STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2075 By: Sadler

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 1681, as amended by Section 4, Chapter 236, O.S.L. 1993, 1682, 1683, 1687, 1688, 1689, as amended by Section 2, Chapter 251, O.S.L. 1993, 1692, 1694, as amended by Section 5, Chapter 236, O.S.L. 1993, 1695, as amended by Section 6, Chapter 236, O.S.L. 1993 and 1696 (59 O.S. Supp. 1993, Sections 1681, 1689, 1694 and 1695), which relate to the Electrical License Act; authorizing the State Board of Health to adopt, repeal or modify rules relating to continuing education; adding definition; modifying definition; modifying the membership of the Committee of Electrical Examiners; prohibiting membership under certain conditions; modifying duties of the nonvoting member; authorizing the Department to administer certain examinations under certain conditions; providing for officers of the Committee; providing for terms, powers and duties of such officers; providing for meetings; modifying and adding certain fees; prohibiting renewal of a license except under certain conditions; placing a time limit on certain certificates; authorizing certain reregistration; changing the name of the Electrical Hearing Board to the Electrical Appeals and Hearing Board; modifying certain requirements not applicable under the act; correcting reference; modifying authority over certain electrical facilities; limiting jurisdiction of cities and towns; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1681, as amended by Section 4, Chapter 236, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1681), is amended to read as follows:

Section 1681. The State Board of Health is hereby authorized to adopt, amend and repeal rules ~~and regulations~~ governing the examination and licensing of electrical contractors and journeymen electricians, the defining of categories and limitations for such licenses, the establishment of continuing education requirements

and procedures as determined by the Committee, the establishment and levying of administrative fines, the initiation of disciplinary proceedings, the requesting of prosecution of and initiation of injunctive proceedings against any person who violates any of the provisions of this act or any rule promulgated pursuant to this act, the establishment of bonding and insurance requirements precluding municipal requirements, the requirement of proof of possession of a Federal Tax ID Number and a State of Oklahoma Employment Security Commission identification number, the registration of electrical apprentices and the standard of electrical installations, and to adopt future editions of the Code. Provided, broiler houses will not be required to meet the electrical wiring requirements for environmentally controlled poultry houses as set out in the National Electric Code.

SECTION 2. 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. "Commissioner" means the State Commissioner of Health;

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

4. "Department" means the State Department of Health;

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;

~~7.~~ 8. "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.~~ 9. "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, and commercial.

SECTION 3. 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. No member shall be employed by the same person or firm as any other member of the Committee. 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~~ serve as the Chief Electrical Inspector for the state.

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 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. The Committee may authorize the Department to conduct tests on their behalf as the Committee deems necessary.

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.

G. The Committee 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 Committee. The Committee shall meet at such times as the chairperson or presiding officer deems necessary to implement this act.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 1687, is amended to read as follows:

Section 1687. The following shall be the fees charged under the Electrical License Act:

Electrical Contractor Examination	$50.00
Journeyman Electrician Examination	$25.00
Electrical Contractor License	$50.00
Journeyman Electrician License	$15.00
Electrical Apprentice Registration Fee	~~$10.00~~
	$5.00

License Renewal, if made within thirty (30) days after expiration:

Electrical Contractor License	$50.00
Journeyman Electrician License	$15.00
Electrical Apprentice License	$5.00

Penalty for Late License Renewal:

Electrical Contractor License	$10.00
Journeyman Electrician License	$5.00
Electrical Apprentice License	$2.50

SECTION 5. AMENDATORY 59 O.S. 1991, Section 1688, is amended to read as follows:

Section 1688. A. No license shall be issued for longer than one (1) year and all licenses shall expire on June 30 of each year. A license may be renewed upon application and payment of

fees thirty (30) days preceding or following June 30 of each year and not be subject to a late renewal penalty. No penalty for late renewal shall be charged to any holder of a license which expires while the holder is in military service if an application for renewal is made within one (1) year following his service discharge.

~~Apprentice registration certificates expire four (4) years after the date of registration, at which time the apprentice may reregister.~~

B. No journeyman or contractor license shall be renewed unless the licensee has completed the required hours of continuing education by completing a course on the current national electrical code revision, not to exceed six (6) hours of instruction as determined by the Committee and approved by the State Board of Health, within one (1) year of adoption of the current national electrical code revision.

C. An apprentice registration certificate shall be issued for not longer than one (1) year and shall expire August 15, at which time the apprentice may reregister upon meeting the requirements by the State Department of Health.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 1689, as amended by Section 2, Chapter 251, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1689), is amended to read as follows:

Section 1689. A. The Commissioner and the Committee shall act as the Electrical Appeals and Hearing Board and shall comply with the provisions of Article II of the Administrative Procedures Act, Section 309 et seq. of Title 75 of the Oklahoma Statutes.

B. The Electrical Appeals and Hearing Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any electrical contractor, journeyman electrician or electrical apprentice. The Board shall suspend or revoke any license or registration obtained by false or fraudulent representation. The Board shall also suspend or revoke any license or registration for any of the following:

1. Making a material misstatement in the application for a license or registration, or the renewal of a license or registration;

2. Loaning or illegally using a license;

3. Demonstrating incompetence to act as a journeyman electrician or electrical contractor;

4. Violating any provisions of the Electrical License Act, or any rule, regulation or order prescribed by the Commission or any ordinance or regulation for the installation of electrical facilities made or enacted by a city or town by authority of the Electrical License Act; or

5. Willfully failing to perform normal business obligations without justifiable cause.

C. Any person whose license or registration has been revoked by the Electrical Appeals and Hearing Board may apply for a new license one (1) year from the date of such revocation.

