

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1028

BY: HENDRICK of the SENATE

and

PAULK of the HOUSE

COMMITTEE SUBSTITUTE AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS;  
AMENDING 59 O.S. 1991, SECTIONS 1002, 1003, 1004, 1012, 1017, 1019,  
1020, 1850.2, 1850.4, 1850.11 AND 1850.15, WHICH RELATE TO LICENSURE  
AND REGULATION OF PLUMBERS, ELECTRICIANS AND MECHANICAL CONTRACTORS;  
ADDING AND MODIFYING CERTAIN POWERS AND DUTIES OF THE STATE BOARD OF  
HEALTH; ADDING AND MODIFYING DEFINITIONS FOR THE PLUMBING LICENSE  
LAW OF 1955 AND THE MECHANICAL LICENSING ACT; MODIFYING MEMBERSHIP  
OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS AND THE  
COMMITTEE OF MECHANICAL EXAMINERS; MODIFYING SELECTION AND  
QUALIFICATIONS OF MEMBERS, AND POWERS OF SUCH COMMITTEES; PROVIDING  
FOR CONTRACTORS AND INSTALLERS OF INDIVIDUAL SEWAGE DISPOSAL  
SYSTEMS; PROVIDING FOR LICENSURE WITHOUT EXAMINATION FOR CERTAIN  
PERSONS FOR CERTAIN PERIOD; MODIFYING AND ADDING TO CERTAIN  
EXEMPTIONS RELATING TO THE PLUMBING LICENSE LAW OF 1955; REQUIRING  
THE ADOPTION OF CERTAIN STANDARDS AND CODES; CLARIFYING LANGUAGE;  
PROVIDING CERTAIN PENALTIES; INCREASING AND MODIFYING CERTAIN  
PENALTIES; ESTABLISHING CERTAIN BOARDS OF APPEALS; STATING PURPOSE  
AND CERTAIN PROCEDURES; PROVIDING FOR MEMBERSHIP, REIMBURSEMENT AND  
QUORUM FOR SUCH BOARDS; PROVIDING FOR CODIFICATION; AND PROVIDING AN  
EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1002, is amended to read as follows:

Section 1002. A. The State Board of Health, in pursuance of its general power of supervision over the interests of the health and life of the citizens of this state, and over the sanitary conditions under which they live, is hereby authorized, empowered and directed, through the State Commissioner of Health, to make, prescribe, enforce, amend and repeal rules and regulations governing:

1. Governing the examination and licensing of persons desiring or intending to engage in the business, trade or calling of master plumber (plumbing contractor) ~~or~~, journeyman plumber, ~~the~~ registering of and issuing of certificates or plumber's apprentice;

2. Defining categories and limitations for such licenses;

3. Issuing permits to persons desiring or intending to work ~~or~~ act as a plumber's apprentice, ~~and to establish;~~

4. Establishing bonding requirements for the issuance of a license as a plumbing contractor, ~~provided;~~ and

5. Adopting the State Board of Health Residential Sewage Disposal Regulations as the minimum standard for planning and installing individual sewage disposal systems in Oklahoma.

Provided, such rules and regulations shall not be inconsistent with the terms and conditions hereinafter provided. ~~Such bonding~~

B. Bonding requirements set forth in subsection A of this section shall allow the filing of cash or a certificate of deposit in lieu of a bond. A state bond or cash or certificate of deposit filed in lieu of a bond and which is posted pursuant to the provisions of this section shall be deemed sufficient to meet the requirements of any municipality, ~~provided that,~~ a copy of said bond or documentation of cash or certificate of deposit filed in

lieu of a bond ~~shall be~~ is filed with any municipality in which the licensee does work as a plumbing contractor. A copy of the bond or documentation of cash or certificate of deposit filed in lieu of a bond shall be filed with the municipality prior to the commencement of any such work by the licensee.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1003, is amended to read as follows:

Section 1003. ~~When~~ As used in this act:

1. "Board" means the State Board of Health~~;~~;

2. "State Board of Appeals" means the State Board of

Installation Code Appeals for the interpretation of the applicable state plumbing code for the purpose of administrative enforcement for individuals who hold state licenses or permits;

~~2.~~ 3. "Commissioner" means the State Commissioner of Health~~;~~;

~~3.~~ 4. "Committee" means the State Committee of Plumbing Examiners appointed by the State ~~Commissioner~~ Board of Health~~;~~;

