

SHORT TITLE: Professions and occupations; requiring inspection of work of plumbing contractor or journeyman plumber be conducted by municipal inspector in certain cases; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 135

By: Snyder

AS INTRODUCED

An Act relating to professions and occupations;

amending 59 O.S. 1991, Section 1010, which relates to investigations of and complaints against plumbers; requiring inspection of work of plumbing contractor or journeyman plumber be conducted by municipal inspector in certain cases; requiring municipal inspector report findings to Commissioner of Health; prohibiting inspection of work by State Department of Health unless assistance is requested by municipal inspector; 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. In the case of a complaint received or investigation conducted of a plumbing contractor or journeyman plumber whose work

has been done in a city or town which has appointed a qualified inspector pursuant to the provisions of Section 1016 of this title, any inspection of such work of the plumbing contractor or journeyman plumber shall be conducted by the municipal inspector. The municipal inspector shall report the findings of the inspection to the Commissioner of Health. No inspection of such work shall be conducted by the State Department of Health unless the municipal inspector requests the assistance of the Department in writing.

SECTION 2. This act shall become effective September 1, 1993.

44-1-0211

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