

1 **SENATE FLOOR VERSION**

2 March 6, 2025

3 SENATE BILL NO. 1035

By: Woods

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5
6 An Act relating to construction licensing; amending
7 59 O.S. 2021, Sections 858-634, 1000.9, 1010.1, 1044,
8 1151.3, 1695, and 1850.11, which relate to
9 administrative fines, orders requiring compliance
10 with standards and rules, violations, and roofing
11 contractor registration; limiting certain penalties;
12 requiring certain educational material to be provided
13 upon certain violation; requiring certain non-
14 adversarial meeting for certain offenders;
15 establishing certain limitations for consideration in
16 certain hearing; and providing an effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2021, Section 858-634, is
19 amended to read as follows:

20 Section 858-634. A. The Committee may impose administrative
21 fines on any licensee licensed pursuant to the Home Inspection
22 Licensing Act. Fines may be imposed as follows:

23 1. Any administrative fine imposed as a result of a violation
24 of the Home Inspection Licensing Act or rules promulgated pursuant
thereto shall not:

1 a. be less than Two Hundred Dollars (\$200.00) and shall
2 not exceed Two Thousand Dollars (\$2,000.00) for each
3 violation, or

4 b. exceed Five Thousand Dollars (\$5,000.00) for all
5 violations resulting from a single inspection;

6 2. All administrative fines shall be paid within thirty (30)
7 days of written notification to the licensee of the order imposing
8 the administrative fine or, if the licensee appeals the fine, within
9 thirty (30) days of the decision of the Construction Industries
10 Board in favor of the action of the Board unless the district court
11 stays the order of the Board pending an appeal pursuant to the
12 Administrative Procedures Act;

13 3. The Board may suspend the license until any fine imposed
14 upon the licensee is paid; and

15 4. If fines are not paid in full by the licensee as required by
16 this subsection, the Board shall revoke the license.

17 B. The administrative fines authorized by this section may be
18 imposed in addition to any other criminal penalties or civil actions
19 provided for by law.

20 C. No penalty or penalties under this section shall be issued
21 inconsistent with Section 1000.9 of this title.

22 SECTION 2. AMENDATORY 59 O.S. 2021, Section 1000.9, is
23 amended to read as follows:

1 Section 1000.9. A. In addition to any other remedies provided
2 for by law, the Construction Industries Board may issue a written
3 order to any person or entity whom the Board has reason to believe
4 is in violation of, or has violated, any law which the Board has
5 authority to enforce or the standards or rules promulgated by the
6 Board, and to whom the Board has served, no less than fifteen (15)
7 days previously, a written notice of violation. The fifteen-day
8 notice period may be reduced as, in the opinion of the Board, may be
9 necessary to render the order reasonably effectual.

10 B. The written order may require immediate compliance with the
11 law or the standards or rules promulgated by the Board, or within a
12 specified time period, or both. The order may also assess an
13 administrative fine for each day or part of a day that such person
14 fails to comply with the order.

15 C. Any order issued pursuant to this section shall state with
16 specificity the nature of the violation. Any penalty assessed in
17 the order shall not exceed One Thousand Dollars (\$1,000.00) per day
18 of noncompliance with the order. In assessing such penalty, the
19 Board shall consider the seriousness of the violation and any
20 efforts to comply with applicable requirements.

21 D. Any order issued pursuant to the provisions of this section
22 shall become a final order unless, no later than fifteen (15) days
23 after the order is served, the person or persons named therein
24 request an administrative hearing. Upon such request, the Board

1 shall promptly conduct a hearing. The Board may dismiss such
2 proceedings when compliance with the order is demonstrated and all
3 assessed fines, whether negotiated or not, are paid. A final order
4 following a hearing determining a violation occurred shall assess an
5 administrative fine based upon consideration of the evidence and as
6 allowed by law or rule.

7 E. Such orders and hearings are subject to the Administrative
8 Procedures Act.

9 F. 1. The Board shall not fine any person's first offense, nor
10 aggregation of first offenses issued concurrently, at an amount
11 greater than Two Thousand Dollars (\$2,000.00). Any such fine
12 assessed shall include educational resources designed to assist the
13 first-time offender achieve lawful compliance.

