

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1535

By: Griffin of the Senate

and

Osburn (Mike) of the House

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to professions and occupations;
12 amending 59 O.S. 2011, Sections 1151.2, as amended by
13 Section 1, Chapter 270, O.S.L. 2014 and 1151.9, as
14 amended by Section 7, Chapter 270, O.S.L. 2014 (59
15 O.S. Supp. 2017, Sections 1151.2 and 1151.9), which
16 relate to the Roofing Contractor Registration Act;
17 modifying definition; adding definitions; adding
18 certain exemptions; providing an effective date; and
19 declaring an emergency.

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

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

24 Section 1151.2 As used in the Roofing Contractor Registration
Act:

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

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

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

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

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

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

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

24

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

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

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

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

20 12. "Qualifying party" means a natural person who is an officer
21 or owner of the corporation, a member of the limited liability
22 company, or a general partner of the limited liability partnership,
23 and who is actively engaged in the work undertaken by the registrant
24 for which a registration is required pursuant to the Roofing

1 Contractor Registration Act who meets the experience and ability
2 requirements for registration on behalf of the registrant;

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

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

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

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

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

22 18. "Roofing contractor" means any person, including a
23 subcontractor and nonresident contractor, engaged in the business of
24 commercial or residential roofing contractor work, or who himself or

1 herself, or through another, attempts to or advertises, holds
2 himself or herself out as having, or purports to have, the capacity
3 to undertake roofing contractor work, or offers to engage in or
4 solicits roofing installation-related services, including
5 construction, installation, renovation, remodeling, reroofing,
6 repair, maintenance, alteration, and waterproofing, unless
7 specifically exempted in the Roofing Contractor Registration Act.

8 Roofing contractor shall not mean:

- 9 a. a person engaged in the demolition of a structure or
10 the cleanup of construction waste and debris that
11 contains roofing material,
- 12 b. a person working under the direct supervision of the
13 roofing contractor who is hired either as an employee,
14 day laborer, or contract laborer whose payment,
15 received in any form, from the roofing contractor is
16 subject to self-employment tax,
- 17 c. a person working on his or her own property or that of
18 an immediate relative and such person is not receiving
19 any compensation, or
- 20 d. a person acting as a handyman who is receiving
21 compensation from the property owner and who is
22 performing the roofing repair in conjunction with
23 other repairs to the property and who does not perform
24 more than two roofing jobs per year;

1 19. "Roofing contractor work" means the installation,
2 fabrication or assembly of equipment or systems included in roofing
3 systems as defined in the International Building Code and the
4 International Residential Code, as adopted by the Oklahoma Uniform
5 Building Code Commission, and which codes are hereby adopted and
6 incorporated by reference. Roofing construction work includes, but
7 is not limited to, installation, renovation, remodeling, reroofing,
8 reconstructing, repair, maintenance, improvement, alteration, and
9 waterproofing, unless specifically exempted in the Roofing
10 Contractor Registration Act.

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

22 b. "Residential roofing contractor work" means work done
23 on roofing systems as defined in the International
24 Residential Code, as adopted by the Oklahoma Uniform

1 Building Code Commission, or as defined as a
2 "residence" herein; ~~except for~~ including buildings
3 used for commercial purposes having ~~equivalent or~~
4 substantially asphalt shingles, tile shingles,
5 synthetic shakes, wood shakes or other comparable
6 materials applied to a sloped roof equal to the same
7 roofing requirements as a "residence" defined herein,
8 including but not limited to business offices
9 converted from a structure that formerly was a
10 residence;

11 20. "Roofing Hearing Board" means the Roofing Hearing Board
12 which shall consist of a designee of the Construction Industries
13 Board, as chair, and the members of the Committee of Roofing
14 Examiners;

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

19 22. "Variance" means the use of an alternative material or
20 method of construction from that prescribed in the International
21 Building Code or the International Residential Code or other
22 approved documents by the Oklahoma Uniform Building Code Commission
23 for use at a particular location or project specified in the
24 variance application; ~~and~~

1 23. "Variance and Appeals Board" means the Oklahoma State
2 Roofing Installation Code Variance and Appeals Board;

3 24. "Labor-only crews" means a crew that is to perform the
4 installation of asphalt shingles, tile shingles, synthetic shakes,
5 wood shakes or other comparable materials to a sloped roof and to
6 complete roofing work; and

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

13 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1151.9, as
14 amended by Section 7, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2017,
15 Section 1151.9), is amended to read as follows:

16 Section 1151.9 A. Any administrative or governing body with
17 authority to enter into public contracts shall require individual
18 roofing contractor registration for purposes of such persons
19 submitting or entering into any bid or contract involving roofing
20 contractor work.

