

1 **SENATE FLOOR VERSION**

2 February 23, 2017

3 **AS AMENDED**

4 SENATE BILL NO. 546

By: Smalley

5
6 [roofing - definitions - effective date]
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9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

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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:

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

17 19. "Roofing contractor work" means the installation,
18 fabrication or assembly of equipment or systems included in roofing
19 systems as defined in the International Building Code and the
20 International Residential Code, as adopted by the Oklahoma Uniform
21 Building Code Commission, and which codes are hereby adopted and
22 incorporated by reference. Roofing construction work includes, but
23 is not limited to, installation, renovation, remodeling, reroofing,
24 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 buildings used for
19 commercial purposes having equivalent or substantially
20 the same roofing requirements as a "residence" defined
21 herein, including but not limited to business offices
22 converted from a structure that formerly was a
23 residence;

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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. Subcontractor shall not mean a labor-
9 only subcontractor working under the supervision of a **registered and**
10 **endorsed** roofing contractor or roofing subcontractor;

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

17 23. "Variance and Appeals Board" means the Oklahoma State
18 Roofing Installation Code Variance and Appeals Board.

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

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
21 February 23, 2017 - DO PASS AS AMENDED
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