

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 521

By: Montgomery

AS INTRODUCED

An Act relating to roofing; amending 59 O.S. 2011, Sections 1151.2, as last amended by Section 1, Chapter 178, O.S.L. 2018 and 1151.9, as last amended by Section 2, Chapter 178, O.S.L. 2018 (59 O.S. Supp. 2020, Sections 1151.2 and 1151.9), which relate to definitions and public contracts; adding certain definition; providing for subcontractor registration without commercial endorsement; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.2, as last amended by Section 1, Chapter 178, O.S.L. 2018 (59 O.S. Supp. 2020, 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. "Committee" means the Committee of Roofing Examiners;

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

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

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

19 8. "Person" means any natural person, firm, limited or general
20 partnership, corporation, association, limited liability company,
21 trust, association, other legal entity and any organization capable
22 of conducting business, or any combination thereof acting as a unit,
23 unless the intent to give a more limited meaning is disclosed
24 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; including buildings used for
22 commercial purposes having asphalt shingles, tile
23 shingles, synthetic shakes, wood shakes or other
24 comparable materials applied to a sloped roof equal to

1 the same roofing requirements as a "residence" defined
2 herein, including but not limited to business offices
3 converted from a structure that formerly was a
4 residence;

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

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

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;

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

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

1 25. "Labor-only subcontractor" means a registered roofing
2 subcontractor that is hired and directly supervised by a commercial-
3 endorsed roofing contractor to perform the labor for installation of
4 roofing work and does not provide any roofing materials for the
5 work; and

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

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1151.9, as
13 last amended by Section 2, Chapter 178, O.S.L. 2018 (59 O.S. Supp.
14 2020, Section 1151.9), is amended to read as follows:

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

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

21 1. An actual owner of residential or farm property who
22 physically performs, or has family member, employee or employees who
23 perform with or without remuneration, roofing services including
24 construction, installation, renovation, repair, maintenance,
25

1 alteration, waterproofing, or removal of materials or structures on
2 property owned by such person;

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

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

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

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

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

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

23 8. Prime contractors, general contractors, property managers
24 and project managers who bid on construction trade work in areas

1 additional to roofing contractor work, and subcontract the roofing
2 contractor work as long as they subcontract the roofing work to a
3 currently registered roofing contractor who is in good standing; if
4 the bid is solely for roofing contractor work, then a registration
5 is required;

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

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

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

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

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

15 2. Labor-only subcontractors performing the labor for
16 installation of roofing work must be registered but are not required
17 to have a commercial endorsement and must be under direct on-site
18 supervision of a full-time employee of the commercial-endorsed
19 contractor.

20 SECTION 3. This act shall become effective November 1, 2021.
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