

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 378

By: Newberry of the Senate

and

6 McBride of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Roofing Contractor
11 Registration Act; amending 59 O.S. 2011, Section
12 1151.22, which relates to workers' compensation
13 insurance; modifying use of affidavit of exemption;
14 requiring certain affidavit be attached to contract;
15 permitting affidavit of exemption only on certain new
16 construction; requiring all workers be covered under
17 workers' compensation insurance; providing for day
18 laborer's affidavit under certain conditions;
19 prohibiting hiring certain company or persons not
20 registered or without workers' compensation coverage;
21 determining certain workers to be employees for
22 purpose of workers' compensation insurance; granting
23 certain immunity from liability for homeowners; and
24 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:

Section 1151.22 A. Any contract entered into under the Roofing
Contractor Registration Act shall include a statement that all

1 individuals performing work under the contract are covered by
2 workers' compensation insurance.

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

8 SECTION 2. This act shall become effective November 1, 2015.

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