

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 1984

By: Phillips

AS INTRODUCED

An Act relating to professions and occupations;
amending 59 O.S. 1991, Sections 1002, as amended by
Section 1, Chapter 236, O.S.L. 1993, 1003, 1006,
1007, 1008, 1010, as amended by Section 1, Chapter
251, O.S.L. 1993, 1011, 1012, 1014, 1019 and 1020
(59 O.S. Supp. 1993, Sections 1002 and 1010), which
relate to the Plumbing License Law of 1955;
providing for registration of drain cleaning
contractors and drain cleaning journeymen; adding
definitions; deleting obsolete language; requiring
certain bond before issuance of registration;
making registration nontransferable; prohibiting
the requirement of registration for certain
plumbing contractors or journeyman contractors;
adding certain registration, renewal and late fees;
providing for term of registration and renewal;
including registrants in certain disciplinary,
appeal and penalty provisions; making certain
actions unlawful after certain date unless licensed
or registered under act; requiring registrant
provide notice of change in business address;
providing for certain authority of cities and towns
over registrants; providing for codification; and
providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1002, as amended by Section 1, Chapter 236, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1002), is amended to read as follows:

Section 1002. A. The State Board of Health, in pursuance of its general power of supervision over the interests of the health and life of the citizens of this state, and over the sanitary conditions under which they live, is hereby authorized, empowered and directed, through the Commissioner of Health, to ~~make~~ :

1. Make, prescribe, enforce, amend and repeal rules and regulations governing:

a. the examination and licensing of persons desiring or intending to engage in the business, trade or calling of master plumber (plumbing contractor) or journeyman plumber, and

b. the registering of and issuing of certificates to persons desiring or intending to work or act as a plumber's apprentice, ~~the establishment and levying of~~ drain cleaning contractor or drain cleaning journeyman;

2. Establish and levy administrative fines, ~~the initiation of;~~

3. Initiate disciplinary proceedings, ~~the requesting of;~~

4. Request prosecution of and ~~initiation of~~ initiate injunctive proceedings against any person who violates any of the provisions of this act or any rule promulgated pursuant to this act, ~~and to~~ and to ~~establish~~

5. Establish bonding requirements for the issuance of a license as a plumbing contractor, ~~provided.~~

Provided, such rules ~~and regulations~~ shall not be inconsistent with the terms and conditions hereinafter provided. Such bonding requirements shall allow the filing of cash or a certificate of deposit in lieu of a bond.

B. A state bond or cash or certificate of deposit filed in lieu of a bond and which is posted pursuant to the provisions of this section shall be deemed sufficient to meet the requirements of any municipality, provided that a copy of said bond or documentation of cash or certificate of deposit filed in lieu of a bond shall be filed with any municipality in which the licensee does work as a plumbing contractor or in which the registrant does work as a drain cleaning contractor. A copy of the bond or documentation of cash or certificate of deposit filed in lieu of a bond shall be filed with the municipality prior to the commencement of any such work by the licensee licensed plumbing contractor or the registered drain cleaning contractor. The State Board of Health shall establish a Grand Master Plumbing License for contractors in Oklahoma which will include all plumbing licenses in one license on an annual basis.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1003, is amended to read as follows:

Section 1003. ~~When~~ As used in ~~this act~~ the Plumbing License Law of 1955, Section 1001 et seq. of this title:

1. "Board" means the State Board of Health~~;~~;
2. "Commissioner" means the State Commissioner of Health~~;~~;
3. "Committee" means the State Committee of Plumbing Examiners appointed by the State ~~Commissioner~~ Board of Health~~;~~;
4. "Plumbing Hearing Board" means the State Plumbing Hearing Board herein created. ~~It consists~~ which shall consist of the State Commissioner of Health as chairman~~;~~; and the members of the State Committee of Plumbing Examiners~~;~~;
5. "Apprentice~~;~~" or "plumber's apprentice~~;~~" means~~;~~; ~~and is hereby defined to be,~~ any person sixteen (16) years of age or over

who, as his principal occupation, is engaged in learning and assisting in the installation of plumbing under the direct supervision of a licensed journeyman plumber or plumbing contractor.;

6. "Journeyman plumber" means, ~~and is hereby defined to be,~~ any person other than a master plumber or plumbing contractor who engages in or works at the actual installation, alteration, repair ~~and/or~~ or renovation of plumbing.;

