

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

SUBCHAPTER 1. GENERAL PROVISIONS

158:85-1-1. Purpose

The rules in this Chapter implement the Roofing Contractor Registration Act, Title 59 O.S. § 1151, *et seq.*, as amended.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

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.

"Contract laborer" means any person employed on a temporary or leased basis who is performing the labor of roofing work and does not provide either direct supervision, does not employ or terminate the employment of others, does not pay others, or does not act in any way in a supervisory or managing capacity.

"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. Also, evidence of securing a permit, including roofing work from a governmental agency or the employment of a person on a roofing project, shall be accepted in any court, including administrative hearings, as prima facie evidence of the existence of a contract.

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

"Direct Supervision" means when an employer is responsible for, authorizes, or determines the type and extent of work assigned, reviews and approves the quality of an employee's work performed before being considered completed, provides close supervision, direction or guidance, and determines when the work is completed in fulfillment of a contract or subcontract for the construction, alteration, repair or improvement of a new or existing roof. The employer providing direct supervision is one responsible for the details of the work, the locality of the work, instrumentality and tools to be used to complete the work, the length of time for which an employee is employed, or the method, manner, means, and/or amount of payment to an employee.

"Employee" means any person, whether lawfully or unlawfully employed, in the service of another and who does not follow his or her own judgment and discretion as to the means, mode, or manner and details in the performance of the work but is hired to do the work and is subject to the control of the employer as to the means, mode, or manner and details in the performance of the work.

"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.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 34 Ok Reg 898, eff 10-1-17; Amended at 35 Ok Reg 940, eff 10-1-18]

158:85-1-3. Requirement to be registered and endorsed

No person, on his or her own behalf or on behalf of a roofing firm, shall engage or offer to engage in, by advertisement or otherwise, any roofing work who does not possess a valid and appropriate registration and endorsement, if required, from the Construction Industries Board unless otherwise excluded by law. All registrations are nontransferable.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-1-4. Standard of installation

The standards of installation are the provisions of the building codes – the International Residential Code ("IRC") and the International Building Code ("IBC"), as revised and adopted by the Oklahoma Uniform Building Code Commission pursuant to the Oklahoma Uniform Building Code Commission Act.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

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 which should be at no additional cost, not as an additional insured; 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 satisfactory proof 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 workers' compensation insurance coverage satisfactory under the Workers' Compensation Act and pursuant to Title 59 § 1151.22. The roofing contractor is responsible for having the 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, and 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 workers' 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 failure to provide current certificate of insurance or workers' compensation information after policy cancellation, expiration, or failure to notify. 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.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 34 Ok Reg 898, eff 10-1-17; Amended at 35 Ok Reg 940, eff 10-1-18]

158:85-2-2. Endorsement required for commercial roofing work

(a) **Application.** Application for roofing endorsement shall be done by filling out an application for examination on a form provided by the Roofing Unit. The requirements for commercial endorsement are the same as for roofing registration with additional requirements as listed in this Subchapter.

(b) **Business entity.** The qualifying party applying for a commercial roofer endorsement must provide information on the legal business entity, including but not limited to the articles, organizational agreements or documents establishing the legal business entity, including a list of the officers, members, managers, partners, or other managing agents of the legal entity.

(c) **Insurance.**

(1) Each person on initial application and upon receiving a contractor's registration endorsement, prior to engaging in commercial roofing work, and all commercial roofing contractors submitting endorsement renewal applications, shall provide proof of financial responsibility by providing a certificate of insurance which indicates a minimum general liability policy of \$1,000,000.00 for endorsement of commercial roofing contractor work.

(2) The Construction Industries Board must be added as a certificate holder but not as an additional insured and with no additional cost. This is required in order for the Construction Industries board to be notified in the event such liability policy is cancelled for any reason or expires for non-payment of premiums.

(d) **Examination.** In order to obtain a commercial endorsement on a roofing registration for those doing commercial roofing contractor work, the qualifying party shall have successfully passed the appropriate examination. Any applicant initially failing to pass the examination shall

not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days. However, in a declared state of emergency, the examination shall be available as often as possible as determined by the registrar.

(e) **Continuing Education.** No commercial endorsement shall be renewed unless the qualifying party has completed the required hours of continuing education, as determined and approved by the Committee of Roofing Examiners and the Construction Industries Board. Continuing education requirements are at Subchapter 9.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 35 Ok Reg 940, eff 10-1-18]

158:85-2-3. Application procedure and information required

(a) To obtain a roofing contractor registration under the Roofing Contractor Registration Act, an applicant who is a qualifying party of eighteen (18) years of age or older shall submit, on forms the registrar prescribes, the following:

- (1) An application under oath and notarized containing a statement:
 - (A) of the applicant's qualifying party's experience and qualifications, if any, as a roofing contractor,
 - (B) that the qualifying party desires the issuance of a roofing contractor registration certificate,
 - (C) that the qualifying party has read the Roofing Contractor Registration Act and will comply with the provisions of the Roofing Contractor Registration Act and rules,
 - (D) that the qualifying party will comply with state laws and local ordinances relating to standards and permits,
 - (E) that the qualifying party has or has not been registered or licensed as a roofing contractor in another state and whether any disciplinary action has been taken against such registration or license and whether it is currently in good standing, and
 - (F) that the nonresident qualifying party appoints the Secretary of State as legal service agent for all lawful process to be served upon the applicant for work performed in this state or as otherwise provided in the Roofing Contractor Registration Act; and
 - (G) that the information contained on the application form is true and correct to the best of the qualifying party's knowledge.