~~4.~~ 5. "State Plumbing Hearing Board" means the State Plumbing Hearing Board herein created. It consists of the State Commissioner of Health as chairman, and the members of the State Committee of Plumbing Examiners~~;~~;

~~5.~~ 6. "Apprentice~~7~~" or "plumber's apprentice~~7~~" means, and is hereby defined to be, any person sixteen (16) years of age or over who, as his principal occupation, is engaged in learning and assisting in the installation of plumbing under the direct supervision of a licensed journeyman plumber or plumbing contractor~~;~~;

~~6.~~ 7. "Journeyman plumber" means, and is hereby defined to be, any person other than a master plumber or plumbing contractor who engages in or works at the actual installation, alteration, repair and/or renovation of plumbing~~;~~;

~~7.~~ 8. "Master plumber" is a term used and defined under laws which are herein repealed. A person formerly known as a master

plumber is henceforth to be known as a "plumbing contractor~~7~~" herein defined~~7~~;

~~8.~~ 9. "Plumbing contractor" means, and is hereby defined to be, any person skilled in the planning, superintending and practical installation of plumbing and is familiar with the laws, rules and regulations governing the same. This definition may be construed to mean any person who has qualified and is licensed under this act as a plumbing contractor, who may operate as an individual, a firm, partnership or corporation to engage in the business of plumbing, or the business of contracting to do, or furnish labor and/or labor and materials for, the installation, repair, maintenance or renovation of plumbing, according to the requirements of this act~~7~~;

~~9.~~ 10. "Plumbing" means, and includes~~7~~:

~~(a)~~ a. ~~All~~ all piping, fixtures, appurtenances and appliances for, and in connection with, a supply of water within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a water main or other source of supply~~7~~;

~~(b)~~ b. ~~All~~ all piping, fixtures, appurtenances and appliances for sanitary drainage or storm drainage facilities, including venting systems for such facilities, within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a public disposal system or other acceptable terminal~~7~~, and

~~(c)~~ c. ~~The~~ the installation, repair, maintenance and renovation of all piping, fixtures, appurtenances and appliances for a supply of water, or for the disposal of waste water, liquid waste, or sewage within or adjacent to any building, structure, or conveyance, on the premises and to the source of supply of water or point of disposal of wastes~~7~~, or for the planning and installation of individual sewage disposal systems;

11. "Individual sewage disposal system" means a sewage disposal system which serves one individual residence or duplex and is not available for use by the general public, and includes individual or grouped mobile homes where each is served by a separate septic tank and lateral field;

12. "Individual sewage disposal system contractor" means an individual skilled in the planning, superintending and practical installation of individual sewage disposal systems, or engaged in the business of contracting to do, or furnishing labor and/or labor and materials for, the installation, repair, maintenance or renovation of individual sewage disposal systems; and

13. "Individual sewage disposal system installer" means any person other than an individual sewage disposal system contractor who engages in the installation, alteration, repair and/or renovation of individual sewage disposal systems.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1004, is amended to read as follows:

Section 1004. A. The Oklahoma State Committee of Plumbing Examiners is hereby re-created to continue until July 1, 1996, in accordance with the provisions of the Oklahoma Sunset Law, as provided by Sections 3901 et seq. of Title 74 of the Oklahoma Statutes, and shall consist of ~~three (3)~~ five (5) members, each of whom shall be a citizen of the United States and a resident of this state. ~~Members~~ Four members of the Committee shall be appointed ~~within thirty (30) days from and after August 25, 1955,~~ by the State Board of Health, which may also remove them for cause. They will hold office for terms of two (2) years, or until their successors are appointed. One member of the Committee shall have had at least five (5) years' practical experience as a licensed master plumber and/or plumbing contractor, one member shall have had at least five (5) years' practical experience as a licensed journeyman plumber, one member shall have had at least five (5) years' practical

experience as a licensed journeyman plumber or plumbing contractor with an additional qualification as set out in subsection B of this section, one member shall be a lay member, and one member shall be the State Sanitary Engineer or his authorized representative designated by the Commissioner of Health from the staff of the State Department of Health.

B. Whenever appointments of initial, new, or replacement plumbing members of the Committee are to be made, the State Board of Health shall choose them only from lists of at least three names to be furnished whenever needed as follows:

~~(a)~~ 1. Master plumber and/or plumbing contractor members - list to be furnished by associations and organizations of plumbing, heating and cooling contractors, including but not limited to the Associated Association of Plumbing, and Heating and Cooling Contractors of Oklahoma, Inc.; and

~~(b)~~ 2. Journeyman plumber members - list to be furnished by associations and organizations of pipe tradesmen, including but not limited to the State Pipe Trades Association; and

3. The third plumbing member of the Committee shall be a city code plumbing inspector selected from a list of three (3) qualified persons submitted by any association or organization of plumbing code inspectors.

