

RULE IMPACT STATEMENT

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 85. ROOFING CONTRACTOR REGISTRATION REGULATIONS

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of the proposed amendments to 158:85-1-2 is to provide the public a description of terms as the statutes have historically been applied by the agency. The purpose of the proposed amendments to 158:85-2-1 is to establish rules necessary to implement the provisions of Senate Bill 1083 related to requirements for Workers' Compensation coverage which became effective November 1, 2016. The purpose of the proposed amendment to 158:85-2-4 is to correct an error which resulted in having conflicting rules related to the length of time that a commercial roofing endorsement can be expired before the former endorsement holder is required to make an initial application and retest to obtain the endorsement. The purpose of the proposed amendments to 158:85-9-3 is to establish a time limit by which an applicant for a commercial roofing endorsement must pass both portions, business and law portion and trade portion, of the exam, after which they would be required to retake both portions; and, to amend procedures/requirements related to an applicant who violates exam procedures as determined by the examination provider. The purpose of the proposed amendments to 158:85-9-4 is to remove obsolete, outdated verbiage; to amend the deadline for submission of applications for continuing education course approval; to clarify that approval of any type of continuing education course is rescinded upon the adoption of a different statewide code; to clarify that continuing education programs must be conducted substantially as shown on the agenda approved by the Roofing Examiners Committee ("the Committee"); and to allow continuing education credit to be earned through teaching a course in an accredited trade school or a trade-specific program approved by the Committee.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, members of industry and the public who are involved in or wish to be involved in the roofing industry/trade registered and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
3. **CLASSES OF PERSONS BENEFITTED:** The agency, members of industry and the public who are involved in or wish to be involved in the roofing industry/trade registered and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
4. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** Having clear and unambiguous definitions should have a positive economic impact in that it should help to keep an individual from unknowingly committing a violation that could result in a fine or penalty. There is only an increased cost to an applicant for a commercial endorsement if the applicant chooses not to take both portions of the commercial endorsement exam on the same day. Allowing alternate credit to be earned through teaching a course in an accredited trade school or a trade-specific program approved by the Committee should have a positive impact on such an individual as they would not have to incur the time and cost to take additional continuing education courses.

5. **COSTS AND BENEFITS TO THE AGENCY:** The CIB does not collect any examination fees. Therefore, the proposed amendment that requires an individual retake all or a portion of the commercial endorsement exam does not result in a cost or economic benefit to the agency.
6. **ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** No economic impact on any political subdivision is anticipated by the proposed rules.
7. **ECONOMIC IMPACT ON SMALL BUSINESS:** The economic impact on small business is not measurable.
8. **MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:** The proposed rule changes are the least costly or least intrusive method of achieving the purpose of the proposed rules. There are no non-regulatory methods for achieving the purpose of the proposed rule changes.
9. **EFFECT OF THE PROPOSED RULE ON PUBLIC HEALTH:** Registration and commercial endorsement of roofing contractors helps to protect the health, safety and welfare of the public. Having a time limit for an applicant to pass both portions of the commercial endorsement exam would help the agency to ensure an individual issued a commercial endorsement has knowledge of current, applicable building and construction codes, laws, rules, and practices.
10. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** There are no known detriments to public health if the rule is not adopted.
11. **DATE IMPACT STATEMENT PREPARED:** December 6, 2016.

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 85. ROOFING CONTRACTOR REGISTRATION REGULATIONS**

SUBCHAPTER 1. GENERAL PROVISIONS

158:85-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means Roofing Contractor Registration Act as found at 59 O.S. § 1151, *et seq.*

"Administrator" means the Administrator of the Board as described in the Construction Industries Board Act found at 59 O.S. § 1000.1, *et seq.*

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

"Applicant" means the qualifying party, or if no qualifying party, any person applying under the Roofing Contractor Registration Act for a roofing contractor registration to be issued by the Construction Industries Board. Applicant also means any person making application under the Act for endorsement, examination, roofing code variance, or continuing education program and instructor approval.

"Board" means the Oklahoma Construction Industries Board.

"Bonds and Insurance Unit" means the staff unit that processes bonds and insurance for all trades, under the direction of the Construction Industries Board.

"Business entity" means a person as defined in this Subchapter.

