

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1774

By: Paulk

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; creating the Building Trades Occupational Act of 1993; providing short title; defining terms; creating the Board of Electrical Examiners, the Board of Mechanical Examiners and the Board of Plumbing Examiners; providing for membership, appointments, qualifications, terms, removal from office, vacancies, reimbursement, officers, quorums and meetings of such boards; specifying certain powers and duties; requiring certain licenses; authorizing certain exemptions; requiring certain qualifications for licensure; specifying applications for licensure; providing for certain fees; providing for the issuance of certain licenses and license renewals; authorizing the adoption of certain license expiration systems; prohibiting certain acts; requiring the exhibition of certain licenses under certain conditions; requiring notification by certain licensees of certain changes; requiring the maintenance of certain records; authorizing the revocation or suspension of certain licenses, the reprimanding of certain licensees, or the denial of application for or renewal of certain licenses under certain conditions; providing for certain investigations and proceedings related thereto; providing for certain proceedings and recordkeeping concerning such actions; creating the Electrical Licensing Revolving Fund, the Mechanical Licensing Revolving Fund, and the Plumbing Licensing Revolving Fund; providing for expenditures and deposits of such funds; providing for certain procedures relating to such funds; providing for costs associated with the act; prohibiting certain claims; providing for administrative fines, injunctive relief and restraining orders; providing certain penalties for certain acts; requiring the transfer of certain funds to the Department of Labor; providing certain prohibitions on the transfer of certain personnel; requiring certain coordination for the transfer of such funds and personnel; repealing 59 O.S. 1991, Sections 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, and Section 1, Chapter 226, O.S.L. 1992 (59 O.S. Supp. 1992, Section 1022), which relate to the Plumbing License Law of 1955, 59 O.S. 1991, Sections 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, and 1696, which relate to the Electrical License Act, and 59 O.S. 1991, Sections 1850.1, 1850.2, as amended by Section 1, Chapter 137, O.S.L. 1992, 1850.3, 1850.4, 1850.5, 1850.6,

1850.7, 1850.8, 1850.9, 1850.10, as amended by Section 2, Chapter 137, O.S.L. 1992, 1850.11, 1850.12, 1850.13, 1850.14 and 1850.15 (59 O.S. Supp. 1992, Sections 1850.2 and 1850.10), which relate to the Mechanical Licensing Act; providing for codification; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2024 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Building Trades Occupational Act of 1993".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2025 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. As used in Section 2 through 20 of this act:

1. "Commissioner" means the Commissioner of Labor for the state of Oklahoma;

2. "Mechanical Board" means the Mechanical Licensing and Hearing Board;

3. "Department" means Department of Labor;

4. "Appliance/equipment for sale" means major pieces of mechanical equipment, the installation of which requires that a permit be issued or an inspection of the installation be made by any public agency of competent jurisdiction. This does not mean items usual to routine maintenance or repair;

5. "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;

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;

7. "Heating systems" means and includes systems consisting of air heating appliances from which the heated air is distributed

and shall include any accessory apparatus and equipment installed in connection therewith;

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

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

10. "Mechanical 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 on a one-on-one basis;

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;

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 piping carrying chilled water, air for ventilation purposes or natural gas, or the installation, maintenance, repair or renovation of process piping used to carry and liquid, substance, or material, including steam and hot water not under the jurisdiction of the Department of Labor; provided that minor repairs of such systems are excluded;

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

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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2026 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Mechanical Licensing and Hearing Board, which shall consist of five (5) members to be appointed as follows:

1. Two members shall be licensed mechanical journeymen. One shall be a member of a labor organization. Said member shall be selected from a list of not less than three (3) persons nominated by an organized labor organization. One member shall not be a member of a labor organization. Said member shall be selected from a list of not less than three (3) persons nominated by an organization that is not an organized labor organization. Each journeyman member shall be a resident of the State of Oklahoma and have had at least five (5) years' practical experience as a mechanical journeyman. The licensed mechanical journeyman board members shall be appointed by the Speaker of the House of Representatives;

2. Two members shall be licensed mechanical contractors. One shall be a contractor that employs organized labor employees. Said contractor member shall be selected from a list of not less than three (3) persons nominated by an organization that represents organized labor mechanical contractors. One member shall be a contractor that does not employ journeyman members of a labor organization. Said contractor member shall be selected from a list of three (3) persons nominated by an organization that represents nonorganized mechanical contractors. The licensed mechanical contractor board members shall be appointed by the President Pro Tempore of the Senate; and

3. One member shall be a licensed municipal mechanical code inspector selected from a list of three (3) persons nominated by an organization that represents licensed municipal mechanical code inspectors. The licensed mechanical code inspector shall be appointed by the Commissioner of Labor.

B. No member shall be employed by the same person or firm as any other member of the Mechanical Board. Members shall serve coterminous with the Commissioner. Each appointed member shall hold office until a successor is appointed and has qualified pursuant to this act. A member may be removed from office for

cause by the Commissioner. Vacancies shall be filled by appointment by the Commissioner for the unexpired term of the vacancy. The members shall serve without pay but may be reimbursed for actual and necessary expenses pursuant to the State Travel Reimbursement Act.

C. The Mechanical Board shall elect from among its membership a chairperson, vice-chairperson and secretary to serve terms of not more than one (1) year ending on June 30 of the year designated as the end of the officer's term. The chairperson or vice-chairperson shall preside at all meetings. The chairperson, vice-chairperson and secretary shall perform such duties as may be directed by the Mechanical Board. A majority of the members appointed shall constitute a quorum to transact official business. The Mechanical Board shall meet at such times as it deems necessary to implement this act.

