



J. Kevin Stitt
Office of the Governor
State of Oklahoma

**NOTIFICATION FROM GOVERNOR J. KEVIN STITT
REGARDING SUBMITTED AGENCY RULES**

On July 23, 2026, the Construction Industries Board, pursuant to its legal authority to adopt rules codified at 59 O.S. §§ 858-625, 858-627, 1000.4, 1000.4a, 1000.5, 1002, 1151.2a, 1151.4, 1032, 1681 and 1850.3, submitted proposed permanent rule amendments to the Office of the Governor for approval or disapproval.

On August 20, 2026, I hereby approve all rules changes in Docket Numbers: 26-643, 644, 645, 646, 647, 648, 649 and 650.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Kevin Stitt", is written over a horizontal line.

J. KEVIN STITT

ATTEST:

SECRETARY OF STATE

RULE IMPACT STATEMENT

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

1. **STATEMENT OF NEED, LEGAL BASIS AND BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The statement of need is mainly to update rules to reflect recent legislation, HB1628 (2025) and HB3800 as supported by 59 O.S. §§ 1000.4 and 1151.4, *et seq.* The purpose of the proposed amendments to 158:85-1-1 adds statutory authority to assist with legislative rule requirements and legislative analysis and review during session; the proposed amendment to 158:85-1-2 also adds statutory authority to assist with legislative rule requirements and legislative analysis and review during session and adds definitions due to HB3800; the proposed amendment to 158:85-2-1 updates language due to HB3800; the proposed amendments to 158:85-2-2, 158:85-2-3, 158:85-2-4, 158:85-2-6, 158:85-2-8, 158:85-3-1, 158:85-3-2, 158:85-3-4, 158:85-5-1, 158:85-5-2, 158:85-5-3, 158:85-5-4, 158:85-5-5 reflect changes due to both HB1628 and HB3800 as well as adds statutory authority to assist with legislative rule requirements and legislative analysis and review during session; the purpose of the proposed amendments to 158:85-9-1 are to comport with the amendments to 158:85-2-4(c); the purpose of the proposed amendments to 158:85-9-4 and 158:85-10-1 reflect changes due to both HB1628 and HB3800; the purpose of the proposed amendments to 158:85-11-1 are to conform to statutory language and the amendment made in 158:85-5-3(8); the purpose of the proposed amendments to 158:85-11-2 reflect changes due to HB3800. The rule is not mandated by federal law or required for participation or implementation of a federal program. There are no existing or proposed federal regulations intended to address activities regulated by the proposed rules.
2. **CLASSIFICATION OF THE RULE AS A MAJOR OR NONMAJOR RULE:** The proposed rule amendments that are required due to law changes created in HB1628 (2025) and HB3800 would make this a major rule. While there was no fee increase implemented by the legislation, there was a new endorsement requirement on existing required roofing registration creating separate costs.

Implementation of the proposed amendments related to the new endorsement requirement created in HB1628 (2025) and HB3800 will require only routine administrative activities, including, updating licensing forms; revising instructional materials; updating electronic licensing systems; updating website references; notifying regulated registrants of rule/law changes; providing staff training where necessary. The CIB anticipates these activities can be completed using existing personnel and resources.

From an economic perspective those in the roofing industry could absorb the new endorsement expense, pass some or all of it on to customers through higher prices, or reduce costs elsewhere to comply with the new endorsement fee if interested in this specific endorsement.

The potential economic impact may vary by fiscal year since no projection exists for the number of registered roofers who want a residential endorsement, especially since some registered roofers only perform commercial roofing, so the methodology below conservatively

assumes all current registrants. For the purposes of making calculations as accurate as reasonably possible using current roofing registration data, FY26 registration numbers are provided below followed by the methodology used to obtain a practical forecast of economic impact.