"Certificate of insurance" means a general liability policy in the amounts specified in 59 O.S. Section 1151.5(C)(4) for roofing contractor work for which the general liability policy includes the registration number, if any, the roofing firm name, and that the policy specifically covers roofing work, with the Construction Industries Board added as a certificate holder to be immediately provided notice in the event such liability policy is cancelled for any reason or expires for non-payment of premiums.

"Cheating" means any unapproved deviation from any official instruction given before, during or after a commercial endorsement examination, for the purpose of affecting or influencing the examination results or otherwise providing an undue advantage to any examinee.

"Commercial roofing contractor work" means work done on roofing systems or structures as defined as commercial in the International Building Code, as adopted by the Oklahoma Uniform Building Code Commission; except it does not mean buildings used for commercial purposes having equivalent or substantially the same roofing requirements as a "residence" defined herein, including but not limited to business offices converted from a structure that formerly was a residence.

"Committee" means the Committee of Roofing Examiners.

"Contracting" means engaging or offering to engage in any roofing work which requires a valid and appropriate registration or endorsement from the Construction Industries Board as required by the Roofing Contractor Registration Act.

"Credit Hour" or **"Hour"** means at least fifty (50) minutes of classroom instruction with a ten (10) minute break.

"Excluded from registration" means those for whom no registration or endorsement is required pursuant to 59 O.S. § 1151.2(18)(a) through (d) and 59 O.S. §1151.9(B).

"Handyman" means, a person who is receiving compensation from the owner in an amount less than \$10,000.00 or a repair area covering less than 25% of the roofing surface and who is performing roofing work in conjunction with other repairs to the property and who does not perform more than two roofing repair jobs per calendar year. Any roofing repair jobs performed by a handyman in excess of two per calendar year are not excluded from the provisions of the Act. Roofing repair jobs estimated at \$10,000.00 or more or repair of an area covering 25% or more of the roofing surface and paid out at less than \$10,000.00 are not excluded.

"Hearing Board" means the Roofing Hearing Board created by the Act.

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

"ICC" means the International Code Council.

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

"Oklahoma Uniform Building Code Commission" or **"OUBCC"** means the state agency created under 59 O.S. § 1000.20, *et seq.*, and authorized to adopt all building codes and standards for residential and commercial construction to be used as minimum standards by all entities within this State.

"Owner" means the person who owns the property or is a lessee of the property.

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

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

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

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

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

"Reciprocity agreement" means a written agreement between states whereby a person holding a roofing registration, endorsement or license in another state with substantially similar or greater requirements than Oklahoma may be registered and endorsed for commercial roofing

work, if any, in this State after application and payment of a fee for registration and endorsement by reciprocity.

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

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

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

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

"Residence" means a single structure for residential occupancy or use which is a detached one- to four-family dwelling or a multiple single-family dwelling (townhouse) not more than three (3) stories/floors above grade plane in height with a separate means of egress, and which is intended for use as a primary habitation, and any appurtenances thereto shall be in compliance with the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission.

"Residential roofing contractor work" means work done on roofing systems as defined in the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission, or as defined as a "residence" herein; except for buildings used for commercial purposes having equivalent or substantially the same roofing requirements as a "residence" defined herein, including but not limited to business offices converted from a structure that formerly was a residence.

"Roofing contractor" means any person, including a subcontractor and nonresident contractor, engaged in the business of commercial or residential roofing contractor work as that term is defined and exclusions listed in 59 O.S. § 1151.2 and this Chapter.

"Roofing contractor work" means the installation, fabrication or assembly of equipment or systems included in commercial or residential roofing systems as defined in the International Building Code and the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission, and roofing construction work including, but not limited to, installation, renovation, remodeling, reroofing, reconstructing, repair, maintenance, improvement, alteration, and waterproofing, unless specifically excluded in the Roofing Contractor Registration Act.

"Roofing firm" means any person, as defined by the Act, offering to engage or engaging in roofing contractor work.

"Roofing Hearing Board" means the Hearing Board enacted pursuant to 59 O.S. § 1151.28 which shall consist of a designee of the Construction Industries Board, as chair, and the members of the Committee of Roofing Examiners acting in compliance with the provisions of the Construction Industries Board Act, rules and Article II of the Administrative Procedures Act

"Roofing Unit" means the staff and administrative support unit to the Committee of Roofing Examiners and the Roofing Hearing Board.