(b) The qualifying party shall provide the following:

- (1) Full legal name;
- (2) Mailing address, and physical address, if different, of the roofing firm business and personal address – unless listing physical address of registered service agent other than the Secretary of State in lieu of personal address;
- (3) Business and personal telephone numbers;
- (4) Email address;
- (5) Age;
- (6) Disclosure of State of residence;
- (7) Disclosure of whether registered contractor is a resident or non-resident;
- (8) Name address and telephone number of any business entity used to engage in business as a roofing contractor;
- (9) Name and address of legal registered service agent in the State of Oklahoma for any business entity listed;

- (10) Disclosure of all felony offenses of which applicant has been charged in this or any state;
 - (11) Disclosure of any citations, fines, suspensions, revocations or other disciplinary actions taken against applicant as a roofing contractor in Oklahoma or any other state;
 - (12) Proof of lawful presence in the United States;
 - (13) Valid certificate of general liability insurance as required by the Act;
 - (14) Proof of adequate workers compensation insurance coverage;
 - (15) Certificate of good standing from the Oklahoma Secretary of State if applicant is registering a domestic business entity;
 - (16) Information on any other person who will be authorized to act as the business entity;
 - (17) Additional information required by the registrar.
- (c) Each person on initial application and upon receiving a contractor's registration, prior to engaging in roofing work, and all roofing contractors submitting renewal applications, shall provide proof of compliance with insurance requirements as set forth in this Subchapter and must show proof of compliance with the Nonresident Contracting Act, 68 O.S. §§ 1701 through 1707, by providing on initial and annual renewal applications the following:
- (1) Address of business;
 - (2) Phone number of business;
 - (3) Number of employees;
 - (4) Federal Tax Number;
 - (5) Employer's Social Security Numbers;
 - (6) Employer's account number assigned by the Oklahoma Employment Security Commission;
 - (7) Nonresident contractor bond on file with the Oklahoma Tax Commission, if applicable; and
 - (8) Proof of workers' compensation policy in compliance with the provisions of Title 85 of the Oklahoma Statutes.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

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 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.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 34 Ok Reg 898, eff 10-1-17]

158:85-2-5. Fees

(a) The annual registration and commercial endorsement fee and application fee schedule shall be as follows:

- (1) initial roofing contractor registration - \$75.00
- (2) initial roofing contractor registration by reciprocity - \$75.00
- (3) initial roofing endorsement by reciprocity - \$200.00
- (4) renewal of roofing contractor registration - \$75.00
- (5) application for commercial endorsement on roofing contractor registration - \$30.00
- (6) initial commercial endorsement on roofing contractor registration - \$200.00
- (7) initial commercial endorsement and registration by reciprocity - \$275.00
- (8) renewal of commercial endorsement on roofing contractor registration - \$100.00
- (9) renewal of commercial endorsement and registration by reciprocity - \$175.00
- (10) renewal roofing contractor registration late fee if overdue 31 to 60 days - \$100.00
- (11) renewal roofing contractor registration late fee for suspended registration - \$150.00
- (12) renewal roofing contractor registration reinstatement fee for revoked registration - \$300.00

(b) In addition to a registration being categorized as not in good standing or suspended for nonrenewal, pursuant to 59 O.S. § 1151.12(D), registrants have 31 to 60 days after the expiration of a roofing contractor registration to renew, but a late registration renewal fee of \$100.00 is effective as provided in the Act and as listed above.

(c) Pursuant to 59 O.S. § 1151.12(E), a roofing contractor desiring to renew a registration certificate that has been suspended for any cause provided in the Act shall be assessed a fee equal to twice the amount of the fee established by 59 O.S. § 1151.8(D) as listed above. Further, for any registration that has been revoked for any cause provided in the Act, a reinstatement fee in addition to the registration renewal fee is assessed, both of which are listed above.

(d) Commercial endorsement of a registration requires an examination. Examination fees are separate fees and are paid directly to the testing provider.

- (1) **Payable when.** All registration and endorsement fees shall be paid at the time that the application is filed.
- (2) **Initial Registration and Endorsement Fee.** The fee for registration as a Registered Roofing Contractor with commercial endorsement shall be Two Hundred Seventy-Five Dollars (\$275.00)
- (3) **Renewal Registration and Endorsement Fee.** The fee for a renewal registration as a Registered Roofing Contractor with commercial endorsement shall be One Hundred Seventy-Five Dollars (\$175.00)
- (4) **Change of registry information fee.** The fee for the change of information of a registered roofing contractor in the Oklahoma Registry of Roofing Contractors shall be Twenty Five Dollars (\$25.00). This fee shall be applicable when an applicant or registrant submits a change of information notification form required by 59 O.S. § 1151.11.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-2-6. Duration of registration and endorsement

(a) All registrations and commercial endorsements shall have a duration of no more than one year.

- (b) An expired registration and endorsement, if any, may be reinstated if: The registration form, fee, and other information are submitted according to the Act, rules, and OAC 158:85-2-5.
- (c) A registrant who, during an investigation of the registrant by the Construction Industries Board or Office of the District Attorney, surrenders their registration or endorsement shall be treated as if the registration and any endorsement had been revoked for one (1) year from the day of surrender, unless in conjunction with a subsequent misdemeanor charge for which it shall be treated as revoked for two (2) years.
- (d) A registration cannot be renewed or reinstated until the registrant has paid any and all outstanding fines due and owing to the Construction Industries Board, Office of the District Attorney, or District Court of Oklahoma.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-2-7. Registration and Endorsement – post-military and military spouse application, expediting issuance of endorsement to military spouse, and renewals for endorsement – post-military service

(a) Acceptance of Military education, training and experience toward qualification for endorsement.