C. Duties of the Committee shall be to serve the Commissioner in an advisory capacity, ~~and~~ to formulate rules and regulations pursuant to this act, ~~and~~ to conduct the examination of applicants for licenses as journeyman plumber and/or plumbing contractor, and to grant a code variance where plumbing is performed outside the jurisdiction of a political subdivision code office, provided the protection intended in the code provision is not compromised, in accordance with such rules and regulations and the terms and conditions hereof. A majority of the Committee shall constitute a quorum for the transaction of business. Each examiner who is not

~~the State Sanitary Engineer or his authorized representative~~ an employee of the State Department of Health shall be reimbursed his travel expenses in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1006.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Until January 1, 1993, persons who satisfactorily demonstrate to the State Department of Health that during 1992 they have continuously operated a business engaged in the installation of individual sewage disposal systems in this state which meet or exceed the Residential Sewage Disposal Regulations of the State Board of Health may be licensed without examination as individual sewage disposal system contractors in the category for individual sewage disposal systems.

B. Until January 1, 1993, persons who satisfactorily demonstrate to the Department that for at least six (6) months during 1992 they were employed, doing the work of installing individual sewage disposal systems in this state, by persons who are eligible for licensing without examination in accordance with the provisions of subsection A of this section may be licensed without examination as installer in the category for individual sewage disposal systems.

C. No person licensed only in the category for individual sewage disposal systems shall install any piping, fixtures, appurtenances or appliances between the sewage disposal system and the building or within the building to be connected to the system.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 1012, is amended to read as follows:

Section 1012. ~~(a) Ninety (90) days from and after the effective date of this act it~~ A. It shall be unlawful and a misdemeanor for

any person to act as, or perform the work of, a journeyman plumber, as defined in this act, until such person has qualified and is licensed as a journeyman plumber or plumbing contractor, as provided in this act.

~~(b) Ninety (90) days from and after the effective date of this act it~~ B. It shall be unlawful and a misdemeanor for any person, firm, partnership, association or corporation to act as a master plumber or plumbing contractor or to engage in or offer to engage in, by advertisement or otherwise, the business of plumbing, or plumbing contractor, as defined in this act, until such person, or a bona fide member of such partnership, or a bona fide officer of such firm, association, or corporation, as the case may be, shall have qualified and is licensed as a plumbing contractor as required by this act.

C. After January 1, 1993, it shall be a misdemeanor for any person to engage in the business of installing an individual sewage disposal system in this state without a license as a plumbing contractor, journeyman plumber, or an individual sewage disposal system installer, currently licensed in the category of individual sewage disposal systems.

D. After January 1, 1993, it shall be a misdemeanor for any person to engage in the business of planning and installing an individual sewage disposal system in this state without a license as an active plumbing contractor, or an active individual sewage disposal system contractor in the category of individual sewage disposal systems.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 1017, is amended to read as follows:

Section 1017. The provisions of the Plumbing License Law of 1955 shall not apply:

(a) To minor repairs, consisting of repairing or replacing faucets or minor working parts of plumbing fixtures.

(b) To farm buildings located outside any city or town unless such buildings are connected to a public water or sewer system.

(c) To maintenance work for state institutions and school districts.

(d) To the installation, maintenance, repair, renovation of automatic sprinkler systems and related mechanical appurtenances beginning at a point where the pipe or piping system provides water used exclusively for these automatic sprinklers and their related appurtenances and to standpipes connected to automatic sprinkler systems.

(e) To the construction, installation, maintenance, repair, renovation, and/or removal of pipe or piping systems and related mechanical appurtenances including backflow preventers, appliances and/or equipment used in connection therewith, directly or indirectly within or without any building or structure, from a point or location in a source of potable water supply at which point or location there exists any backflow preventer, provided that said pipe and/or piping systems are for (1) heating, (2) cooling, (3) air conditioning, (4) refrigeration, or (5) boilers and other pressure vessels of whatsoever kind and character. A "backflow preventer", as used herein, means any permanent mechanical device, or combination of permanent mechanical devices, of whatever material, which, after installation acts to prevent a reversal of the normal directional flow of potable water within the piping system in which it is installed, and shall include, but not be limited to, metal checkvalves and airgaps, either naturally or artificially created. Provided, further, that the exclusionary provisions of this subsection shall apply only to and within governmental agencies, counties, cities and towns which now have or which hereafter may adopt separate laws relating to the licensing, registration and regulating of persons engaged, for business purposes, in any of the areas of trade hereinbefore specified in this subsection; the

exemptions herein being provided to apply only to these items specifically regulated by any such local laws and ordinances.