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

"Variance" means the use of an alternative material or method of construction from that prescribed in the International Building Code or the International Residential Code or other

approved documents by the Oklahoma Uniform Building Code Commission, described as the standard of installation at OAC 158:85-1-4, for use at a particular location or project specified in the variance application.

"Variance and Appeals Board" means the Oklahoma State Roofing Installation Code Variance and Appeals Board enacted pursuant to 59 O.S. § 1151.29.

SUBCHAPTER 2. REGISTRATION AND ENDORSEMENT APPLICATION AND RENEWAL REQUIREMENTS, PROCEDURES, FEES, DURATION, MILITARY AND RECIPROCITY

158:85-2-1. Registration, insurance, and workers compensation coverage

(a) Registration Requirement.

(1) All persons performing roofing contractor work are required to apply and obtain from the Board a roofing registration number before advertising or engaging in the performance of roofing contractor work unless excluded under the Act. All persons performing commercial roofing contractor work as defined in this Chapter are required to apply and obtain from the Board a commercial endorsement to a roofing registration before advertising or engaging in the performance of commercial roofing contractor work unless excluded under the Act. The commercial endorsement is in addition to the registration. Roofing contractors who do not perform commercial roofing contractor work and only perform residential roofing contractor work do not need to obtain a commercial endorsement.

(2) Each roofing firm must have a person who is currently registered as a roofing contractor, and employed, full time, and who shall give full time to the supervision and control of operations necessary to ensure full compliance with the provisions of the Act and these Rules. Such contractor shall be an officer, partner or owner of that roofing firm, and shall be responsible for the work, registered, and endorsed if applicable, on behalf of that roofing firm.

(3) Applications for registration and commercial endorsement for any commercial roofing work shall be made to the Construction Industries Board in writing and under oath on forms approved and provided by the Board and shall be accompanied by the proper fee. If the registrar deems it appropriate or necessary, the registrar may also require other information to be included on the application form to assist the registrar in registering the person as a contractor.

(b) Insurance.

(1) Prior to engaging in roofing work, each person on an initial application process, and all roofing contractors submitting renewal applications, shall provide proof of financial responsibility by providing a certificate of insurance which indicates a minimum general liability policy of \$500,000.00 for residential roofing contractor work and \$1,000,000.00 for endorsement of commercial roofing contractor work. Proof that the general liability policy specifically includes coverage of roofing work must be provided by the insurance policy carrier to the registrar.

(2) Any insurance company issuing a liability policy to a roofing contractor pursuant to the provisions of the Roofing Contractor Registration Act shall include the registration number, if any, the roofing firm name, and sufficient information to demonstrate the policy specifically covers roofing work; shall add the Construction Industries Board as a certificate

holder; and shall be required to notify the Construction Industries Board in the event such liability policy is cancelled for any reason or expires for non-payment of premiums.

(c) **Workers Compensation.** The residential roofing contractor shall submit proof that the residential roofing contractor has secured workers' compensation coverage satisfactory under the Workers' Compensation Act, or an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act which shall be maintained during all times of engaging in and performing residential roofing contractor work. All commercial roofing contractors shall maintain worker's compensation insurance coverage satisfactory under the Workers' Compensation Act and pursuant to Title 59 § 1151.22 on all commercial roofing contractor work. Any insurance company issuing a workers' compensation coverage policy to a roofing contractor pursuant to the provisions of the Roofing Contractor Registration Act shall include the registration number, if any, the roofing firm name, and sufficient information to demonstrate the policy specifically covers roofing work, add the Construction Industries Board as a certificate holder and shall be required to notify the Construction Industries Board in the event such liability policy is cancelled for any reason or expires for nonpayment of premiums.

(d) **Failure to Provide.** Any person failing to provide certificate of insurance or worker's compensation information at the time of initial application may be refused registration or endorsement for incomplete information, and all current registrations and endorsements under the Roofing Contractor Registration Act shall be placed not in good standing on the date of the policy cancellation. The registrar must receive proof of insurance and workers compensation prior to restoring the registration and endorsement. Any registrations and endorsements remaining in not good standing may be suspended or revoked according to the Act.