Here is a breakdown of the fee changes and the number of registrants (FY26) that could be affected:

Title 158, CH 85 Breakdown of added Residential Roofing Registration Endorsement			
Registration Type	Number of Registrants in FY26	Current Fee	New Residential Roofing Endorsement Fee
New Residential Roofing Endorsement	1874		
Application Fee		\$0.00	\$30.00
Initial Endorsement		\$0.00	\$200.00
Renewal Fee		\$0.00	\$100.00

The methodology focuses on direct, measurable impact, primarily concerning the new residential roofing endorsement costs and not negligible, secondary impacts on administrative costs (no new functions, just different amount of current function), the state economy, and local government. The analysis was conducted under the assumption that the costs (new residential endorsement application, initial endorsement and renewal fees) are ongoing direct costs and does not induce market wide behavioral changes that would significantly affect the larger economy. Averages are being used in calculations below based on FY26 registration numbers to project costs.

Calculation of the new residential endorsement costs using stated methodology is:

1,874 Registered Roofers x \$230.00 (application & initial fee combined) = \$431,020.00
 1,874 Registered Roofers x \$100.00 renewal = \$187,400.00 x 4 annual renewals = \$749,600
 Total 5-year reasonable estimation = \$431,020 + \$749,600 = \$1,180,620.00

3. **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.
4. **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.
5. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** Registrants interested in the new residential roofing endorsement could absorb the added expense, pass some or all of it on to customers through higher prices, or reduce costs elsewhere to comply

with the new endorsement costs.

The potential economic impact includes increase in registration fees as calculated above. However, it is difficult to accurately estimate any additional economic impact on the affected class of persons since no projection exists for the number of registered roofers who want a residential endorsement, especially since some registered roofers only perform commercial roofing. Additionally, some registrants may not be responsible for paying for a residential endorsement fee because the fee could be covered by their employer or passed on to the consumer.

6. **COSTS AND BENEFITS TO THE AGENCY:** Implementation of the new residential roofing endorsement related created by HB1628 (2025) and HB3800 will require only routine administrative activities, including: drafting proposed rules, updating related forms; revising instructional materials; updating electronic licensing systems; updating website references; notifying regulated registrants of law/rule changes; providing staff training where necessary. The CIB anticipates these activities can be completed using existing personnel and resources. The benefit is to have clear, unambiguous rules in place to assist those impacted by the statutory changes.
7. **ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The proposed amendments are not expected to create any economic impact upon political subdivisions or other public agencies.

Municipalities and counties responsible for permitting or inspection activities may benefit from improved consistency between these proposed administrative rules and current statutory requirements, resulting in greater administrative efficiency.

8. **ECONOMIC IMPACT ON SMALL BUSINESS:** The potential economic impact includes the cost of the new residential endorsement fees. However, it is difficult to accurately estimate any additional economic impact on small businesses since no projection exists for the number of registered roofers who want a residential endorsement, especially since some registered roofers only perform commercial roofing. Additionally, some employers could pay for their employees residential roofing endorsement fees, but not all will.
9. **MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:** The proposed amendments are the least costly or least intrusive method of achieving the purpose of the proposed rules and required statutory changes. There are no non-regulatory methods for achieving the purpose of the proposed rule changes.
10. **EFFECT OF THE PROPOSED RULE ON PUBLIC HEALTH:** The proposed amendments promote public health, safety and welfare by ensuring that Oklahoma Roofing registration regulations remain current, consistent, and fully aligned with statutory authority. Clear administrative rules support effective licensing/registrations, enforcement, examination, continuing education and licensee/registrant accountability, thereby helping ensure that roofing work through the state continues to be performed by qualified individuals meeting statewide standards which should have a positive effect on public health.
11. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** Failure to adopt the proposed amendments would leave portions of the roofing industry regulations and

rules inconsistent with current statutes, create avoidable administrative uncertainty, increase the potential for inconsistent interpretation, and reduce the efficiency of registrations and enforcement activities. Maintaining outdated regulatory language could also create confusion for applicants, registrants, local jurisdictions and the public. Any alternative to adopting the rules would leave portions of the rules inconsistent with current statutes.

12. **DATE IMPACT STATEMENT PREPARED:** August 31, 2026.

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~~, per 59 O.S. § 1000.1, *et seq.*, specifically 59 O.S. §§ 1151.4 and 1000.4.

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, 59 O.S. § 1000.4.

