

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 378

By: Newberry

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6 AS INTRODUCED

7 An Act relating to the Roofing Contractor  
8 Registration Act; amending 59 O.S. 2011, Section  
9 1151.22, which relates to workers' compensation  
10 insurance; modifying use of affidavit of exemption;  
11 requiring certain affidavit be attached to contract;  
12 permitting affidavit of exemption only on certain new  
13 construction; requiring all workers be covered under  
14 workers' compensation insurance; providing for day  
15 laborer's affidavit under certain conditions;  
16 prohibiting hiring certain company or persons not  
17 registered or without workers' compensation coverage;  
18 determining certain workers to be employees for  
19 purpose of workers' compensation insurance; granting  
20 certain immunity from liability for homeowners; and  
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.22, is  
24 amended to read as follows:

25 Section 1151.22. A. Any contract entered into under the  
26 Roofing Contractor Registration Act shall include a statement that  
27 all individuals performing work under the contract are covered by  
28 workers' compensation insurance.

1 B. ~~If the individuals performing work under the contract are~~  
2 ~~not covered by an affidavit of exemption for workers' compensation~~  
3 ~~insurance, the contractor shall provide a written statement to the~~  
4 ~~homeowner advising that the individuals performing work under the~~  
5 ~~contract are not covered by workers' compensation insurance, which~~  
6 is used by a legitimately exempt person, it shall be signed by all  
7 ~~parties to the contract and attached to the contract and it shall be~~  
8 used only for new residential construction projects. All commercial  
9 projects and any maintenance or repair to an existing residential  
10 structure shall require all individuals performing work on such  
11 project to be covered by worker's compensation insurance as  
12 employees of the person registered under the Roofing Contractor  
13 Registration Act. However, any day laborer who can show proof of  
14 being covered by workers' compensation insurance under the temporary  
15 labor agency for whom he or she is hired-out may provide an  
16 affidavit from the temporary labor agency to meet the requirement of  
17 this section for authority to use an affidavit of exemption. No  
18 roofing contractor required to be registered under the Roofing  
19 Contractor Registration Act shall hire any out-of-state company or  
20 person or use any person or independent contractor that is not  
21 registered under the Roofing Contractor Registration Act with the  
22 required worker's compensation insurance or who is not deemed his or  
23 her employee for purposes of workers' compensation insurance.  
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1        C. In no event shall a home owner be held liable for injury or  
2 death to any person who performs work under a contract with a person  
3 required by law to be registered under the Roofing Contractor  
4 Registration Act and have workers' compensation on all persons  
5 performing work on the roofing project.

6        SECTION 2. This act shall become effective November 1, 2015.

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