

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 1148

By: Long of the Senate

and

Fields of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 1991, Section 61.1, as last amended by Section 4, Chapter 318, O.S.L. 1996, and Section 1017, as amended by Section 1, Chapter 318, O.S.L. 1996 (59 O.S. Supp. 1997, Sections 61.1 and 1017), which relate to barbering and to exceptions to the plumbing license law; authorizing State Board of Health to establish and levy administrative fines; deleting obsolete language; making certain act inapplicable to certain repairs by owners; creating Oklahoma Roofing Industry Licensing Act and providing short title; providing definitions; requiring promulgation of rules pursuant to the Administrative Procedures Act; providing for inspection of licenses and investigation of complaints; requiring approval of license application if certain conditions are met; establishing license fees; prohibiting use of term "licensed roofing contractor" by unlicensed persons; requiring certain display of license; providing for penalties; requiring certain actions be taken pursuant to Administrative Procedures Act; creating certain advisory committee, providing for members, qualifications, terms, and duties; prohibiting certain construction of act; regularizing punctuation and usage; 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 61.1, as last amended by Section 4, Chapter 318, O.S.L. 1996 (59 O.S. Supp. 1997, Section 61.1), is amended to read as follows:

Section 61.1 A. Except as provided in subsection B of Section 61.4 of this title, the State Board of Health is hereby authorized to ~~adopt, amend, and repeal~~ promulgate rules ~~and regulations~~ which govern the examining and licensing of barbers, barber apprentices, barber instructors, and barber colleges; the

defining of categories and limitations for such licenses; ~~and~~ the sanitary operation and sanitation of barber shops and barber colleges; and the establishment and levying of administrative fines.

B. Except as provided in subsection B of Section 61.4 of this title, the State Department of Health shall have the power and duty to implement the rules ~~and regulations~~ of the State Board of Health, to issue and renew annual barber, barber apprentice, barber instructor, and barber college licenses, to inspect barber licenses, and to inspect the sanitary operating practices of barbers and the sanitary condition of barber shops and barber colleges.

C. The State Department of Health may suspend or revoke or may refuse to issue or renew any barber, barber instructor, barber apprentice, or barber college license for:

1. Unsanitary operating practices or unsanitary conditions of barber shops or barber colleges;

2. Unsanitary practices of barbers, apprentice barbers, or barber instructors;

3. Making a material misstatement in the application for a license, in the renewal of a license, or in the records which are maintained by barber instructors or colleges to comply with Sections 61.1 through 61.6 of this title or the ~~regulations~~ rules promulgated pursuant thereto; or

4. ~~Any~~ Employment by a person or entity licensed pursuant to this section ~~who employs~~ of an unlicensed person as a barber, barber apprentice, or barber instructor.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1017, as amended by Section 1, Chapter 318, O.S.L. 1996 (59 O.S. Supp. 1997, Section 1017), is amended to read as follows:

Section 1017. The provisions of The Plumbing License Law of 1955 shall not apply to:

1. Minor repairs, consisting of repairing or replacing faucets or minor working parts of plumbing fixtures;

2. ~~Farm~~ Work on farm buildings located outside any city or town unless ~~such~~ the buildings are connected to a public water or sewer system;

3. Maintenance work for state institutions and school districts;

4. The installation, maintenance, repair, or renovation of automatic sprinkler systems and related mechanical appurtenances beginning at a point where the pipe or piping system provides water used exclusively for these automatic sprinklers and their related appurtenances and to standpipes connected to automatic sprinkler systems;

5. The construction, installation, maintenance, repair, renovation, ~~and/or~~ or removal of pipe or piping systems and related mechanical appurtenances including backflow preventers, appliances ~~and/or~~ or equipment used in connection therewith, directly or indirectly within or without any building or structure, from a point or location in a source of potable water supply at which point or location there exists any backflow preventer, provided that ~~said~~ the pipe ~~and/or~~ or piping systems are for:

- a. heating,
- b. cooling,
- c. air conditioning,
- d. refrigeration, or
- e. boilers and other pressure vessels of whatsoever kind and character.

A "backflow preventer," as used herein, means any permanent mechanical device, or combination of permanent mechanical devices, of whatever material, which, after installation, acts to prevent a reversal of the normal directional flow of potable water within the piping system in which it is installed, and shall include, ~~but not be limited to,~~ metal checkvalves and airgaps, either naturally or artificially created. ~~Provided, further;~~ provided, that the exclusionary provisions of this paragraph shall apply only to and within governmental agencies, counties, cities, and towns which now have or which hereafter may adopt separate laws relating to

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the licensing, registration, and regulating of persons engaged, for business purposes, in any of the areas of trade hereinbefore specified in this paragraph; the exemptions herein being provided to apply only to these items specifically regulated by any such local laws and ordinances; and

6. Necessary plumbing repairs performed by a property owner on the property owned if in compliance with other applicable state and local codes and permit and inspection requirements; and

7. ~~An individual who performs plumbing~~ Plumbing work performed by an individual on such the individual's property of residence.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3001 of Title 59, unless there is created a duplication in numbering, reads as follows:

Sections 3 through 11 of this act shall be known and may be cited as the "Oklahoma Roofing Industry Licensing Act".