158:85-2-4. Renewal of registration and endorsement

(a) Applications for renewal of a registration and commercial endorsement shall be made to the Construction Industries Board in writing and under oath on forms approved and provided by the Board and shall be accompanied by the proper fee.

(b) Any registration issued may be renewed by submitting the completed registration form, requirements and fee for the next year before the birth month expiration date.

(c) Any endorsement issued may be renewed by submitting the completed registration and endorsement form, requirements and fee for the next year before the birth month expiration date, along with providing any applicable continuing education and insurance requirements. Before any commercial endorsement may be renewed, all applicable continuing education requirements must be met. Any endorsement which remains expired for longer than ~~two (2) years~~ one (1) year shall not be renewed. The former endorsement holder shall be required to make an initial application and retest to obtain the endorsement.

(d) A registration or endorsement renewed under the provision of this Chapter is effective when notice of such renewal is issued by the Construction Industries Board.

SUBCHAPTER 9. ENDORSEMENT QUALIFICATIONS, REQUIREMENTS, EXAMINATION AND CONTINUING EDUCATION

158:85-9-3. Commercial endorsement examination

(a) **Exam required.** A commercial endorsement cannot be issued until the applicant's roofing registration has been approved, all endorsement requirements met, and the qualifying party has passed the examination.

(b) **Exam content.** The commercial endorsement examination may include, without limitation, the following parts:

(1) Written questions consisting of open book problems based on the standards of installation for roofing adopted by the Oklahoma Uniform Building Code Commission at OAC 158:85-1-4.

(2) Practical shop, which shall also include written questions on job estimating and the laws and regulations relating to roofing contractors.

(3) The maximum grade value of each part of the examination shall be 100 points. A passing score is 70% or more on each part.

(4) The qualifying party shall present current identification before undertaking an examination.

(c) **Exam procedures.**

~~(5)~~ (1) If the qualifying party does not pass the exam, the qualifying party may reapply for the exam and pay an additional retesting fee. However, no person will be allowed to retake an exam within thirty (30) days of the first failed exam or within ninety (90) days of the second or subsequently failed exam.

(2) Applicants for a commercial endorsement must pass both portions (business/law and trade) of the roofing contractor endorsement exam. If an applicant for a commercial endorsement passes only one of the two portions of the required exam, the applicant need only retake the portion of the exam not passed if done within three (3) years of the date the Applicant is approved and eligible to sit for the commercial endorsement exam. Otherwise, the Applicant will need to retake both portions of the commercial endorsement exam.

~~(6)~~ (3) An examinee that is caught cheating during the course of an examination shall be deemed to have failed the examination. Any applicant who violates exam procedures as determined by the examination provider, including but not limited to cheating, misrepresenting oneself as another, or inappropriate actions during an examination may be immediately notified and expelled from the examination. Furthermore, the applicant's exam will be considered invalid and the applicant will be disqualified from retaking the exam for a period of time no less than 30 days and no more than 365 days as determined by the Administrator of the Construction Industries Board.

~~(e)~~(d) **Examination fees.** The Construction Industries Board, or its designated representative, may collect for the actual cost of any examination provided by the Act and this Chapter. Every person whose application for examination is approved shall be informed of the specific fee prior to sitting for the examination. The testing fee shall be the amount negotiated by the Administrator with a third-party provider in accordance with the provisions of the Oklahoma Central Purchasing Act. Documentation confirming the contractual fee shall be available upon request.

158:85-9-4. Continuing education

(a) **Continuing education required for endorsement renewal.** ~~Beginning on July 1, 2016, no~~ No roofing contractor commercial endorsement shall be renewed unless the endorsee has completed at least four (4) hours of continuing education within thirty-six (36) months preceding the ~~application for renewal~~ commercial endorsement expiration date; and thereafter, the endorsee shall complete four (4) hours every three (3) years or thirty-six (36) months preceding the commercial endorsement expiration date.

(b) **Continuing education course requirements.**

(1) The continuing education course and instructor shall be approved in advance by the Committee. Exceptions to advance approval, or post-course approval, may be allowed by the Committee, or its designee, for emergency situations when written notice of the emergency is provided to the Committee within seven (7) days of the course. The continuing education material shall cover codes and revisions adopted by the Oklahoma Uniform Building Code Commission or other trade related subject matters appropriate for topics of continuing education for endorsees and approved by the Committee including manufacturers' installation of materials or equipment, the registration act, the trade rules and regulations, and other trade or safety related subject matters approved by the Committee.