14 2. The Board shall make a non-adversarial meeting available to
15 first-time offenders. The purpose of such meeting shall be to guide
16 and assist first-time offenders through the licensing and compliance
17 process. A first-time offender's acceptance of, attendance at, or
18 completion of such a meeting shall not be considered in any
19 administrative hearing concerning the issuance of the citation or
20 the amount of a fine.

21 SECTION 3. AMENDATORY 59 O.S. 2021, Section 1010.1, is
22 amended to read as follows:

23 Section 1010.1. A. In addition to other penalties provided by
24 law, if after a hearing in accordance with the provisions of Section

1 1010 of this title, the Plumbing Hearing Board shall find any person
2 to be in violation of any of the provisions of The Plumbing License
3 Law of 1955, such person may be subject to an administrative fine of
4 not more than Five Hundred Dollars (\$500.00) for each violation.
5 Each day a person is in violation of The Plumbing License Law of
6 1955 may constitute a separate violation. The maximum fine will not
7 exceed One Thousand Dollars (\$1,000.00). All administrative fines
8 collected pursuant to the provisions of this subsection shall be
9 deposited in the fund established in Section 1018 of this title.
10 Administrative fines imposed pursuant to this subsection shall be
11 enforceable in the district courts of this state.

12 B. The Plumbing Hearing Board may make application to the
13 appropriate court for an order enjoining the acts or practices
14 prohibited by The Plumbing License Law of 1955, and upon a showing
15 by the Plumbing Hearing Board that the person has engaged in any of
16 the prohibited acts or practices, an injunction, restraining order,
17 or other order as may be appropriate shall be granted by the court.

18 C. No penalty or penalties under this section shall be issued
19 inconsistent with Section 1000.9 of this title.

20 SECTION 4. AMENDATORY 59 O.S. 2021, Section 1044, is
21 amended to read as follows:

22 Section 1044. A. Any person convicted of acting or performing
23 as a building and construction inspector without the proper license
24 shall be guilty of a misdemeanor and shall be punished by a fine of

1 not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two
2 Thousand Five Hundred Dollars (\$2,500.00), together with the costs
3 of prosecution. Each day of violation shall constitute a separate
4 offense.

5 Any entity who employs an unlicensed person to perform the
6 duties and responsibilities of a building and construction inspector
7 or who fails to notify the Construction Industries Board of the
8 employment of an inspector shall be subject to an administrative
9 fine of not more than Two Hundred Dollars (\$200.00) for each
10 violation. Each day a person is in violation may constitute a
11 separate violation. The maximum fine shall not exceed One Thousand
12 Dollars (\$1,000.00).

13 B. No penalty or penalties under this section shall be issued
14 inconsistent with Section 1000.9 of this title.

15 SECTION 5. AMENDATORY 59 O.S. 2021, Section 1151.3, is
16 amended to read as follows:

17 Section 1151.3. A. All roofing contractors shall be registered
18 annually by the Board. All registrations shall be nontransferable.
19 It is unlawful for any person to act as a roofing contractor without
20 having a current and valid roofing contractor's registration or act
21 as a commercial roofing contractor without a current and valid
22 commercial roofer endorsement issued pursuant to the Roofing
23 Contractor Registration Act, unless the person is exempt under the
24 Roofing Contractor Registration Act. Evidence of securing a permit,

1 including roofing work from a governmental agency or the employment
2 of a person on a roofing project, shall be accepted in any court as
3 prima facie evidence of the existence of a contract.

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

10 A verified copy of a roofing contractor's administrative
11 citation for unregistered activity or without required commercial
12 roofer endorsement and order of final disposition from the registrar
13 shall be received in all courts in this state as prima facie
14 evidence of the facts stated therein, including establishment
15 thereby of the first offense.

16 B. A person shall not engage or offer to engage in, by
17 advertisement or otherwise, the business nor act in the capacity of
18 a roofing contractor within this state nor shall that person bring
19 or maintain any claim, action, suit, or proceeding in any court of
20 this state related to the person's business or capacity as a roofing
21 contractor without a valid registration and commercial roofer
22 endorsement, when required, continuously while performing the work
23 for which the claim, action, suit, or proceeding is sought, as
24 provided in the Roofing Contractor Registration Act. No business

1 entity shall advertise or act as a roofing contractor unless such
2 business is a registered roofing contractor with a valid commercial
3 roofer endorsement, when required, and is in good standing, and is
4 associated with and responsible for all roofing contractor work of
5 such entity. Any business entity violating the provisions of this
6 subsection shall be subject to administrative penalty by the Board
7 not to exceed Five Thousand Dollars (\$5,000.00).

