

## RULE IMPACT STATEMENT

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

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The proposed amendment to 158:85-2-5 is due to legislation (SB670) and provides a one-time low income fee waiver; the amendments to 158:85-2-7 are due to legislation (HB2933) and provide a fee waiver for active duty military and their spouses; the amendment to 158:85-5-3 adds language pursuant to HB 1373 to the existing rule; and the amendment to 158:85-5-4 clarifies existing language.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, members of industry and the public who are involved in or wish to be involved in the roofing industry/trade registered and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
3. **CLASSES OF PERSONS BENEFITTED:** The agency, members of industry and the public who are involved in or wish to be involved in the roofing industry/trade registered and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
4. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** Having clear and unambiguous definitions should have a positive economic impact in that it should help to keep an individual from unknowingly committing a violation that could result in a fine or penalty. No fees are established only fee waivers provided in certain circumstances by the proposed rules, thus having a positive economic impact on the classes of persons affected.
5. **COSTS AND BENEFITS TO THE AGENCY:** Although there could be a loss of revenue received by the agency associated with SB 670 and HB 2933, the proposed amendments create a minimal initial cost for software changes to account for licenses issued without the associated fee. The benefit is to have clear, unambiguous rules in place to assist those impacted by the rules.
6. **ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** No economic impact on any political subdivision is anticipated by the proposed rules.
7. **ECONOMIC IMPACT ON SMALL BUSINESS:** Any economic impact on small business is not measurable.
8. **MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:** The proposed rule changes are the least costly or least intrusive method of achieving the purpose of the proposed rules. There are no non-regulatory methods for achieving the purpose of the proposed rule changes.
9. **EFFECT OF THE PROPOSED RULE ON PUBLIC HEALTH:** Registration and

commercial endorsement of roofing contractors helps to protect the health, safety and welfare of the public. Having clear and unambiguous rules regarding registration and endorsement requirements should have a positive effect on public health.

10. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** There are no known detriments to public health if the rule is not adopted.
11. **DATE IMPACT STATEMENT PREPARED:** December 18, 2019.

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

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

**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

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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.

(e) One Time low-income fee waiver. See OAC 158:1-3-139(c) regarding eligibility on a one-time, one-year fee waiver.

### **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.

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

### **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.

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- (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; Conviction of an offense shall not disqualify a person from registration as a roofing contractor under the Roofing Contractor Registration Act; provided, that he or she has truthfully disclosed the conviction and nature of offense;
- (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.

### **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.

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(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 viewable media containing the registrant's name or registrant's firm name, including but not limited to magnetic signs on vehicles, business cards, contracts, bids, letterhead, signs, and advertisements.

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

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

158:85-2-5 [AMENDED]

158:85-2-7 [AMENDED]

Subchapter 5. Registration and Endorsement Requirements and Limitations, Display of Registration Number, Endorsement, Firm Name and Contact Information, Exclusions

158:85-5-3 [AMENDED]

158:85-5-4 [AMENDED]

**SUMMARY:**

The proposed amendments to 158:85-2-5 provide a one-time low income fee waiver related to HB2933. The proposed amendments to 158:85-2-7 are related to SB670 and provide a fee waiver for active duty military and their spouses. The proposed amendments to 158:85-5-3 clarify the rule related to truthfully disclosed convictions. There is no prohibition for felonies. The proposed amendments to 158:85-5-4 provides clarification.

**AUTHORITY:**

Construction Industries Board; 1000.4, 1000.5, 1151.2a, and 1151.4

**COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

**PUBLIC HEARING:**

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 29, 2020, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 17, 2020, at the address shown below for obtaining copies of the proposed rules.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 31, 2019, at the address listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

**ADDITIONAL INFORMATION:**

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 12, 2020, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.