

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1716

By: Leewright

COMMITTEE SUBSTITUTE

An Act relating to roofing; amending 59 O.S. 2021, Section 1151.2, which relates to definitions; adding definition; amending 59 O.S. 2021, Section 1151.9, which relates to applicability of the Roofing Contractor Registration Act; providing exception for commercial endorsement for labor-only subcontractors; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, 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

1 advertisements, vehicle signage, radio, television and electronic
2 solicitations;

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

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

8 4. "Commercial labor-only subcontractor" means a registered
9 roofing subcontractor who works under the direct supervision of a
10 commercial endorsed roofing contractor, is hired to perform only the
11 labor for installation of commercial roofing work where the total
12 contract value of the job does not exceed Five Hundred Thousand
13 Dollars (\$500,000.00) and does not provide any roofing material for
14 the work;

15 5. "Committee" means the Committee of Roofing Examiners;

16 ~~5.~~ 6. "Homeowner" means one who owns and resides in, or who
17 resides in, or who contracts for the purchase, construction,
18 remodeling or repairing of a residence;

19 ~~6.~~ 7. "Nonresident contractor" means any contractor who has not
20 established and maintained a place of business as a roofing
21 contractor in this state within the preceding year, or who claims
22 residency in another state, or who has not submitted an income tax
23 return as a resident of this state within the preceding year;

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1 ~~7.~~ 8. "Owner" means person who owns the property or is a lessee
2 of the property;

3 ~~8.~~ 9. "Person" means any natural person, firm, limited or
4 general partnership, corporation, association, limited liability
5 company, trust, association, other legal entity and any organization
6 capable of conducting business, or any combination thereof acting as
7 a unit, unless the intent to give a more limited meaning is
8 disclosed clearly by the Roofing Contractor Registration Act;

9 ~~9.~~ 10. "Prime contractor" means a general contractor,
10 commercial contractor, or other contractor who contracts directly
11 with the owner for construction trade work in multiple trade areas;

12 ~~10.~~ 11. "Project manager" means one who manages construction
13 projects consisting of work involving multiple trades;

14 ~~11.~~ 12. "Public contract" means a contract with the State of
15 Oklahoma, its political subdivisions, or any board, commission, or
16 department thereof, or with any board of county commissioners, or
17 with any city council, school board, or with any state or municipal
18 agency, or with any other public board, body, commission, or agency
19 authorized to award contracts for the construction or reconstruction
20 of public works and includes subcontracts undertaken to perform
21 works covered by the original contract or any part thereof;

22 ~~12.~~ 13. "Qualifying party" means a natural person who is an
23 officer or owner of the corporation, a member of the limited
24 liability company, or a general partner of the limited liability

1 partnership, and who is actively engaged in the work undertaken by
2 the registrant for which a registration is required pursuant to the
3 Roofing Contractor Registration Act who meets the experience and
4 ability requirements for registration on behalf of the registrant;

5 ~~13.~~ 14. "Registrar" means the Construction Industries Board or
6 any person designated by the Board to administer the provisions of
7 the Roofing Contractor Registration Act;

8 ~~14.~~ 15. "Registration" means the process of applying for an
9 initial or renewal registration which upon approval is exhibited by
10 a registration number and card issued pursuant to the Roofing
11 Contractor Registration Act;

12 ~~15.~~ 16. "Registration number" means the roofing registration
13 number issued by the registrar to the registrant's qualifying party;

14 ~~16.~~ 17. "Registrant" means a holder of a registration issued
15 pursuant to the Roofing Contractor Registration Act;

16 ~~17.~~ 18. "Residence" means a single structure for residential
17 occupancy or use which is a detached one- to four-family dwelling or
18 a multiple single-family dwelling (townhouse) not more than three
19 stories/floors above grade plane in height with a separate means of
20 egress, and any appurtenances thereto, which is intended for use as
21 a primary habitation and is in compliance with the International
22 Residential Code, as adopted by the Oklahoma Uniform Building Code
23 Commission;

1 ~~18.~~ 19. "Roofing contractor" means any person, including a
2 subcontractor and nonresident contractor, engaged in the business of
3 commercial or residential roofing contractor work, or who himself or
4 herself, or through another, attempts to or advertises, holds
5 himself or herself out as having, or purports to have, the capacity
6 to undertake roofing contractor work, or offers to engage in or
7 solicits roofing installation-related services, including
8 construction, installation, renovation, remodeling, reroofing,
9 repair, maintenance, alteration, and waterproofing, unless
10 specifically exempted in the Roofing Contractor Registration Act.

11 Roofing contractor shall not mean:

- 12 a. a person engaged in the demolition of a structure or
13 the cleanup of construction waste and debris that
14 contains roofing material,
- 15 b. a person working under the direct supervision of the
16 roofing contractor who is hired either as an employee,
17 day laborer, or contract laborer whose payment,
18 received in any form, from the roofing contractor is
19 subject to self-employment tax,
- 20 c. a person working on his or her own property or that of
21 an immediate relative and such person is not receiving
22 any compensation, or
- 23 d. a person acting as a handyman who is receiving
24 compensation from the property owner and who is

1 performing the roofing repair in conjunction with
2 other repairs to the property and who does not perform
3 more than two roofing jobs per year;

4 ~~19.~~ 20. "Roofing contractor work" means the installation,
5 fabrication or assembly of equipment or systems included in roofing
6 systems as defined in the International Building Code and the
7 International Residential Code, as adopted by the Oklahoma Uniform
8 Building Code Commission, and which codes are hereby adopted and
9 incorporated by reference. Roofing construction work includes, but
10 is not limited to, installation, renovation, remodeling, reroofing,
11 reconstructing, repair, maintenance, improvement, alteration, and
12 waterproofing, unless specifically exempted in the Roofing
13 Contractor Registration Act.