D. The Mechanical Board shall assist and advise the Commissioner on all matters relating to the formulation of rules, regulations and standards to be promulgated in accordance with this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2027 of Title 59, unless there is created a duplication in numbering, reads as follows:

In addition to those duties and powers otherwise prescribed by law, the Mechanical Licensing and Hearing Board shall have the following duties and powers:

1. To assist the Commissioner of Labor in licensing and otherwise regulating persons engaged in the mechanical profession;
2. To determine qualifications of applicants pursuant to this act;
3. To prescribe and adopt forms for license applications and initiate mailing of such application forms to all persons requesting such applications;
4. To assist the Commissioner in the denial, suspension or revocation of licenses as provided by this act;

5. To assist the Commissioner in establishing and enforcing standards governing the materials, services and conduct of the licensee or their employees in regard to the applicable codes;

6. To assist the Commissioner in promulgating rules necessary to carry out the administration of this act; and

7. To assist the Commissioner in providing for grievance and appeal procedures pursuant to the Administrative Procedures Act for any person whose license is denied, revoked or suspended.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2028 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Examinations for licenses as mechanical contractors or mechanical journeymen shall be uniform and practical in nature for each respective license and shall be sufficiently strict to test the qualifications and fitness of the applicants for licenses. Examinations shall be in whole or in part in writing. The Mechanical Board shall conduct examinations as it deems necessary.

B. The Mechanical Board shall, by rule, establish reexamination procedures for applicants who fail to pass an examination.

C. Mechanical apprentice work permits shall be for a one-year period renewable not more than five (5) times.

D. 1. Initial applications for licensures shall be accompanied by a fee established by the Mechanical Board, not to exceed the actual administrative and material costs.

2. Renewal fees shall be as established by the Mechanical Board.

3. The Mechanical Board shall establish fees for reexamination of any applicant who fails an examination.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2029 of Title 59, unless there is created a duplication in numbering, reads as follows:

In addition to those duties and powers otherwise proscribed by law, the Commissioner of Labor shall have the following duties and powers:

1. To promulgate and adopt rules, as recommended by the Mechanical Board, pursuant to the Administrative Procedures Act necessary to effectuate the provisions of this act;

2. To prepare, conduct and grade examinations, practical, written or oral, of persons who apply for the issuance of a license;

3. To enforce all applicable codes as adopted by the Mechanical Board in areas outside the jurisdiction of a municipality which has adopted its own code;

4. To issue apprentice work permits;

5. To charge and collect such fees as are prescribed by this act;

6. To enter immediately upon public and private property for the purpose of inspecting workers' licenses and to immediately enter upon public and private property, not under the jurisdiction of a municipality which has its own inspection ordinance, to inspect mechanical work for compliance with the provisions of this act and the rules thereunder;

7. To employ personnel to conduct investigations and inspections;

8. To investigate alleged violations of the provisions of this act and of any rules promulgated pursuant to this act;

9. To establish and levy administrative penalties against any person who violates any of the provisions of this act or any rule promulgated pursuant to this act;

10. To initiate disciplinary, prosecutive and injunctive proceedings against any person who violates any of the provisions of this act or any rule promulgated pursuant to this act; and

11. To have such other powers and duties as are necessary to implement this act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2030 of Title 59, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provision of law, a political subdivision that has adopted a nationally recognized mechanical code shall have jurisdiction over the interpretation of said code

and the installation of all mechanical work done in that subdivision, subject to the provisions of the Oklahoma Inspectors Act, Section 1031 et. seq. of Title 59 of the Oklahoma Statutes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2031 of Title 59, unless there is created a duplication in numbering, reads as follows:

No person shall be engaged in the profession or occupation dealing with mechanical work in this state without first having obtained a license pursuant to the provisions of this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2032 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A person shall be exempt from the requirements of this act under the following circumstances or conditions:

1. A homeowner doing mechanical work on his/her own premises of residence;

2. No person shall install, replace or repair gas piping unless such person is licensed under the Building Trades Occupational Act of 1993 or is licensed as a mechanical contractor or mechanical journeyman pursuant to the laws of this state.

B. The Building Trades Occupational Act of 1993 shall not apply to:

1. The installation of portable, self-contained, ductless air conditioners or heaters;

2. The setting or connecting of detached air conditioning units which utilize flexible ductwork on a manufactured home. The term manufactured home shall have the same definition as such term is defined in Section 1102 of Title 47 of the Oklahoma Statutes;

3. Any permanent employee of a manufacturing facility, whether owned or leased, while performing mechanical work on the premises of such facility. The performance of such mechanical work authorized by this paragraph shall not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations;

4. The service, repair and installation of boilers, pressure vessels and welded steam lines which are subject to the jurisdiction of the Commissioner of Labor pursuant to the provisions of Sections 141.1 through 141.18 of Title 40 of the Oklahoma Statutes; or

5. Employees of state-owned institutions doing maintenance to state-owned facilities which do not violate manufacturer specifications nor compromise health or safety standards and practices.

C. The licensing requirements of the Building Trades Occupational Act of 1993 shall not apply to public utilities, public service corporations, intrastate gas pipeline companies, gas gathering pipeline companies, gas processing companies, rural electric associations or municipal utilities and their subsidiaries during work on their own facilities or during the performance of energy audits, operational inspections, minor maintenance or minor repairs for their customers or on their own equipment.

D. The licensing requirements of the Building Trades Occupational Act of 1993 shall not apply to employees of chemical plants, gas processing plants, and petroleum refineries during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance or repairs on their own equipment, the performance of which does not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations.

E. The licensing requirements of the Building Trades Occupational Act of 1993 shall not apply to employees of research facilities during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance or repairs on their own equipment used solely for research purposes when such items of equipment require one or more details of construction not covered by normally used national codes and standards or which involve destruction or reduce life of the equipment and systems.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2033 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Any person applying for a license to engage in mechanical work pursuant to this act shall provide evidence to the Mechanical Board that the individual has the following qualification: Is at least eighteen (18) years of age.

B. The applicant shall advise the Mechanical Board and furnish full information on each individual described in subsection A of this section of any conviction of a felony or any crime involving moral turpitude for which a full pardon has not been granted.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2034 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An application for a license shall include:

1. The name of the applicant;
2. The resident address of the applicant;
3. Such other information, statements or documents as may be required by the Commissioner of Labor.