"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~~ an 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 per 59 O.S. § 1151.2.

"Committee" means the Committee of Roofing Examiners, 59 O.S. § 1151.26.

"Comparable material" for shingles and shakes means any comparable material to shingles in the application and connection to the roof and to other pieces in an interlocking, stair step, alternating fashion consisting of individual overlapping elements that are laid in a method from the bottom edge of the roof up, with each successive layer overlapping the joints below.

"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.

"Endorsed roofing contractor" means a roofing contractor as defined in 59 O.S. § 1151.2 who is properly registered and endorsed pursuant to the requirements for commercial or residential roofing contractor endorsement and does not include labor-only crews as they are exempt from endorsement.

"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, 59 O.S. § 1151.28.

"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.

"Inactive endorsee" means the category status of a registered roofing contractor who has obtained an endorsement by examination and maintains a current endorsement but does not hold the insurance for the roofing firm and is not the qualifying party for the roofing firm, and shall not act as the qualifying party authorized to engage in roofing work for the roofing firm unless and until first becoming an active endorsee by submitting an application, meeting all qualifications and receiving an active endorsement.

"Labor-only crews" means a crew that is only provides labor and is working directly for a registered roofing contractor that possesses a proper current roofer endorsement in good standing and is under the direct supervision of that endorsed roofer party to perform the installation of asphalt shingles, tile shingles, synthetic shakes, wood shakes or other comparable materials to a sloped roof, as defined by the standards of installation set forth in this Chapter and does not provide any materials.

"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.

"Prefabricated- or pre-engineered-metal-building erector" means the labor necessary to construct the components of a prefabricated- or pre-engineered-metal-building package, known as PEMB, as defined by the Construction Science Institute and Construction Specifications Institute in Division 13, Special Construction: Metal Building Systems.

"Prime contractor" means a general contractor, commercial contractor, or other contractor who contracts directly with the owner for construction trade work ~~in~~ covering multiple trade areas and engages endorsed contractors to perform the work as required by law, and who does not advertise for endorsed contractor work unless he or she is endorsed for the work as required by law.

"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 individual person who is a registrant and 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~~ roofing contractor work 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 associated with and responsible for all roofing contractor work of such entity.

"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 to a qualifying party pursuant to the Roofing Contractor Registration Act.

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

"Registrant" means a holder of a roofing registration issued pursuant to the Roofing Contractor Registration Act and is the qualifying party unless any required endorsement is in inactive endorsee status.

"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; including buildings used for commercial purposes having asphalt shingles, tile shingles, synthetic shakes, wood shakes or other comparable materials applied to a sloped roof equal to 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 per 59 O.S. § 1151.2.

"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 per 59 O.S. § 1151.2.

"Roofing firm" means ~~any person, as defined by the Act, offering to engage or engaging in roofing contractor work~~ a firm, limited or general partnership, corporation, association, limited liability company, trust, other legal entity or 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, that is registered with the Oklahoma Secretary of State and has an associated qualifying party registered and endorsed pursuant to this act who is responsible for all roofing contract work of such entity.

"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.

"Stand-by" means the file number for a commercial endorsement examination for a person other than the one designated by the roofing firm as the commercially endorsed qualifying party. This is not an endorsement or registration to be a commercially endorsed qualifying party but allows a person to apply and take the commercial endorsed examination for the purpose of standing by to be designated by the roofing firm as its qualifying party if all other requirements for a qualifying party are met. A passing exam score for commercial endorsement for a stand-by file number shall be valid for three (3) years or until the standards of installation per this Chapter change, whichever comes first. Then a person will need to retake the commercial endorsement exam unless already having become registered and commercially endorsed. With the enactment of the Inactive endorsee defined in 59 O.S. § 1151.2 (26), the Stand-by status will be phased out after January 1, 2027, no new Stand-by allowed, and with current Stand-by holders not allowed to continue in Stand-by status more than three (3) years from the date of the last exam passed for Stand-by status.

"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 and who is registered and endorsed for the work as required by law.