(1) **Registration and Endorsement – post-military service.** See OAC 158:1-3-10 for provisions related to the application of substantially equivalent education, training, and experience completed as a member of the Armed Forces or Reserves of the United States, National Guard of any jurisdiction, the Military Reserves of any jurisdiction, or the Naval Militias of any jurisdiction toward satisfying the qualifications for registration, examination and endorsement issuance.

(2) **Military spouse applicant – equivalency.** See OAC 158:1-3-10 for provisions related to registration and issuance of an equivalent endorsement in an equivalent category for the spouse of an active-duty member of the Armed Forces or Reserves of the United States.

(b) **Expediting issuances of registration and endorsement to military spouse.** See OAC 158:1-3-11 for provisions related the Board expediting the issuance of a registration and endorsement for spouses of certain members of the Armed Forces on active duty in this state.

(c) **Renewals for registration and endorsement - post-military service.** See OAC 158:1-3-12 for provisions related to registration renewal while a registrant is a member of the Armed Forces of the United States on active duty, and for provisions related to a registrant whose registration expires while on active duty as a member of the National Guard or reserve component of the Armed Forces.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-2-8. Roofing contractor registration and commercial endorsement by reciprocity

(a) **General procedures for application.** Any person holding a valid commercial roofing contractor license or registration issued by another state who is seeking to obtain a registration and endorsement by reciprocity shall first submit an application to the Construction Industries Board on a form provided by the Board. The application shall include all documentation necessary to show the applicant meets the requirements under Oklahoma law to receive a roofing contractor registration and commercial endorsement, if any. All applications shall first be directed to the Committee or its designee for an initial review to determine if the applicant meets the qualifications for a registration endorsement by reciprocity as set forth in these rules and in

59 O.S. § 1000.5A. Following this review, the Committee or its designee shall make a recommendation to the Board or its designee as to whether the application should be approved or disapproved. The Board or its designee shall make the final determination as to whether an application shall be approved or disapproved. If an application is disapproved by the Board or its designee, the application shall be returned to the applicant with the reason for the disapproval.

(b) **Application fees.** Before an application will be considered, a person applying for a roofing contractor registration commercial endorsement by reciprocity must pay a registration fee if not already registered, and an application and endorsement fee as listed in OAC 158:85-2-5. The registration and application fees shall not be refundable under any circumstances.

(c) **Requirements for issuance of a registration endorsement by reciprocity.** An application for a registration endorsement by reciprocity requires the following:

(1) That the requirements for registration endorsement from the state in which the applicant is registered or licensed is determined to be substantially the same or equivalent to the requirements for obtaining a registration endorsement by examination in this state. In making this determination, the following shall be considered:

(A) Whether the experience required by the other state to be eligible to sit for the registration endorsement examination is substantially the same or equivalent to the Board's requirements;

(B) Whether the experience in commercial work required by the other state is substantially the same or equivalent to the Board's requirements;

(C) Whether the continuing education requirements of the other state are substantially the same or equivalent to the Board's requirements;

(D) Whether the codes adopted by the other state are substantially the same or equivalent to the Board's requirements;

(E) Whether the examination of the other state is substantially the same or equivalent to the Board's requirements. This shall include the score required to pass the examination, the subject matter of the examination, the codes on which the examination is based, and whether the examination is in written form; and

(F) Whether the above-listed factors are set forth and determined to be substantially the same or equivalent in a written reciprocity agreement between the states.

(2) That the other state will recognize a registration endorsement issued by the State of Oklahoma through the Construction Industries Board. Paragraphs 1 and 2 of this rule may only be satisfied by the existence of a written reciprocity agreement between the Board and the state issuing the applicant's current registration or license as provided in subsection (d) of this Section.

(3) That the applicant is currently registered or licensed by a state that meets the requirements of (c)(1) of this Section and that one year immediately prior to the application, the applicant lawfully practiced an applicable trade within and under the laws of that state.

(4) That no disciplinary matters are pending against the applicant in any jurisdiction in which the applicant is currently registered or licensed. This requirement will be considered satisfied upon presentation of a certified statement from the licensing authorities of all jurisdictions in which the applicant is currently registered or licensed that no disciplinary matters are pending against applicant.

(5) That the applicant obtained the registration or license to be reciprocated by examination.

(d) **Reciprocity agreements.** The Board may enter into a reciprocity agreement with another state if the requirements for licensure in the other state are deemed by the Board to be

substantially the same or equivalent to the requirements for obtaining an original registration endorsement by examination in this state.

(e) **Reciprocal discipline.** Disciplinary action taken against the reciprocal license or registration or endorsement is grounds for disciplinary action against the registration issued pursuant to the Roofing Contractor Registration Act.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE AND HEARING BOARD

158:85-3-1. Procedures of the Committee

(a) The Committee shall serve the Construction Industries Board in an advisory capacity, assist and advise on all matters pertaining to the formation of rules pursuant to the Act, and assist and advise the Administrator, as needed, on the examination of applicants for registration endorsement as a commercial roofing contractor and on all matters related to the registering of roofing contractors, in accordance with these rules and the Act. The Committee shall make up a part of the Roofing Hearing Board.

(b) Committee meetings will be held in the principal offices of the Construction Industries Board referenced at OAC 158:1-3-1, unless posted otherwise according to the Open Meeting Act. The Committee shall meet as often as is necessary, but at least once each quarter.

