

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2436

By: Biggs and McBride of the
House

and

Justice of the Senate

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

17 AUTHOR: Add the following Senate Coauthor: Pittman

18 AMENDMENT NO. 1. Page 1, strike the title to read

19 "[counties and county officers - County Emergency
20 Registration Act - registration of certain
21 contractors - codification - effective date]"

1 Passed the Senate the 20th day of April, 2016.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2016.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
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15 determinations; providing for notice to applicant
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17 classification made by county; providing for fees;
18 providing for exceptions; providing for codification;
19 and providing an effective date.

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

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

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

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

1 As used in the County Emergency Registration Act:

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

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

5 a. for which a Governor's State of Emergency Proclamation
6 has been issued,

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

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

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

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

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

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

15 A. Upon a declared state disaster or emergency, the board of
16 county commissioners of any county affected by the declared state
17 disaster or emergency shall have the power to require the
18 registration of any roofing contractor.

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

3 C. A person who fails to obtain a valid registration prior to
4 acting as a roofing contractor as defined in Section 2 of this act,
5 or a person who acts as a roofing contractor while his or her
6 registration is suspended or revoked, or a person who violates any
7 provision of this act shall be guilty of a violation, upon
8 conviction, punishable by a fine not to exceed Five Hundred Dollars
9 (\$500.00).

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

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

22 A. To obtain a roofing contractor registration under the County
23 Emergency Registration Act, an applicant who is eighteen (18) years
24 of age or older shall submit, on forms the county commissioner

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

17 1. The applicant desires the issuance of a roofing contractor
18 registration certificate;

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

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

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

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

7 B. The county shall refuse to register any person if the county
8 determines:

9 1. The application contains false, misleading or incomplete
10 information;

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

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

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

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

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

21 C. The county shall notify the applicant in writing if the
22 county denies a registration or renewal certificate, and shall
23 provide the applicant an opportunity to respond to or cure any
24 defect in the written application or renewal for a period of ten

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

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

10 1. Maintain liability insurance coverage;

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

15 3. File, renew or properly amend any fictitious name
16 certificate;

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

24 5. File or renew a trade name registration;

1 6. Maintain or renew a roofing contractor registration as
2 provided in this act;

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

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

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

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

1 not in good standing, or while such registration is suspended or
2 revoked, the roofing contractor shall be in violation of the
3 provisions of this act. Any registration that remains not in good
4 standing for a sixty-day period shall be suspended on the sixtieth
5 day from the date of issuance of the notice to the roofing
6 contractor that his or her registration is not in good standing.
7 Any registration that remains not in good standing, and is suspended
8 for such cause, shall be revoked on the ninetieth day from the date
9 of issuance of the notice to the roofing contractor that his or her
10 registration is not in good standing. The county shall notify the
11 roofing contractor upon suspension or revocation of his or her
12 registration for failure to comply in bringing such registration
13 into good standing as required by law.

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

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

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

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

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

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

9 The County Emergency Registration Act shall not apply to:

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

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

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

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

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

Passed the House of Representatives the 17th day of February, 2016.

Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2016.

Presiding Officer of the Senate