B. Fees for examination, license and renewal issued pursuant to this act shall be established by the Mechanical Board.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2035 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Upon the making of proper application, payment of the proper license fee, and certification of approval by the Mechanical Board, a license shall be issued by the Commissioner of Labor to the applicant. The license shall be valid for a one-year term.

B. Renewal of a license shall not prohibit disciplinary proceedings for an act committed prior to the renewal.

C. The Commissioner may adopt a system under which licenses expire on various dates throughout the year. For any change in such expiration dates, license fees shall be prorated on an appropriate periodic basis.

D. Apprentice work permits shall be valid for one (1) year and renewable five (5) times.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2036 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A license shall not be altered or assigned.

B. A license shall be exhibited by the licensee upon request of any person doing business with such licensee pursuant to the provisions of this act or by any member or authorized employee of the Department of Labor.

C. A licensee shall notify the Mechanical Board within fourteen (14) days of any change of information furnished on his application for license or on his license including, but not limited to, change of name, address or any developments related to the qualifications of the licensee. If the required notice of change is not given within fourteen (14) days, the license may be suspended or revoked by the Commissioner of Labor on recommendation of the Mechanical Board.

D. No person shall represent falsely that he is licensed or employed by a licensee.

E. Each licensee shall maintain a record containing such information relative to his employees as may be required by the Commissioner.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2037 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Municipalities shall report all violations of the provisions of this act to the Commissioner of Labor.

B. A license issued pursuant to this act shall be valid statewide.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2038 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Upon the conviction of any individual named on the license or on the application for license of a felony, the Commissioner of Labor on recommendation of the Mechanical Board may suspend any license for a period not to exceed thirty (30) days pending a full investigation by the Mechanical Board. Such investigation shall be initiated within the thirty-day period of the suspension. A final determination by the Mechanical Board shall result in either removal of the suspension or the imposition of another sanction as the Commissioner considers appropriate, as provided for in this act.

B. The Commissioner may revoke or suspend any license, reprimand any licensee or deny any application for license or renewal of such license, if in the judgment of the Mechanical Board:

1. The applicant or licensee has violated any provision of this act or any rule promulgated in accordance with this act;

2. The applicant or licensee has committed any offense resulting in his conviction of a felony or crime involving moral turpitude. Provided, however, if the applicant has had no felony convictions at least five (5) years prior to making application for a license and said applicant has shown the Mechanical Board that he has been rehabilitated, the Mechanical Board may recommend said applicant for a license;

3. The applicant or licensee has practiced fraud, deceit or misrepresentation;

4. The applicant or licensee has made a material misstatement in any information required by the Commissioner; or

5. The applicant or licensee has demonstrated incompetence or untrustworthiness in his actions.

C. Before final action under subsection B of this section, the Mechanical Board shall provide thirty (30) days of written notice to the applicant or licensee involved of the action

intended, and give sufficient opportunity for such person to request a hearing before the Mechanical Board and the Commissioner and to be represented by an attorney. A hearing shall be scheduled by the Mechanical Board if so requested by the applicant or licensee.

D. In the event the application for a license is denied, or the license is revoked or suspended, or any reprimand is imposed, a record of such action shall be in writing and officially signed by the Commissioner. The original copy shall be filed with the Commissioner and a copy mailed to the affected applicant or licensee within two (2) days of the final action taken by the Commissioner.

E. A suspended license shall be subject to expiration and may be renewed as provided by this act, regardless of suspension. Provided, such renewal shall not remove the suspension.

F. A revoked license terminates on the date of revocation and cannot be reinstated. Provided, the Commissioner may reverse the revocation action. Any licensee whose license is revoked shall apply for a new license and meet all requirements for a license as stated in this act prior to engaging in any mechanical activities. The Mechanical Board and the Commissioner shall take action on the new application and may require additional safeguards against such acts by the applicant as may have been the cause of the revocation of the prior license.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2039 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Labor, to be designated the Mechanical Licensing Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the Building Trades Occupational Act of 1993. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of implementing the provisions

Req. No. 6526Page 13

of this act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2040 of Title 59, unless there is created a duplication in numbering, reads as follows:

All costs of administration shall be paid from fees, monies and other revenue collected pursuant to the provisions of this act. At no time shall a claim for payment be submitted to the Director of State Finance if the revenue deposited in the Mechanical Licensing Revolving Fund to the current date does not equal or exceed the total claims for payments made to that date.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2041 of Title 59, unless there is created a duplication in numbering, reads as follows:

No individual, business, company, corporation, outlet or utility may sell, or give away in consideration of some gain, to the general public, any new mechanical appliance or equipment, the installation of which requires the issuance of a permit or the conduct of an inspection of the installation, without notifying the appropriate or affected state, county or municipal jurisdiction having the obligation to issue such permits or conduct such inspection of the installation of the appliance or equipment being sold within ten (10) days after sale. The affected jurisdiction will ensure that each outlet seller has the necessary forms, including envelopes and postage, to meet the notification requirements contained herein. State and local jurisdictions' mechanical boards and committees may adopt rules necessary to enforce this section and provide materials needed for its implementation.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2042 of Title 59,

unless there is created a duplication in numbering, reads as follows:

Any monies, property or personnel of the State Department of Health utilized solely for the purposes of implementation of the Mechanical Licensing Act shall be transferred to the Department of Labor.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2043 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. If after a hearing in accordance with the Administrative Procedures Act, the Commissioner of Labor shall find any person to be in violation of any of the provisions of this act, such person may be subject to an administrative penalty of not more than One Hundred Dollars (\$100.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. All administrative penalties collected pursuant to the provisions of this subsection shall be deposited in the Mechanical Licensing Revolving Fund. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

B. The Commissioner may make application to the appropriate court for an order enjoining the acts or practices prohibited by this act, and upon a showing by the Commissioner that the person has engaged in any of the prohibited acts or practices, an injunction, restraining order or other order as may be appropriate shall be granted by the court.

