

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2219

By: Fields

AS INTRODUCED

An Act relating to professions and occupations;
amending Sections 1002, as amended by Section 1,
Chapter 236, O.S.L. 1993, 1010, as amended by
Section 1, Chapter 251, O.S.L. 1993, and Section 1,
Chapter 226, O.S.L. 1992, as amended by Section 1,
Chapter 249, O.S.L. 1993 (59 O.S. Supp. 1995,
Section 1002, 1010 and 1022), which relate to the
Plumbing License Law of 1955; requiring state and
political subdivision adoption of official
publication of an international plumbing code;
authorizing and specifying adoption of nationally
recognized plumbing code until official
international code is published; 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. 1995,
Section 1002), is amended to read as follows:

Section 1002. A. 1. 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, prescribe, enforce, amend and repeal~~ promulgate 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,
- b. the registering of and issuing of certificates to persons desiring or intending to work or act as a plumber's apprentice,
- c. the establishment and levying of administrative fines,
- d. the initiation of disciplinary proceedings,
- e. the requesting of prosecution of and initiation of injunctive proceedings against any person who violates any of the provisions of ~~this act~~ the Plumbing License Law of 1955 or any rule promulgated pursuant to ~~this act~~ the Plumbing License Law of 1955, and
- f. ~~to establish~~ the establishment of bonding requirements for the issuance of a license as a plumbing contractor, ~~provided, such.~~

2. Such rules ~~and regulations~~ shall not be inconsistent with the terms and conditions ~~hereinafter~~ provided by the Plumbing License Law of 1955. ~~Such bonding~~

3. Bonding requirements shall allow the filing of cash or a certificate of deposit in lieu of a bond. 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. 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.

B. Upon the official publication of an international plumbing code, the Board shall adopt such code as the official applicable standards for plumbing in this state. Such international code shall have statewide implementation and every city, town and municipality in this state shall adopt the international code required by the Board as the official applicable standards for plumbing in this state.

C. 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 1010, as amended by Section 1, Chapter 251, O.S.L. 1993 (59 O.S. Supp. 1995, 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, suspend any license issued ~~under this act~~ pursuant to the Plumbing License Law of 1955, 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. Made a material misstatement in the application for license or renewal thereof;
2. Loaned or illegally used his license;
3. Demonstrated incompetency to act as a journeyman plumber or plumbing contractor, as the case may be;

4. Violated any provision of ~~this act~~ the Plumbing License Law of 1955, 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~~ 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, 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 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~~ 1. Until an internal plumbing code has been adopted by the Board, any political subdivision of this state may adopt a nationally recognized plumbing code.

2. A political subdivision of this state that has adopted a nationally recognized plumbing code, or an international plumbing

code required pursuant to this section, and appointed an inspector pursuant to Section 1016 ~~or Section 1031 et seq.~~ of this title or the Oklahoma Inspectors Act 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 of this title or ~~Section 1031 et seq. of this title~~ the Oklahoma Inspectors Act 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 of this title or ~~Section 1031 et seq. of this title~~ the Oklahoma Inspectors Act 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, or under authority granted to the Commissioner of Health.

SECTION 3. AMENDATORY Section 1, Chapter 226, O.S.L. 1992, as amended by Section 1, Chapter 249, O.S.L. 1993 (59 O.S. Supp. 1995, 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, until an international plumbing code is adopted by the Oklahoma State Board of Health, the 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-1204.1 of the 1993 edition of the BOCA National Plumbing Code shall be the applicable regulation in all cases.

SECTION 4. This act shall become effective November 1, 1996.

45-2-8550 KSM