ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 378 By: Newberry of the Senate

and

McBride of the House

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

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An Act relating to the Roofing Contractor Registration Act; amending 59 O.S. 2011, Section 1151.22, which relates to workers' compensation insurance; modifying use of affidavit of exemption; requiring certain affidavit be attached to contract; permitting affidavit of exemption only on certain new construction; requiring all workers be covered under workers' compensation insurance; providing for day laborer's affidavit under certain conditions; prohibiting hiring certain company or persons not 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:

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

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

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

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

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

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

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

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2015.

_____
Presiding Officer of the Senate

ENGROSSED SENATE
BILL NO. 378 By: Newberry of the Senate

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

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

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

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

Passed the Senate the 5th day of March, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House of Representatives