C. In addition to the assessment of administrative penalties specified in this section, any person convicted of violating the provisions of this act or of the rules promulgated pursuant to this act shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for a period not to exceed one (1) year or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2050 of Title 59, Req. No. 6526Page 15

unless there is created a duplication in numbering, reads as follows:

As used in Sections 21 through 39 of this act:

1. "Commissioner" means the Commissioner of Labor for the State of Oklahoma;
2. "Plumbing Board" means the Plumbing Licensing and Hearing Board;
3. "Department" means the Oklahoma Department of Labor;
4. "Appliance/equipment for sale" means major pieces of mechanical equipment, the installation of which requires that a permit be issued or an inspection of the installation be made, by any public agency of competent jurisdiction. This does not mean items usual to routine maintenance or repair;
5. "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. "Plumbing contractor" means any person engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for plumbing work;
7. "Plumbing journeyman" means any person other than a contractor or apprentice who engages in plumbing work;
8. "Plumbing apprentice" means any person sixteen (16) years of age or older whose principal occupation is learning plumbing work on the job under the direct supervision of a journeyman or contractor on a one-on-one basis;
9. "Plumbing firm" means any corporation, partnership, association, proprietorship or other business entity which plans or engages, or offers to engage, in plumbing work for another within this state; and
10. "Plumbing work" means the installation, maintenance, repair or renovation, in whole or in part, of any plumbing system or any equipment or material used in the installation, maintenance, repair or renovation of such systems; provided that minor repairs are excluded.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2051 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Plumbing Licensing and Hearing Board, which shall consist of five (5) members to be appointed as follows:

1. Two members shall be licensed plumbing journeymen. One shall be a member of a labor organization. Said member shall be selected from a list of not less than three (3) persons nominated by an organized labor organization. One member shall not be a member of a labor organization. Said member shall be selected from a list of not less than three (3) persons nominated by an organization that is not an organized labor organization. Each journeyman member shall be a resident of the State of Oklahoma and have had at least five (5) years' practical experience as a plumbing journeyman. The licensed plumbing journeyman board members shall be appointed by the Speaker of the House of Representatives;

2. Two members shall be licensed plumbing contractors. One shall be a contractor that employs organized labor employees. Said contractor member shall be selected from a list of not less than three (3) persons nominated by an organization that represents organized labor plumbing contractors. One member shall be a contractor that does not employ journeyman members of a labor organization. Said contractor member shall be selected from a list of three (3) persons nominated by an organization that represents nonorganized plumbing contractors. The licensed plumbing contractor board members shall be appointed by the President Pro Tempore of the Senate; and

3. One member shall be a licensed municipal plumbing code inspector selected from a list of three (3) persons nominated by an organization that represents licensed municipal plumbing code inspectors. The licensed plumbing code inspector board member shall be appointed by the Commissioner of Labor.

B. No member shall be employed by the same person or firm as any other member of the Plumbing Board. Members shall serve coterminous with the Commissioner. Each appointed member shall hold office until a successor is appointed and qualified pursuant to this act. A member may be removed from office for cause by the Commissioner. Vacancies shall be filled by appointment by the Commissioner for the unexpired term of the vacancy. The members shall serve without pay but may be reimbursed for actual and necessary expenses pursuant to the State Travel Reimbursement Act.

C. The Plumbing Board shall elect from among its membership a chairperson, vice-chairperson and secretary to serve terms of not more than one (1) year ending on June 30 of the year designated as the end of the officer's term. The chairperson and vice-chairperson shall preside at all meetings. The chairperson, vice-chairperson and secretary shall perform such duties as may be directed by the Plumbing Board. A majority of the members appointed shall constitute a quorum to transact official business. The Plumbing Board shall meet at such times as it deems necessary to implement this act.

D. The Plumbing Board shall assist and advise the Commissioner on all matters relating to the formulation of rules and standards to be promulgated in accordance with this act.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2052 of Title 59, unless there is created a duplication in numbering, reads as follows:

In addition to those duties and powers otherwise prescribed by law, the Plumbing Licensing and Hearing Board shall have the following duties and powers:

1. To assist the Commissioner of Labor in licensing and otherwise regulating persons engaged in the plumbing profession;
2. To determine qualifications of applicants pursuant to this act;
3. To prescribe and adopt forms for license applications and initiate mailing of such application forms to all persons requesting such applications;

4. To assist the Commissioner in the denial, suspension or revocation of licenses as provided by this act;

5. To assist the Commissioner in establishing and enforcing standards governing the materials, services and conduct of the licensee or their employees in regard to the applicable codes;

6. To assist the Commissioner in promulgating rules necessary to carry out the administration of this act; and

7. To assist the Commissioner in providing for grievance and appeal procedures pursuant to the Administrative Procedures Act for any person whose license is denied, revoked or suspended.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2053 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Examinations for licenses as plumbing contractors or plumbing journeymen shall be uniform and practical in nature for each respective license and shall be sufficiently strict to test the qualifications and fitness of the applicants for licenses. Examinations shall be in whole or in part in writing. The Plumbing Board shall conduct examinations as it deems necessary.

B. The Plumbing Board shall, by rule, establish reexamination procedures for applicants who fail to pass an examination.

C. Plumbing apprentice work permits shall be for a one-year period and renewable not more than five (5) times.

D. 1. Initial applications for licensure shall be accompanied by a fee established by the Plumbing Board, not to exceed the actual administrative and material costs.