(f) To a homeowner doing work on plumbing in his own place of residence, provided such work is in accordance with the applicable plumbing code.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 1019, is amended to read as follows:

Section 1019. Any person, firm, partnership, association or corporation who shall violate any of the provisions of this act, or any provision of an ordinance or regulation enacted by a city, town, or sewer commission, by authority of this act shall, in addition to suffering possible suspension or revocation of a license, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ~~Twenty-five Dollars (\$25.00)~~ One Hundred Dollars (\$100.00) nor more than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00), together with the costs of prosecution. Provided, if the violation is committed after a conviction of such person under this section has become final, such person shall be subject to a fine of not less than Four Hundred Dollars (\$400.00), nor more than One Thousand Dollars (\$1,000.00), or imprisonment for not more than thirty (30) days, or both such fine and imprisonment together with the costs of prosecution.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 1020, is amended to read as follows:

Section 1020. Nothing in this act shall prohibit cities ~~and~~, towns, or any other political subdivision from having full authority to provide full supervision and inspection of plumbing by the enactment of codes, rules and regulations in such form as they may determine and prescribe; ~~provided, that no such ordinances, bylaw, rule or regulation shall be inconsistent with this act, or any rule or regulation adopted or prescribed by the State Board of Health through authority of this act.~~ Notwithstanding any other provision

of law, a political subdivision that has adopted a nationally recognized plumbing code shall have jurisdiction over the interpretation of said code and the installation of all plumbing work done in that subdivision. In any political subdivision where no plumbing code exists, the State Department of Health shall have jurisdiction. In the interest of protecting the health and sanitation of the citizens of this state, and for the purpose of establishing grounds for administrative sanctions for licensed plumbers or permitted apprentice plumbers, the 1990-92 supplement edition of the Building Officials and Code Administrators (BOCA) National Plumbing Code shall be deemed to be the applicable regulation for the installation of plumbing where no ordinance or regulation of a governmental subdivision applies, except for the planning, installation, alteration, repair or renovation of individual sewage disposal systems. Provided, however, the standards set forth in Section P-1202.1 of the 1990-92 supplement edition of the BOCA National Plumbing Code shall be the applicable regulation in all cases. Any revisions to the 1990-92 supplement edition of the BOCA National Plumbing Code which are published after September 1, 1992, shall become applicable within one hundred twenty (120) days after the last day of the month the revisions become effective. Each state-licensed master plumber, plumbing contractor and journeyman plumber shall be required to register with the plumbing inspector of every city and town in whose jurisdiction he operates, and each such city or town is hereby authorized to register such master plumber, plumbing contractor and journeyman plumber, to revoke the same, to charge fees for such registration, for permits and for inspections of plumbing and fixtures. Provided, further, that no master plumber, plumbing contractor or journeyman plumber shall be permitted to do business or work in any city or town wherein his local registration has been revoked.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the State Board of Installation Code Appeals, hereinafter the State Board of Appeals, for appeals by plumbing contractors who contest the Department's interpretation of allegedly ambiguous provisions in the state plumbing installation code as applied to a particular installation when the Department has jurisdiction under Section 8 of this act. Such appeals to the State Board of Appeals shall be made to the State Commissioner of Health, and shall be timely only if written notice to the contractor of the alleged code violation has been issued by the Department. All members shall be citizens of the United States and residents of this state.

B. The State Board of Appeals shall consist of:

1. The members of the State Committee of Plumbing Examiners who are not employees of the State Department of Health;

2. The Chairman of, or his designated representative from, the State Board of Registration for Professional Engineers and Land Surveyors; and

3. The Chairman of, or his designated representative from, the Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma.

Each of these members shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act from the revolving fund created pursuant to Section 1018 of Title 59 of the Oklahoma Statutes.

C. The seventh member of the Board of Appeals shall be the State Commissioner of Health, or the Commissioner's designated representative, who shall serve as Chairman of the Board of Appeals.