(c) The public may communicate with the Committee, in person or by mail, through the Oklahoma Construction Industries Board.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-3-2. Procedures of the Hearing Board

(a) The Hearing Board shall meet as often as is necessary to enforce the requirements of the Act and these Rules. The designee of the Construction Industries Board, as chair, and the members of the Committee of Roofing Examiners shall constitute a Roofing Hearing Board, which may on its own motion make investigations and conduct hearings, including administrative hearings on individual proceedings according to OAC 158:1-3-6 with a hearing examiner, for citations issued which can result in fines, probation or reprimand, and revocation or suspension of a registration or endorsement, or any other hearing authorized by the Act.

(b) The procedure in individual proceedings shall be held in accordance with the provisions of Article II of the Administrative Procedures Act, the Roofing Contractor Registration Act and its rules, and the rules of the Construction Industries Board, specifically Subchapter 5 (OAC158:1-5-3, *et seq.*).

(c) The Roofing Hearing Board may, on its own motion or upon complaint in writing duly signed and verified by the complainant, and upon not less than ten (10) days' notice to the registrant, suspend any registration or endorsement issued under the Act and may revoke such registration or endorsement in the manner provided in the Act, if by clear and convincing evidence it finds that the holder of the registration or endorsement has violated the provisions of the Act.

(d) The standard of installation to be used by the Hearing Board for individual proceedings concerning the work of contractors shall be the applicable standard established pursuant to OAC

158:85-1-4, unless a city or county roofing requirement is otherwise applicable as a matter of law.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-3-4. Authority for proceedings

The Construction Industries Board is authorized:

- (1) To investigate complaints, qualifications of qualifying parties, applicants for registration, job sites, and any person to determine if there is a violation of the provisions of the Roofing Contractor Registration Act.
- (2) To initiate disciplinary proceedings, request prosecution, and initiate injunctive proceedings against any who violate the provisions of the Roofing Contractor Registration Act or rules.
- (3) To refer complaints of violations of the Roofing Contractor Registration Act to the district attorney for prosecution or the Board may determine to issue an administrative fine according to the Act.
 - (A) Complaint for failure to obtain a valid registration prior to acting as a roofing contractor or acting as a roofing contractor when his or her registration is not in good standing, suspended, or revoked without complying with the proper disclosure and option to the homeowner to cancel the contract pursuant to 59 O.S. § 1151.5 and is a first offense may be administratively fined and disciplined.
 - (B) Complaints for violations of any other provisions of the Act on first offense may be administratively fined and disciplined or referred to the district attorney by the Roofing Hearing Board.
 - (C) Notice of violation and notice of hearing will be provided pursuant to law.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

SUBCHAPTER 5. REGISTRATION AND ENDORSEMENT REQUIREMENTS AND LIMITATIONS, DISPLAY OF REGISTRATION NUMBER, ENDORSEMENT, FIRM NAME AND CONTACT INFORMATION, EXCLUSIONS

158:85-5-1. Registration requirements

- (a) A valid and current registration issued pursuant to the Roofing Contractor Registration Act is required before a person may advertise or act as a roofing contractor, including but not limited to when a person may be a subcontractor providing Direct Supervision for Roofing Contractor Work as those terms are defined by the Roofing Contractor Registration Act and OAC 158:85-1-2, unless the person is exempt under the Roofing Contractor Registration Act. A roofing contractor's registration and required liability insurance shall be valid and in good standing at the time of soliciting a project and during subsequent job performance.
- (b) A roofing contractor's registration certificate cannot be shared or used by any other individual or business entity; provided, however, a combination of contractors may be collectively registered for use by designated contractors acting as agents for a business entity so long as the application for registration contains sufficient information on each member of the business entity, each member individually meets all of the requirements for registration set forth

in the Act and these rules, and the business entity is registered listing all designated contractor members of the business entity.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 35 Ok Reg 940, eff, 10-1-18]

158:85-5-2. Grounds for refusal to grant registration

An applicant may be denied registration for any of the following:

- (1) An applicant's application contains false, misleading or incomplete information;
- (2) An applicant refuses to provide information requested by the application form or additional information requested by the Registrar;
- (3) An applicant does not pay the required fees;
- (4) An applicant is currently a registrant whose Roofing Contractor Registration has been suspended or revoked pursuant to the Act;
- (5) An applicant is a registered or licensed roofing contractor in a state other than Oklahoma and the license or registration has been suspended or revoked by the other state(s); or
- (6) Applicant has failed, neglected or refused to pay taxes currently due in the State of Oklahoma.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-5-3. Registration responsibilities and limitations

The holder of a roofing registration or roofer registration with commercial endorsement, shall:

- (1) maintain, and provide notice to the Construction Industries Board as Certificate Holder, the required liability insurance coverage at all times,
- (2) maintain workers' compensation coverage satisfactory under the Workers' Compensation Act.
- (3) maintain or renew a roofing contractor registration as provided in the Roofing Contractor Registration Act;
- (4) file or renew a trade name registration;
- (5) file, renew, or properly amend any fictitious name certificate.
- (6) maintain an active status of a corporation or registration as a foreign corporation, a limited liability company or registration as a foreign limited liability company, a limited liability partnership registration or foreign limited liability partnership registration, or a limited partnership certificate or limited partnership or foreign limited partnership certificate of authority, with the Oklahoma Office of the Secretary of State.
- (7) maintain a registration or license as required by law in another state while registered in this state as a nonresident roofing contractor;
- (8) notify the registrar in writing within ten (10) days of a change in name, qualifying party, address, legal business entity, business relationship, structure or affiliation, change in firm ownership of fifty percent (50%) or more of the stock or beneficial interest in the company, legal service agent, or adjudication by a court of competent jurisdiction for any act or omission specified in 59 O.S. § 1151.14(A) or a violation of the Roofing Contractor Registration Act;
- (9) file and pay all taxes of the qualifying party and business entity when due in this state.