2. Renewal fees shall be as established by the Plumbing Board.

3. The Plumbing Board shall establish fees for reexamination of any applicant who fails an examination.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2054 of Title 59, unless there is created a duplication in numbering, reads as follows:

In addition to those duties and powers otherwise prescribed by law, the Commissioner of Labor shall have the following duties and powers:

1. To promulgate and adopt rules, as recommended by the Plumbing Board, pursuant to the Administrative Procedures Act necessary to effectuate the provisions of this act;
2. To prepare, conduct and grade examinations, practical, written or oral, of persons who apply for the issuance of a license;
3. To enforce all applicable codes as adopted by the Plumbing Board in areas outside the jurisdiction of a municipality which has adopted its own code;
4. To issue apprentice work permits;
5. To charge and collect such fees as are prescribed by this act;
6. To enter immediately upon public and private property for the purpose of inspecting workers' licenses and to immediately enter upon public and private property, not under the jurisdiction of a municipality which has its own inspection ordinance, to inspect plumbing work for compliance with the provisions of this act and the rules thereunder;
7. To employ personnel to conduct investigations and inspections;
8. To investigate alleged violations of the provisions of this act and of any rules promulgated pursuant to this act;
9. To establish and levy administrative penalties against any person who violates any of the provisions of this act or any rule promulgated pursuant to this act;
10. To initiate disciplinary, prosecutive and injunctive proceedings against any person who violates any of the provisions of this act or any rule promulgated pursuant to this act; and
11. To have such other powers and duties as are necessary to implement this act.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2055 of Title 59,

unless there is created a duplication in numbering, reads as follows:

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, subject to the provisions of the Oklahoma Inspectors Act, Section 1031 et seq. of Title 59 of the Oklahoma Statutes.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2056 of Title 59, unless there is created a duplication in numbering, reads as follows:

No person shall be engaged in the profession or occupation dealing with plumbing work in this state without first having obtained a license pursuant to the provisions of this act.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2057 of Title 59, unless there is created a duplication in numbering, reads as follows:

A person shall be exempt from the requirements of this act under the following circumstances or conditions:

1. A homeowner doing plumbing work in his/her own premises of residence;

2. No person shall install, replace or repair gas piping unless such person is licensed under the Building Trades Occupational Act of 1993 or is licensed as a plumbing contractor or plumbing journeyman pursuant to the laws of this state; and

3. Plumbing contractors and journeymen are exempt from the Class C and D water/sewer operators permit requirements pursuant to Section 1101 et seq. of Title 59 of the Oklahoma Statutes.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2058 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Any person applying for a license to engage in plumbing work pursuant to this act shall provide evidence to the Plumbing

Board that the individual has the following qualification: Is at least eighteen (18) years of age.

B. The applicant shall advise the Plumbing Board and furnish full information on each individual described in subsection A of this section of any conviction of a felony or any crime involving moral turpitude for which a full pardon has not been granted.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2059 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An application for a license shall include:

1. The name of the applicant;
2. The resident address of the applicant; and
3. Such other information, statements or documents as may be required by the Commissioner of Labor.

B. Fees for examination, license and renewal issued pursuant to this act shall be established by the Plumbing Board.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2060 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Upon the making of proper application, payment of the proper license fee, and certification of approval by the Plumbing Board, a license shall be issued by the Commissioner of Labor to the applicant. The license shall be valid for a one-year term.

B. Renewal of a license shall not prohibit disciplinary proceedings for an act committed prior to the renewal.

C. The Commissioner may adopt a system under which licenses expire on various dates throughout the year. For any change in such expiration dates, license fees shall be prorated on an appropriate periodic basis.

D. Apprentice work permits shall be valid for one (1) year and renewable five (5) times.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2061 of Title 59,

unless there is created a duplication in numbering, reads as follows:

A. A license shall not be altered or assigned.

B. A license shall be exhibited by the licensee upon request of any person doing business with such licensee pursuant to the provisions of this act or by any member or authorized employee of the Department of Labor.

C. A licensee shall notify the Plumbing Board within fourteen (14) days of any change of information furnished on his application for license or on his license including, but not limited to, change of name, address or any developments related to the qualifications of the licensee. If the required notice of change is not given within fourteen (14) days, the license may be suspended or revoked by the Commissioner of Labor on recommendation of the Plumbing Board.

D. No person shall represent falsely that he is licensed or employed by a licensee.

E. Each licensee shall maintain a record containing such information relative to his employees as may be required by the Commissioner.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2062 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Municipalities shall report all violations of the provisions of this act to the Commissioner of Labor.

B. A license issued pursuant to this act shall be valid statewide.

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2063 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Upon the conviction of any individual named on the license or on the application for license of a felony, the Commissioner of Labor on recommendation of the Plumbing Board may suspend any license for a period not to exceed thirty (30) days pending a full

investigation by the Plumbing Board. Such investigation shall be initiated within the thirty-day period of the suspension. A final determination by the Plumbing Board shall result in either removal of the suspension or the imposition of another sanction as the Commissioner considers appropriate, as provided for in this act.

B. The Commissioner may revoke or suspend any license, reprimand any licensee or deny any application for license or renewal of such license, if in the judgment of the Plumbing Board:

1. The applicant or licensee has violated any provision of this act or any rule promulgated in accordance with this act;

2. The applicant or licensee has committed any offense resulting in his conviction of a felony or crime involving moral turpitude. Provided, however, if the applicant has had no felony convictions at least five (5) years prior to making application for a license and said applicant has shown the Plumbing Board that he has been rehabilitated, the Plumbing Board may recommend said applicant for a license;

3. The applicant or licensee has practiced fraud, deceit or misrepresentation;

4. The applicant or licensee has made a material misstatement in any information required by the Commissioner; or

5. The applicant or licensee has demonstrated incompetence or untrustworthiness in his actions.

C. Before final action under subsection B of this section, the Plumbing Board shall provide thirty (30) days of written notice to the applicant or licensee involved of the action intended, and give sufficient opportunity for such person to request a hearing before the Plumbing Board and the Commissioner and to be represented by an attorney. A hearing shall be scheduled by the Plumbing Board if so requested by the applicant or licensee.

D. In the event the application for a license is denied, or the license is revoked or suspended, or any reprimand is imposed, a record of such action shall be in writing and officially signed by the Commissioner. The original copy shall be filed with the

Commissioner and a copy mailed to the affected applicant or licensee within two (2) days of the final action taken by the Commissioner.

E. A suspended license shall be subject to expiration and may be renewed as provided by this act, regardless of suspension. Provided, such renewal shall not remove the suspension.