D. The Board of Appeals shall meet after the Chairman of the Board of Appeals receives proper notice of an appeal as provided in subsection A of this section.

E. A majority of the members of the Board of Appeals shall constitute a quorum for the transaction of the business of the Board.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 1850.2, is amended to read as follows:

Section 1850.2 As used in the Mechanical Licensing Act:

1. "Air conditioning system" means the process of treating air by controlling its temperature, humidity, movement and cleanliness, to meet the requirements of a designated area;

2. "Board" means the State Board of Health;

3. "State Board of Appeals" means the State Board of Installation Code Appeals for the interpretation of the applicable state mechanical code for the purpose of administrative enforcement for individuals who hold state mechanical licenses;

4. "Committee" means the Committee of Mechanical Examiners;

~~4.~~ 5. "Department" means the ~~Oklahoma~~ State Department of Health;

~~5.~~ 6. "Gas piping" means and includes all natural gas piping within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a natural gas meter, regulator, or other source of supply;

~~6.~~ 7. "Heating systems" means and includes systems consisting of air heating appliances from which the heated air is distributed, or any other heating appliance for heating occupiable space, and shall include any accessory apparatus and equipment installed in connection therewith;

~~7.~~ 8. "Mechanical contractor" or "contractor" means any person engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for mechanical work;

~~8.~~ 9. "Mechanical journeyman" or "journeyman" means any person other than a contractor or apprentice who engages in mechanical work;

~~9.~~ 10. "Mechanical apprentice" or "apprentice" means any person sixteen (16) years of age or older whose principal occupation is learning mechanical work on the job under the direct supervision of a journeyman or contractor;

~~10.~~ 11. "Mechanical firm" means any corporation, partnership, association, proprietorship or other business entity which plans or engages, or offers to engage, in mechanical work for another within this state;

~~11.~~ 12. "Mechanical work" means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, cooling system, mechanical refrigeration system or ventilation system or any equipment or material including process piping used in the installation, maintenance, repair, or renovation of such systems; provided that minor repairs are excluded;

~~12.~~ 13. "Refrigeration system" means the erection, installation, repairing and servicing of a system employing a fluid which normally is vaporized and liquefied in an air conditioning system, food preservation measure or manufacturing process; and

~~13.~~ 14. "Sheet metal" means the erection, installation and repairing of all ferrous or nonferrous duct work and all other materials used in all air conditioning.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 1850.4, is amended to read as follows:

Section 1850.4 A. There is hereby established the Committee of Mechanical Examiners which shall consist of five (5) members. All members shall be citizens of the United States and shall be residents of this state.

B. Four (4) members of the Committee shall be appointed by the Board.

1. One member of the Committee shall be a contractor;

2. One member of the Committee shall be a journeyman. ~~Such~~  
~~members~~ and shall have at least five (5) years' actual experience in  
mechanical work.;

3. One member of the Committee shall be a city code mechanical  
inspector; and

~~3. Two members~~ 4. One member shall be a lay members member.

C. In making appointments, the Board shall select:

1. The contractor member from a list of three (3) qualified  
persons submitted by any association or organization of plumbing,  
heating and cooling contractors in this state, including but not  
limited to the Oklahoma Association of Plumbing, Heating and Cooling  
Contractors;

2. The journeyman member from a list of three (3) qualified  
persons submitted by any association or organization of pipe  
tradesmen, including but not limited to the State Pipe Trades  
Association;

3. The city code mechanical inspector member from a list of  
three (3) qualified persons submitted by any association or  
organization of construction code inspectors, including but not  
limited to the Oklahoma Chapter of the Southwest Construction Code  
Council; and

4. The lay member shall be appointed by the Commissioner of  
Health.

D. In making the initial appointments, the Board shall  
designate two members for terms expiring in 1988 and two members for  
terms expiring in 1989. The Board shall make the initial  
appointments to the Committee by December 1, 1987. Thereafter, the  
members shall hold office for terms of two (2) years or until their  
successors have been appointed and qualified.

~~D.~~ E. Said members may be removed for misconduct, incompetency,  
or neglect of duty.

~~E.~~ F. The fifth member of the Committee shall be an employee of the Department who shall be appointed by the Commissioner of Health.

~~F.~~ G. Any vacancy on the Committee shall be filled for the unexpired term within thirty (30) days in the manner in which that position was originally filled.

