

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 1028

BY: HENDRICK

AS INTRODUCED

AN ACT RELATING TO PLUMBING, ELECTRICAL AND

MECHANICAL CONTRACTING TRADES; AMENDING 59 O.S.
1991, SECTIONS 1002, 1003, 1004, 1012, 1019, 1682,
1683, 1695, 1850.2, 1850.4 AND 1850.11, WHICH
RELATE TO LICENSURE AND REGULATION OF PLUMBERS,
ELECTRICIANS AND MECHANICAL CONTRACTORS; ADDING
CERTAIN POWERS; ADDING AND MODIFYING DEFINITIONS
FOR CERTAIN ACTS; MODIFYING MEMBERSHIP OF CERTAIN
BOARDS AND STATING QUALIFICATIONS FOR NEW MEMBER;
MODIFYING POWERS OF CERTAIN COMMITTEES; CLARIFYING
LANGUAGE; PROVIDING CERTAIN PENALTIES; INCREASING
AND MODIFYING CERTAIN PENALTIES; PROVIDING FOR
LICENSURE WITHOUT EXAMINATION FOR CERTAIN PERSONS
FOR CERTAIN PERIOD; ESTABLISHING CERTAIN BOARDS OF
APPEALS AND STATING PURPOSE AND CERTAIN PROCEDURES;
PROVIDING FOR MEMBERSHIP, REIMBURSEMENT AND QUORUM
FOR 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 State the 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;

2. Defining categories and limitations for such licenses;

3. Registering of and issuing of certificates 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;~~

5. Setting the state minimum standard of plumbing installations by the adoption of a state plumbing code, and adoption of future editions of the code.

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. "Board of Appeals" means the Board of Installation Code Appeals for the interpretation of the state plumbing code adopted by reference under authority of The Plumbing License Law of 1955, as amended;

~~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. "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~~r~~" herein defined~~r~~;

~~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~~r~~;

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

~~(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~~r~~.

~~(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~~r~~, 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, or for the planning and installation 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 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 the ~~Associated~~ Association of Plumbing, and Heating and Cooling Contractors of Oklahoma, Inc.; ~~and~~

~~(b)~~ 2. Journeyman plumber members - list to be furnished by the State Pipe Trades Association; and

3. The third plumbing member who is licensed as a journeyman plumber or plumbing contractor and whose license includes the categories of general plumbing and contracting for or the installation of individual sewage disposal systems - list of such qualified journeyman plumbers or plumbing contractors to be furnished by the State Department of Health.

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. 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 install an individual sewage disposal system in this state without a license as a plumbing contractor, or journeyman plumber, 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 in the category of individual sewage disposal systems.

SECTION 5. 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 6. 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 plumbing 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 journeyman plumbers in the category for individual sewage disposal systems.

SECTION 7. 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 Board of Installation Code Appeals, hereinafter the 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. Such appeals to the 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 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 8. AMENDATORY 59 O.S. 1991, Section 1682, is amended to read as follows:

Section 1682. As used in the Electrical License Act:

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

2. "Board of Appeals" means the Board of Installation Code Appeals for the interpretation of the state electrical code adopted by reference under authority of the Electrical Licensing Act;

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

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

~~4.~~ 5. "Electrical apprentice" means any person sixteen (16) years of age or older whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a licensed journeyman electrician or electrical contractor;

~~5.~~ 6. "Journeyman electrician" means any person other than an electrical contractor who engages in the actual installation, alteration, repair or renovation of electrical facilities unless specifically exempted by the provisions of the Electrical License Act;

~~6.~~ 7. "Electrical contractor" means any person skilled in the planning, superintending and practical installation of electrical facilities who is familiar with the laws, rules and regulations governing such work. Electrical contractor also means any individual, firm, partnership, corporation or business performing skills of an electrical contractor ~~of~~ or an electrician, or the business of contracting, or furnishing labor or labor and materials for the installation, repair, maintenance or renovation of electrical facilities according to the provisions of the Electrical License Act;

8. "Irrigation system electrician" means any individual licensed as a journeyman electrician, or an electrical contractor, in the category of irrigation systems who engages in the actual installation, alteration, repair or renovation of electrical facilities with regard to irrigation systems unless specifically exempted by the provisions of the Electrical License Act;

~~7.~~ 9. "Electrical facilities" means all wiring, fixtures, appurtenances, and appliances for, and in connection with, a supply of electricity within or adjacent to any building, structure or conveyance on the premises but not including the connection with a power supply meter or other power supply source; and

~~8.~~ 10. "Category" means the classification by which licenses and electrical work may be limited. Such categories shall include but shall not be limited to installation, maintenance, repair, alteration, residential, oilfield, irrigation systems, energy conservation and commercial.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 1683, is amended to read as follows:

Section 1683. A. There is hereby established the Committee of Electrical Examiners which shall consist of six (6) members. All members of the Committee shall be residents of this state.