F. A revoked license terminates on the date of revocation and cannot be reinstated. Provided, the Commissioner may reverse the revocation action. Any licensee whose license is revoked shall apply for a new license and meet all requirements for a license as stated in this act prior to engaging in any plumbing activities. The Plumbing Board and the Commissioner shall take action on the new application and may require additional safeguards against such acts by the applicant as may have been the cause of the revocation of the prior license.

SECTION 35. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2064 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Labor, to be designated the Plumbing Licensing Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the Building Trades Occupational Act of 1993. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of implementing the provisions of this act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2065 of Title 59, unless there is created a duplication in numbering, reads as follows:

All costs of administration shall be paid from fees, monies and other revenue collected pursuant to the provisions of this act. At no time shall a claim for payment be submitted to the Director of State Finance if the revenue deposited in the Plumbing Licensing Revolving Fund to the current date does not equal or exceed the total claims for payments made to that date.

SECTION 37. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2066 of Title 59, unless there is created a duplication in numbering, reads as follows:

No individual, business, company, corporation, outlet or utility may sell, or give away in consideration of some gain, to the general public, any new plumbing appliance or equipment, the installation of which requires the issuance of a permit or the conduct of an inspection of that installation, without notifying the appropriate or affected state, county or municipal jurisdiction having the obligation to issue such permits or conduct such inspection of the installation of the appliance or equipment being sold within ten (10) days after sale. The affected jurisdiction will ensure that each outlet seller has the necessary forms, including envelopes and postage, to meet the notification requirements contained herein. State and local jurisdictions' plumbing boards and committees may adopt rules necessary to enforce this section and provide materials needed for its implementation.

SECTION 38. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2067 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any monies, property or personnel of the State Department of Health utilized solely for the purposes of implementation of the Plumbing Licensing Act shall be transferred to the Department of Labor.

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2068 of Title 59,

unless there is created a duplication in numbering, reads as follows:

A. If after a hearing in accordance with the Administrative Procedures Act, the Commissioner of Labor shall find any person to be in violation of any of the provisions of this act, such person may be subject to an administrative penalty of not more than One Hundred Dollars (\$100.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. All administrative penalties collected pursuant to the provisions of this subsection shall be deposited in the Plumbing Licensing Revolving Fund. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

B. The Commissioner may make application to the appropriate court for an order enjoining the acts or practices prohibited by this act, and upon a showing by the Commissioner that the person has engaged in any of the prohibited acts or practices, an injunction, restraining order or other order as may be appropriate shall be granted by the court.

C. In addition to the assessment of administrative penalties specified in this section, any person convicted of violating the provisions of this act or of the rules promulgated pursuant to this act shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for a period not to exceed one (1) year or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2075 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in Sections 40 through 58 of this act:

1. "Commissioner" means the Commissioner of Labor for the State of Oklahoma;
2. "Electrical Board" means the Electrical Licensing and Hearing Board;
3. "Department" means the Department of Labor;

4. "Electrical contractor" means any person engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for electrical work;

5. "Electrical journeyman" means any person other than a contractor or apprentice who engages in electrical work;

6. "Electrical apprentice" means any person sixteen (16) years of age or older whose principal occupation is learning electrical work on the job under the direct supervision of a journeyman or contractor on a one-on-one basis;

7. "Electrical firm" means any corporation, partnership, association, proprietorship or other business entity which plans or engages, or offers to engage, in electrical work for another within this state; and

8. "Electrical work" means the installation, maintenance, repair or renovation, in whole or in part, of any electrical system, or any piping used in the installation, maintenance, repair or renovation of such systems; provided that minor repairs are excluded.

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2076 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Electrical Licensing and Hearing Board, which shall consist of five (5) members to be appointed as follows:

1. Two members shall be licensed electrical journeymen. One shall be a member of a labor organization. Said member shall be selected from a list of not less than three (3) persons nominated by an organized labor organization. One member shall not be a member of a labor organization. Said member shall be selected from a list of not less than three (3) persons nominated by an organization that is not an organized labor organization. Each journeyman member shall be a resident of the State of Oklahoma and have had at least five (5) years' practical experience as an electrical journeyman. The licensed electrical journeyman board

members shall be appointed by the Speaker of the House of Representatives;

2. Two members shall be licensed electrical contractors. One shall be a contractor that employs organized labor employees. Said contractor member shall be selected from a list of not less than three (3) persons nominated by an organization that represents organized labor electrical contractors. One member shall be a contractor that does not employ journeyman members of a labor organization. Said contractor member shall be selected from a list of three (3) persons nominated by an organization that represents nonorganized electrical contractors. The licensed electrical contractor board members shall be appointed by the President Pro Tempore of the Senate; and

3. One member shall be a licensed municipal electrical code inspector selected from a list of three (3) persons nominated by an organization that represents licensed municipal electrical code inspectors. The licensed municipal electrical code inspector board member shall be appointed by the Commissioner of Labor.

B. No member shall be employed by the same person or firm as any other member of the Electrical Board. Members shall serve coterminous with the Commissioner. Each appointed member shall hold office until a successor is appointed and has qualified pursuant to this act. A member may be removed from office for cause by the Commissioner. Vacancies shall be filled by appointment by the Commissioner for the unexpired term of the vacancy. The members shall serve without pay but may be reimbursed for actual and necessary expenses pursuant to the State Travel Reimbursement Act.

C. The Electrical Board shall elect from among its membership a chairperson, vice-chairperson and secretary to serve terms of not more than one (1) year ending on June 30 of the year designated as the end of the officer's term. The chairperson or vice-chairperson shall preside at all meetings. The chairperson, vice-chairperson and secretary shall perform such duties as may be directed by the Electrical Board. A majority of the members appointed shall constitute a quorum to transact official business.

The Electrical Board shall meet at such times as it deems necessary to implement this act.

