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March 25, 2024

ENGROSSED HOUSE
BILL NO. 3736

By: Dempsey of the House

and

Alvord of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2021, Sections 1151.15 and 1151.18, which relate to the Roofing Contractor Registration Act; removing duty of registrar to notate response of contractor; modifying duty of registrar to confirm contractor registration certificates; removing system requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 1151.15, is amended to read as follows:

Section 1151.15 A. The Board is authorized to investigate any written complaint received pursuant to the Roofing Contractor Registration Act, including any person to the extent necessary to determine if the person is engaged in violations of the provisions of the Roofing Contractor Registration Act, including unlawful activity of the practice of contracting for roofing work without a valid registration, whether the matter is prosecuted administratively through the Roofing Hearing Board or referred for criminal prosecution. The Board may refer the matter for

1 prosecution whether or not the person ceases the unlawful practice
2 of contracting for roofing work without a valid registration.

3 B. Service of the notice of violation or citation may be in
4 person or by certified mail at the last-known business address or
5 residence address of the person cited.

6 C. A notice of violation and citation may contain a cease and
7 desist order for residential roofing contractor work if the
8 homeowner has been provided the required disclosure and has
9 exercised the homeowner's option to cancel the contract as provided
10 in subsection I of Section 1151.5 of this title, or at any time
11 during commercial roofing contractor work.

12 D. The registrar shall read each complaint received and shall
13 ~~enter a notation in the individual roofing contractor's record~~
14 ~~showing~~ record the date that the verified complaint was received and
15 ~~the nature of~~ process the complaint as provided by law. The
16 registrar shall notify the roofing contractor against whom the
17 complaint is made, in writing, within five (5) days of the receipt
18 of the written complaint. The roofing contractor shall have ten
19 (10) days to respond, in writing, to the registrar. If a response
20 to the complaint is received by the registrar, whether admitting or
21 denying the basis of the complaint, a copy of both the complaint and
22 the response shall be sent to the district attorney along with the
23 results of any investigation by the Board, if the Board does not
24 retain the matter and refers the complaint to the district attorney.

1 If no response is received, the complaint may still be referred to
2 the district attorney, along with the results of any investigation
3 by the Board. The Board or a Committee member is authorized to
4 assist in any investigation of a roofing complaint referred to the
5 district attorney, if requested by the district attorney. ~~In~~
6 ~~addition, the registrar shall enter a notation in the individual~~
7 ~~roofing contractor's record showing the date that the roofing~~
8 ~~contractor's response was received, if any, and whether the response~~
9 ~~admitted or denied the basis of the complaint.~~

10 E. Following referral of a complaint to the district attorney,
11 if the roofing contractor is adjudicated by the court for an act or
12 omission specified in subsection A of Section 1151.14 of this title,
13 or upon a conviction for any violation of the provisions of the
14 Roofing Contractor Registration Act, the registrar, when ordered by
15 the court, shall suspend, revoke or deny the roofing contractor's
16 registration for the period of time specified by the court, and if
17 the court orders the registration suspended, revoked or denied, and
18 yet fails to set the term of such suspension, revocation or denial,
19 the period shall be six (6) months.

20 F. The registrar shall not renew, reinstate, or issue a new
21 roofing contractor registration to any person subject to any term of
22 denial, suspension or revocation until such term has been completed,
23 and thereafter, the person makes application and pays required fees
24 pursuant to Sections 1151.8 and 1151.12 of this title.

1 G. It shall be unlawful for a person to obtain or attempt to
2 obtain a roofing contractor registration certificate under any other
3 name during any period when the roofing contractor's registration is
4 suspended or revoked. Upon conviction of a violation of this
5 subsection, the person shall be guilty of a misdemeanor as provided
6 in Section 1151.3 of this title. A business firm, partnership,
7 association, corporation, limited liability company, or other group
8 or combination thereof acting as a unit whose registration
9 certificate is suspended or revoked includes all of the members,
10 partners, officers, and agents acting under that roofing contractor
11 registration certificate when such persons are specified on and did
12 sign the application or renewal form.

13 SECTION 2. AMENDATORY 59 O.S. 2021, Section 1151.18, is
14 amended to read as follows:

15 Section 1151.18 Upon request, the registrar shall verify a
16 roofing contractor registration number to city, county and state
17 enforcement officials and to the public. The registrar shall
18 establish through the Internet or other technology a verification
19 system or direct access system for confirming roofing contractor
20 registration certificates and status of registration maintained by
21 the Construction Industries Board. ~~The system shall include the~~
22 ~~notation of each complaint received against an individual roofing~~
23 ~~contractor, his or her response to each complaint by noting whether~~
24 ~~the roofing contractor admits or denies the allegation, any court~~

1 ~~disposition of a complaint, if known, and any conviction for a~~
2 ~~violation of the provisions of this act. In addition, the system~~
3 ~~may include a notation for any conviction of a criminal violation in~~
4 ~~this state, another state, or the United States when disclosed by a~~
5 ~~criminal history records search on the individual roofing~~
6 ~~contractor.~~ Disclosure of any information through use of the
7 roofing contractor registration system or information maintained by
8 the registrar shall not be deemed to be an endorsement of any
9 roofing contractor or determination of any facts, qualifications,
10 information or reputation of any roofing contractor by the
11 registrar, the state, the Construction Industries Board, or any of
12 their respective agents, officers, employees or assigns.

13 SECTION 3. This act shall become effective November 1, 2024.

14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
15 March 25, 2024 - DO PASS
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