- (10) pay all fines imposed by final orders of the Construction Industries Board, and fines and penalties imposed by courts of competent jurisdiction and agreements with a District Attorney.
- (11) comply with state laws and local ordinances relating to standards and permits for roofing services and projects;
- (12) submit the roofing contractor's registration certificate number when applying for any permit issued by the state, or any of its political subdivisions, for commercial or residential roofing services or projects, if a permit is required by such authority;
- (13) notify the registrar within ten (10) days after he or she receives notice that any conviction has been rendered against him or her or the registrant or qualifying party has made any plea of guilty, nolo contendere or finding of guilt. The notification shall be in writing, by certified mail, and shall include a copy of the conviction, plea, finding of guilt or judgment and sentence;
- (14) notify the registrar immediately upon receipt of an order imposing disciplinary action upon its registration issued by any other professional regulatory board, in this or any other jurisdiction.
- (15) Utilize a valid written contract when engaging in the business of roofing contractor work as described in Sections 1151.7 and 1151.21 of the Act.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 35 Ok Reg 940, eff 10-1-18]

158:85-5-4. Display and posting of registration number, endorsement, and firm name

- (a) Each person issued a contractor registration shall display the roofing contractor firm name, the contractor registration number bearing the initials "OK" preceding that registration number issued by the registrar, and commercial endorsement, if any, on all vehicles used to transport materials and tools in the operation of the business. Such names, numbers and lettering shall be printed in letters and numerals at least two (2) inches in height in a conspicuous location on both sides of each vehicle in contrasting color to the background color.
- (b) The roofing contractor state registration number, along with any commercial endorsement, must be displayed on all advertising, contracts, and bids. Advertising for the purposes of this subsection shall not include uniforms or promotional items including but not limited to pens, pencils, key chains, tape measures, and the like.
- (c) Each registrant, or the agents, servants, and employees of a registered roofing contractor shall post in a conspicuous place on the job site where any roofing work is performed, in size, color contrast, language and written form that is easily legible, the roofing firm name, registration number, existence of any commercial endorsement, and telephone number for the registrant pursuant to 59 O.S. § 1151.7 under which any work is being performed, and on all media containing the registrant's name, including but not limited to magnetic signs on vehicles, business cards, contracts, bids, letterhead, signs, and advertisements.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-5-5. Exclusions to requirements of registration and endorsement

Unless exempt under the Roofing Contractor Registration Act, a person must be a registered roofing contractor, and endorsed if required, pursuant to the Roofing Contractor Registration Act before advertising or acting as a roofing contractor. Persons excluded from registration, and accompanying endorsement, are:

- (1) a person engaged in the demolition of a structure or the cleanup of construction waste and debris that contains roofing material,
- (2) a person working under the direct supervision of the roofing contractor who is hired either as an employee, day laborer, or contract laborer whose payment, received in any form, from the roofing contractor is subject to self-employment tax,
- (3) a person working on his or her own property or that of an immediate relative and such person is not receiving any compensation, or
- (4) a person acting as a handyman, as defined in this Chapter, who does not perform more than two roofing repair jobs per calendar year. Roofing repair jobs performed by a handyman per calendar year in excess of two per year do not fall under the exclusions from the provisions of the Act. Roofing repair jobs by a handyman in excess of two per year require registration. Roofing repair jobs estimated at \$10,000.00 or more or repair area covering 25% or more of the roofing surface and paid out at less than \$10,000.00 are not excluded;
- (5) an actual owner of residential or farm property who physically performs, or has family member, employee or employees who perform with or without remuneration, roofing services including, construction, installation, renovation, repair, maintenance, alteration, waterproofing, or removal of materials or structures on property owned by such person;
- (6) any authorized employee, representative or representatives of the United States Government, the State of Oklahoma, or any county, municipality, or other political subdivision of this state doing roofing work on their own facility that does not violate manufacturer specifications, applicable codes, nor compromise health or safety standards and practices;
- (7) any person who furnishes any fabricated or finished product, material, or article of merchandise which is not incorporated into or attached to real property by such person so as to become affixed thereto;
- (8) any person, including churches, or other charitable entities that provide roof repairs or replacements at no charge using volunteer labor;
- (9) any employee of a registrant who does not hold himself or herself out for hire, advertise, or engage in contracting, except as an employee of a registrant;
- (10) licensed engineers, licensed architects, licensed HVAC and any other person licensed by the jurisdiction, operating under the purview and within the scope of their respective license;
- (11) a person who only furnishes roofing materials, roofing supplies or equipment and does not, nor do the person's employees, install or fabricate them into or consume them in the performance of the work of the roofing contractor;
- (12) prime contractors, general contractors, property managers and project managers who bid on construction trade work in areas additional to roofing contractor work, and subcontract the roofing contractor work as long as they subcontract the roofing work to a currently registered roofing contractor who is in good standing; if the bid is solely for roofing contractor work, then a registration is required;
- (13) owners of commercial properties including residential rental properties consisting of four (4) dwelling units or less, when acting as their own roofing contractor and providing all material supervision themselves, lessees of residential properties with the consent of the owner, who, whether themselves or with their own employees, perform roofing construction in or upon the properties, all installing roofing materials according to the International Building Code, as adopted by the Oklahoma Uniform Building Code Commission, or the manufacturer's installation instructions; or