D. Notwithstanding any other provision of law, a political subdivision of this state that has adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 or Section 1031 et seq. of this title for such work shall have jurisdiction over the interpretation of said code and the installation of all electrical work done in that political subdivision, subject to the provisions of the Oklahoma Inspectors Act, Section 1031 et seq. of ~~Title 59 of the Oklahoma Statutes~~ this title. Provided, a state inspector may work directly with an electrical contractor, journeyman electrician or electrical apprentice in such a locality if a violation of the code creates an immediate threat to life or health.

E. In the case of a complaint about, investigation of, or inspection of any license, registration, permit or electrical work in any political subdivision of this state which has not adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 or Section 1031 et seq. of this title for such work, the Commissioner of Health shall have jurisdiction over such matters.

F. 1. No individual, business, company, corporation, association or other entity subject to the provisions of Section 1680 et seq. of this title shall install, modify or alter electrical facilities in any incorporated area of this state which has not adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 or Section 1031 et seq. of this title for such work without providing notice of such electrical work to the Commissioner of Health. A notice form for reproduction by an individual or entity required to make such notice shall be provided by the Commissioner of Health upon request.

2. Notice to the Commissioner of Health pursuant to this subsection shall not be required for electrical maintenance or replacement of existing electrical appliances or fixtures or of any petroleum refinery or its research facilities.

3. Enforcement of this subsection is authorized pursuant to Section 1680 et seq. of this title, or under authority granted to the Commissioner of Health.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 1692, is amended to read as follows:

Section 1692. A. The provisions of the Electrical License Act shall not apply to:

1. Minor repairs, consisting of repairing or replacing outlets or minor working parts of electrical fixtures;

2. Maintenance work for state and federal institutions;

3. The construction, installation, maintenance, repair and renovation by a public utility regulated by the Corporation Commission;

4. Public service corporations, telephone and telegraph companies, rural electric associations or municipal utilities; or

5. The construction, installation, maintenance, repair and renovation of telephone equipment or computer systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve work exclusively for communication of data, voice, or for other signaling purposes; except fire alarm systems, security systems

and environmental control systems that are not an integral part of a telecommunications system.

B. Nothing in the Electrical License Act shall be construed to require:

1. Employment of a licensed electrical contractor, journeyman electrician or electrical apprentice except as required by local ordinances and resolutions;

2. Any regular employee of any firm or corporation to hold a license before doing any electrical work on the property of the firm or corporation whether or not the property is owned, leased or rented except as may be required by local ordinances and resolutions; or

3. An individual to hold a license before doing electrical work on his own property or residence where the voltage does not exceed 120/240 volt single phase except as may be required by local ordinances and resolutions.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 1694, as amended by Section 5, Chapter 236, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1694), is amended to read as follows:

Section 1694. All monies received by the Commissioner under the Electrical License Act, including the administrative fines authorized by Section ~~6~~ 1695 of this ~~act~~ title, shall be deposited with the State Treasurer and credited to the "Electrical Revolving Fund". The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Commissioner. Expenditures from this fund shall be made pursuant to the purposes of the Electrical License Act and shall include, but not be limited to, payment of operating costs and the costs of programs designed to promote public awareness of the electrical industry, and expenditures for the preparation and printing of regulations, bulletins or other documents and the furnishing of copies of such documents to those persons engaged in the electrical industry or the public. Warrants for expenditures shall be drawn by the State Auditor and Inspector based on claims signed by the Commissioner and approved for payment by the

Director of State Finance. The revolving fund shall be audited at least once each year by the State Auditor and Inspector.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 1695, as amended by Section 6, Chapter 236, O.S.L. 1993 (59 O.S. Supp. 1993, 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) nor more than One Hundred Dollars ($100.00).

B. In addition to other penalties provided by law, if after a hearing in accordance with the provisions of Section 1689 of this title, the Electrical Hearing Board shall find any person to be in violation of any of the provisions of this act, such person may be subject to an administrative fine of not more than Five Hundred Dollars ($500.00) for each violation. Each day a person is in violation of this act may constitute a separate violation. The maximum fine will not exceed One Thousand Dollars ($1,000.00). All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Electrical Revolving Fund. Administrative fines imposed pursuant to this subsection shall be enforceable in the district courts of this state.

C. The Electrical Hearing Board 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 Electrical Hearing Board 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.

D. 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~~ the state or political subdivision of the state, 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 10. AMENDATORY 59 O.S. 1991, Section 1696, is amended to read as follows:

Section 1696. Nothing in the Electrical License Act shall prohibit cities and towns from having full authority to provide supervision and inspection of electrical facilities by the enactment of codes, ordinances, bylaws, rules and regulations in such form as they may determine and prescribe for their jurisdiction; provided, that no such codes, ordinances, bylaws, rules or regulations shall be inconsistent with the Electrical License Act, or any rule or regulation adopted or prescribed by the State Board of Health as authorized by the Electrical License Act. Each state licensed electrical contractor and journeyman electrician shall be required to register with any city or town in whose jurisdiction he operates. Each such city or town is authorized to register such electrical contractor or journeyman electrician, to revoke the registration, to charge fees for the registration and for permits and inspections of electrical work. No electrical contractor or journeyman electrician shall be permitted to do business or work in any city or town where his local registration has been revoked.

SECTION 11. This act shall become effective July 1, 1994.

SECTION 12. 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.

44-2-8855 MCD