1 HOUSE OF REPRESENTATIVES - FLOOR VERSION 2 STATE OF OKLAHOMA 3 1st Session of the 55th Legislature (2015) 4 COMMITTEE SUBSTITUTE FOR ENGROSSED 5 SENATE BILL NO. 378 By: Newberry of the Senate 6 and 7 McBride of the House 8 9 10 COMMITTEE SUBSTITUTE 11 An Act relating to the Roofing Contractor Registration Act; amending 59 O.S. 2011, Section 12 1151.22, which relates to workers' compensation insurance; modifying use of affidavit of exemption; 1.3 requiring certain affidavit be attached to contract; permitting affidavit of exemption only on certain new 14 construction; requiring all workers be covered under workers' compensation insurance; providing for day 15 laborer's affidavit under certain conditions; prohibiting hiring certain company or persons not 16 registered or without workers' compensation coverage; determining certain workers to be employees for 17 purpose of workers' compensation insurance; granting certain immunity from liability for homeowners; and 18 providing an effective date. 19 20 21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 22 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1151.22, is 23 amended to read as follows: 24

SB378 HFLR

Section 1151.22 A. Any contract entered into under the Roofing
Contractor Registration Act shall include a statement that all
individuals performing work under the contract are covered by
workers' compensation insurance.

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

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1	registered under the Roofing Contractor Registration Act with the
2	required workers' compensation insurance or who is not deemed his or
3	her employee for purposes of workers' compensation insurance.
4	C. In no event shall a homeowner be held liable for injury or
5	death to any person who performs work under a contract with a person
6	required by law to be registered under the Roofing Contractor
7	Registration Act and have workers' compensation on all persons
8	performing work on the roofing project.
9	SECTION 2. This act shall become effective November 1, 2015.
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11	COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, LABOR, AND RETIREMENT LAWS, dated 03/25/2015 - DO PASS, As Amended.
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