"Variance" means the use of an alternative material or method of construction from that prescribed in the International Building Code or the International Residential Code or other approved documents by the Oklahoma Uniform Building Code Commission, described as the standard of installation at OAC 158:85-1-4, for use at a particular location or project specified in the variance application.

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

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

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

(a) Registration Requirement.

- (1) All persons performing roofing contractor work are required to apply and obtain from the Board a roofing registration number before advertising or engaging in the performance of roofing contractor work unless excluded under the Act. ~~All persons performing commercial roofing contractor work as defined in this Chapter are required to apply and obtain from the Board a commercial endorsement to a roofing registration before advertising or engaging in~~

~~the performance of commercial roofing contractor work unless performing work of installing shingles to building for commercial purposes as provided in the Act or otherwise 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 and endorsed, if required, as a roofing contractor, is the qualifying party for the firm 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 in a form~~ in a form 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~~ in the application ~~form~~ to assist the registrar in registering the person as a contractor.

(4) Labor-only crews providing labor only and working directly for a registered roofing contractor that possesses a proper current roofer endorsement in good standing and is under the direct supervision of that endorsed roofer qualifying party performing the installation of asphalt shingles, tile shingles, synthetic shakes or wood shakes or other comparable materials to a sloped roof and to complete roofing work, as defined by the standards of installation set forth in this Chapter, and does not provide any materials must make application as provided in this Section and have a qualifying party who is registered; however, there is no requirement for a ~~commercial~~ an endorsement when performing installation of shingles pursuant to the Act.

(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 per 59 O.S. § 1151.5(E), and all current registrations and endorsements under the Roofing Contractor Registration Act shall be placed not in good standing on the date of the policy cancellation and 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.

158:85-2-2. Endorsement required for ~~commercial~~ roofing work, endorsement exclusion, inactive status of current endorsee

1. 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 per 59 O.S. § 1151.25 unless performing work of installing shingles to a building for commercial purposes as provided in the Act or otherwise 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. All persons performing residential roofing contractor work as defined in this Chapter are required to apply and obtain from the Board a residential endorsement to a roofing registration before advertising or engaging in the performance of residential roofing contractor work 59 O.S. § 1151.25a unless excluded under the Act. The residential endorsement is in addition to the registration. Roofing contractors who do not perform residential roofing contractor work and only perform commercial roofing contractor work do not need to obtain a residential endorsement.

A. For all residential endorsement applicants registered and in good standing with the Construction Industries Board on or prior to January 1, 2027, the residential roofer endorsement shall be issued immediately upon compliance with the provisions of the act.

B. Residential endorsement applicants who are registered and in good standing on January 1, 2027, shall be allowed to continue residential roofing contractor work at all times during the residential roofer endorsement application process for grandfathering-in until January 1, 2028, when the grandfathering-in provisions expire and all persons shall have a residential endorsement to perform residential roofing work unless otherwise exempted. The grandfathering-in provisions per 50 O.S. § 1151.25a(A) are:

i. For applicants who have been registered and in good standing with the Construction Industries Board on January 1, 2027, there shall be a twelve-month grandfathering-in period from January 1, 2027, to January 1, 2028, to either pass the exam or complete an

additional ten (10) hours of continuing education credits approved in advance by the Committee of Roofing Examiners to be granted a residential roofer endorsement.

ii. Any applicant who has been registered, is in good standing with the Board, and possesses a current commercial roofer endorsement on January 1, 2027, shall be exempt from the residential roofing examination and additional ten (10) hours of continuing education credits required to receive a residential roofer endorsement within the twelve-month grandfathering-in period that expires on January 1, 2028.

3. All new residential endorsement applicants not registered and in good standing with the Construction Industries Board on or prior to January 1, 2027, shall apply and obtain from the Board a residential endorsement to a roofing registration before advertising or engaging in the performance of residential roofing contractor work, unless excluded under the act. The Board shall issue a residential roofer endorsement to qualifying applicants no sooner than thirty (30) days from the date of successful completion of the exam. New applicants shall not be allowed to sell, offer, bid, inspect, or perform any residential roofing contractor work in this state until a residential roofer endorsement is issued.