B. Five voting members of the Committee shall be appointed by the State Board of Health as follows:

1. One member shall be an electrical inspector selected from a list of names submitted by the Oklahoma Chapter, International Association of Electrical Inspectors;

2. One member shall be selected from a list of names submitted by the Oklahoma Chapters of the National Electrical Contractors Association;

3. One member shall be selected from a list of names submitted by the Independent Electrical Contractors Association/Associated Builders and Constructors;

4. One member shall be a journeyman wireman selected from a list of names submitted by the International Brotherhood of Electrical Workers; and

5. One member shall be a journeyman wireman selected from lists of names submitted from the electrical construction industry. All members shall each have at least ten (10) years of active experience as licensed electrical contractors, journeyman electricians or as an electrical inspector. The terms of members so appointed shall be staggered and shall be for two (2) years, or until their successors are appointed and qualified. Provided, members serving on the Commission on the effective date of this act shall continue serving

until their terms expire. Provided, further, the terms of three of the additional members initially appointed after the effective date of this act shall be for one (1) year.

The nonvoting member shall be designated by the Board from the staff of the State Department of Health to serve as Program Administrator and Recording Secretary to the Committee.

C. Vacancies which may occur in the membership of the Committee shall be filled by appointment of the Board. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member he succeeds was appointed and until his successor has been appointed and has qualified. Members of the Committee may be removed from office by the Board for cause in the manner provided by law for the removal of officers not subject to impeachment.

D. The Committee shall assist and advise the Commissioner on all matters relating to the formulation of rules, regulations and standards, and shall grant a code variance where electrical facilities are installed, repaired, renovated or maintained outside the jurisdiction of a political subdivision code office, provided the protection intended in the code provision is not compromised, in accordance with the Electrical License Act. The Committee shall administer the examinations of applicants for licenses as electrical contractors or journeyman electricians provided that such examinations shall be in accordance with the provisions of the Electrical License Act, Section 1680 et seq. of this title.

E. All members of the Committee shall be reimbursed for expenses incurred while in the performance of their duties in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

F. A majority of the total membership of the Committee shall constitute a quorum for the transaction of business.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 1695, is amended to read as follows:

Section 1695. A. Any person who violates any of the provisions of the Electrical License Act or any provision of an ordinance or regulation enacted by a city or town by authority of the Electrical License Act, in addition to suffering possible suspension or revocation of a license or registration, shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not less than ~~Fifty Dollars (\$50.00)~~ 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.

B. If any electrical facilities as defined in the Electrical License Act are in violation of the National Electrical Code set forth in the National Fire Code (Electrical) issued by the National Fire Protection Association, NFPA number 70, current edition, as amended, or any ordinance or other regulation of a city or town, the proper authorities of that city or town, in addition to other remedies, may institute appropriate action or proceedings to prevent any illegal installation or use of such facilities, to restrain, correct or abate any violation, or to prevent illegal occupancy of a building or structure.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1697 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the Board of Installation Code Appeals, hereinafter the Board of Appeals, for appeals by electrical

contractors who contest the Department's interpretation of allegedly ambiguous provisions in the state electrical installation code as applied to a particular installation. Such appeals to the Board of Appeals shall be made to the Commissioner of Health, and shall be timely only if written notice to the electrical 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 Board of Appeals shall consist of:

1. The members of the Committee of Electrical 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 "Electrical Revolving Fund" created pursuant to Section 1694 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 12. 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. "Board of Appeals" means the Board of Installation Code Appeals for the interpretation of the state mechanical code adopted by reference under authority of the Mechanical Licensing Act;

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 13. 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; and

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

Such members shall have at least five (5) years' actual experience in mechanical work.

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

C. 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. Said members may be removed for misconduct, incompetency, or neglect of duty.

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

F. 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. 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. 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 14. 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 15. 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 Board of Installation Code Appeals, hereinafter the 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 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 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 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 of Appeals.

SECTION 16. This act shall become effective September 1, 1992.

43-2-1947

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