

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)
3RD CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 14

By: Long (Lewis), Muegge,
Bell and Robinson of the
Senate

and

Paulk and Settle of the
House

3RD CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending Section 1, Chapter 226, O.S.L. 1992 and 59 O.S. 1991, Sections 1850.4 and 1850.8 (59 O.S. Supp. 1992, Section 1022), which relate to plumbers and mechanical contractors; modifying certain regulations in accordance with certain codes; modifying membership of Committee of Mechanical Examiners and appointment of members; modifying duties of Committee of Mechanical Examiners to authorize Commissioner of Health to contract for certain testing; extending period for renewing certain license without taking examination; repealing authority to issue certain licenses without examination; clarifying language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 226, O.S.L. 1992 (59 O.S. Supp. 1992, Section 1022), is amended to read as follows:

Section 1022. In the interest of protecting the health and sanitation of the citizens of this state, and for the purpose of establishing grounds for administrative sanctions for licensed plumbers, the ~~1990/1992 supplement~~ current published edition of the Building Officials and Code Administrators (BOCA) National Plumbing Code shall be deemed to be the applicable regulation for the installation of plumbing as of September 1 of the year of publication of the current edition where no ordinance or regulation of a governmental subdivision applies. Provided, however, the standards set forth in Section ~~P-1202.1~~ P-1204.1 of

the ~~1990/1992 supplement~~ 1993 edition of the BOCA National Plumbing Code shall be the applicable regulation in all cases.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1850.4, is amended to read as follows:

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

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

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

2. One member of the Committee shall be a journeyman.

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

3. Two members shall be lay members.

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

2. Beginning July 1, 1993, as the terms of these members expire, the positions of the contractor member and the lay member whose term first expires shall be filled by appointment by the Speaker of the House of Representatives and the positions of the journeyman member and the lay member whose term next expires shall be filled by appointment by the President Pro Tempore of the Senate, pursuant to subsection E of this section.

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

~~E. 1.~~ 1. The fifth member of the Committee shall be an employee of the Department who shall be appointed by the Commissioner of Health.

2. Beginning July 1, 1993, such member shall be replaced by a lay member appointed pursuant to subsection E of this section.

E. Beginning July 1, 1993, members of the Committee shall be appointed as follows:

1. Two members shall be appointed by the President Pro Tempore of the Senate and shall be mechanical journeymen with five (5) years' actual experience in mechanical work as journeymen;

2. Two members shall be appointed by the Speaker of the House of Representatives and shall be mechanical contractors with five (5) years' actual experience in mechanical work as contractors;
and

3. One member shall be a lay member appointed by the Commissioner of Health.

F. Members appointed pursuant to subsection E of this section shall hold office for terms of two (2) years and until their successors have been appointed and qualified. Any vacancy on the Committee shall be filled for the unexpired term within thirty (30) days in the manner in which that position was originally filled. Members may be removed for misconduct, incompetency or neglect of duty.

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

H. The Committee shall:

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

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

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

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

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

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

7. Notwithstanding any other section of law, authorize the Commissioner to contract with the State Board of Vocational and Technical Education or other entities for facilities for testing applicants, provided that the integrity of the testing is maintained and adequate notice is given to persons interested in taking the exam at that location.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1850.8, is amended to read as follows:

Section 1850.8 A. Except as authorized by the provisions of subsection B of this section, the Department shall issue a license as a mechanical journeyman or mechanical contractor to any person who:

1. Has been certified by the Committee as having successfully passed the appropriate examination; and

2. Has paid the license fee and has otherwise complied with the provisions of the Mechanical Licensing Act. The license fees shall be annually as follows:

- a. mechanical contractor Fifty Dollars (\$50.00),
- b. mechanical journeyman Twenty-five Dollars (\$25.00),
and
- c. apprentice registration Ten Dollars (\$10.00).

B. The Department shall license without examination any person who can demonstrate to the Committee that such person has been actually engaged in mechanical work for at least one (1) year during the five (5) years preceding January 1, 1988. This license shall be issued at the same level of competency and for the same category of mechanical work in which the person was previously occupied.

C. All licenses shall be nontransferable. No license shall be issued for longer than one (1) year and all licenses shall expire on June 30 of each year. Licenses may be renewed upon application and payment of the required fees and payment of any penalty for late renewal, as shall be established by the Board. Licenses, issued without state examination, that have not been renewed by ~~August 1~~ December 31, shall not be renewed until the applicant passes the appropriate examination. Persons who are licensed under this act may have their license placed on inactive status by paying the annual renewal fee and eliminating the bonding and insurance requirements. No late fee shall be charged to renew a license which expired while the applicant was in military service if application is made within one (1) year of discharge from the military service.

D. The Department is authorized to establish, upon approval by the Board, and issue, subject to the provisions of the Mechanical Licensing Act, limited licenses in each area of mechanical work based on the experience, ability, examination scores and the education of the applicant. The limited licenses shall authorize the licensee to engage in only those activities and within the limits specified in the license.

E. No mechanical licenses shall be issued pursuant to subsection B of this section after July 1, 1993.

SECTION 4. Section 1 of this act shall become effective September 1, 1993.

SECTION 5. 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.