(2) Course content should be designed to update knowledge and improve roofing contracting knowledge and skills.

(3) Credit will be given for CE courses approved by the Committee of Roofing Examiners, or its designee.

(4) Except as provided herein, these rules shall apply to every registered roofing contractor commercial endorsement.

(5) An endorsee is excluded from the education requirements of these rules for three (3) years from the date he or she passed their current endorsement exam.

(c) **Standards.** The following standards will govern the approval of continuing education programs by the Committee of Roofing Examiners.

(1) The program provider shall submit evidence that the provider and instructional staff are qualified by reason of education, experience or training.

(2) Any written material that is distributed during the session shall be readable, of high quality and shall be made available to all attendees.

(3) The program shall be presented in a comfortable location such as hotel/motel conference room, corporate meeting room, or regular classroom.

(4) The training session shall be presented outside the regular workplace or after regular working hours. An onsite conference room, that meets standards imposed by (3) of this subsection, shall be considered outside the regular workplace.

(5) A credit hour means at least 50 minutes of classroom instruction with a 10 minute break.

(6) CE courses shall be presented in one of the following formats.

(A) Four (4) credit hours presented in one day.

(B) Two sessions of two credit hours each presented within a seven day period.

(C) One session of two credit hours of trade related instruction, Roofing Contractor Registration Act and/or Roofing Contractor Industry Regulations.

(D) An approved correspondence or online course.

(E) Another format approved by the Committee.

(7) Verification of Credit.

(A) The Course Provider shall verify the total number of continuing education hours completed by each attendee.

(B) Continuing education providers shall require attendees to present a current photo I.D. prior to the attendee signing the sign-in sheet form approved by the Construction Industries Board. Sign-in sheets shall include the name and registration number of each registrant in attendance.

(C) As soon as practicable but in any event on or before seven (7) days following an approved continuing education program, the provider shall furnish the original sign-in sheets from the course to the Roofing Unit of the Construction Industries Board.

(D) Providers shall maintain copies of all sign-in sheets for a period of two (2) years following the conclusion of the course.

(8) Course providers or instructors may not advertise or promote the sale of any goods, products or services between the opening and closing of any Continuing Education Course.

(d) Application procedures and requirements.

(1) In order to receive continuing education credit, a course must be approved by the Committee.

(2) A completed application form, with all supporting documentation, shall be submitted to the Construction Industries Board at least ~~sixty (60)~~fifteen (15) days prior to the date of the Regular meeting of the Committee from which the applicant wants the course to be considered for approval, and at least thirty (30) days prior to the date for which the course is scheduled start date.

(3) An application is to be submitted for each date, or dates, that constitute a single course.

(4) Each course must be included on a separate application.

(5) The application shall include the following information:

(A) Name and address of the provider.

(B) Contact person and his or her address, telephone number and fax number.

(C) The location of the courses or program.

(D) The number and type of education credit hours requested for each course.

(E) Topic outlines listing the summarized topics covered in each course.

(F) If a prior approved course has substantially changed, a summarization of these records.

(G) The names and qualifications of each instructor who is qualified in accordance with this Chapter.

(H) Information as to how the proposed course meets the standard in accordance with this Chapter.

(I) Supporting documents which shall include the following:

(i) A resume or brief summary of qualifications of all course developers and instructors.

(ii) A course agenda designating the beginning and ending of actual instruction times, sign-in times, breaks, lunches and any evaluation time.

(iii) A course curriculum indicating the subject or code areas to be taught with sufficient detail to determine which codes and codes revisions are to be addressed or the trade related instruction being provided and, if requested, a copy of any course materials.

(6) Entities seeking to offer correspondence courses for continuing education must comply with the application procedures and requirements of this Subchapter and shall submit a course curriculum and study material for review and approval by the Committee prior to the courses being offered as continuing education. Approved correspondence courses shall be required to comply with all requirements for other continuing education courses except for sign-in sheets. Providers shall provide a student with a document of completion which certifies completion of approved correspondence courses.