21 B. The Roofing Contractor Registration Act does not apply to:

22 1. An actual owner of residential or farm property who
23 physically performs, or has family member, employee or employees who
24 perform with or without remuneration, roofing services including,

1 construction, installation, renovation, repair, maintenance,
2 alteration, waterproofing, or removal of materials or structures on
3 property owned by such person;

4 2. Any authorized employee, representative or representatives
5 of the United States Government, the State of Oklahoma, or any
6 county, municipality, or other political subdivision of this state;

7 3. Any person who furnishes any fabricated or finished product,
8 material, or article of merchandise which is not incorporated into
9 or attached to real property by such person so as to become affixed
10 thereto;

11 4. Any person including churches or other charitable entities
12 that provide roof repairs or replacements at no charge using
13 volunteer labor;

14 5. Any employee of a registrant who does not hold himself or
15 herself out for hire, advertise, or engage in contracting, except as
16 an employee of a registrant;

17 6. Licensed engineers, licensed architects, licensed HVAC and
18 any other person licensed by the jurisdiction, operating under the
19 purview and within the scope of their respective license;

20 7. A person who only furnishes roofing materials, roofing
21 supplies or equipment and does not, nor do the person's employees,
22 install or fabricate them into or consume them in the performance of
23 the work of the roofing contractor;

24

1 8. Prime contractors, general contractors, property managers
2 and project managers who bid on construction trade work in areas
3 additional to roofing contractor work, and subcontract the roofing
4 contractor work as long as they subcontract the roofing work to a
5 currently registered roofing contractor who is in good standing; if
6 the bid is solely for roofing contractor work, then a registration
7 is required;

8 9. Owners of commercial properties including residential rental
9 properties consisting of four dwelling units or less, when acting as
10 their own roofing contractor and providing all material supervision
11 themselves, lessees of residential properties with the consent of
12 the owner, who, whether themselves or with their own employees,
13 perform roofing construction in or upon the properties, all
14 installing roofing materials according to the International Building
15 Code, as adopted by the Oklahoma Uniform Building Code Commission,
16 or the manufacturer's installation instructions; ~~or~~

17 10. Owners of property when acting as their own roofing
18 contractor, providing all material supervision themselves, and
19 installing roofing materials according to the International
20 Residential Code, as adopted by the Oklahoma Uniform Building Code
21 Commission, or the manufacturer's installation instructions when
22 building or improving a single-family dwelling residence on such
23 property for the occupancy of such owners and not intended for sale
24 or rent. In any action brought under the Roofing Contractor

1 Registration Act, proof of the sale or offering for sale of such
2 structure or the renting or offering to rent of such structure by
3 the owners of the property within one (1) year after substantial
4 completion of the structure when the structure can be occupied and
5 used as intended but punch list items may remain, is presumptive
6 evidence that the construction was undertaken with the intent of
7 sale or rent; or

8 11. Metal building erectors who install prefabricated- or pre-
9 engineered-metal-building packages, known as PEMBs, as defined by
10 the Construction Science Institute and Construction Specifications
11 Institute in Division 13, Special Construction: Metal Building
12 Systems.

13 C. Labor-only crews performing the installation of asphalt
14 shingles, tile shingles, synthetic shakes, wood shakes to a sloped
15 roof, the labor crew must be registered but is not required to have
16 a commercial endorsement.

17 SECTION 3. This act shall become effective July 1, 2018.

18 SECTION 4. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22
23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/11/2018 - DO PASS,
24 As Amended.