

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 135

By: Snyder of the Senate

and

Paulk of the House

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 1010, 1689 and 1850.14, which relate to the Oklahoma State Committee of Plumbing Examiners, the Committee of Electrical Examiners and the Committee of Mechanical Examiners; clarifying language; authorizing certain political subdivisions to have jurisdiction over the interpretation of certain codes and certain installations subject to provisions of the Oklahoma Inspectors Act; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1010, is amended to read as follows:

Section 1010. ~~(a)~~ A. The Commissioner of Health, as chairman, and the members of the Oklahoma State Committee of Plumbing Examiners shall constitute a Plumbing Hearing Board, which may on its own motion make investigations and conduct hearings and may, on its own motion or upon complaint in writing duly signed and verified by the complainant, and upon not less than ten (10) days' notice to the licensee, suspend any license issued under this act, and may revoke such license in the manner hereinafter provided, if it has reason to believe or finds that the holder of the license has:

~~(1)~~ 1. Made a material misstatement in the application for license or renewal thereof;

~~(2)~~ ~~Has loaned~~ 2. Loaned or illegally used his license;

~~(3)~~ 3. Demonstrated incompetency to act as a journeyman plumber or plumbing contractor, as the case may be; ~~or~~

~~(4)~~ ~~Has violated~~ 4. Violated any provision of this act, or any rule, regulation or order prescribed by the Board, or any ordinance or regulation for the installation of plumbing made or enacted by a city, town or sewer commission by authority of this act; or

~~(5)~~ ~~Has willfully~~ 5. Willfully and unreasonably failed to perform his normal business obligations without justifiable cause.

~~(b)~~ B. A copy of the complaint with notice of the suspension of license, if ordered by the Plumbing Hearing Board, shall be served on the person complained against, and his answer thereto shall be filed in the time allowed for the filing of answers in legal proceedings by the statutes of the State of Oklahoma.

~~(c)~~ C. No order revoking a license shall be made until after a public hearing set by the Plumbing Hearing Board which shall not be less than thirty (30) days and not more than sixty (60) days after the date of notice of such suspension. Such hearing shall be had at the place designated by the Plumbing Hearing Board. The person complained against shall have the right to be represented by counsel and to introduce any evidence in his defense. The conduct of the hearing shall be in accordance with recognized rules of legal procedure and any member of the Plumbing Hearing Board or a representative designated by the Plumbing Hearing Board shall have authority to administer oaths and take testimony.

D. Any person whose license has been revoked may, after the expiration of one (1) year from the date of such revocation, but not before, apply for a new license.

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

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1689, is amended to read as follows:

Section 1689. A. The Commissioner and the Committee shall act as the Electrical 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 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 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 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 political subdivision, subject to the provisions of the Oklahoma Inspectors Act, Section 1031 et seq. of Title 59 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1850.14, is amended to read as follows:

Section 1850.14 A. The Department and the Committee shall act as the Mechanical 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 Mechanical Hearing Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm. The Department shall suspend or revoke or may refuse to issue or renew any license or registration under the Mechanical Licensing Act 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. Obtain any license or registration by false or fraudulent representation;

3. Loaning or allowing the use of such license by any other person or illegally using a license;

4. Demonstrating incompetence to act as a mechanical journeyman or mechanical contractor;

5. Violating any provisions of the Mechanical Licensing Act, or any rule, regulation or order prescribed by the Board pursuant to the provisions of the Mechanical Licensing Act; or

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

C. Any person whose license or registration has been revoked by the Mechanical 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 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 political subdivision, subject to the provisions of the Oklahoma Inspectors Act, Section 1031 et seq. of Title 59 of the Oklahoma Statutes.

SECTION 4. This act shall become effective September 1, 1993.

44-1-6822

MCD