(14) owners of property when acting as their own roofing contractor, providing all material supervision themselves, and installing roofing materials according to the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission, or the manufacturer's installation instructions when building or improving a single family dwelling residence on such property for the occupancy of such owners and not intended for sale or rent. In any action brought under the Roofing Contractor Registration Act, proof of the sale or offering for sale of such structure or the renting or offering to rent of such structure by the owners of property within one (1) year after substantial completion of the structure when the structure can be occupied and used as intended but punch list items may remain, is presumptive evidence that the construction was undertaken with the intent of sale or rent.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

SUBCHAPTER 7. [RESERVED]

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

158:85-9-1. Roofing registration endorsement qualifications

- (a) **Registration.** A person desiring to have a commercial endorsement must already have a valid and current registration, or file an initial application for registration pursuant to this Chapter concurrently with application for endorsement, pay the required fees for application, registration if not already obtained, and the endorsement, and pay an examination fee directly to the testing provider.
- (b) **Requirements.** To obtain a commercial endorsement, the applicant must meet certain qualifications and pass an examination approved by the Committee of Roofing Examiners. To renew an endorsement, continuing education requirements must be met.
- (c) **Annual renewal.**
- (1) Upon meeting the continuing education requirements for a commercial endorsement, a commercial endorsement may be renewed up to a year from the originally set renewal date pursuant to this Chapter.
 - (2) Any commercial endorsement which remains expired for longer than one (1) year shall not be renewed. The former endorsement holder shall be required to make an initial application and retest to obtain the commercial endorsement formerly held.
- (d) **Outstanding fines.** A registration or commercial endorsement cannot be issued, renewed, or reinstated until the applicant has paid any and all outstanding fines due and owing to the Construction Industries Board, and any and all fines and penalties imposed by courts of competent jurisdiction and agreements with a District Attorney.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-9-2. Qualifications for commercial endorsement on a roofing contractor registration

- (a) A qualifying party for a roofing registration commercial endorsement must meet the same requirements of a roofing registration and pass the commercial endorsement examination or meet the reciprocal requirements for registration and endorsement.

- (b) Experience gained outside of the State of Oklahoma must be lawfully obtained according to any applicable federal or state laws and must be comprised of commercial roofing contractor work as defined under Oklahoma law or substantially similar types of roofing contractor work.
- (c) Education or certification, approved by the Committee of Roofing Examiners, may be substituted for experience.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

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.**
 - (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.
 - (3) 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.
- (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.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 34 Ok Reg 898, eff 10-1-17]

158:85-9-4. Continuing education

(a) **Continuing education required for endorsement renewal.** 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 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 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.

(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 must be conducted substantially as approved, 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 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.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 34 Ok Reg 898, eff 10-1-17]

SUBCHAPTER 10. ENFORCEMENT

158:85-10-1. Authority and procedures

(a) **Enforcement authority.** Pursuant to 59 O.S. Section 1151.4, the Construction Industries Board shall have the authority to administer and enforce the provisions of the Roofing Contractor Registration Act, including the authority to:

(1) Conduct investigations on roofing applications, registrations and endorsements for compliance with the provisions of the Roofing Contractor Registration Act, and of the rules of the Board promulgated pursuant thereto, and allegations of violations by written complaint or otherwise;

(2) Issue to any person, who violates any of the provisions of the Roofing Contractor Registration Act or any rule promulgated pursuant thereto, a written warning or administrative citation of Five Hundred Dollars (\$500.00) on a first violation for a residential job. For any residential job the Board may; for any second administrative citation issued levy an administrative fine not to exceed One Thousand Dollars (\$1,000.00); on a third violation, levy an administrative fine not to exceed Three Thousand Five Hundred Dollars (\$3,500.00); and for any additional subsequent violation, revoke the registration and commercial roofer endorsement, if any. Issue to any person, who violates any of the provisions of the Roofing Contractor Registration Act or any rule promulgated pursuant thereto, an administrative citation of Five Hundred Dollars (\$500.00) on a first violation for a commercial job. For any commercial job the Board may; for any second offense issue a One Thousand Dollars (\$1,000.00) administrative citation; on a third violation of a commercial job issue an administrative citation of up to five percent (5%) of the commercial job, but not to exceed Five Thousand Dollars (\$5,000.00); and for any additional subsequent violation, revoke the registration and commercial roofer endorsement.

(3) Initiate administrative or disciplinary proceedings and provide hearings on any person who violates any of the provisions of the standards of the Roofing Contractor Registration Act or any rule promulgated pursuant thereto,

(4) Investigate written complaints, as described in 59 O.S. § 1151.14, and any roofing project and any person to the extent necessary to determine if the person is engaged in the violation of the provisions of the Roofing Contractor Registration Act, including unlawful, unregistered, or unendorsed activity. The Construction Industries Board may refer the matter for misdemeanor prosecution, whether or not the person ceases the unlawful and/or unregistered activity;

(5) Initiate disciplinary proceedings and administrative individual procedures against any person, request prosecution of and initiate injunctive proceedings against any person who violates any of the provisions of the Roofing Contractor Registration Act or any rule promulgated pursuant to the Roofing Contractor Registration Act;

(6) Reprimand or place on administrative probation, or both, any holder of a registration pursuant to the Roofing Contractor Registration Act.

(7) Investigate written complaints alleging gross defects in workmanship in a roofing contractor project that must be submitted in writing setting forth an explanation of the risks of serious harm or injury to a person, or monetary damages in excess of Five Thousand Dollars (\$5,000.00) caused unjustly, pursuant to 59 O.S. § 1151.14 (A)(15), and must include a verified written estimate by a registered roofing contractor, or another person whose estimate is based on a registered roofing contractor's estimate, describing the damage, cost to repair and the residential code or commercial building code violation.

(b) Procedures.

(1) Upon investigation, the registrar may issue citation for violations of the Act or rules.