7. "Master plumber" is a term used and defined under laws which are herein repealed. A person formerly known as a master plumber is henceforth to be known as a "plumbing contractor," herein defined.;

8. "Plumbing contractor" means, ~~and is hereby defined to be,~~ any person skilled in the planning, superintending and practical installation of plumbing and is familiar with the laws, rules and regulations governing the same. This definition may be construed to mean any person who has qualified and is licensed under this act as a plumbing contractor, who may operate as an individual, a firm, partnership or corporation to engage in the business of plumbing, or the business of contracting to do, or furnish labor ~~and/or~~ or labor and materials for, the installation, repair, maintenance or renovation of plumbing, according to the requirements of ~~this act.~~ the Plumbing License Law of 1955;

9. "Plumbing" means, and includes, ~~(a) All:~~

a. all piping, fixtures, appurtenances and appliances for, and in connection with, a supply of water within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a water main or other source of supply.;

~~(b)~~ ~~All~~ b. all piping, fixtures, appurtenances and appliances for sanitary drainage or storm drainage facilities, including venting systems for such facilities, within or adjacent to any building,

structure, or conveyance, on the premises and to the connection with a public disposal system or other acceptable terminal~~;~~, and

~~(e)~~ The c. the installation, repair, maintenance and renovation of all piping, fixtures, appurtenances and appliances for a supply of water, or for the disposal of waste water, liquid waste, or sewage within or adjacent to any building, structure, or conveyance, on the premises and to the source of supply of water or point of disposal of wastes~~;~~;

10. "Drain cleaning" is plumbing maintenance and means entering a drainage system through an approved, existing cleanout for the purpose of removing stoppages or obstructions in the plumbing drainage system;

11. "Cleanout" means an accessible opening in the drainage system used for the removal of stoppages or obstructions. Types of cleanouts include a removable plug or cap and a removable fixture trap;

12. "Drain cleaning contractor" means any person who engages in, or offers to engage in, the business of entering a drainage system through an approved, existing cleanout for the purpose of removing stoppages or obstructions in the plumbing drainage system;
and

13. "Drain cleaning journeyman" means any person other than a drain cleaning contractor who engages in or works at entering a drainage system through an approved, existing cleanout for the purpose of removing stoppages or obstructions in the plumbing drainage system.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1006, is amended to read as follows:

Section 1006. ~~(a)~~ A. The Commissioner shall issue licenses to such persons who have been certified by the Committee as having

successfully passed ~~said~~ the examination for journeyman plumber or plumbing contractor, as the case may be, and who have paid the fees and have otherwise complied with the applicable requirements of ~~this~~ act the Plumbing License Law of 1955.

~~(b) The Commissioner shall, upon proper application and payment of fees within ninety (90) days from and after the effective date of this act, but not thereafter, issue licenses without examination to persons who, on the effective date of this act, hold an unexpired license as a journeyman plumber or master plumber or plumbing contractor which has been issued by a city or incorporated town of this state, and who have otherwise complied with the requirements of this act. Said license must be produced as a prerequisite to obtaining a state license if applicant is a resident of a city or town having a licensing law.~~

~~(c) The Commissioner shall, upon proper application and payment of fees within ninety (90) days from and after the effective date of this act, but not thereafter, issue licenses without examination to persons from towns or cities of less than two thousand (2,000) population who show proof satisfactory to the Commissioner that they were, on the effective date of this act and for a period of one (1) year prior thereto, engaged in the occupation, trade or business of journeyman plumber, or master plumber, or plumbing contractor, as the case may be, and who has otherwise complied with the requirements of this act.~~

B. The Commissioner shall issue drain cleaning registration certificates to persons who have been certified by the Committee as having properly completed registration as a drain cleaning contractor or journeyman, who have paid the appropriate registration fee and have otherwise complied with the applicable requirements of the Plumbing License Law of 1955. Provided, persons who apply for registration as a drain cleaning contractor shall provide a Five Thousand Dollar (\$5,000.00) continuous surety bond to the State

Department of Health before the registration certificate shall be issued.

~~(d)~~ C. All licenses and registrations shall be nontransferable and it shall be unlawful for any holder of a license or registration under ~~this act~~ the Plumbing License Law of 1955 to loan or allow the use of such license or registration by any other person, firm or corporation, except as specifically provided in ~~this act~~ the Plumbing License Law of 1955.