(7) Providers seeking to offer online courses for continuing education must comply with the application procedures and requirements of this Subchapter and shall submit a course curriculum and study material for review and approval by the Committee prior to the courses being offered as continuing education. An access code and password shall be provided to the Committee, or its designee, for an online course for the purpose of review and approval. Providers of an on-line course shall submit verification of four (4) hours of real time on-line instruction. Correspondence or online courses shall have sufficient explanation and or graphics to expound the concepts being taught. The format of the online course shall be constructed so as to illicit interaction between the student and the material presented. Each page of text shall be designed with a question that must be answered before advancing to the next page or a test at the end of a subject matter before the course is considered complete. Approved online courses shall be required to comply with all requirements for other continuing education courses except for sign-in sheets. Providers shall provide a student with a document of completion that shall certify completion of an approved online course.

(8) Approval of any course, including a correspondence or online course, is rescinded upon the adoption of a different statewide code and a new application showing updated course subject matter and materials is necessary in order to obtain updated course approval.

(9) Applications for correspondence or online courses shall be resubmitted annually, from date of approval, for review and approval.

(e) **Instructor requirements.** An instructor must be qualified and approved by the Committee. An instructor should have one of the following qualifications:

- (1) Three (3) years of recent experience in the subject matter being taught, or
- (2) A degree related to the subject area being taught, and two (2) years of recent experience in the subject area being taught, or
- (3) Other educational, teaching, or professional qualifications determined by the Committee to constitute equivalent qualification to one or more of the qualifications in the previously stated sub-paragraphs of this paragraph.

(f) **Committee of Roofing Examiners acceptance.**

- (1) The Committee, or its designee, will review each application for completeness of form and supporting documentation, as well as course content.
- (2) The approval of any course or instructor will be made by a majority vote of the Committee at the regularly scheduled meeting of the Committee of Roofing Examiners.
- (3) The Committee's designee may approve additional dates and locations after the course and instructor have been approved by Committee vote. Substantive change to course content must be brought before the Committee for approval.
- (4) The applicant will be notified in writing whether the program is approved or disapproved, and the reason for disapproval.

(g) **Committee rejection and reevaluation of a course.**

- (1) The Committee, or its designee, may refuse to accept any application for approval if the supporting documentation is insufficient or incomplete. The Committee may deny or revoke approval of an application for any of the following reasons.
 - (A) Failure to comply with the continuing education provisions.
 - (B) Inadequate application or supporting documentation.
 - (C) Failure to instruct on topic approved.
 - (D) Inadequate experience of program developer or instructor.

- (E) Unsatisfactory evaluation of the course instructor or materials from previous classes.
- (2) The Committee may, at any time, re-evaluate and grant or revoke approval of application, course, or instructor.
- (3) The Committee may, at any time, review courses for quality of instruction. The Committee may also investigate complaints regarding approved courses. The Committee may then take appropriate action, up to and including revocation of authority to provide CE courses.
- (4) A provider's failure to comply with any continuing education rule constitutes grounds for disciplinary action, up to and including revocation of authority to provide CE, against the provider or for denial of future applications for course work.
- (5) The Committee, or its designee, will notify the provider, in writing, of any changes in approval status.
- (h) **Appeals.**
- (1) Applicants denied approval of a course may appeal such a decision by submitting a written letter of appeal to the committee within fifteen days of the receipt of the notice.
- (2) All appeals will be heard by the Committee at its next regularly scheduled meeting.
- (i) **Course presentation.**
- (1) The course program, including the named advertised participants, ~~shall~~must be conducted substantially as approved by the committee, including lunch and breaks shown on the approved agenda, subject to emergency withdrawals and minor alterations.
- (2) Changes including but not limited to location, date, instructors, or cancellations must be requested from the Committee, or its designee, in writing prior to start of class. All requests for change must include the course ID number.
- (j) **Course advertisement.**
- (1) All advertising must include the course ID number.
- (2) Approved program courses may be advertised.
- (3) The provider of an approved continuing education program may announce or indicate as follows: Course # has been approved by the Construction Industries Board Committee of Roofing Examiners for "x" hours of CE credit.
- (k) **Correspondence and online courses.**
- (1) Applications, approvals and rejections, and appeals of all correspondence and online courses shall be the same as for classroom-based courses.
- (2) Correspondence courses shall be required to comply with all requirements of continuous education courses, except sign-in sheets.
- (3) An access code and password shall be provided to the Committee, or its designee, for an online course for the purpose of review and approval. Correspondence or online courses shall have sufficient explanation and or graphics to expound the concepts and changes being taught. The format of the online course shall be constructed so as to illicit interaction between the student and the material presented. Each page of text shall be designed with a question that must be answered before advancing to the next page or a test at the end of a subject matter before the course is considered complete.
- (4) Providers of an on-line course shall submit verification of four (4) hours of real time on-line instruction.
- (5) Course providers shall provide a student with a document of completion which certifies completion of approved correspondence course.