D. The Electrical Board shall assist and advise the Commissioner on all matters relating to the formulation of rules and standards to be promulgated in accordance with this act.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2077 of Title 59, unless there is created a duplication in numbering, reads as follows:

In addition to those duties and powers otherwise prescribed by law, the Electrical Licensing and Hearing Board shall have the following duties and powers:

1. To assist the Commissioner of Labor in licensing and otherwise regulating persons engaged in the electrical profession;
2. To determine qualifications of applicants pursuant to this act;
3. To prescribe and adopt forms for license applications and initiate mailing of such application forms to all persons requesting such applications;
4. To assist the Commissioner in the denial, suspension or revocation of licenses as provided by this act;
5. To assist the Commissioner in establishing and enforcing standards governing the materials, services and conduct of the licensee or their employees in regard to the applicable codes;
6. To assist the Commissioner in promulgating rules necessary to carry out the administration of this act; and
7. To assist the Commissioner in providing for grievance and appeal procedures pursuant to the Administrative Procedures Act for any person whose license is denied, revoked or suspended.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2078 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Examinations for licenses as electrical contractors or electrical journeymen shall be uniform and practical in nature for each respective license and shall be sufficiently strict to test

the qualifications and fitness of the applicants for licenses. Examinations shall be in whole or in part in writing. The Electrical Board shall conduct examinations as it deems necessary.

B. The Electrical Board shall, by rule, establish reexamination procedures for applicants who fail to pass an examination.

C. Electrical apprentice work permits shall be for a one-year period and renewable not more than five (5) times.

D. 1. Initial applications for licensure shall be accompanied by a fee established by the Electrical Board, not to exceed the actual administrative and material costs.

2. Renewal fees shall be as established by the Electrical Board.

3. The Electrical Board shall establish fees for reexamination of any applicant who fails an examination.

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2079 of Title 59, unless there is created a duplication in numbering, reads as follows:

In addition to those duties and powers otherwise prescribed by law, the Commissioner of Labor shall have the following duties and powers:

1. To promulgate and adopt rules, as recommended by the Electrical Board, pursuant to the Administrative Procedures Act necessary to effectuate the provisions of this act;

2. To prepare, conduct and grade examinations, practical, written or oral, of persons who apply for the issuance of a license;

3. To enforce all applicable codes as adopted by the Electrical Board in areas outside the jurisdiction of a municipality which has adopted its own code;

4. To issue apprentice work permits;

5. To charge and collect such fees as are prescribed by this act;

6. To enter immediately upon public and private property for the purpose of inspecting workers' licenses and to immediately

enter upon public and private property, not under the jurisdiction of a municipality which has its own inspection ordinance, to inspect electrical work for compliance with the provisions of this act and the rules thereunder;

7. To employ personnel to conduct investigations and inspections;

8. To investigate alleged violations of the provisions of this act and of any rules promulgated pursuant to this act;

9. To establish and levy administrative penalties against any person who violates any of the provisions of this act or any rule promulgated pursuant to this act;

10. To initiate disciplinary, prosecutive and injunctive proceedings against any person who violates any of the provisions of this act or any rule promulgated pursuant to this act; and

11. To have such other powers and duties as are necessary to implement this act.

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2080 of Title 59, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provision of law, a political subdivision that has adopted a nationally recognized electrical code shall have jurisdiction over the interpretation of said code and the installation of all electrical work done in that subdivision, subject to the provisions of the Oklahoma Inspectors Act, Section 1031 et seq. of Title 59 of the Oklahoma Statutes.

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2081 of Title 59, unless there is created a duplication in numbering, reads as follows:

No person shall be engaged in the profession or occupation dealing with electrical work in this state without first having obtained a license pursuant to the provisions of this act.

SECTION 47. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2082 of Title 59,

unless there is created a duplication in numbering, reads as follows:

A person shall be exempt from the requirements of this act under the following circumstances or conditions: A homeowner doing electrical work on his/her own premises of residence.

SECTION 48. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2083 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Any person applying for a license to engage in electrical work pursuant to this act shall provide evidence to the Electrical Board that the individual has the following qualification: Is at least eighteen (18) years of age.

B. The applicant shall advise the Electrical Board and furnish full information on each individual described in subsection A of this section of any conviction of a felony or any crime involving moral turpitude for which a full pardon has not been granted.

SECTION 49. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2084 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An application for a license shall include:

1. The name of the applicant;
2. The resident address of the applicant;
3. Such other information, statements or documents as may be required by the Commissioner of Labor.

B. Fees for examination, license and renewal issued pursuant to this act shall be established by the Electrical Board.

SECTION 50. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2085 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Upon the making of proper application, payment of the proper license fee, and certification of approval by the Electrical Board, a license shall be issued by the Commissioner of

Labor to the applicant. The license shall be valid for a one-year term.

B. Renewal of a license shall not prohibit disciplinary proceedings for an act committed prior to the renewal.

C. The Commissioner may adopt a system under which licenses expire on various dates throughout the year. For any change in such expiration dates, license fees shall be prorated on an appropriate periodic basis.

D. Apprentice work permits shall be valid for one (1) year and renewable five (5) times.

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2086 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A license shall not be altered, loaned or assigned;

B. A license shall be exhibited by the licensee upon request of any person doing business with such licensee pursuant to the provision of this act or by any member or authorized employee of the Department of Labor.

C. A licensee shall notify the Electrical Board within fourteen (14) days of any change of information furnished on his application for license or on his license including, but not limited to, change of name, address or any developments related to the qualifications of the licensee. If the required notice of change is not given within fourteen (14) days, the license may be suspended or revoked by the Commissioner of Labor on recommendation of the Electrical Board.

D. No person shall represent falsely that he is licensed or employed by a licensee.

E. Each licensee shall maintain a record containing such information relative to his employees as may be required by the Commissioner.

SECTION 52. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2087 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Municipalities shall report all violations of the provisions of this act to the Commissioner of Labor.

B. A license issued pursuant to this act shall be valid statewide.

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2088 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Upon the conviction of any individual named on the license or on the application for license of a felony, the Commissioner of Labor on recommendation of the Electrical Board may suspend any license for a period not to exceed thirty (30) days pending a full investigation by the Electrical Board. Such investigation shall be initiated within the thirty-day period of the suspension. A final determination by the Electrical Board shall result in either removal of the suspension or the imposition of another sanction as the Commissioner considers appropriate, as provided for in this act.