D. No plumbing contractor or journeyman plumber shall be required to also be registered as a drain cleaning contractor or drain cleaning journeyman.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 1007, is amended to read as follows:

Section 1007. Application for examination, license ~~and/or,~~ renewal of license, registration or renewal of registration shall be made to the Commissioner in writing and, if required, on forms furnished by the Commissioner and shall be accompanied by the proper fee.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 1008, is amended to read as follows:

Section 1008. The following shall be the fees charged under ~~this act~~ the Plumbing License Law of 1955 by the State Commissioner of Health, to wit:

Initial fees

Plumbing Contractor's	
Examination	\$50.00
Journeyman Plumber's	
Examination	25.00
Plumbing Contractor's	
License	50.00
Journeyman Plumber's	
License	15.00

Apprentice Registration	
Fee	10.00
<u>Sewer Cleaning Contractor's</u>	
<u>Registration.....</u>	<u>50.00</u>
<u>Journeyman Sewer Cleaner</u>	
<u>Registration.....</u>	<u>15.00</u>
Renewal of Licenses	
<u>and Registrations</u> (if made	
within thirty (30) days	
after expiration)	
Plumbing Contractor's	
License	\$50.00
Journeyman Plumber's	
License	15.00
<u>Sewer Cleaning Contractor's</u>	
<u>Registration.....</u>	<u>50.00</u>
<u>Journeyman Sewer Cleaner</u>	
<u>Registration.....</u>	<u>15.00</u>
Penalty for Delayed Renewal	
Plumbing Contractor's	
License	10.00
Journeyman Plumber's	
License	5.00
<u>Sewer Cleaning Contractor's</u>	
<u>Registration.....</u>	<u>10.00</u>
<u>Journeyman Sewer Cleaner</u>	
<u>Registration.....</u>	<u>5.00</u>

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1009.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

No drain cleaning contractor or journeyman registration shall be issued for longer than one (1) year. All such registrations may be

renewed upon application and payment of fees within thirty (30) days preceding or following June 30th of each year. The Commissioner may renew such registrations upon application made during the thirty (30) days preceding or following June 30th of each year and upon payment of the renewal and additional fee prescribed. Provided, no penalty for renewal shall be charged to any holder of such registration which expires while the holder is in military service if application is made within one (1) year following service discharge.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 1010, as amended by Section 1, Chapter 251, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1010), is amended to read as follows:

Section 1010. 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 or registrant, suspend any license or registration issued under ~~this act~~ the Plumbing License Law of 1955, and may revoke such license or registration in the manner hereinafter provided, if it has reason to believe or finds that the holder of the license or registration has:

1. Made a material misstatement in the application for license or registration, or renewal thereof;
2. Loaned or illegally used ~~his~~ the license or registration;
3. Demonstrated incompetency to act as a journeyman plumber ~~or,~~ plumbing contractor, drain cleaning journeyman, or drain cleaning contractor, as the case may be;
4. Violated any provision of ~~this act~~ Section 1001 et seq. of this title, or any rule, ~~regulation~~ or order prescribed by the Board, or any ordinance or regulation for the installation of

plumbing or the maintenance of plumbing by the removal of stoppages or obstructions made or enacted by a city, town or sewer commission by authority of ~~this act~~ the Plumbing License Law of 1955; or

5. Willfully and unreasonably failed to perform his normal business obligations without justifiable cause.

B. A copy of the complaint with notice of the suspension of license or registration, 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. No order revoking a license or registration 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 or registration 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 or registration.

E. Notwithstanding any other provision of law, a political subdivision of this state that has adopted a nationally recognized plumbing code and appointed an inspector pursuant to Section 1016 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 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.

Provided, a state inspector may work directly with a plumbing contractor or journeyman plumber in such a locality if a violation of the code creates an immediate threat to life or health.

F. In the case of a complaint about, investigation of, or inspection of any license, registration, permit or plumbing in any political subdivision of this state which has not adopted a nationally recognized plumbing code and appointed an inspector pursuant to Section 1016 or Section 1031 et seq. of this title for such work, the Commissioner of Health shall have jurisdiction over such matters.

G. 1. No individual, business, company, corporation, association or other entity subject to the provisions of Section 1001 et seq. of this title shall install, modify or alter plumbing in any incorporated area of this state which has not adopted a nationally recognized plumbing code and appointed an inspector pursuant to Section 1016 or Section 1031 et seq. of this title for such work without providing notice of such plumbing 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 plumbing maintenance or replacement of an existing plumbing device or fixture, unless such device is gas fired, or of any petroleum refinery or its research facilities.

