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February 27, 2018

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1535

By: Griffin

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[ roofing - definitions and exemptions from
registration - effective date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.2, as amended by Section 1, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2017, Section 1151.2), is amended to read as follows:

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

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

2. "Applicant" means the qualifying party, or if no qualifying party, any person applying under the Roofing Contractor Registration

1 Act for a roofing contractor registration to be issued by the
2 Construction Industries Board;

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

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

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

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

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

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

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

24

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

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

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

18 13. "Registrar" means the Construction Industries Board or any
19 person designated by the Board to administer the provisions of the
20 Roofing Contractor Registration Act;

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

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

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

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

13 18. "Roofing contractor" means any person, including a
14 subcontractor and nonresident contractor, engaged in the business of
15 commercial or residential roofing contractor work, or who himself or
16 herself, or through another, attempts to or advertises, holds
17 himself or herself out as having, or purports to have, the capacity
18 to undertake roofing contractor work, or offers to engage in or
19 solicits roofing installation-related services, including
20 construction, installation, renovation, remodeling, reroofing,
21 repair, maintenance, alteration, and waterproofing, unless
22 specifically exempted in the Roofing Contractor Registration Act.
23 Roofing contractor shall not mean:
24

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

19. "Roofing contractor work" means the installation, fabrication or assembly of equipment or systems included in roofing systems as defined in the International Building Code and the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission, and which codes are hereby adopted and incorporated by reference. Roofing construction work includes, but is not limited to, installation, renovation, remodeling, reroofing, reconstructing, repair, maintenance, improvement, alteration, and

1 waterproofing, unless specifically exempted in the Roofing
2 Contractor Registration Act.

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

14 b. "Residential roofing contractor work" means work done
15 on roofing systems as defined in the International
16 Residential Code, as adopted by the Oklahoma Uniform
17 Building Code Commission, or as defined as a
18 "residence" herein; ~~except for~~ including buildings
19 used for commercial purposes having ~~equivalent or~~
20 ~~substantially~~ asphalt shingle roof covering equal to
21 the same roofing requirements as a "residence" defined
22 herein, including but not limited to business offices
23 converted from a structure that formerly was a
24 residence;

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

5 21. "Subcontractor" means one who contracts with a prime
6 contractor, general contractor, residential contractor, project
7 manager, property manager, another subcontractor, or another entity
8 for roofing contractor work;

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

15 23. "Variance and Appeals Board" means the Oklahoma State
16 Roofing Installation Code Variance and Appeals Board;

17 24. "Labor only crews" means a crew working under the direction
18 of a commercially endorsed roofing contractor and where the labor
19 only crew is to perform only the installation of materials to
20 complete roofing work, and does not provide any roofing materials
21 for the work; and

22 25. "Prefabricated or pre-engineered metal building erector"
23 means the labor necessary to construct the components of a
24 prefabricated or pre-engineered metal building package, known as

1 PEMB, as defined by the Construction Science Institute and
2 Construction Specifications Institute in Division 13, Special
3 Construction: Metal Building Systems.

4 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1151.9, as
5 amended by Section 7, Chapter 270, O.S.L. 2014 (59 O.S. Supp. 2017,
6 Section 1151.9), is amended to read as follows:

7 Section 1151.9. A. Any administrative or governing body with
8 authority to enter into public contracts shall require individual
9 roofing contractor registration for purposes of such persons
10 submitting or entering into any bid or contract involving roofing
11 contractor work.

12 B. The Roofing Contractor Registration Act does not apply to:

13 1. An actual owner of residential or farm property who
14 physically performs, or has family member, employee or employees who
15 perform with or without remuneration, roofing services including,
16 construction, installation, renovation, repair, maintenance,
17 alteration, waterproofing, or removal of materials or structures on
18 property owned by such person;

19 2. Any authorized employee, representative or representatives
20 of the United States Government, the State of Oklahoma, or any
21 county, municipality, or other political subdivision of this state;

22 3. Any person who furnishes any fabricated or finished product,
23 material, or article of merchandise which is not incorporated into
24

1 or attached to real property by such person so as to become affixed
2 thereto;

3 4. Any person including churches or other charitable entities
4 that provide roof repairs or replacements at no charge using
5 volunteer labor;

6 5. Any employee of a registrant who does not hold himself or
7 herself out for hire, advertise, or engage in contracting, except as
8 an employee of a registrant;

9 6. Licensed engineers, licensed architects, licensed HVAC and
10 any other person licensed by the jurisdiction, operating under the
11 purview and within the scope of their respective license;

12 7. A person who only furnishes roofing materials, roofing
13 supplies or equipment and does not, nor do the person's employees,
14 install or fabricate them into or consume them in the performance of
15 the work of the roofing contractor;

16 8. Prime contractors, general contractors, property managers
17 and project managers who bid on construction trade work in areas
18 additional to roofing contractor work, and subcontract the roofing
19 contractor work as long as they subcontract the roofing work to a
20 currently registered roofing contractor who is in good standing; if
21 the bid is solely for roofing contractor work, then a registration
22 is required;

23 9. Owners of commercial properties including residential rental
24 properties consisting of four dwelling units or less, when acting as

1 their own roofing contractor and providing all material supervision
2 themselves, lessees of residential properties with the consent of
3 the owner, who, whether themselves or with their own employees,
4 perform roofing construction in or upon the properties, all
5 installing roofing materials according to the International Building
6 Code, as adopted by the Oklahoma Uniform Building Code Commission,
7 or the manufacturer's installation instructions; ~~or~~

8 10. Owners of property when acting as their own roofing
9 contractor, providing all material supervision themselves, and
10 installing roofing materials according to the International
11 Residential Code, as adopted by the Oklahoma Uniform Building Code
12 Commission, or the manufacturer's installation instructions when
13 building or improving a single-family dwelling residence on such
14 property for the occupancy of such owners and not intended for sale
15 or rent. In any action brought under the Roofing Contractor
16 Registration Act, proof of the sale or offering for sale of such
17 structure or the renting or offering to rent of such structure by
18 the owners of the property within one (1) year after substantial
19 completion of the structure when the structure can be occupied and
20 used as intended but punch list items may remain, is presumptive
21 evidence that the construction was undertaken with the intent of
22 sale or rent;

23 11. Labor only crews performing commercial roofing work under
24 the supervision of a commercially endorsed roofing contractor and

1 the labor crew must be registered but is not required to have a
2 commercial endorsement; or

3 12. Metal building erectors who install prefabricated or pre-
4 engineered metal building packages, known as PEMB, as defined by the
5 Construction Science Institute and Construction Specifications
6 Institute in Division 13, Special Construction: Metal Building
7 Systems.

8 SECTION 3. This act shall become effective November 1, 2018.

9 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
10 February 27, 2018 - DO PASS AS AMENDED
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