B. The Commissioner may revoke or suspend any license, reprimand any licensee or deny any application for license or renewal of such license, if in the judgment of the Electrical Board:

1. The applicant or licensee has violated any provision of this act or any rule promulgated in accordance with this act;

2. The applicant or licensee has committed any offense resulting in his conviction of a felony or crime involving moral turpitude. Provided, however, if the applicant has had no felony convictions at least five (5) years prior to making application for a license and said applicant has shown the Electrical Board that he has been rehabilitated, the Electrical Board may recommend said applicant for a license;

3. The applicant or licensee has practiced fraud, deceit or misrepresentation;

4. The applicant or licensee has made a material misstatement in any information required by the Commissioner; or

5. The applicant or licensee has demonstrated incompetence or untrustworthiness in his actions.

C. Before final action under subsection B of this section, the Electrical Board shall provide thirty (30) days of written notice to the applicant or licensee involved of the action intended, and give sufficient opportunity for such person to request a hearing before the Electrical Board and the Commissioner and to be represented by an attorney. A hearing shall be scheduled by the Electrical Board if so requested by the applicant or licensee.

D. In the event the application for a license is denied, or the license is revoked or suspended, or any reprimand is imposed, a record of such action shall be in writing and officially signed by the Commissioner. The original copy shall be filed with the Commissioner and a copy mailed to the affected applicant or licensee within two (2) days of the final action taken by the Commissioner.

E. A suspended license shall be subject to expiration and may be renewed as provided by this act, regardless of suspension. Provided, such renewal shall not remove the suspension.

F. A revoked license terminates on the date of revocation and cannot be reinstated. Provided, the Commissioner may reverse the revocation action. Any licensee whose license is revoked shall apply for a new license and meet all requirements for a license as stated in this act prior to engaging in any electrical activities. The Electrical Board and the Commissioner shall take action on the new application and may require additional safeguards against such acts by the applicant as may have been the cause of the revocation of the prior license.

SECTION 54. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2089 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Labor, to be designated as the Electrical Licensing Revolving Fund. The fund shall be a continuing fund,  
Req. No. 6526Page 36

not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the Building Trades Occupational Act of 1993. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of implementing the provisions of this act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 55. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2090 of Title 59, unless there is created a duplication in numbering, reads as follows:

All costs of administration shall be paid from fees, monies and other revenue collected pursuant to the provisions of this act. At no time shall a claim for payment be submitted to the Director of State Finance if the revenue deposited in the Electrical Licensing Revolving Fund to the current date does not equal or exceed the total claims for payments made to that date.

SECTION 56. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2091 of Title 59, unless there is created a duplication in numbering, reads as follows:

No individual, business, company, corporation, outlet or utility may sell, or give away in consideration of some gain, to the general public, any new electrical appliance or equipment, the installation of which requires the issuance of a permit or the conduct of an inspection of that installation, without notifying the appropriate or affected state, county or municipal jurisdiction having the obligation to issue such permits or conduct such inspection of the installation of the appliance or equipment being sold within ten (10) days after sale. The affected jurisdiction will ensure that each outlet seller has the necessary forms, including envelopes and postage, to meet the notification requirements contained herein. State and local jurisdictions' electrical boards and committees may adopt rules

necessary to enforce this section and provide materials needed for its implementation.

SECTION 57. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2092 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any monies, property or personnel of the State Department of Health utilized solely for the purposes of implementation of the Electrical Licensing Act shall be transferred to the Department of Labor.

SECTION 58. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2093 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. If after a hearing in accordance with the Administrative Procedures Act, the Commissioner of Labor shall find any person to be in violation of any of the provisions of this act, such person may be subject to an administrative penalty of not more than One Hundred Dollars (\$100.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. All administrative penalties collected pursuant to the provisions of this subsection shall be deposited in the Electrical Licensing Revolving Fund. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

B. The Commissioner may make application to the appropriate court for an order enjoining the acts or practices prohibited by this act and upon a showing by the Commissioner that the person has engaged in any of the prohibited acts or practices, an injunction, restraining order or other order as may be appropriate shall be granted by the court.

C. In addition to the assessment of administrative penalties specified in this section, any person convicted of violating the provisions of this act or of the rules promulgated pursuant to this act shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for a period not to exceed one (1)

year or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

SECTION 59. A. Effective July 1, 1993, the Mechanical Licensing Fund, the Plumbing Licensing Fund and the Electrical Licensing Fund shall be transferred from the State Department of Health to the Department of Labor. All unexpended funds, cash balances, property, records, personnel, equipment and any outstanding financial obligations or encumbrances of the Mechanical Licensing, Plumbing Licensing and Electrical Licensing Funds and programs shall be transferred from the State Department of Health to the Department of Labor.

B. Personnel transferred pursuant to the provisions of the Building Trades Occupational Act of 1993 shall not be required to accept a lesser grade or salary than presently received. No entrance exams shall be required for persons transferred. All such persons shall retain leave, sick and annual time earned and any retirement benefits which have accrued during their tenure as a state employee. The transfer of personnel shall be coordinated with the Office of Personnel Management. The transfer of revolving funds shall be coordinated with the Director of State Finance.

SECTION 60. The provisions of Section 59 of this act shall not be codified in the Oklahoma Statutes.

SECTION 61. REPEALER 59 O.S. 1991, Sections 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, Section 1, Chapter 226, O.S.L. 1992, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1850.1, 1850.2, as amended by Section 1, Chapter 137, O.S.L. 1992, 1850.3, 1850.4, 1850.5, 1850.6, 1850.7, 1850.8, 1850.9, 1850.10, as amended by Section 2, Chapter 137, O.S.L. 1992, 1850.11, 1850.12, 1850.13, 1850.14 and 1850.15 (59 O.S. Supp. 1992, Sections 1022, 1850.2 and 1850.10), are hereby repealed.

SECTION 62. This act shall become effective July 1, 1993.

SECTION 63. It being immediately necessary for the preservation of the public peace, health and safety, an emergency

is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-6526

MCD