~~G.~~ H. A majority of the Committee shall constitute a quorum for the transaction of business, and the Committee shall elect a chairman from its number. Each member shall receive travel expenses in accordance with the provisions of the State Travel Reimbursement Act. The Committee shall meet at least quarterly to conduct examinations, and special meetings may be called by the chairman or the Commissioner of Health.

~~H.~~ I. The Committee shall:

1. ~~assist~~ Assist and advise the Board on all matters pertaining to the formation of rules and regulations pursuant to the provisions of the Mechanical Licensing Act;

2. ~~assist~~ Assist and advise the Department on all matters relating to the licensing of mechanical contractors and mechanical journeymen and the registering of mechanical apprentices;

3. ~~conduct~~ Conduct investigations into the qualifications of applicants for licensure and registration at the request of the Department;

4. ~~conduct~~ Conduct investigations and proceedings, at the request of the Department, for alleged violations of the Mechanical Licensing Act;

5. ~~develop~~ Develop and administer the examinations for applicants for licenses as a mechanical contractor or journeyman; and

6. ~~assist~~ Grant a code variance where mechanical work is performed outside the jurisdiction of a political subdivision code office, provided the protection intended in the code provision is not compromised; and

7. Assist and advise the Board or Department in such other matters as is requested thereby.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 1850.11, is amended to read as follows:

Section 1850.11 Any mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm who violates any of the provisions of the Mechanical Licensing Act in addition to suspension or revocation of a license, upon conviction, shall be guilty of a misdemeanor and punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution. Provided, if the violation is committed after a conviction of such person under this section has become final, such person shall be subject to a fine of not less than Four Hundred Dollars (\$400.00), nor more than One Thousand Dollars (\$1,000.00), or imprisonment for not more than thirty (30) days, or both such fine and imprisonment together with the costs of prosecution.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 1850.15, is amended to read as follows:

Section 1850.15 A. A license issued pursuant to this act shall be valid statewide; however, a. The following persons or entities shall not be required to be licensed pursuant to the Mechanical Licensing Act:

1. A person or entity who is licensed locally and only performs work in such locality shall not be required to be licensed hereunder; and

2. A person, unless otherwise prohibited by municipal ordinance, doing mechanical work in his own place of residence, provided such work is in accordance with the applicable mechanical installation code.

B. For the purpose of establishing grounds for administrative sanctions for licensed mechanical contractors and journeymen, the

1990-92 supplement edition of the Building Officials and Code Administrators (BOCA) National Mechanical Code shall be deemed to be the applicable regulation for mechanical work unless a governmental subdivision has adopted a nationally recognized mechanical installation code. Any revisions to the 1990-92 supplement edition of the BOCA National Mechanical Code which are published after September 1, 1992, shall become applicable within one hundred (120) days after the last day of the month the revisions become effective. The 1990-92 supplement edition of the BOCA National Mechanical Code shall be deemed the applicable code. Any revisions to the 1990-92 supplement edition of the BOCA National Plumbing Code which are published after September 1, 1992, shall become applicable within one hundred twenty (120) days after the last day of the month the revisions become effective.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1850.16 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the State Board of Installation Code Appeals, hereinafter the State Board of Appeals, for appeals by mechanical contractors who contest the Department's interpretation of allegedly ambiguous provisions in the state mechanical installation code as applied to a particular installation. Such appeals to the State Board of Appeals shall be made to the State Commissioner of Health, and shall be timely only if written notice to the contractor of the alleged code violation has been issued by the Department. All members shall be citizens of the United States and residents of this state.

B. The State Board of Appeals shall consist of:

1. The members of the Committee of Mechanical Examiners who are not employees of the State Department of Health;

2. The Chairman of, or his designated representative from, the State Board of Registration for Professional Engineers and Land Surveyors; and

3. The Chairman of, or his designated representative from, the Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma.

Each of these members shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act from the "Oklahoma Mechanical Licensing Revolving Fund" created pursuant to Section 1850.13 of Title 59 of Oklahoma Statutes.

C. The seventh member of the Board of Appeals shall be the State Commissioner of Health, or the Commissioner's designated representative, who shall serve as Chairman of the State Board of Appeals.

D. The State Board of Appeals shall meet after the Chairman of the State Board of Appeals receives proper notice of an appeal as provided in subsection A of this section.

E. A majority of the members of the State Board of Appeals shall constitute a quorum for the transaction of the business of the State Board of Appeals.

SECTION 15. This act shall become effective September 1, 1992.

43-2-8689

MCD