Board and shall terminate its  
14 work on the thirtieth day after the first examination date on the  
15 new approved test materials.

16 C. Members of the Roofing Examination and Review Board shall  
17 each have one vote and shall be appointed by the Governor as  
18 follows:

19 1. One member shall be a licensed architect with a minimum of  
20 five (5) years' experience in commercial roof design. This member  
21 shall be selected from a list of three qualified and eligible  
22 architects submitted by a state organization representing engineers;

23 2. Two members shall be commercial roofing contractors each  
24 with a minimum of five (5) years' business experience in commercial

1 roofing in this state and who are registered pursuant to the Roofing  
2 Contractor Registration Act;

3 3. One member shall be an employee of the Construction and  
4 Property Division of the Oklahoma State Department of Central  
5 Services with experience in developing roofing standards or  
6 supervising roofing construction or repairs;

7 4. One member shall be a licensed engineer with a minimum of  
8 five (5) years' experience in commercial roof design. This member  
9 shall be selected from a list of three qualified and eligible  
10 engineers submitted by a state organization representing engineers;

11 5. One member shall be a general contractor with a minimum of  
12 five (5) years' experience in commercial construction. This member  
13 shall be selected from a list of three qualified and eligible  
14 general contractors submitted by a state organization representing  
15 general contractors; and

16 6. One member shall be a lay member residing in this state.

17 The Director of the Construction Industries Board shall be a  
18 nonvoting, ex officio member of the Board.

19 D. The Board shall comply with the Oklahoma Open Meeting Act  
20 and the Oklahoma Open Records Act. Four members shall constitute a  
21 quorum for purposes of conducting official business and business may  
22 be transacted by electronic means as deemed appropriate. Members  
23 may receive travel reimbursements as allowed by the State Travel  
24 Reimbursement Act; however, no member shall receive any other



1 compensation for performance of Board duties. Members may be  
2 removed by the Governor and any vacancy in membership may be filled  
3 for the unexpired term as provided for the initial appointment.  
4 Members shall not be limited in the number of their reappointments.

5 E. The registrar shall provide staff and administrative  
6 assistance to the Board to complete its duties and shall pay any  
7 travel reimbursements allowed by law for members. The registrar  
8 shall employ a person or persons to actually conduct the commercial  
9 roofing examinations, score examinations and notify the examinee of  
10 passage or failure to pass the examination. The registrar shall  
11 develop an application form and procedures for an applicant to  
12 schedule and take or retake the commercial roofing examination. The  
13 registrar shall include a notation on each roofing contractor's  
14 registration information when the roofing contractor has  
15 successfully passed the commercial roofing examination and exam  
16 portion on Oklahoma law and construction codes so the public will  
17 have notification of all successfully examined commercial roofing  
18 contractors in the roofing contractor registration database.

19 SECTION 4. This act shall become effective November 1, 2012.  
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