(6) Applications shall be resubmitted annually, from date of approval, for review and approval.

(l) **Alternate credit method~~method~~ accrual.**

(1) Credit may be earned through teaching an approved continuing education course. The Committee may award up to four (4) hours of CE credit, not to exceed the number of approved hours for that CE course.

(2) Credit may also be earned through teaching a course in an accredited trade school or a trade-specific program approved by the Committee. The Committee may award up to four (4) hours of CE credit for each semester of academic credit awarded by the academic institution for the course.

(m) **Exception to continuing education requirement.** Continuing education is not required for roofing registration (residential work) only.

(n) **Course, instructor, and provider complaint procedure.**

(1) A person, government, or private organization may submit a written complaint to the Committee, or its designee, charging a provider of continuing education with a violation of the rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing and include contact information, and shall be filed on the proper complaint form prescribed by the Construction Industries Board, or its designee.

(3) The Committee may consider an unsigned or anonymous complaint for further investigation.

(4) Upon receipt of a signed complaint form, a copy shall be sent to the continuing education provider addressed in the complaint. The continuing education provider shall provide a written response within fifteen days. Upon receipt of the continuing education provider's written response, both complaint and response shall be considered by the Committee, or its designee, for appropriate action including dismissal of the complaint, further investigation, denying future course or instructor approval, or a finding of violation of a statute or rule. The Committee, or its designee, shall notify both complainant and continuing education provider of the determination made by the Committee. Failure of the continuing education provider to respond will be considered as a violation of this rule and an admission of the allegations in the complaint.

(5) If a reasonable cause violation determination is made by the Committee, the Oklahoma Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken including but not limited to all parts of this subsection.

NOTICE OF RULEMAKING INTENT

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 85. ROOFING CONTRACTOR REGISTRATION REGULATIONS

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:85-1-2 [AMENDED]

Subchapter 2. Registration and Endorsement Application and Renewal Requirements, Procedures, Fees, Duration, Military and Reciprocity

158:85-2-1 [AMENDED]

158:85-2-4 [AMENDED]

Subchapter 9. Endorsement Qualifications, Requirements, Examination and Continuing Education

158:85-9-3 [AMENDED]

158:85-9-4 [AMENDED]

SUMMARY:

The proposed amendments to 158:85-1-2 correct punctuation and add definitions for "Cheating" and for "Contracting." The proposed amendments to 158:85-2-1 relate to changes in the requirements for Workers' Compensation coverage pursuant to Senate Bill 1083 which became effective November 1, 2016. The proposed amendment to 158:85-2-4 corrects an error which resulted in having conflicting rules related to the length of time that a commercial roofing endorsement can be expired before the former endorsement holder is required to make an initial application and retest to obtain the endorsement. The amendments to 158:85-9-3 provide a time limit by which an applicant for a commercial roofing endorsement must pass both portions, business and law portion and trade portion, of the exam, after which they would be required to retake both portions; and, amend procedures/requirements related to an applicant who violates exam procedures as determined by the examination provider. The amendments to 158:85-9-4 remove obsolete, outdated verbiage; amend the deadline for submission of applications for continuing education course approval; clarifies that approval of any type of continuing education course is rescinded upon the adoption of a different statewide code; clarify that continuing education programs must be conducted substantially as shown on the agenda approved by the Roofing Examiners Committee ("the Committee"); and allow continuing education credit to be earned through teaching a course in an accredited trade school or a trade-specific program approved by the Committee.

AUTHORITY:

Construction Industries Board; 1000.4, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the

NOTICE OF RULEMAKING INTENT

close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.