(2) The citations will provide the administrative hearing date. Citations may be paid in advance of the hearing date and the hearing and personal appearance waived.

(3) For citations that are referred to the office of the district attorney in the county in which the violations occurred, the district attorney will determine the hearing date and the procedures for that case.

(4) Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Construction Industries Board, held in accordance with

the provisions of the Act, the Article II of the Administrative Procedures Act, the Construction Industries Board Act, and the rules promulgated thereto.

(5) Any person whose registration or endorsement has been revoked may, after the expiration of one (1) year from the date of such revocation, but not before, apply for a new endorsement and registration.

(6) Notwithstanding any other provision of law, a political subdivision of this state that has adopted a nationally recognized building code and appointed an inspector pursuant to state or local law for such work shall have jurisdiction over the interpretation of the code and the installation of all roofing work done in that political subdivision. Provided, a state inspector may work directly with a roofing contractor in such a locality if a violation of the code creates an immediate threat to life or health.

(7) In the case of a complaint about, investigation of, or inspection of any license, registration, permit or roofing in any political subdivision of this state which has not adopted a nationally recognized building code and has not appointed an inspector pursuant to state or local law for such work, the Construction Industries Board shall have jurisdiction over such matters.

(8) Any proposed or final order or notice of hearing to the last known address of record shall be considered delivered when deposited in the United States mail and/or sent registered or certified or post office receipt secured. Any other communication to the last known address or record of a registrant shall be considered delivered when deposited in the United States mail, regular mail;

(9) Disciplinary action taken against any other professional registration, endorsement, or license held by the registrant in this jurisdiction or any other jurisdiction is grounds for investigation and disciplinary action against the registration issued pursuant to the Roofing Contractor Registration Act.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

SUBCHAPTER 11. REGISTRATION AND ENDORSEMENT REVOCATION OR SUSPENSION AND PROHIBITED ACTS

158:85-11-1. Registration and endorsement retention requirements

(a) Roofing contractor registrations and commercial endorsements are to be retained subject to the limitations of the Act and subject to being removed from good standing, suspended, or revoked pursuant to the Act. The violation of these rules or any provisions of the Act may be considered justification to suspend or revoke a registration or endorsement.

(b) Any changes in address, business relationship, structure or affiliation shall be reported in writing to the Oklahoma Construction Industries Board within (30) days of such change.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 35 Ok Reg 940, eff 10-1-18]

158:85-11-2. Prohibited acts

- (a) The following prohibited acts apply to all persons:
- (1) Offering to engage in, by advertisement or otherwise, or performing roofing contractor work without first obtaining the appropriate registration and endorsement, if applicable, and maintaining it in good standing pursuant to the Act and these rules, unless otherwise excluded under the Act.
 - (2) Advertising, either directly or through another, for roofing contractor work without a valid registration, or without displaying registration number and endorsement, if any, on any advertisement, including but not limited to contracts and signage on vehicles.
 - (3) Soliciting roofing contractor work through contracts obtained by salespersons not under the direct supervision and employment of a registered roofing contractor when such contract is then sold for remuneration or something of value and consists of a pattern of conduct that can be shown to be a business practice in a secondary market of sales of contracts for profit. This does not include marketing or sales leads where no contract or bid was made.
 - (4) Bringing or maintaining any claim, action, suit or proceeding in any court of this state related to the person's capacity as a roofing contractor without a valid registration and endorsement, when required, continuously while performing the work for which the claim, action, suit or proceeding is sought.
 - (5) Committing fraud when executing or materially altering a roofing contract, mortgage, promissory note or other document incidental to performing roofing contractor work.
 - (6) Performing roofing work contrary to any provision of the adopted references in OAC 158:85-1-4, except as otherwise provided by law or rule. Each violation of the adopted references in OAC 158:85-1-4 can be treated as a separate violation of this Chapter.
 - (7) Making a false or fraudulent statement in an application for registration or endorsement.
 - (8) Falsifying a registration.
 - (9) Transferring a registration or endorsement.
 - (10) Sharing a roofing contractor's registration or endorsement with another individual or business entity not otherwise allowed pursuant to 59 O.S. § 1151.7.
 - (11) Engaging in or offering to engage in roofing contractor work using a roofing registration number or endorsement of another, whether the registration or endorsement is or is not in good standing.
 - (12) Engaging in cheating or any act involving the fraudulent misrepresentation of an applicant by an examinee or one in the process of sitting for the examination.
 - (13) Denying access to the Construction Industries Board or its representative on a job site for purposes of administering the Act.
 - (14) Contracting for or performing roofing contractor work with expired general liability insurance policy.
- (b) The following prohibited acts apply to persons having received a registration number:
- (1) All prohibited acts applying to all persons in (a) of this Section apply to one having received a registration number.
 - (2) Offering to engage in roofing contractor work while not in good standing or during a period of suspension or revocation of a registration or endorsement; or, acting as a roofing contractor without complying with the required disclosure and owner option to cancel the contract pursuant to 59 O.S. § 1151.5.
 - (3) Making a false or misleading statement in an application for roofing contractor registration or renewal application or in soliciting a contract for roofing services.