4. To obtain or maintain an endorsement, the following is required:

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

(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 or \$500,000 for endorsement of residential 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 an endorsement on a roofing registration for those doing commercial or residential roofing contractor work, the qualifying party shall have successfully passed the appropriate examination as described in OAC 158:85-9-3. 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 or residential endorsement shall be renewed unless the qualifying party has completed the required hours of continuing education pursuant to 59 O.S. § 1151.10 (B)(2), as determined and approved by the Committee of Roofing Examiners and the Construction Industries Board. Continuing education requirements are at Subchapter 9.

(f) Exclusion from endorsement of registration. Labor-only crews are not required to obtain an endorsement on their registration when performing roofing installation pursuant to 59 O.S. § 1151.9 (C).

(g) Inactive endorsees. Inactive endorsees in good standing, having met registration and residential or commercial endorsement examination requirements, and maintaining continuing education and renewal fee requirements may have a current endorsement in an inactive status when endorsees do not meet the qualifications for active endorsement for the roofing firm and are not the qualifying party for the firm. The inactive endorsee may not act as the designated qualifying party for a roofing firm until first becoming an active endorsee by submitting an application, meeting all qualifications, and receiving an active endorsement.

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

(a) To obtain a roofing contractor registration under the Roofing Contractor Registration Act, 59 O.S. § 1151.5, an applicant who is a qualifying party of eighteen (18) years of age or older shall submit, ~~on forms in a form~~ 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.
- (H) that the qualifying party and legal entity have properly submitted income and employment taxes due in this state; whether or not the qualifying party has been adjudicated by a court of competent jurisdiction for any violation of the Roofing Contractor Registration Act or any act or omission specified in Section 1151.14 of this title.

(b) The qualifying party shall provide the following:

- (1) Full legal name;
- (2) Mailing address, and physical address and proof thereof, 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.

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 in a form~~ approved and provided by the Board and shall be accompanied by the proper fee. The application for renewal shall require statements under oath that the qualifying party and legal entity have properly submitted income and employment taxes due in this state per 59 O.S. § 1151.12(A); whether or not the qualifying party has been adjudicated by a court of competent jurisdiction for any violation of the Roofing Contractor Registration Act or any act or omission specified in Section 1151.14 of this title.
- (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~~ compliance with continuing education, 59 O.S. §

1151.10(B)(2), and insurance requirements, 59 O.S. § 1151.12(B). 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.

(e) A registration or endorsement that fails to renew will be classified as expired until it is renewed or other classification is made pursuant to the Act.

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~~ more than 30 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~~ expired 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 before 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 unless excluded under the Act. 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 in a 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.

158:85-2-6. 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.

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 endorsed 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~~ in 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. § 1000.5Aa. 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.

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.

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, 75 O.S. § 308a, et seq., the Roofing Contractor Registration Act, 59 O.S. § 1151.1, et seq., 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.

158:85-3-4. Authority for proceedings

The Construction Industries Board is authorized:

(1) To investigate complaints, qualifications of qualifying parties, applicants for registration or endorsement, job sites, and any person to determine if there is a violation of the provisions of the Roofing Contractor Registration Act, per 59 O.S. § 1151.4.

(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, per 59 O.S. § 1151.4.

(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, per 59 O.S. § 1151.15.

(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, expired, suspended, or revoked per 59 O.S. § 1151.14 or 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.

(4) To administer and enforce the Roofing Contractor Registration Act, 59 O.S. § 1151.1, et seq., and the provisions of the commercial and residential roofer endorsement provisions including the authority to:

(A) Establish the examination and continuing education requirements and procedures for endorsements.

(B) Establish and enforce the minimum standards of roofer endorsements.

(C) Promulgate, prescribe, amend, and repeal rules necessary to implement the provisions of the commercial and residential roofer endorsements.

(D) Issue, renew, suspend, revoke, modify, or deny endorsements to engage in commercial or residential roofing contractor work.

(E) Conduct investigations for the purpose of inspecting roofer endorsements for compliance with the roofer endorsement provisions of the Act, and of the rules of the Board.

