

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 546

By: Smalley of the Senate

and

Downing of the House

8
9 [roofing - definitions - effective date]

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

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.2, as
14 amended by Section 1, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2016,
15 Section 1151.2), is amended to read as follows:

16 Section 1151.2. As used in the Roofing Contractor Registration
17 Act:

18 1. "Advertise" means any written publication, dissemination,
19 solicitation, contract, bid, promotional item, or circulation which
20 is intended to directly or indirectly induce any person to contract
21 for roofing construction services with the advertiser, including,
22 but not limited to, business cards, telephone directory display
23 advertisements, vehicle signage, radio, television and electronic
24 solicitations;

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

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

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

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

10 6. "Nonresident contractor" means any contractor who has not
11 established and maintained a place of business as a roofing
12 contractor in this state within the preceding year, or who claims
13 residency in another state, or who has not submitted an income tax
14 return as a resident of this state within the preceding year;

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

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

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

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

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

14 12. "Qualifying party" means a natural person who is an officer
15 or owner of the corporation, a member of the limited liability
16 company, or a general partner of the limited liability partnership,
17 and who is actively engaged in the work undertaken by the registrant
18 for which a registration is required pursuant to the Roofing
19 Contractor Registration Act who meets the experience and ability
20 requirements for registration on behalf of the registrant;

21 13. "Registrar" means the Construction Industries Board or any
22 person designated by the Board to administer the provisions of the
23 Roofing Contractor Registration Act;

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

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

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

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

17 18. "Roofing contractor" means any person, including a
18 subcontractor and nonresident contractor, engaged in the business of
19 commercial or residential roofing contractor work, or who himself or
20 herself, or through another, attempts to or advertises, holds
21 himself or herself out as having, or purports to have, the capacity
22 to undertake roofing contractor work, or offers to engage in or
23 solicits roofing installation-related services, including
24 construction, installation, renovation, remodeling, reroofing,

1 repair, maintenance, alteration, and waterproofing, unless
2 specifically exempted in the Roofing Contractor Registration Act.

3 Roofing contractor shall not mean:

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

20 19. "Roofing contractor work" means the installation,
21 fabrication or assembly of equipment or systems included in roofing
22 systems as defined in the International Building Code and the
23 International Residential Code, as adopted by the Oklahoma Uniform
24 Building Code Commission, and which codes are hereby adopted and

1 incorporated by reference. Roofing construction work includes, but
2 is not limited to, installation, renovation, remodeling, reroofing,
3 reconstructing, repair, maintenance, improvement, alteration, and
4 waterproofing, unless specifically exempted in the Roofing
5 Contractor Registration Act.

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

17 b. "Residential roofing contractor work" means work done
18 on roofing systems as defined in the International
19 Residential Code, as adopted by the Oklahoma Uniform
20 Building Code Commission, or as defined as a
21 "residence" herein; except for buildings used for
22 commercial purposes having equivalent or substantially
23 the same roofing requirements as a "residence" defined
24 herein, including but not limited to business offices

1 converted from a structure that formerly was a
2 residence;

3 20. "Roofing Hearing Board" means the Roofing Hearing Board
4 which shall consist of a designee of the Construction Industries
5 Board, as chair, and the members of the Committee of Roofing
6 Examiners;

7 21. "Subcontractor" means one who contracts with a prime
8 contractor, general contractor, residential contractor, project
9 manager, property manager, another subcontractor, or another entity
10 for roofing contractor work. Subcontractor shall not mean a labor-
11 only subcontractor working under the supervision of a registered and
12 endorsed roofing contractor or roofing subcontractor;

13 22. "Variance" means the use of an alternative material or
14 method of construction from that prescribed in the International
15 Building Code or the International Residential Code or other
16 approved documents by the Oklahoma Uniform Building Code Commission
17 for use at a particular location or project specified in the
18 variance application; and

19 23. "Variance and Appeals Board" means the Oklahoma State
20 Roofing Installation Code Variance and Appeals Board.

21 SECTION 2. This act shall become effective November 1, 2017.

22
23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
24 dated 04/12/2017 - DO PASS, As Amended and Coauthored.