

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1535

By: Griffin

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7 AS INTRODUCED

8 An Act relating to roofing; amending 59 O.S. 2011,  
9 Section 1151.2, as amended by Section 1, Chapter 270,  
10 O.S.L. 2014 (59 O.S. Supp. 2017, Section 1151.2),  
which relates to definitions; adding definitions; and  
providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.2, as  
15 amended by Section 1, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2017,  
16 Section 1151.2), is amended to read as follows:

17 Section 1151.2. As used in the Roofing Contractor Registration  
18 Act:

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

3 2. "Applicant" means the qualifying party, or if no qualifying  
4 party, any person applying under the Roofing Contractor Registration  
5 Act for a roofing contractor registration to be issued by the  
6 Construction Industries Board;

7 3. "Board" means the Construction Industries Board;

8 4. "Committee" means the Committee of Roofing Examiners;

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

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

17 7. "Owner" means person who owns the property or is a lessee of  
18 the property;

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

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

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

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

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

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

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

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

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

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

17       18. "Roofing contractor" means any person, including a  
18 subcontractor and nonresident contractor, engaged in the business of  
19 commercial or residential roofing contractor work, or who himself or  
20 herself, or through another, attempts to or advertises, holds  
21 himself or herself out as having, or purports to have, the capacity  
22 to undertake roofing contractor work, or offers to engage in or  
23 solicits roofing installation-related services, including  
24 construction, installation, renovation, remodeling, reroofing,

1 repair, maintenance, alteration, and waterproofing, unless  
2 specifically exempted in the Roofing Contractor Registration Act.

3 Roofing contractor shall not mean:

4 a. a person engaged in the demolition of a structure or  
5 the cleanup of construction waste and debris that  
6 contains roofing material,

7 b. a person working under the direct supervision of the  
8 roofing contractor who is hired either as an employee,  
9 day laborer, or contract laborer whose payment,  
10 received in any form, from the roofing contractor is  
11 subject to self-employment tax,

12 c. a person working on his or her own property or that of  
13 an immediate relative and such person is not receiving  
14 any compensation, or

15 d. a person acting as a handyman who is receiving  
16 compensation from the property owner and who is  
17 performing the roofing repair in conjunction with  
18 other repairs to the property and who does not perform  
19 more than two roofing jobs per year;

20 19. "Roofing contractor work" means the installation,  
21 fabrication or assembly of equipment or systems included in roofing  
22 systems as defined in the International Building Code and the  
23 International Residential Code, as adopted by the Oklahoma Uniform  
24 Building Code Commission, and which codes are hereby adopted and

1 incorporated by reference. Roofing construction work includes, but  
2 is not limited to, installation, renovation, remodeling, reroofing,  
3 reconstructing, repair, maintenance, improvement, alteration, and  
4 waterproofing, unless specifically exempted in the Roofing  
5 Contractor Registration Act.

6 a. "Commercial roofing contractor work" means work done  
7 on commercial, industrial or public building roofing  
8 systems or structures as defined in the International  
9 Building Code, as adopted by the Oklahoma Uniform  
10 Building Code Commission; except it does not mean  
11 buildings used for commercial purposes having  
12 equivalent or substantially the same roofing  
13 requirements as a "residence" defined herein,  
14 including but not limited to business offices  
15 converted from a structure that formerly was a  
16 residence, and

17 b. "Residential roofing contractor work" means work done  
18 on roofing systems as defined in the International  
19 Residential Code, as adopted by the Oklahoma Uniform  
20 Building Code Commission, or as defined as a  
21 "residence" herein; except for buildings used for  
22 commercial purposes having equivalent or substantially  
23 the same roofing requirements as a "residence" defined  
24 herein, including but not limited to business offices

1 converted from a structure that formerly was a  
2 residence;

3 20. "Roofing Hearing Board" means the Roofing Hearing Board  
4 which shall consist of a designee of the Construction Industries  
5 Board, as chair, and the members of the Committee of Roofing  
6 Examiners;

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

11 22. "Variance" means the use of an alternative material or  
12 method of construction from that prescribed in the International  
13 Building Code or the International Residential Code or other  
14 approved documents by the Oklahoma Uniform Building Code Commission  
15 for use at a particular location or project specified in the  
16 variance application; ~~and~~

17 23. "Variance and Appeals Board" means the Oklahoma State  
18 Roofing Installation Code Variance and Appeals Board;

19 24. "Labor only crews" means a crew working under the direction  
20 of a general contractor or subcontractor to perform only the  
21 installation of materials to complete roofing work, and does not  
22 provide any roofing materials for the work; and

23 25. "Prefabricated or pre-engineered metal building assembly"  
24 means the labor necessary to construct the components of a

1 prefabricated or pre-engineered metal building as defined by the  
2 Construction Science Institute and Construction Specifications  
3 Institute in Division 13, Special Construction: Metal Building  
4 Systems.

5 SECTION 2. This act shall become effective November 1, 2018.

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