14 a. "Commercial roofing contractor work" means work done
15 on commercial, industrial or public building roofing
16 systems or structures as defined in the International
17 Building Code, as adopted by the Oklahoma Uniform
18 Building Code Commission; except it does not mean
19 buildings used for commercial purposes having
20 equivalent or substantially the same roofing
21 requirements as a "residence" defined herein,
22 including but not limited to business offices
23 converted from a structure that formerly was a
24 residence, and

b. "Residential roofing contractor work" means work done on roofing systems as defined in the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission, or as defined as a "residence" herein; including buildings used for commercial purposes having asphalt shingles, tile shingles, synthetic shakes, wood shakes or other comparable materials applied to a sloped roof equal to the same roofing requirements as a "residence" defined herein, including but not limited to business offices converted from a structure that formerly was a residence;

~~20.~~ 21. "Roofing Hearing Board" means the Roofing Hearing Board which shall consist of a designee of the Construction Industries Board, as chair, and the members of the Committee of Roofing Examiners;

~~21.~~ 22. "Subcontractor" means one who contracts with a prime contractor, general contractor, residential contractor, project manager, property manager, another subcontractor, or another entity for roofing contractor work;

~~22.~~ 23. "Variance" means the use of an alternative material or method of construction from that prescribed in the International Building Code or the International Residential Code or other approved documents by the Oklahoma Uniform Building Code Commission

1 for use at a particular location or project specified in the
2 variance application;

3 ~~23.~~ 24. "Variance and Appeals Board" means the Oklahoma State
4 Roofing Installation Code Variance and Appeals Board;

5 ~~24.~~ 25. "Labor-only crews" means a crew that is to perform the
6 installation of asphalt shingles, tile shingles, synthetic shakes,
7 wood shakes or other comparable materials to a sloped roof and to
8 complete roofing work; and

9 ~~25.~~ 26. "Prefabricated- or pre-engineered-metal-building
10 erector" means the labor necessary to construct the components of a
11 prefabricated- or pre-engineered-metal-building package, known as
12 PEMB, as defined by the Construction Science Institute and
13 Construction Specifications Institute in Division 13, Special
14 Construction: Metal Building Systems.

15 SECTION 2. AMENDATORY 59 O.S. 2021, Section 1151.9, is
16 amended to read as follows:

17 Section 1151.9. A. Any administrative or governing body with
18 authority to enter into public contracts shall require individual
19 roofing contractor registration for purposes of such persons
20 submitting or entering into any bid or contract involving roofing
21 contractor work.

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

23 1. An actual owner of residential or farm property who
24 physically performs, or has a family member, employee or employees

1 who perform with or without remuneration, roofing services
2 including, construction, installation, renovation, repair,
3 maintenance, alteration, waterproofing, or removal of materials or
4 structures on property owned by such person;

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

8 3. Any person who furnishes any fabricated or finished product,
9 material, or article of merchandise which is not incorporated into
10 or attached to real property by such person so as to become affixed
11 thereto;

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

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

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

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

1 8. Prime contractors, general contractors, property managers
2 and project managers who bid on construction trade work in areas
3 additional to roofing contractor work, and subcontract the roofing
4 contractor work as long as they subcontract the roofing work to a
5 currently registered roofing contractor who is in good standing; if
6 the bid is solely for roofing contractor work, then a registration
7 is required;

8 9. Owners of commercial properties including residential rental
9 properties consisting of four dwelling units or less, when acting as
10 their own roofing contractor and providing all material supervision
11 themselves, lessees of residential properties with the consent of
12 the owner, who, whether themselves or with their own employees,
13 perform roofing construction in or upon the properties, all
14 installing roofing materials according to the International Building
15 Code, as adopted by the Oklahoma Uniform Building Code Commission,
16 or the manufacturer's installation instructions;

17 10. Owners of property when acting as their own roofing
18 contractor, providing all material supervision themselves, and
19 installing roofing materials according to the International
20 Residential Code, as adopted by the Oklahoma Uniform Building Code
21 Commission, or the manufacturer's installation instructions when
22 building or improving a single-family dwelling residence on such
23 property for the occupancy of such owners and not intended for sale
24 or rent. In any action brought under the Roofing Contractor

1 Registration Act, proof of the sale or offering for sale of such
2 structure or the renting or offering to rent of such structure by
3 the owners of the property within one (1) year after substantial
4 completion of the structure when the structure can be occupied and
5 used as intended but punch list items may remain, is presumptive
6 evidence that the construction was undertaken with the intent of
7 sale or rent; or

8 11. Metal building erectors who install prefabricated- or pre-
9 engineered-metal-building packages, known as PEMBs, as defined by
10 the Construction Science Institute and Construction Specifications
11 Institute in Division 13, Special Construction: Metal Building
12 Systems.

13 C. 1. Labor-only crews performing the installation of asphalt
14 shingles, tile shingles, synthetic shakes or wood shakes to a sloped
15 roof must be registered but are not required to have a commercial
16 endorsement.

17 2. A commercial labor-only subcontractor shall be registered
18 but is not required to have a commercial endorsement if the
19 commercial endorsed roofing contractor providing direct supervision
20 assumes full responsibility over the actions and performance of the
21 commercial labor-only subcontractor; provided, that the commercial
22 labor-only subcontractor is prohibited from bidding or contracting
23 commercial roofing work directly with a building owner or other
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1 building management entity and the total contract value of the job
2 does not exceed Five Hundred Thousand Dollars (\$500,000.00).

3 SECTION 3. This act shall become effective November 1, 2022.

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