8 C. A person who fails to obtain a valid registration and
9 endorsement when required prior to advertising or offering to engage
10 as or acting as a roofing contractor as defined in the Roofing
11 Contractor Registration Act, or a person who acts as a roofing
12 contractor while his or her registration is not in good standing or
13 is suspended or revoked without complying with the required
14 disclosure and option for homeowner to cancel the contract
15 provisions of subsection I of Section 1151.5 of this title, or a
16 person who violates any provision of the Roofing Contractor
17 Registration Act, shall be guilty of a misdemeanor, upon conviction
18 or plea, punishable by a fine not to exceed Five Hundred Dollars
19 (\$500.00) for each violation. More than one misdemeanor violation
20 in any twelve-month period shall be grounds for the suspension of
21 the registration, and shall cause the person to be ineligible for
22 registration for a period not to exceed twenty-four (24) months
23 after all requirements of the sentence, or deferment of sentence,

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1 and probation have been met, including the payment of any
2 restitution or rehabilitative treatment.

3 D. In lieu of referring complaints of violations of the Roofing
4 Contractor Registration Act to the district attorney for misdemeanor
5 prosecution, the Board in its discretion may issue administrative
6 fines to any person up to Five Hundred Dollars (\$500.00) for
7 violations of any provision of the Roofing Contractor Registration
8 Act or its rules or regulations. A person who fails to obtain a
9 valid registration prior to acting as a roofing contractor, or a
10 person who acts as a roofing contractor while his or her
11 registration or commercial roofer endorsement is not in good
12 standing or is suspended or revoked without complying with the
13 required disclosure and option for homeowner to cancel the contract
14 provisions of subsection I of Section 1151.5 of this title, on first
15 offense, may be administratively fined and disciplined after notice
16 and opportunity for hearing before the Roofing Hearing Board. A
17 person who violates any other provision of the Roofing Contractor
18 Registration Act, on first offense within a two-year period, may be
19 administratively fined and disciplined by the Roofing Hearing Board
20 in its discretion in lieu of referral to the district attorney as a
21 misdemeanor, or the matter may be referred to the district attorney.
22 Misdemeanor conviction, guilty plea, or nolo contendere plea due to
23 alleged violations of the Roofing Contractor Registration Act shall
24 be grounds for the revocation of the registration and shall cause

1 the person to be ineligible for registration for a period not to
2 exceed twelve (12) months after all requirements of the sentence, or
3 deferment of sentence, and probation have been met, including the
4 payment of any restitution or rehabilitative treatment.

5 E. Administrative fines collected pursuant to the Roofing
6 Contractor Registration Act shall be placed in the Roofing
7 Contractor Registration Revolving Fund pursuant to Section 1151.20
8 of this title.

9 F. It is the duty of the building official or other authority
10 charged with the duty of issuing roofing permits of any incorporated
11 municipality or subdivision of the municipality or county to refuse
12 to issue a roofing permit for any roofing undertaking which would
13 require a registration pursuant to the Roofing Contractor
14 Registration Act unless the applicant has furnished evidence that he
15 or she is either registered as required or is exempt from the
16 registration requirements of the Roofing Contractor Registration
17 Act.

18 G. The Roofing Hearing Board may make application to the
19 appropriate court for an order enjoining the acts or practices
20 prohibited by the Roofing Contractor Registration Act, and upon a
21 showing by the Roofing Hearing Board that the person or firm has
22 engaged in, or is about to engage in, any of the prohibited acts or
23 practices, an injunction, restraining order or other order as may be
24 appropriate shall be granted by the court.