(F) Establish and levy administrative fines against any person who violates any of the provisions of the roofer endorsement standards of the act or any rule promulgated pursuant thereto.

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.

(c) A roofing firm shall only have one (1) qualifying party associated with and responsible for each roofing firm.

1. A roofing firm with a currently registered and commercially endorsed qualifying party may make application to hold a commercial endorsement exam and file number in

stand-by status allowing a designated person to sit for the commercial endorsement exam and to be eligible to be designated in the future by their roofing firm as the commercially endorsed qualifying party for the roofing firm when there is no qualifying party associated with the roofing firm and all other requirements for qualifying party are met.

2. The commercial endorsement file number stand-by status allows a person to apply for and take the commercial endorsement examination for the purpose of standing by until designated by the roofing firm as the firm's commercially endorsed qualifying party.

3. A roofing firm shall have only one (1) stand-by application on file at a time.

4. The commercial endorsement passing exam scores are valid for three (3) years or until the OUBCC changes the standards of installation set forth in this Chapter, whichever comes first. A person with stand-by status who has not been designated as the qualifying party by the roofing firm after three (3) years of passing the commercial exam or when the OUBCC changes the standards of installation per this Chapter, must retest before being appointed as the qualifying party, then apply and meet all other requirements.

(d) The prime contractor or registered and endorsed roofing contractor, if no prime contractor, remains responsible under the Roofing Contractor Registration Act for required registration and endorsement compliance when subcontracting the roofing work as is every subcontractor when subcontracting that roofing work. Subcontracting to an unregistered roofing contractor is a violation of the Roofing Contractor Registration Act. Subcontracting to an unendorsed or improperly endorsed roofing contractor when an active endorsement is required is a violation of the Roofing Contractor Registration Act. Registered and endorsed roofing contractors when utilizing labor-only crews shall only utilize labor-only crews who are currently registered and in good standing.

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

An applicant may be denied registration or renewal of 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 or endorsement 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 is not in good standing or 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.

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 to a felony. 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, and proof required to be provided at the job site

- (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 information, if any, on all vehicles used to transport materials and tools in the operation of the business. Such names, numbers, endorsement

information 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 active roofing contractor state registration number, along with any ~~commercial endorsement~~ information, 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 actively endorsed registrant who has contracted directly with a prime contractor or owner, ~~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, the active contractor's registration number, ~~existence of any commercial endorsement~~ information, 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.

(d) It is the responsibility of the prime contractor, all contractors, and all subcontractors to comply with this act and to provide proof on the jobsite to the registrar of current registration and active endorsement of the qualifying party providing the required direct supervision. Failure to provide proof to the registrar on the jobsite of the active current and properly endorsed qualifying party directly supervising the job is a violation of this act for which enforcement action may be taken on each person performing roofing work on the jobsite and each subcontractor up to and including the contractor contracting directly with the owner.

(e) When requested, Labor-only crews shall provide proof of their registration in good standing and the registration number with proper endorsement for the roofing contractor qualifying party with whom they are directly working and who is providing direct supervision.

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 registered and endorsed, if required, 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~~ performing maintenance on his or her own facilities which 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 the 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 and endorsed roofing contractor who is in good standing; if the bid is solely for roofing contractor work, then a registration and endorsement 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 or;
- (15) metal building erectors who install prefabricated- or pre-engineered-metal-building packages, that may be known as PEMBs.

- A. Proof of metal building erector labor necessary to construct the components of a prefabricated- or pre-engineered-metal-building package must be demonstrated;
- i. proof of the labor necessary to construct the components may be demonstrated by providing documentation from a manufacturer for a previously erected prefabricated metal building and documentation of engineered plans with an engineer's stamp for a previously erected pre-engineered-metal-building package;
- and
- ii. proof of the labor necessary to construct components must include all the components necessary to complete the package, from the ground through to completion.
- B. Documentation from a manufacturer for a prefabricated-metal-building and documentation of engineered plans with an engineer's stamp for a pre-engineered-metal-building package will be made available to the board and staff upon request.

