

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 378 By: Newberry of the Senate
3 and
4 McBride of the House
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7 [Roofing Contractor Registration Act - workers'
8 compensation insurance - affidavit of exemption -
9 workers' compensation insurance - immunity from
10 liability for homeowners - effective date]
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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
13 entire bill and insert

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

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

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

3 Section 1151.22 A. Any contract entered into under the Roofing
4 Contractor Registration Act shall include a statement that all
5 individuals performing work under the contract are covered by
6 workers' compensation insurance.

7 B. ~~If the individuals performing work under the contract are~~
8 ~~not covered by an affidavit of exemption for~~ workers' compensation
9 ~~insurance, the contractor shall provide a written statement to the~~
10 ~~homeowner advising that the individuals performing work under the~~
11 ~~contract are not covered by workers' compensation insurance, which~~
12 ~~is used by a legitimately exempt person, it shall be signed by all~~
13 ~~parties to the contract and attached to the contract and it shall be~~
14 used only for new residential construction projects. All commercial
15 projects and any maintenance or repair to an existing residential
16 structure shall require all individuals performing work on such
17 project to be covered by workers' compensation insurance as
18 employees of the person registered under the Roofing Contractor
19 Registration Act. However, any day laborer who can show proof of
20 being covered by workers' compensation insurance under the temporary
21 labor agency for whom he or she is hired out may provide an
22 affidavit from the temporary labor agency to meet the requirement of
23 this section for authority to use an affidavit of exemption. No
24 roofing contractor required to be registered under the Roofing

1 Contractor Registration Act shall hire any out-of-state company or
2 person or use any person or independent contractor that is not
3 registered under the Roofing Contractor Registration Act with the
4 required workers' compensation insurance or who is not deemed his or
5 her employee for purposes of workers' compensation insurance.

6 C. In no event shall a homeowner be held liable for injury or
7 death to any person who performs work under a contract with a person
8 required by law to be registered under the Roofing Contractor
9 Registration Act and have workers' compensation on all persons
10 performing work on the roofing project.

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

12 Passed the House of Representatives the 31st day of March, 2015.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 378

By: Newberry of the Senate

3 and

4 McBride of the House

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6 [Roofing Contractor Registration Act - workers'
7 compensation insurance - affidavit of exemption -
8 workers' compensation insurance - immunity from
9 liability for homeowners - effective date]

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

11 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1151.22, is
12 amended to read as follows:

13 Section 1151.22. A. Any contract entered into under the
14 Roofing Contractor Registration Act shall include a statement that
15 all individuals performing work under the contract are covered by
16 workers' compensation insurance.

17 B. ~~If the individuals performing work under the contract are~~
18 ~~not covered by an affidavit of exemption for workers' compensation~~
19 ~~insurance, the contractor shall provide a written statement to the~~
20 ~~homeowner advising that the individuals performing work under the~~
21 ~~contract are not covered by workers' compensation insurance, which~~
22 ~~is used by a legitimately exempt person, it shall be signed by all~~
23 ~~parties to the contract and attached to the contract and it shall be~~
24 used only for new residential construction projects. All commercial

1 projects and any maintenance or repair to an existing residential
2 structure shall require all individuals performing work on such
3 project to be covered by worker's compensation insurance as
4 employees of the person registered under the Roofing Contractor
5 Registration Act. However, any day laborer who can show proof of
6 being covered by workers' compensation insurance under the temporary
7 labor agency for whom he or she is hired-out may provide an
8 affidavit from the temporary labor agency to meet the requirement of
9 this section for authority to use an affidavit of exemption. No
10 roofing contractor required to be registered under the Roofing
11 Contractor Registration Act shall hire any out-of-state company or
12 person or use any person or independent contractor that is not
13 registered under the Roofing Contractor Registration Act with the
14 required worker's compensation insurance or who is not deemed his or
15 her employee for purposes of workers' compensation insurance.

16 C. In no event shall a homeowner be held liable for injury or
17 death to any person who performs work under a contract with a person
18 required by law to be registered under the Roofing Contractor
19 Registration Act and have workers' compensation on all persons
20 performing work on the roofing project.

21 SECTION 4. This act shall become effective November 1, 2015.
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1 Passed the Senate the 5th day of March, 2015.

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Presiding Officer of the Senate

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5 Passed the House of Representatives the ____ day of _____,

6 2015.

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Presiding Officer of the House
of Representatives

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