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3002 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Roofing Industry Licensing Act, unless the context otherwise requires:

1. "Board" means the State Board of Health;
2. "Commissioner" means the State Commissioner of Health; and
3. "Roofing contractor" means a person who constructs, reconstructs, alters, maintains, repairs, or waterproofs roofs for consideration, but does not include a roofing contractor's employees unless specifically required by the Oklahoma Roofing Industry Licensing Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3003 of Title 59, unless there is created a duplication in numbering, reads as follows:

The State Board of Health shall, pursuant to the Administrative Procedures Act, promulgate rules necessary to implement the provisions of the Oklahoma Roofing Industry Licensing Act. The rules shall include procedures for inspecting licenses and roofing work on public or private property and for

investigating complaints and allegations of violations of the Oklahoma Roofing Industry Licensing Act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3004 of Title 59, unless there is created a duplication in numbering, reads as follows:

An application for a license as a roofing contractor shall be approved if the application demonstrates the following:

1. That the applicant has obtained workers' compensation coverage for the applicant's employees or is approved as a self-insurer pursuant to Title 85 of the Oklahoma Statutes;
2. That the applicant has at least one (1) year of experience in performing roofing work; and
3. That the applicant has adequate knowledge of plans, specifications, codes, and laws applicable to roofing work.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3005 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Each application for an initial license, or an annual renewal of a license, shall be accompanied by a license fee of Fifty Dollars (\$50.00).

B. Each license shall expire on July 31 of each year. The fee for a license to be issued for less than one (1) year shall be prorated based on the number of days from the date of issue until the following July 31.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3006 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No person shall act as a roofing contractor, nor use in its name, logo, contracts, or advertisements the phrase "licensed roofing contractor", nor hold himself or herself out to the public to be a licensed roofing contractor, unless that person first obtains a license as required by the Oklahoma Roofing Industry Licensing Act.

B. Each holder of a license shall display the license in the licensee's principal place of business or employment. In addition, the licensee's name and license number shall be affixed

to all of the contractor's bids and contracts, places of business, and vehicles used for any part of the business of roofing. Display of the name and license number on a vehicle may be by means of a magnetic sign.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3007 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The State Commissioner of Health may deny, suspend, refuse to renew, or revoke the license of any roofing contractor that fails to comply with the Oklahoma Roofing Industry Licensing Act or with rules promulgated by the State Board of Health.

B. Any person who has been determined by the Commissioner to have violated any provision of the Oklahoma Roofing Industry Licensing Act or any rule promulgated under the act shall be liable for an administrative penalty of not more than Five Hundred Dollars (\$500.00) for each day that the violation occurred or continued.

C. The Commissioner shall comply with the requirements of the Administrative Procedures Act in taking any action to deny, suspend, revoke, or refuse to renew a license, or to impose an administrative penalty.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3008 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until July 1, 2004, pursuant to the Oklahoma Sunset Law, the Roofing Industry Advisory Committee. The Committee shall have consist of five (5) members appointed by the State Board of Health. Three members shall represent the roofing industry and two shall be lay members who shall represent the general public. The members shall be appointed to terms of five (5) years, initially staggered, and shall serve at the pleasure of the Board.

B. The Roofing Industry Advisory Committee shall advise the State Board of Health and the State Commissioner of Health on the

development of rules necessary to implement the Oklahoma Roofing Industry Licensing Act and on the enforcement of the act.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3009 of Title 59, unless there is created a duplication in numbering, reads as follows:

Nothing in the Oklahoma Roofing Industry Licensing Act shall:

1. Limit the power of local governments to enact and enforce ordinances or codes that are equal to or more stringent than those provided by the Oklahoma Roofing Industry Licensing Act;
2. Be construed to require a seller of roofing materials or services to be licensed as a roofing contractor when the roofing work is to be performed by a person other than the seller or the seller's employee;
3. Be construed to require a person to be licensed as a roofing contractor to perform roofing work on:
 - a. the person's own property;
 - b. the property of others for no consideration, or
 - c. a person's employer's property under an employer-employee relationship; or
4. Prevent prosecution under the Home Repair Fraud Act.

SECTION 12. This act shall become effective November 1, 1998.

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