1 H. No penalty or penalties under this section shall be issued
2 inconsistent with Section 1000.9 of this title.

3 SECTION 6. AMENDATORY 59 O.S. 2021, Section 1695, is
4 amended to read as follows:

5 Section 1695. A. Any person who violates any of the provisions
6 of the Electrical License Act or any provision of an ordinance or
7 regulation enacted by a city or town by authority of the Electrical
8 License Act, in addition to suffering possible suspension or
9 revocation of a license or registration, shall, upon conviction, be
10 guilty of a misdemeanor and shall be punished by a fine of not less
11 than Two Hundred Dollars (\$200.00) nor more than One Thousand
12 Dollars (\$1,000.00), together with the costs of prosecution.

13 B. In addition to other penalties provided by law, if after a
14 hearing in accordance with the provisions of Section 1689 of this
15 title, the Electrical Hearing Board shall find any person to be in
16 violation of any of the provisions of this act, such person may be
17 subject to an administrative fine of not more than Five Hundred
18 Dollars (\$500.00) for each violation. Each day a person is in
19 violation of this act may constitute a separate violation. The
20 maximum fine will not exceed One Thousand Dollars (\$1,000.00). All
21 administrative fines collected pursuant to the provisions of this
22 subsection shall be deposited in the Electrical Revolving Fund.
23 Administrative fines imposed pursuant to this subsection shall be
24 enforceable in the district courts of this state.

1 C. The Electrical Hearing Board may make application to the
2 appropriate court for an order enjoining the acts or practices
3 prohibited by this act, and upon a showing by the Electrical Hearing
4 Board that the person has engaged in any of the prohibited acts or
5 practices, an injunction, restraining order, or other order as may
6 be appropriate shall be granted by the court.

7 D. If any electrical facilities as defined in the Electrical
8 License Act are in violation of the National Electrical Code set
9 forth in the National Fire Code (Electrical) issued by the National
10 Fire Protection Association, NFPA number 70, current edition, as
11 amended, or any ordinance or other regulation of a city or town, the
12 proper authorities of the state or political subdivision of the
13 state, in addition to other remedies, may institute appropriate
14 action or proceedings to prevent any illegal installation or use of
15 such facilities, to restrain, correct or abate any violation, or to
16 prevent illegal occupancy of a building or structure.

17 E. No penalty or penalties under this section shall be issued
18 inconsistent with Section 1000.9 of this title.

19 SECTION 7. AMENDATORY 59 O.S. 2021, Section 1850.11, is
20 amended to read as follows:

21 Section 1850.11. A. Any person, mechanical contractor,
22 mechanical journeyman, mechanical apprentice or mechanical firm who
23 violates any of the provisions of the Mechanical Licensing Act in
24 addition to suspension or revocation of a license, upon conviction,

1 shall be guilty of a misdemeanor and punished by a fine of not less
2 than Two Hundred Dollars (\$200.00) nor more than One Thousand
3 Dollars (\$1,000.00), or both such fine and imprisonment together
4 with the costs of prosecution.

5 B. In addition to other penalties provided by law, if after a
6 hearing in accordance with the provisions of Section 1850.14 of this
7 title, the Mechanical Hearing Board shall find any mechanical
8 contractor, mechanical journeyman, mechanical apprentice or
9 mechanical firm to be in violation of any of the provisions of this
10 act, such person or firm may be subject to an administrative fine of
11 not more than Five Hundred Dollars (\$500.00) for each violation.
12 Each day a person or firm is in violation of this act may constitute
13 a separate violation. The maximum fine will not exceed One Thousand
14 Dollars (\$1,000.00). All administrative fines collected pursuant to
15 the provisions of this subsection shall be deposited in the Oklahoma
16 Mechanical Licensing Revolving Fund. Administrative fines imposed
17 pursuant to this subsection shall be enforceable in the district
18 courts of this state.

19 C. The Mechanical Hearing Board may make application to the
20 appropriate court for an order enjoining the acts or practices
21 prohibited by this act, and upon a showing by the Mechanical Hearing
22 Board that the person or firm has engaged in any of the prohibited
23 acts or practices, an injunction, restraining order, or other order
24 as may be appropriate shall be granted by the court.

1 D. No penalty or penalties under this section shall be issued
2 inconsistent with Section 1000.9 of this title.

3 SECTION 8. This act shall become effective November 1, 2025.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
5 March 6, 2025 - DO PASS

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