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~~ an 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 the application, the registration if not already obtained, and the endorsement, and pay an examination fee directly to the testing provider.
- (b) **Requirements.** To obtain a ~~commercial~~ an 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~~ an endorsement of a registration 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.

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.

158:85-9-3. ~~Commercial~~ Endorsement examination

(a) **Exam required.** ~~A commercial~~ An 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. Examinations for a roofer endorsement shall be uniform and practical in nature and sufficiently strict to test the qualifications and fitness of the applicants for endorsement. Examinations shall be in whole or in part in writing. Examinations shall be offered at least monthly; dates, times, and locations shall be determined by the registrar or third-party vendor with approval of the registrar.

(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.

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 annually pursuant to 59 O.S. §§ 1151.25(D) and 1151.25a(D) ~~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, provider, 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 or the Oklahoma laws for the Oklahoma roofing industry regulations in combination with topics, including but not limited to:~~

a. Manufacturers' installation of materials or equipment;

b. Roofing safety; and

c. Fall protection, and other trade subject matters designed to update knowledge and improve residential roofing contracting knowledge and skills appropriate for topics of continuing education and 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 ~~in the sign-in sheet form~~ as approved by the Construction Industries Board. ~~Sign-in sheets~~ The sign-in verification 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~~ verification from the course to the ~~Roofing Unit of the~~ Construction Industries Board.
 - (D) Providers shall maintain copies of all sign-in ~~sheets~~ verification 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.

(10) Course providers shall provide the Construction Industries Board with verified confirmation of attendance by every attendee who is entitled to receive credit for course completion.

(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.
- (7) Course providers shall provide the Construction Industries Board with verified confirmation of attendance by every attendee who is entitled to receive credit for course completion.
- (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 in a 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, 75 O.S. § 308a, et seq., shall be followed for all disciplinary proceedings undertaken including but not limited to all parts of this subsection.

SUBCHAPTER 10. ENFORCEMENT

158:85-10-1. Authority and procedures

(a) **Enforcement authority.** Pursuant to 59 O.S. Sections 1151.2a and 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 an~~ 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, in addition to any administrative fine issued, may refer the matter for misdemeanor prosecution, whether or not the person ceases the unlawful ~~and/or 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,~~ levy administrative fines, suspend, or revoke any holder of a registration or endorsement 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.

(8) The Construction Industries Board does not have authority to investigate or prosecute violations of 59 O.S. § 1151.30 involving a roofing contractor advertising or promising to cover an insurance deductible as an inducement to contract for goods or services but only has authority to forward the complaint to the Insurance Department, the Office of the Attorney General and the district attorney for investigation, enforcement, and prosecution of any alleged 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 time 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, 75 O.S. § 308a, et seq., the Construction Industries Board Act, 59 O.S. § 1000.1, et seq., 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 attorney of record or the last known address of record shall be considered delivered when sent registered, certified or post office receipt-secured and deposited in the United States mail and/or sent registered or certified or post office receipt secured. Any other communication to the attorney of record or 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.

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)~~ ten (10) days of such change.

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 information, 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 and appropriately endorsed 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.
 - (15) Failure to provide proof to the registrar on the jobsite of the active current and properly endorsed qualifying party directly supervising the job is a violation of the Roofing Contractor Registration Act for which enforcement action may be taken on each person performing roofing work on the jobsite and each subcontractor up to and including the contractor contracting directly with the owner.
- (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 without proper endorsement, 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 endorsement, 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 and any required endorsement information 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 and endorsement under which any work is being performed, and for labor-only crews the roofing firm name, the active contractor's registration number, endorsement information, and telephone number for the endorsed contractor under which any work is being performed and directly supervised.
 - (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) Subcontracting roofing work to an unregistered or unendorsed roofer or improperly endorsed roofing contractor when the work requires an active endorsement is a violation of this act.
 - (19) 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.
 - (20) Willfully failing to perform normal business obligations without justifiable cause.
 - (21) Obtaining any endorsement by false or fraudulent representation.
 - (22) Loaning or allowing the use of the registration by any other person or illegally using a registration.
- (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~~ an endorsed 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.