3. Enforcement of this subsection is authorized pursuant to ~~Section 1001 et seq. of this title~~ the Plumbing License Law of 1955, or under authority granted to the Commissioner of Health.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 1011, is amended to read as follows:

Section 1011. An appeal from the decision of the Plumbing Hearing Board upon the suspension or revocation of a license or

registration, or upon any decision not specifically provided for in ~~this act~~ the Plumbing License Law of 1955, may be taken to the district court of the residence of the aggrieved party by filing with the Plumbing Hearing Board, within ten (10) days from the date of the Plumbing Hearing Board's decision, a notice of appeal, which notice shall specifically set out the grounds upon which such appeal is taken.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 1012, is amended to read as follows:

Section 1012. ~~(a) Ninety (90) days from and after the effective date of this act it~~ A. It shall be unlawful and a misdemeanor for any person to act as, or perform the work of, a journeyman plumber, as defined in ~~this act~~ the Plumbing License Law of 1955, until such person has qualified and is licensed as a journeyman plumber or plumbing contractor, as provided in ~~this act~~ the Plumbing License Law of 1955.

~~(b) Ninety (90) days from and after the effective date of this act it~~ B. It shall be unlawful and a misdemeanor for any person, firm, partnership, association or corporation to act as a master plumber or plumbing contractor or to engage in or offer to engage in, by advertisement or otherwise, the business of plumbing, or plumbing contractor, as defined in ~~this act~~ the Plumbing License Law of 1955, until such person, or a bona fide member of such partnership, or a bona fide officer of such firm, association, or corporation, as the case may be, shall have qualified and is licensed as a plumbing contractor as required by ~~this act~~ the Plumbing License Law of 1955.

C. After September 1, 1994, it shall be a misdemeanor for any person to engage in drain cleaning in this state without a license as a plumbing contractor or journeyman plumber, or without a registration certificate as a drain cleaning contractor or journeyman, provided the journeyman plumber or drain cleaning

journeyman is employed by an active plumbing contractor or a drain cleaning contractor.

D. After September 1, 1994, it shall be a misdemeanor for any person to engage in, or offer to engage in, the business of drain cleaning in this state without a license as an active plumbing contractor or without a registration certificate as a drain cleaning contractor.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 1014, is amended to read as follows:

Section 1014. Every holder of a license as a journeyman plumber or plumbing contractor, or of a certificate of registration as a plumber's apprentice, or drain cleaning contractor or journeyman, shall promptly notify the Commissioner of any change in his business address.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 1019, is amended to read as follows:

Section 1019. Any person, firm, partnership, association or corporation who shall violate any of the provisions of ~~this act~~ the Plumbing License Law of 1955, or any provision of an ordinance or regulation enacted by a city, town, or sewer commission, by authority of ~~this act~~ the Plumbing License Law of 1955 shall, in addition to suffering possible suspension or revocation of a license or registration, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), together with the costs of prosecution.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 1020, is amended to read as follows:

Section 1020. Nothing in ~~this act~~ the Plumbing License Law of 1955 shall prohibit cities and towns from having full authority to provide full supervision and inspection of plumbing by the enactment of codes, rules and regulations in such form as they may determine

and prescribe; provided, that no such ordinances, bylaw, rule or regulation shall be inconsistent with ~~this act~~ the Plumbing License Law of 1955, or any rule ~~or regulation~~ adopted or prescribed by the State Board of Health through authority of ~~this act~~ the Plumbing License Law of 1955. Each state-licensed master plumber, plumbing contractor ~~and~~, journeyman plumber, and drain cleaning contractor or journeyman shall be required to register with the plumbing inspector of every city and town in whose jurisdiction he operates, and each such city or town is hereby authorized to register such master plumber, plumbing contractor ~~and~~, journeyman plumber, and drain cleaning contractor or journeyman, to revoke the same, to charge fees for such registration, for permits and for inspections of plumbing and fixtures. Provided, further, that no master plumber, plumbing contractor ~~or~~, journeyman plumber, or drain cleaning contractor or journeyman shall be permitted to do business or work in any city or town wherein his local registration has been revoked.

SECTION 13. This act shall become effective September 1, 1994.

44-2-8442

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