

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1083

By: Newberry of the Senate

and

Echols of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Roofing Contractor
12 Registration Act; amending 59 O.S. 2011, Section
13 1151.22, which relates to workers' compensation
14 insurance; deleting requirement that directs
15 contractors to provide certain written statement to
16 homeowners; providing for use of affidavit of
17 exemption for workers' compensation insurance;
18 requiring affidavit of exemption be attached to
19 contract and used on certain construction projects;
20 requiring all workers be covered under workers'
21 compensation insurance; authorizing day laborers to
22 submit affidavit of workers' compensation insurance
23 coverage under certain conditions; prohibiting
24 roofing contractors from hiring certain persons or
 companies not registered under the Roofing Contractor
 Registration Act; granting 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:

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

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

1 required workers' compensation insurance or who is not deemed his or
2 her employee for purposes of workers' compensation insurance.

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

8 SECTION 2. This act shall become effective November 1, 2016.

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
11 dated 03/23/2016 - DO PASS, As Amended.
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