- (4) Failing to display the roofing firm name and the roofing contractor registration number on all vehicles used to transport materials and tools in the operation of the business in letters and numerals at least two (2) inches in height in a conspicuous location on both sides of each vehicle in contrasting color to the background color.
 - (5) Failing to post in a conspicuous place on each job site the name, registration number, and telephone number for the registration under which any work is being performed.
 - (6) Performing roofing contractor work without keeping their registration on their person or in close proximity.
 - (7) Failing to utilize a valid written contract when engaging in the business of roofing contractor work as described in Sections 1151.7 and 1151.21 of the Act.
 - (8) Transferring a registration or endorsement.
 - (9) Engaging in any fraudulent or deceptive acts or practices or misrepresentation of products, services or qualifications as a roofing contractor;
 - (10) Failing to comply with any tax laws authorized by the state or any of its political subdivisions.
 - (11) Abandoning a roofing contract without legal excuse after a deposit of money or other consideration has been paid.
 - (12) Diverting funds or property entrusted to a roofing contractor.
 - (13) Engaging in or offering to engage in roofing services without obtaining a proper permit as may be required by any state or local authority.
 - (14) Damaging property or injuring persons while performing roofing services under a valid roofing contractor registration for which the roofing contractor's liability insurance or workers compensation coverage was inadequate.
 - (15) Performing roofing work having gross defects in workmanship in a roofing contractor project that risks serious harm or injury to a person, or unjustly causes monetary damages in excess of Five Thousand Dollars (\$5,000.00).
 - (16) Failing to comply with a specified provision of this Chapter or the Roofing Contractor Registration Act.
 - (17) Demonstrating incompetence to act as a roofing contractor performing residential roofing work.
 - (18) Violating any provisions of the Roofing Contractor Registration Act, or any rule or order prescribed by the Construction Industries Board pursuant to the provisions of the Roofing Contractor Registration Act.
 - (19) Willfully failing to perform normal business obligations without justifiable cause.
- (c) The following prohibited acts apply to those having received an endorsement:
- (1) All prohibited acts applying to all persons in (a) of this Section and those having received a registration number in (b) of this Section apply to one having received an endorsement.
 - (2) Making a material misstatement in the application for an endorsement, or the renewal of an endorsement.
 - (3) Obtaining any endorsement by false or fraudulent representation.
 - (4) Loaning or allowing the use of such endorsement by any other person or illegally using an endorsement.
 - (5) Transferring an endorsement.
 - (6) Failing to display the existence of any commercial roofer endorsement on all vehicles used to transport materials and tools in the operation of the business in letters at least two (2)

inches in height in a conspicuous location on both sides of each vehicle in contrasting color to the background color.

(7) Failing to post in a conspicuous place on each job site the existence of any commercial roofer endorsement for the registration under which any work is being performed.

(8) Performing roofing contractor work without keeping their registration and endorsement on their person or in close proximity while performing roofing contractor work.

(9) Demonstrating incompetence to act as a commercial roofing contractor.

(10) Violating any provisions of the Roofing Contractor Registration Act, or any rule or order prescribed by the Construction Industries Board pursuant to the provisions of the Roofing Contractor Registration Act.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15; Amended at 35 Ok Reg 940, eff 10-1-18]

SUBCHAPTER 13. PROCEDURES OF THE VARIANCE AND APPEALS BOARD, CODE VARIANCE APPLICATIONS AND FEE, CODE INTERPRETATION APPEALS

158:85-13-1. Procedures of the Variance and Appeals Board

The Administrator shall call a meeting of the Variance and Appeals Board after the Administrator receives proper application for a variance accompanied by the fifty dollar (\$50.00) filing fee or receives proper notice of an appeal of the Administrator's interpretation of the standard of installation as described in OAC 158:85-1-4 as applied to a particular installation. Variance and Appeals Board meetings are held at the principal offices of the Construction Industries Board referenced at OAC 158:1-3-1, or at another location named by the Administrator and posted in compliance with the Oklahoma Open Meetings Act.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-13-2. Code variance applications and fee

(a) Applications for a variance from the adopted references in OAC 158:85-1-4 by an Oklahoma-registered roofing contractor, or other person as stated in statute, shall be submitted to the Administrator. An application form and the fifty-dollar (\$50.00) filing fee shall accompany sufficient technical data submitted to support the proposed variance. Applications submitted after the use of materials or methods of construction not in conformance with the standard of installation as described in 158:85-1-4, or submitted where a city or town has adopted a more stringent roofing installation code by ordinance, shall not be considered by the Variance and Appeals Board.

(b) The applicant and the Administrator, or the Administrator's designee, may offer testimony to the Variance and Appeals Board which is relevant to the code variance requested. If testimony will be offered to support the application, the applicant shall include in the application the identity of the applicant's witnesses by name, profession or occupation, address and telephone number, and a concise summary of the expected testimony of each witness. If the Administrator, or the Administrator's designee, contests the application, and will offer testimony to rebut the application, the Administrator, or the Administrator's designee, will provide the applicant with the identity of the Administrator's, or the Administrator's designee's witnesses by name, profession or occupation, address and telephone number, and a concise summary of the expected testimony of each witness.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]

158:85-13-3. Code interpretation appeals

A roofing contractor, or any party who has an ownership interest in or who is in responsible charge of the design of or work on the roofing installation, may appeal the Roofing Unit's interpretation of the standard of installation as described in OAC 158:85-1-4 as applied during the Administrator's review or inspection of a roofing installation to the Variance and Appeals Board created pursuant to 59 O.S. § 1151.29. Such appeals shall be made in writing to the Administrator within fourteen (14) days after the Roofing Unit's code interpretation or receipt of written notice of the alleged code violation by the registered roofing contractor, and shall be heard only if based on a claim that:

- (1) the true intent of the installation code has been incorrectly interpreted;
- (2) the provisions of the code do not fully apply; or
- (3) an equal or better form of installation is proposed.

[SOURCE: Added at Ok Reg 435, eff 12-17-14 (emergency); Added at Ok Reg 1657, eff 9-11-15]